

## **APPEAL STATEMENT**

FOR THE REFUSAL OF THE PLANNING APPLICATION FOR THE CHANGE OF USE FROM INDUSTRIAL (CLASS 4, 5, 6) TO A FITNESS STUDIO (CLASS 11) IN RETROSPECT BY SCOTTISH BORDERS COUNCIL.

REFERENCE: 22/00127/FUL

ADDRESS: UNIT C WHINSTONE MILL, NETHERDALE INDUSTRIAL ESTATE,  
GALASHIELS,  
TD1 3EY

APPLICANT: MS DAINA MCFARLANE

MAY 2022

## **SECTIONS**

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## **Section 1 – Summary**

- Unfortunately, the applicant was completely unaware that a change of use was needed at the site and is therefore applying in retrospect.
- This appeal is set out to request the approval that the proposed business is allowed to continue at the site. Over the past 18 months there has been significant investment in transforming the unit into a welcoming studio environment to benefit the residents of Galashiels. With many members already enjoying the classes and one to one training on offer.
- Over the past 18 months the studio has provided a stable income for the appellant and the landlord has had security from rental payments on time. This is the appellant's livelihood and she has been in the fitness industry for 17 years. The business will have future growth and has already invested in training another instructor. A different instructor has also just started delivering classes and one to one sessions within the site.
- As shown by the client recommendations there is a huge community benefit to this business. The appellant is a very specialised instructor within the Scottish borders working with people who have specific mental health conditions and with other health conditions such as cancer. It is about the mental health benefits as well as the physical health benefits.
- There will be a very specific mental health program running at the studio in the future providing an essential service to the Scottish Borders Community. This will be an exercise specific peer support group for those that have been diagnosed with a mental health condition. This is very unique to the Galashiels area and can offer a huge support to those who have really suffered as a result of the Covid-19 pandemic. The appellant understands that the local council should surely support those businesses that are actively contributing to the health and well-being of the borders residents.
- The appellant lost her form of employment due to the Covid-19 pandemic and during this time had to make the difficult decision to set up a studio of her own with a huge personal investment. At the time where restrictions of 3 square meters per person were in place Unit C was the only available option to make the studio safe for the instructor and participants. Most of the retail units in the town centre at this time were substantially smaller and the larger units were outwith the price range of the appellant. Additionally, as the appellant uses free weight's she needed an area with a concrete floor that would be suitable for this. High ceilings were also necessary as some of the equipment needs to be suspended from high. Music volume was also a consideration that there would be less impact on other businesses and residents if the studio was situated at the industrial site.
- The location of this unit is ideal for those who would be put off by going to a facility within a town centre. Youth groups have started using the studio and some of the young people would not attend the classes if they were located elsewhere.
- The council have just approved the change of use for the adjacent Unit for use as a gym and also have approved a nursery within Netherdale as use as a studio. Therefore, this shows that Netherdale has the scope to offer a variety of uses

and not just restricted to industrial use. The appellant's business is very different to those that have been approved. The existing members have come to the appellant's studio because they would not have the confidence to go into any other facility in the area.

- There have been other sites that have been approved contrary to the ED1 Policy. One was RDAS Crossfit at Tweedbank that was also applying in retrospect. This was seen to enhance the quality of the business park. The appellant would argue that this is also the case with her unit. The business complements the wider employment use. It will provide another place to encourage those working in the Netherdale area to achieve a healthier lifestyle.
- It has been noted that the adjacent Unit has been approved with the condition that it reverts back to an industrial use once the gym use is ceased. The appellant would be happy for this condition to be in place if necessary to allow the application.
- The appellant has been keeping a close eye on the current market of available properties for lease over the past 2 months. There are other units and land that appear available.

## **Section 2 – Introduction**

- This statement is to appeal the decision of Scottish Borders Council to refuse the 'Change of use from Industrial (Class 4,5,6) to a Fitness Studio (Class 11) LPA ref: 22/00127/FUL on 3<sup>rd</sup> March 2022.
- The application was made by Daina McFarlane (the appellant) to change the use of Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels, TD1 3EY.
- The site is identified on the location plan. The appeal is for the change of use of the property, there will be no change to the outside of the building or structures.

**Please refer to the location plan on the original application.**

- Daina McFarlane opened the studio known as 'The Fitness Refinery' in December 2020. Prior to this she had worked as a self employed Fitness instructor/Personal Trainer for LiveBorders at a variety of their sites. Due to the Covid-19 pandemic this employment ceased. The lease for Unit C was signed in November 2020 and a month later the studio opened. Only a few weeks later we went back into lockdown and Daina continued the classes and Personal Training remotely online and face to face outdoors with restrictions. Therefore, the studio was closed at this time. When restrictions eased in the April 2021 the studio opened for one to one. Then in the May the classes were able to resume following Covid guidelines. Therefore, this application is sought in retrospect. Daina has supported many clients through the Covid-19 pandemic. There has been significant personal investment into transforming the unit into the studio it is now. It would be a huge financial loss to her if the business had to close now. See the before and after pictures below.



**Before picture**



**After pictures**

- There is a core group who have been paying a monthly membership at the studio for over a year. There are also regular pay as you go clients for both classes and personal training.
- In addition, Daina is qualified to deliver health related exercise to children. Recently the studio has also partnered up with TD1 Youth hub to provide a girl's specific exercise group to support young people in the Scottish Borders, specifically those who attend Galashiels Academy. The studio attracts and benefits many different clients that are all ages and fitness levels. Many come along for the social aspects as well as the physical and mental health benefits.
- The studio offers a variety of exercise classes as well as very individualised one to one sessions. The studio can benefit the workplaces within the immediate area. It is very close proximity to Borders College and Heriot Watt University and could give staff and students an alternative to the other premises.
- This type of facility requires a specific type of building. A consideration has to be made for the noise from music, weight use and group classes. This Unit is ideal for that purpose as it has limited residential & other businesses surrounding that would be impacted by noise levels.
- There was only one reason that Scottish Borders Council refused the application which was "The development would be contrary to Policy ED1 of the Local Development Plan 2016 in that it would result in the loss of floorspace allocated for classes 4-6 and the exception criteria within the policy are not satisfied. The loss of floorspace allocated for Classes 4-6 will have an adverse impact on the

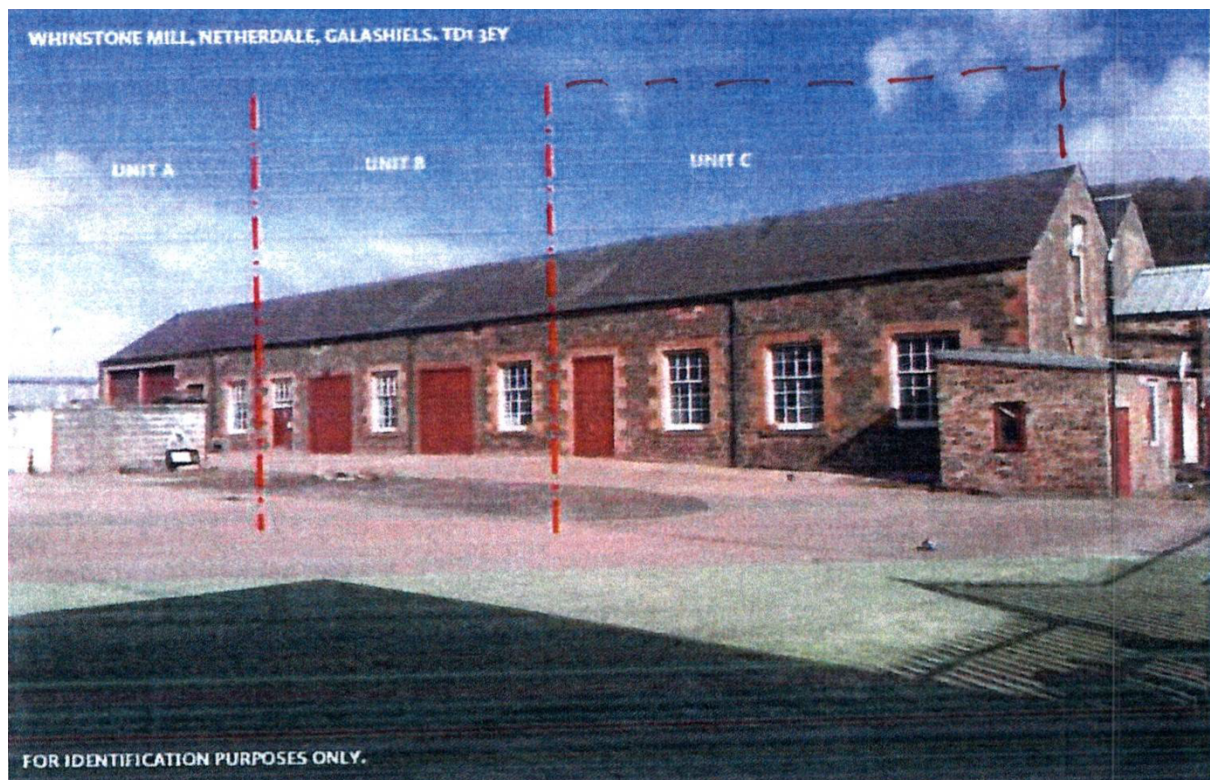
development of businesses within these classes seeking to locate within the industrial estate. Other material considerations are not sufficient to outweigh the harm resulting from the incremental loss of allocated floorspace". On all other grounds, the application was acceptable.

- Other sections of this document include: Site Information, Planning policy, Grounds of appeal and the Conclusion.
- **Supporting Documents** – The appeal should be read in conjunction with all supporting documents. Those that were submitted with the original application – Site Location Map, Planning Application Form, Planning Officers Report and Decision Notice and the Letters of support.
- **Application information** – This appeal is being made to the Local Review Body as it was a local application.



### Section 3 – Site Information

- Unit C (the appeal site) is a 1.5 storey workshop unit measuring approximately 160sqm. It is located within Netherdale Industrial Estate, Galashiels.
- Unit C is at the end of a former mill building. The units have their own yard, communal toilet area, security fencing with gated access from the estate road to the west.



Extract from Leasing particulars.

- According to the public access portal there has been no other planning applications for this unit.

#### **Other approved units within Netherdale.**

**1. Location** – Unit B Whinstone Mill, Netherdale Industrial Estate, Galashiels, TD13EY

**Reference** – 21/01270/FUL

**Approved** – 2022 Approved contrary to policy ED1 by the Local Review Board.

**2. Location** – Unit 1B, Trifitness, Netherdale Industrial Estate, Galashiels, TD1 3EY

**Reference** – 21/01182/FUL

**Approved** – 2021 Contrary to policy ED1 on the grounds that the original unit was a nursery and would not result in the loss of an industrial unit.

- Both of the above approved applications clearly show that Netherdale Industrial Estate can be used for more than industrial use. Previously the Unit 1B was a

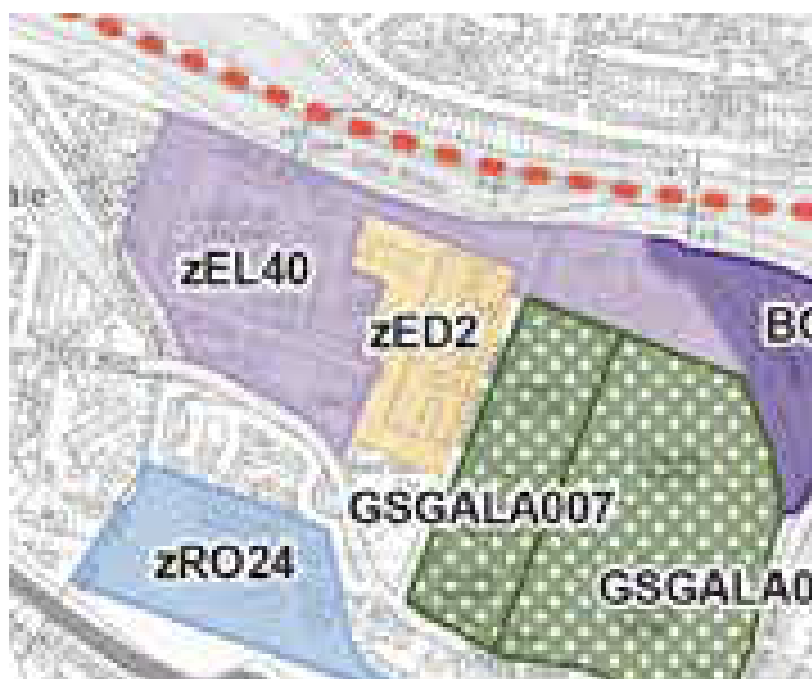


nursery too so this further shows that there is scope for other uses in the area. Hopefully, this will be a significant consideration in the appeal of changing the use of Unit C also.

- Other Industrial class units have also been approved in the Scottish Borders contrary to Policy ED1. These are detailed below:
  1. **Location** – Innerleithen (vehicle workshop class 5 to gym class 11)  
**Reference** – 22/00471  
**Approved** – March 2022
  2. **Location** – Tweedbank (RDAS Crossfit)  
**Reference** – 21/01109/FUL  
**Approved** – August 2021

#### **Section 4 – Planning Policy Information**

- This section is a quick overview of the planning policy to do with this appeal.
- The policies include, Southeast Scotland Strategic Development Plan (SESPlan 2013), the Scottish Borders Local Development Plan (2016), the Proposed Local Development Plan (in it's advanced stages) and the National Planning Framework 4 (NPF4)
- The map below shows that the site is situated within Netherdale Industrial Estate (ZEL40) which is a 'District employment site', where policy ED1 protects the retention of classes 4-6 within this area.



Extract from SBC LDP Proposals Map

- The refusal of this application is based on this section of Policy ED1.
- Policy ED1 states that “there is a presumption in favour of the retention of industrial and business use on strategic and district sites”.
- The council acknowledge that the district sites do not merit the same level of stringent protection as strategic sites.
- Again, quoting Policy ED1:  
“However, development other than classes 4,5 and 6 may be accepted on district business and industrial sites identified in Table 1 in order to, where appropriate, allow a more mixed use area.  
Proposals for development outwith Class 4, 5 and 6 will be considered against the following criteria:  
a) The loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and

- b) The alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and
  - c) There is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or
  - d) The predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.”
- **National Planning** – The Scottish Government has released their draft NPF4 (National Planning Framework). This plan becomes part of the statutory development plan and will influence planning decisions once it is approved and adopted by Scottish Ministers.
  - In the outcomes statement of the NPF it states how the development will ‘contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997’
  - One of these outcomes (b) is “improving the health and wellbeing of people living in Scotland” Policy 14 notes the importance of Health and Wellbeing. It states “a policy has been introduced on lifelong health, wellbeing and safety that directs Local Development plans to tackle health inequalities”. This appeal statement goes on to show how much this business strives to help achieve these objectives especially in the area of mental health where support in the Borders is seriously lacking. Therefore, it would be a very significant benefit to retain this business.

## **Section 5 – Grounds of appeal**

### **REASON FOR REFUSAL**

- The only reason for refusal of the planning application is “The development would be contrary to Policy ED1 of the Local Development Plan 2016 in that it would result in the loss of floorspace allocated for Classes 4-6 and the exception criteria within the policy are not satisfied. The loss of floorspace allocated for Classes 4-6 will have an adverse impact on the development of businesses within these Classes seeking to locate within the industrial estate. Other material considerations are not sufficient to outweigh the harm resulting from the incremental loss of allocated floorspace”.

### **Applicant Response**

- However, there is argument that the proposed use of the site will enhance the area and benefit the wider community which will outweigh the loss of floor space to these classes. This point is clearly shown by the recommendation letters provided by members already using the site. Also, more recently by providing a very valuable service to the youth of Galashiels that would struggle to attend if the site was at another location.
- As quoted in the ED1 policy 2016 “there may be extenuating circumstances which would allow consideration of development of other uses” and “over the lifetime of the local plan changes can take place which may result in a more mixed use pattern emerging” This can be shown in section 3 whereby gyms have already been approved in the area. There is also a burger hut and previously a nursery so Netherdale shows that it can be used for other than industrial uses.
- The proposal of the site would complement other business uses. For example it is a very amenable location for staff and students who use the Borders College and Heriot Watt Campus. Office workers from the estate have already benefitted by using classes at the site.
- The 4 exception criteria as detailed in section 4 of this document will now be discussed as reasons why this appeal should be approved.

### **Section a - The loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality.**

- It is acknowledged that in the refusal document it states that the Development officer has said that these units are in “high demand and short supply”. When this unit was acquired in November 2020, we were in the middle of the Covid 19 pandemic and there was not a high demand for these units or short supply of them. However, to make it relevant to the current market a property search has been carried out over the past few months at varying points to see if there is evidence of other available sites for industrial use. The vacant sites are listed below that have been advertised at some point during this time.

- 1) Block 2, Tweedbank Industrial Estate  
1021sqm  
Edwin Thompson

- 2) Wilderhaugh, Galashiels, Ground Floor grade A office  
467sqm  
Edwin Thompson
- 3) Block 12 Unit 1 & 2, Tweedbank Industrial Estate  
234-470sqm  
Edwin Thompson/Ryden
- 4) Waukrigg Mill, Duke Street  
188.86sqm  
Edwin Thompson
- 5) Tweedside Park  
214.61sqm  
Edwin Thompson
- 6) Easter Langlee (Now Let)  
2067sqm (advertised with possibility of splitting the unit)  
Edwin Thompson  
I viewed this property in November 2020 however, it was needing too much renovation and was not financially viable.
- 7) Unit B, Whinstone Mill, Netherdale Galashiels (Now Let)  
203.10sqm  
Edwin Thompson

- It is demonstrated from above that there are other similar sized sites available.
- Further to these there are other vacant sites across the Galashiels region that could be used for development sites for industrial and business use.
- The table below shows land that is available in the immediate, medium and long term future of the Central area. The Employment land audit does not identify a shortage of space within the Central HMA.

Central	Earlston	0	4.6	0.2	0	4.8
	Galashiels	0.4	0	2.6	0.2	3.3*
	Hawick	0.7	7	5	0.2	12.9
	Jedburgh	1.2	4.9	1.3	0.0	7.5*
	Kelso	1.8	3.2	0	0	5
	Morebattle	0	0.6	0	0	0.6
	Newtown St Boswells	0	12.8	0	0	12.8
	Selkirk	1.7	2.5	0	0	4.2
	St Boswells (Charlesfield)	10.7	4	0	0	14.8*
	Tweedbank	2.2	1.8	0	1	5
<b>Central</b>	<b>18.7</b>	<b>41.5*</b>	<b>9.1</b>	<b>1.4</b>	<b>70.7*</b>	

**Extract from Employment Land Audit 2021**

- The Employment Land Audit 2021 identifies sites that are preferred for industrial and business use. These are noted below directly out of the audit.

Reference: GA012  
Site: Netherdale Industrial Estate South  
0.4ha available immediately

Reference: TW001  
Site: Tweedbank Industrial Estate 1  
1.5ha available immediately

Reference: TW002  
Site: Tweedside Park  
0.6ha available 1-5 years

Reference: TW004  
Site: Tweedside Park  
0.7ha available immediately

Reference: TW007  
Site: North of A6091  
1.1ha available 1-5 years

Reference: TW008  
Site: East railway  
1ha under construction

- The site below at Winston Road in Galashiels (Reference: BGALA006) included in the Employment Land Audit 2020 proposes a new business and industrial site. This site is 2.53ha and SBC have carried out a full site assessment which is considered acceptable for this use. This is another potential site for redevelopment.



- All of the above information in relation to point a) shows that the change of use of Unit C will not prejudice either the existing or long term requirements for industrial and business use within the central area.
- Upon examining the planning portal it is noted that other sites including the adjacent Unit B, Whinstone Mill (Ref 21/01270/FUL) have been granted permission with the condition that the site reverts back to Class 4, 5 and 6 use if the gym ceases to operate. We would be willing to accept this as a condition of approval on Unit C if permission was granted. Therefore, there would not be a permanent loss of industrial use.
- **Hopefully, this shows that the proposal is compliant with ED1 2 Policy section a.**

**Section b – The alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use.**

- As it was unknown that a change of use was necessary at Unit C, it has been trading now for over a year as a Fitness and Wellbeing Studio offering group and one to one sessions for members of the Galashiels and Scottish borders community. Many have already reported in the client testimonials of the physical and mental health benefits the studio has provided throughout a very challenging time. Many have stated that they would not have gotten through the Covid-19 pandemic without the support of The Fitness Refinery. It provides more than just a gym, it is a community that is there to provide a fully inclusive environment to those who would not use alternative, more intimidating facilities.
- The studio has provided a release for many of those keyworkers who had to work in such tough conditions during the pandemic and it has helped them deal with the after effects too.
- The studio already has an established core group of client's that have been loyal to the studio since it opened in December 2020. They then kept their memberships active during the second lockdown until we were able to reopen in May 2021.
- Daina is a highly qualified instructor with 17 years of industry experience. She is a level 4 exercise specialist in mental health as well as Cancer specific instructor. The future plans of the studio incorporate a mental health specific program which is very much needed in the Scottish Borders, providing an alternative support to those that need it most. With the detrimental effects of Covid-19 on the NHS a complementary service may ease some of that pressure by providing peer support to those that suffer mental health conditions.
- Daina has partnered up with TD1 Youthub to provide exercise sessions to secondary aged girls that need encouragement to lead a healthy lifestyle. This helps the Galashiels community by providing a safe space for these young girls to exercise. They would not be as keen to use a town centre facility.
- Daina has recently invested in training another instructor to provide classes within the studio.



- Another instructor in the local area who runs a very successful running group has just started providing personal training and group exercise classes at the studio.
- The studio also provides employment to a cleaner and will be taking on another 4 instructors in the future.
- In the original application there were many letters of support for the studio being approved so please refer to them for the full testimonials. Below a summary from these recommendations is listed.

“TFRL is a vital part of my routine having two personal training sessions a week alongside full support from Daina and access to a wide variety of classes integrating with others. Since starting my journey with TFRL I have met many personal targets, not only physically but mentally and have noticed a massive difference managing my depression with reducing the way I view exercise.”

“I am a member of the fitness centre and attend personal training sessions twice a week. The fitness centre has been a great benefit to my fitness, health and confidence and would be a great loss to me and the community if the change of use application was refused.”

“Fitness Refinery is making a very important contribution to health and well-being and those who have been using it for the past year, since it opened, are benefiting from an improved healthy lifestyle because of the services available.”

“I started to attend the studio last July when I starting to see both my physical and mental health suffer due to the pandemic. Using such personalised services at this small studio has given me a sense of community and accountability which has provided benefits both physically (fitter, stronger and half stone lighter) and mentally (improved motivation and focus). I have previously tried using bigger gyms and not had the same success. This facility in the borders is a very unique one.”

“I have been a member of fitness refinery since the summer and I enjoy Daina classes very much .She motivates and encourages you to get the most out of you .Her classes are targeted for all which I enjoy and offers differentiated exercises so we all feel able . By going to fitness refinery does not just improve my fitness but also my well being ,meeting a lovely group of individuals we all have a laugh while working out .”

“I whole heartedly support and use this safe space for exercising very regularly. I go to maintain physical and mental health and hope that the facility remains so that I can continue to reap the many benefits it offers.”

“The importance of this facility being a gym is of great importance, as a grieving parent and a nurse that has worked throughout covid 19 ,I can honestly say this gym has kept my mental health in check and without it I know myself and many of the group that attend would not be where we are if it was not for Daina ,she goes above and beyond in her constant training to keep the gym up to date with the latest and many courses she has attained ,and always looking to expand for all community users , well done Daina .”

“This small studio has been exactly what has been needed throughout Covid. Daina has ensured that all Covid regulations are adhered to at every stage, by limiting numbers as well as clear markings on the floor to allow for divisor distancing.

Personally, being able to make use of this facility during this extremely difficult period, has helped my mental health considerably, by allowing me to exercise with others instead of being limited to my own 4 walls.”

“The facility provides excellent fitness classes and provides a gym facility that is popular with people locally and further afield.”

"I have personally benefited hugely from regular attendance and find that making fitness an important part of my daily routine is important for my physical and mental health, and helps me to get the best out of each day. This has been especially important in the last few years."

"As a nurse working in the NHS I value physical activity highly both in terms of physical and mental health. Daina worked tirelessly to keep her clients motivated and engaged initially through online content and through outdoor classes when this was permitted. I personally do not feel I could have made it through the stressful working conditions caused by the pandemic without her support.

Since she opened the studio just over a year ago, I find that being able to take part in group classes again generates feelings of achievement and camaraderie that help me de-stress."

"Over the past year and a half Daina has provided an essential service to me (and many others) The Fitness Refinery is not just a gym, it is so much more, Daina provides me a safe and secure space to workout, chat and off load. Without her my mental health would suffer massively, covid has taken so much from people and Daina has been there every step of the way giving us support and encouragement."

"In attending the studio I became part of a community who welcomed me and possibly without knowing it have had such a positive impact on my life. I can honestly say that Daina and The Fitness Refinery have changed my life forever in ways that I will be forever grateful for. Not only have my fitness levels improved, I have lost weight and the constant pain which I have endured for years as a result of my Fibromyalgia is better managed now than it ever has been in all the years I have taken pain killers to try to alleviate it. In addition to that it has had a huge lasting positive effect on my mental health."

"My wife and I are both members and attend several classes every week. The gym has been of great benefit to us both since it opened especially with it being of such a size that classes are very well matched to the clientele and this creates a very supportive atmosphere for those who attend. This has not always been my experience of larger gyms where there is often a "take it or leave it" mentality that comes with increased scale."

"I can't thank Ms McFarlane enough for the fitness service she has provided from the above unit over the last year. Not only is important to support local businesses, especially after the extreme difficulties of the last 20 plus months but supporting local ventures like Fitness Studios/Gyms is essential in promoting the physical and mental wellbeing of the local community given the health benefits they bring."

"Fitness Refinery is making a very important contribution to health and well-being and those who have been using it for the past year, since it opened, are benefiting from an improved healthy lifestyle because of the services available."

"What makes The Fitness Refinery so special is the sense of community and support offered by all the members attending classes. Daina has created a gym with a fantastic atmosphere for all abilities and nobody feels out of place. It is no coincidence that many of the members have been going to Daina for a long time, having her our own gym where we can continue to progress under Daina has been fantastic. A few of the members are new to fitness and have stated that this is the only place they would feel comfortable exercising."

“The gym is very central and easy for us to get to with good parking facilities. The premises were pretty run down before Daina took over and has made an enormous difference to the area.”

- Hopefully, the demand for this studio to remain open is shown by the very positive testimonials from the existing members.
- With this in mind I consider that this proposal is compliant with **ED1 Policy 2 part b – the studio providing a significant community benefit, helping them improve their mental and physical wellbeing.**

**Section D – The predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land pattern is now considered acceptable by the Council.**

- Looking around Netherdale Industrial Estate and through the access to the Council’s online planning portal it is apparent that there is a predominant change to the land use in this area.
- This is shown by the different uses across the estate. These include, offices, educational facilities, Trifitness with an extended studio (which was previously a nursery), Braveheart gym next door, a burger hut, Booker and other trade counters. The 3G Football pitch and Galashiels rugby club are also situated to the East of the Unit.
- Both Trifitness and Braveheart show that a Class 11 use is acceptable within this estate. The council permitting these exceptions to the policy contrary to ED1 policy shows that they are willing to allow a more mixed land use pattern.
- Prior to the new studio getting planning for Trifitness it was open as a nursery again demonstrating that a mixed use pattern exists.
- Therefore, the **ancillary use of a fitness and wellbeing studio provided at Unit C will complement this mixture of use on the site in accordance with ED1 2 Policy section d.**

**Summary of refusal response**

- 1) The loss of floorspace allocated for classes 4-6. As shown there are available units, and land for redevelopment.
- 2) Other material considerations are not sufficient to outweigh the harm resulting from the incremental loss of floor space.
- There are several material considerations which support the use of Unit C as a studio. These are detailed below:
  - The facility requires a certain type of building.
  - The site should be located where it is not going to impact neighbours with noise or activity levels. This is the case at Netherdale.
  - The site needs to be in an area that accesses outdoor spaces for running, for client’s who are doing specific programs and those who need a time out.

- The unit needs enough floorspace (preferably 160sqm or larger) to operate group classes.
- The ceiling needs to be at least 3m high to allow for equipment use.
- The facility needs to be centrally located to Tweedbank, Melrose and Galashiels for members. Also there has to be parking facilities and a toilet.
- At the time of leasing the Unit in 2020 this was the most suitable site that met all of the criteria above. Other properties were available in the town centre but nothing suitable that could have been used as a gym. Most were too small or outwith the price range.

### Approved applications

- Scottish Borders Council have set a precedent for approving applications contrary to Policy ED1. This can be shown by a number of sites being approved recently. Therefore, I ask that the same consideration be made for the change of use of Unit C. Detailed below are the approved sites.
  - 1) **Location** - Unit B, Whinstone Mill, Netherdale (Braveheart)  
**Reference** - 21/01270/FUL – Change of use from class 4, 5 & 6 to Class 11 (gym)  
 Allocated as a ‘district’ site with the preference to retain business & industrial.  
**Approved** - April 2022 contrary to Policy ED1 on the grounds the gym had a local demand and would benefit the local community.
  - 2) **Location** – Unit 2 Station Yard, Innerleithen (vehicle workshop class 5 to gym class 11)  
**Reference** – 22/00471/FUL  
 Allocated as a ‘district site with the preference to retain business & industrial employment.  
**Approved** – March 2022 contrary to Policy ED1 with the grounds that no other easily accessible service exists.
  - 3) **Location** – Unit 1B, Netherdale Industrial Estate, Galashiels, TD1 3EY (Trifitness)  
**Reference** – 21/01182/FUL Change of use from Nursery to gym  
**Approved** – 2021 Contrary to policy ED1 on the grounds that the original unit was a nursery and would not result in the loss of an industrial unit.
  - 4) **Location** – Unit 8, Tweedside Park, Tweedbank (RDAS Crossfit)  
**Reference** – 21/01109/FUL Change of use from Class 4 to Class 11  
 Located in ‘a strategic high amenity safeguarded business and industrial site’  
**Approved** – Approved August 2021 contrary to policy ED1 on the grounds that the gym had local demand.
  - 5) **Location** – Unit 5 Elm Court Cavalry Park Peebles  
**Reference** – 18/01756/FUL Change of use from Class 6 to Class 11  
 Located in a ‘strategic high amenity safeguarded business and industrial site’  
**Approved** – Approved February 2019 contrary to policy ED1 on the grounds that the gym would be complementary.
  - 6) **Location** – Unit 2, Wheatlands Mill, Galashiels (Titan 365)  
**Reference** – 18/01020/FUL Change of use from Class 5 to Class 11

Located in 'a district site' where there is a preference to retain employment uses.

**Approved** – September 2018 contrary to policy ED1 – no comment about the land supply at all. Deemed acceptable as the other units were of mixed use.

- It is noted with most of the sites above the condition that the site reverts back to its original use if the gym ceases. To safeguard these sites I would also be happy if this was a condition of approval for Unit C.

## **Section 6 – Conclusion**

- This appeal which is supported by this statement and of those member testimonials is for the 'change of use from Industrial (Class 4, 5 & 6) to a Fitness and Wellbeing Studio (Class 11) at Unit C, Whinstone mill, Netherdale, TD13EY. The statement shows the reasons for this appeal and they are also summarised in the next few points.

### **Summary Points**

- The business has been trading for 18 months and providing a stable income for the applicant. It has also provided the Landlord with the stability of rent over this period and will continue for the rest of the lease. This is the applicant's only form of income.
- The applicant has personally invested a substantial amount in setting up the business, it would be detrimental to her if it ceases. She has also invested in training another instructor that will be able to supply the studio with additional classes.
- The studio is growing and an additional supplier is also now providing classes and one to one sessions from the studio. There will be other opportunities for more employment as we are taking on other instructors in the future.
- The site will complement the mixed use nature of Netherdale Industrial estate. It will provide services for local workers and students without impacting any residential areas.
- Scottish Borders Council have already approved two change of uses to gyms within the Netherdale Estate and more across the wider Scottish Borders. Therefore, it is hoped based on that precedent that this application would too be supported on those grounds.
- There are no other suitable properties to move into and the applicant has no more funds to start her business again.
- As detailed in the appeal statement there are other vacant industrial units and land for redevelopment so the loss of this unit will not have an adverse impact upon the long term land supply for this use.

### **Final Thoughts**

- There are extenuating circumstances adhering to Policy ED1 for allowing the studio to continue as well as the community benefits which comply with the development plan.
- The Local Review body is respectfully asked to allow this appeal as there are no material considerations that would counteract this decision. Hopefully, it has been clearly demonstrated that the studio has the best intentions for making a healthier, happier community in Galashiels. Thank you for your time.

