

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/21/0708
<b>Proposal:</b>	Change of use of industrial unit to fitness rehabilitation and therapy facility/gymnasium (Retrospective)
<b>Site Address:</b>	4 Bairds Crescent Allanshaw Industrial Estate Hamilton ML3 9FD
<b>Applicant:</b>	Mr Simon Eeles
<b>Agent:</b>	N/A
<b>Ward:</b>	17 Hamilton North and East
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Regulation 20 (Non-notification of neighbours) Hamilton Advertiser 17 June 2021 Schedule 3 (Bad Neighbour): Hamilton Advertiser 17 June 2021
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site is located at the entrance to Allanshaw Industrial Estate, off Wellhall Road, Hamilton. The site is comprised of one industrial style building which contains 2 units and a private car parking area. Both units currently operate as gyms.

## **3. Description of Proposed Development**

- 3.1. Planning permission is sought in retrospect for a gymnasium / fitness rehabilitation facility which has been in operation since 2018. The applicant has advised that the hours of operation are Tuesday and Thursday 5:30pm-8pm, Friday 6am-10am and Saturday 8am-10am. The gym offers a combination of one to one and group training sessions, with a maximum of ten clients.

## **4. Relevant Planning History**

- 4.1. HM/16/0275 – Change of use from industrial unit to gym. This application was granted to the current applicant and relates to the adjoining unit which operates from Unit 1.

## **5. Supporting Information**

None

## **6. Consultations**

- 6.1. Environmental Services - No objections, subject to conditions relating to amplified noise and its management.  
Response: Noted. Appropriate conditions would be attached to any decision issued.
- 6.2. Roads and Transportation Services (Development Management) – No objection as it is considered that the required spaces can be provided.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, 15 letters of representation were received objecting to the retrospective application. The issues raised are summarised as follows:-

- ◆ Noise disturbance from loud music
- ◆ Increase in traffic to surrounding streets from people parking for classes
- ◆ Concern that the granting of a Class 11 use would allow changes to other potentially noisy businesses

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

## 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 26 - Business and industry

## 8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications, the Council will, therefore, also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in SLLDP2:-

### SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment

### SLLDP2 Volume 2 Policies

- ◆ Policy ICD3 – Other Employment Land Use Areas

### South Lanarkshire Council (SLC) Supporting Planning Guidance

None

## 9. **Guidance**

9.1. None.

## 10. **Assessment and Discussion**

### 10.1. Principal of Development

The applicant seeks retrospective planning permission for a change of use from an industrial unit to a gym.

10.2. The site is located within an area designated as "Other Employment Land Use Areas" under SLLDP2 Policies 8 and ICD3. NPF4 Policy 26 Business and industry states that proposals for business uses will be supported where they are compatible with the primary business function.

10.3. In terms of the SLLDP2, Policy 8 - Employment states that Other Employment Land Use Areas are designated in industrial estates where there is an increasing number of non-industrial uses. A flexible approach to development will be taken in these areas, provided they can meet the criteria set out in Policy ICD3.

10.4. The gym does not involve any retail function, it has sufficient car parking and it does not impact on other surrounding uses in Allanshaw Industrial Estate. As such, the use is acceptable in terms of NPF4 Policy 26 and SLLDP2 Policies 8 and ICD3.

### 10.5. Climate Change

NPF4 Policy 1 Tackling the Climate and Nature Crises, NPF4 Policy 2 Climate Mitigation and Adaptation and SLLDP2 Policy 2 Climate Change aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate

against the effects of climate change. It is considered that this retrospective proposal does not undermine the objectives of these policies.

10.6. Layout, Siting and Design

SLLDP2 Policy 5 - Development Management and Placemaking seeks to ensure that development proposals take account of and are integrated within the local context and built form. The change of use has no significant adverse impacts on the surrounding industrial locality and any initial impact on neighbouring residents in terms of noise pollution has been mitigated through changes agreed with Environmental Services.

10.7. It should be noted that all of the representations received in objection to this application make comment on the noise disturbance from loud music, clients talking in the car park and equipment being banged outside. However, these objections were all received during periods of Covid restrictions when the applicant was restarting classes after being closed for the lockdown. As a result, some classes were held in the car park or with doors open for ventilation. All classes are now carried out inside and a condition can be attached to any consent stipulating that no classes shall take place outside of the building. Since classes returned indoors and sound insulation and a new music system were installed, there have been no further noise complaints.

10.8. Technical Matters

There is adequate space at the site to form appropriate car parking. Traffic parking in surrounding streets has not been raised by Roads as a concern, although it was raised by objectors.

10.9. The only other matter raised by representations was a concern relating to future uses of the unit if a class 11 gym was granted consent, since this would allow permitted changes to uses such as a cinema, bingo hall, dance hall and casino. However, it is noted that this application relates to a small industrial unit that is unlikely to accommodate this type of use and such activities would also be controlled under separate licencing legislation.

Conclusion

10.10. In conclusion, the proposal seeks retrospective planning permission for a change of use from industrial unit to gym. The site is considered to be a suitable location for a gym and it has no significant unacceptable impact on the amenity of the surrounding area. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant Full Planning Permission subject to the following conditions:-**

01. No classes shall take place outside of the building in the car parking area.

Reason: In the interest of residential amenity and to ensure sufficient car parking is maintained on site.

02. That noise emissions from the premises where amplified music takes place on a regular basis, shall not be audible inside (or outside where there is deemed to be an external amenity space) at any noise sensitive property at any time.

The following shall be used as an objective guide for the aforementioned requirement:

- (i) The LA10 entertainment noise shall not exceed the representative background noise levels LA90 (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz
- (ii) The LAeq,15min of the entertainment noise shall not exceed the representative background noise LA90,15min (without entertainment noise).

The above applies both externally and internally at noise sensitive properties.

Reason: To minimise noise disturbance to adjacent occupants.

## **12. Reason for Decision**

- 12.1. The application seeks retrospective planning permission for a change of use from industrial unit to gym. There is no significant adverse impact on the surrounding area and as such the proposal complies with Policies 1, 2 and 26 of National Planning Framework 4 (adopted 2023) and Policies 2, 5, 8 and ICD3 of South Lanarkshire Local Development Plan 2 (adopted 2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/21/0708 | Change of use of industrial unit to fitness rehabilitation and therapy facility/gymnasium \(retrospective\) | 4 Bairds Crescent Allanshaw Industrial Estate Hamilton ML3 9FD \(southlanarkshire.gov.uk\)](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

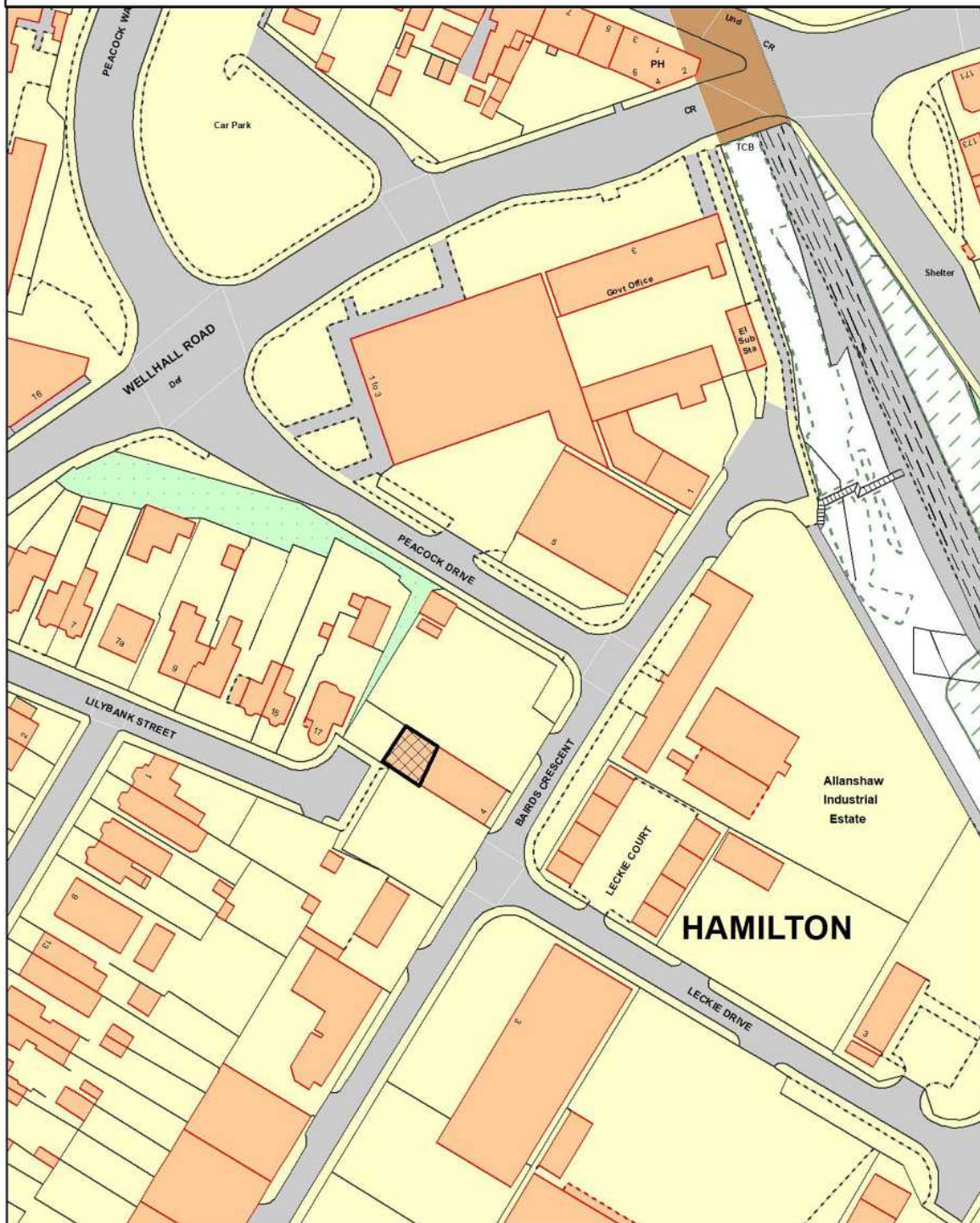
## **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**P/21/0708 4 Baird Crescent, Hamilton**



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Scale:  
1:1,250  
Date:  
11/11/2023



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