

21 MAR 2018



Democracy Services

**NOTICE OF REVIEW**

**UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008**

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS in completing in manuscript**

**Applicant(s)**

Name: S WILSON

Address: 10 Springfield, Sander  
St Boswells

Postcode: TD6 0HA

Contact Telephone 1: [REDACTED]

Contact Telephone 2: [REDACTED]

Fax No: [REDACTED]

E-mail: [REDACTED]

**Agent (if any)**

Name: [REDACTED]

Address: [REDACTED]

Postcode: [REDACTED]

Contact Telephone 1: [REDACTED]

Contact Telephone 2: [REDACTED]

Fax No: [REDACTED]

E-mail: [REDACTED]

**Mark this box to confirm all contact should be through this representative:**

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority: [REDACTED]

Planning authority's application reference number: 17/01704/EUL

Site address: 38 KANK ST Galashiels

Description of proposed development: K9 Grooming, Wellbeing Practice

Date of application: 13.12.17 Date of decision (if any): 8.2.18

**Notice of Review**  
**Note:** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

### Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

### Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

### Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☒
2. One or more hearing sessions ☒
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

### Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Can the site be viewed entirely from public land?                                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/>     | <input type="checkbox"/>    |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

Notice of Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

ED4 Policy; (Discriminates) against nature of business:  
Statement of less football Contribution. other than Class 1-3.  
In Sufficiently Marketed: £20.17  
Marketed Mar 2017 in form of two signs One horse on main door  
horse sign in main shop frontage window. For all to view  
with Contact number.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Public opinion and Surveys,  
Statements Obtained  
Premises Still Vacant Empty & Late.  
Small amount of many Public Opinion Statements.  
If You would like, I could open a Public Objection  
Page and Collect Petition Signatures.  
ED4 Policy at present discriminates and needs to evolve  
move with the times and demands.

## List of documents and evidence

## Notice of Review

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

35 of 911 Statements in favor off. which have been brought to ml attention.  
More may be obtained if required.

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature]

Date

19-3-18

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 6SA.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 17/01704/FUL**

**To : Mr S Wilson 10 Springfield Square St Boswells Scottish Borders TD6 0HA**

With reference to your application validated on **13th December 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Change of use from retail to dog grooming practice**

**At : 38 Bank Street Galashiels Scottish Borders TD1 1EP**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s)** stated on the attached schedule.

**Dated 8th February 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Depute Chief Planning Officer**

**APPLICATION REFERENCE : 17/01704/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

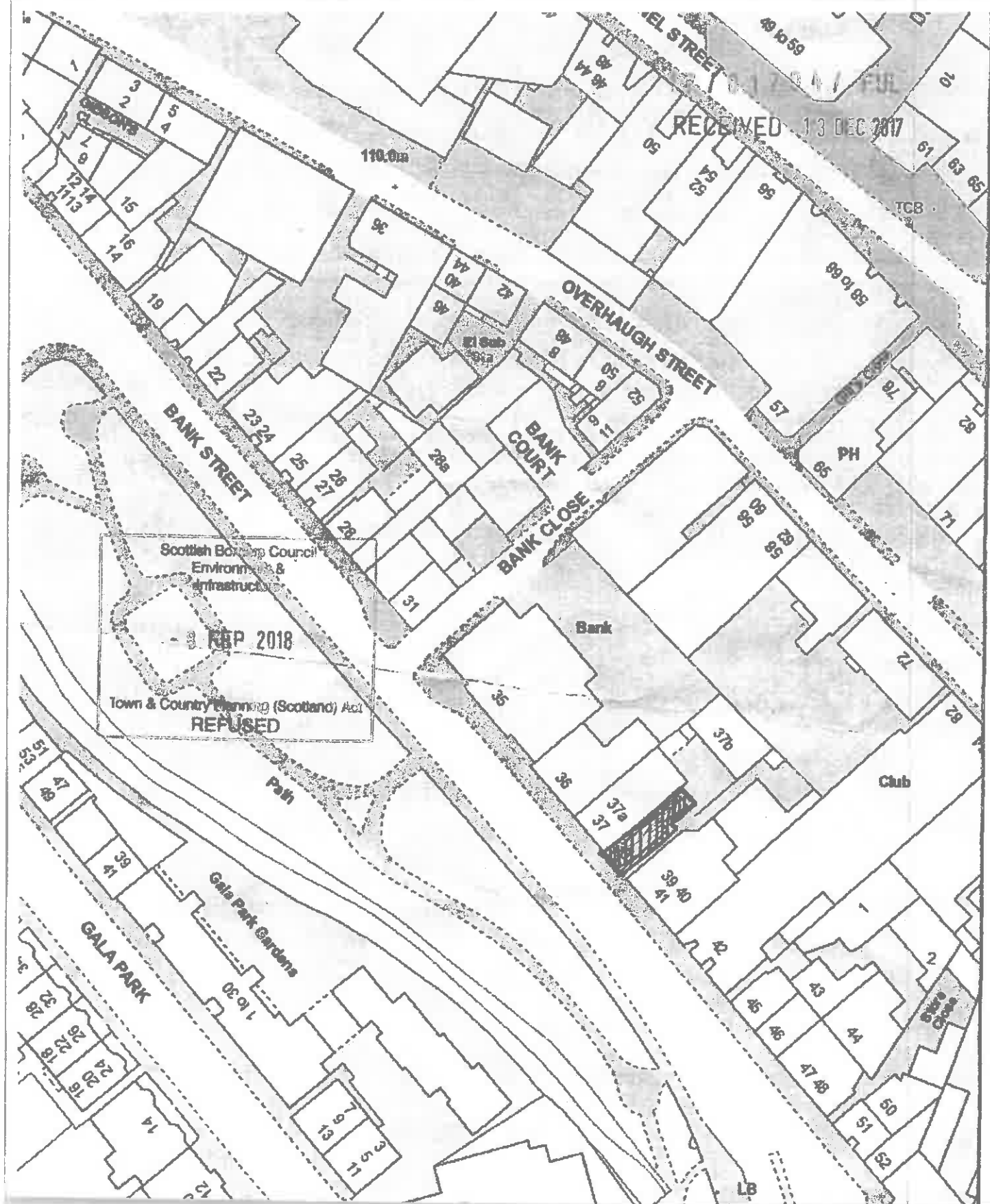
**REASON FOR REFUSAL**

- 1 The proposed development would not comply with Policy ED4 of the Local Development Plan 2016 in that the use would not comprise a Class 1 or 3 use; would occupy a premises which has not been sufficiently marketed for sale or let; and which has been vacant for a relatively short period. The level of footfall contribution to the town centre will likely be less than that generated by a Class 1 or 3 use operating from the same location and this would detract from the future viability and vitality of the town centre

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management  
2017

Date: 19th December

Contact: Carlos Clarke ☎ 01835 826735  
17/01704/FUL

Ref:

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 9th January 2018, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 9th January 2018, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Mr S Wilson

Agent: N/A

Nature of Proposal: Change of use from retail to dog grooming practice  
Site: 38 Bank Street Galashiels Scottish Borders TD1 1EP

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### OBSERVATIONS OF: Economic Development Section

### CONSULTATION REPLY

This application for a Change of use, we understand, does not meet Policy ED4 of the Local Plan 2016 as it introduces a non-retail, Class 2 / perhaps sui-generis, use into a location defined for Prime Retail Frontage.

Economic Development, however, does not object to the application because the main aim of Policy ED4 is to protect and enhance the vitality and viability of Town Centres and this business could contribute to achieving this aim for the following reasons:

- The new use offers employment opportunities.
- the appearance of the frontage.
- The use would ultimately increase footfall to these premises, and the town in The premises would appear ideal for this planned new use, with little change to general, by providing a specialist service.


There is a worrying trend of vacant retail premises in the Border towns. There is already a number of existing non Class 1 uses in Bank Street. We do not believe this small increase in Class 2 / Sui Generis use will have a





detrimental effect on the retail floorspace, or retail demand in Galashiels.

Should the application be successful, the business maybe should consider selling dog leads, dog bowls, dog food and other ancillary dog accessories to support the dog grooming side of the business, as ancillary to this use.





**Holly Cannon**

I don't live in gala and very rarely have a need to be in this part of the town. A dog groomers would bring me and I'm sure many others to this area and I would certainly spend my time walking round nearby shops while waiting. It's a shame, judging by these comments the council doesn't appear to be listening to what local people want.

1 d Like Reply



**Vicky Porteous**

Dog designs in kelso is a prime example of a business which generates business for others, whilst waiting for your dog to be groomed you walk round the shops, have a coffee etc Just let it be another bloody vapour or charity shop then!! Sad to hear it's been turned down

3 d Like Reply



The Southern Reporter's post



Just let it be another bloody vapour or charity shop then!! Sad to hear it's been turned down

Like Reply





**Lynn Manczak**

Crazy turning this down

2 w Like Reply



**Diane Murray-Davison**

Big business. Daft.!!!

2 w Like Reply



**Richard Ferguson**

Absolutely shocking.

2 w Like Reply



**Derek Easson**

I know the person trying to set up this shop as his dog grooming service. The way the council have treated him is shocking. People trying to create a business and a work place when there's more empty shops than ever, getting turned down because it isn't RETAIL. Planning has a lot to answer for. Joke

2 w Like Reply

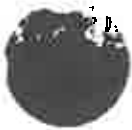


The Southern Reporter's post



This is ridiculous the council ruined the high streets when they approved the application for Tesco and Asda to come into the Borders!

1 d Like Reply



**Sandra Low**

The person starting this business please come to selkirk we had a dog groomers but it closed so handy for us and it was busy

2 d Like Reply



**Gloria Kenney Hood**

Have a quality, high end, dog grooming business, which would prove lucrative, and beneficial to your neighborhood. 🐾🐾

2 d Like Reply



**Steven Squance**

Worse than useless would rather have a shop empty! Couldnae run



Write a comment...





**Sam Ormiston**

It's absolutely ridiculous that the council seem to prefer the idea of another empty premises in the town centre, rather than give the opportunity to a local man to start his own business. A dog grooming business is something that would attract footfall into the town, arguably more than a sweetie shop. The council should be doing everything they can to stop buildings in the town centre from being empty.

19 h Like Reply



**Chloe Crawford**

**Katie MacDougall**

18 h Like Reply

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## The Southern Reporter's post



**Fiona Turner**

Surely something is better than nothing!! Meant to be encouraging small businesses, not put them down before they even get started

3 d Like Reply



**Alan Dickson**

Business prevention officers. There have been many closures and changes over the past few years. Crazy decision it would be an additional offer. It is recognised nationally that we need to look for new uses for our rural trading zones.

2 d Like Reply



**Alan Dickson**

The Planners ruined Galashiels independent trying environment by signing off two 24 hour supermarkets within 100 yards of each other in one fell swoop.

2 d Like Reply



Write a comment...





## The Southern Reporter's post



**Paul Brydon**

Better to look at an Empty shop Eh  
get a life Council as its u lot that  
Destroying the High Street all  
over,we have one in an Old sweetie  
shop in Hawick and no one  
complains as u would not even  
know it was there no noise or  
mess

3 d Like Reply



**David Riddell**

They would rather have and an  
empty shop than give someone  
the opportunity to generate  
possible jobs and a service.

3 d Like Reply



**Abby Wilson Replied** · 1 Reply



**Susan Falconer**

Surely it is better used than sitting  
empty.

3 d Like Reply



Write a comment...





The Southern Reporter's post



**Colin P Canning**

Coouncil is mad eh, it's a business generating cash for local economy

2 w Like Reply



**Meggy Walker**

Yes I agree better than a shop standing empty

2 w Like Reply







The Southern Reporter's post



**Abby Wilson**

Absolutely ridiculous, and now with the Craft Store on Bank Street closing its doors at the end of next month that will be ANOTHER empty premises. All is fine and well stating that the railway/interchange/tapestry will help transform the town of Galashiels but when it comes down to it SBC would rather have the same old barbers/cafés(or empty stores) throughout Gala rather than any diversity so we'll see how long that outlook lasts. Also shows why local businesses are struggling to get their foot in the door when there is absolutely no support from the local council. Absolute shame, I know that a dog grooming and microchipping service would have served the people of Galashiels well.

2 d Like Reply



Write a comment...





**Rob Thomson**

An absolute joke. The council must be going for a record number of empty shops in Galashiels!

3 d Like Reply



**Margaret Rae**

The council need to take their blinkers off....

12 h Like Reply



**NickorDerek Harrison**

Gala councillors got anything to say?

1 d Like Reply

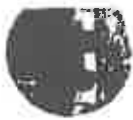


Write a comment...





The Southern Reporter's post



**Gerald Reilly**

Business as usual then. They care not a jot and they haven't the sense to see that because of the competition from the supermarkets with their central purchasing power to buy in massive quantities, there is no way the little shops can compete. I'm sure there is a demand for this Dog

Grooming business. At least the Supermarket's invited by the council are not selling Dog Grooming services along with everything else they have robbed out of the High Street. Never mind I'm sure our councillor's will not be paid in sweeties and we all have the Tapestry to look forward to, this we are assured will regenerate the High Street.

3 d Like Reply



**Leigh Hogg**



Write a comment...





## The Southern Reporter's post



**Steven Squance**

Worse than useless would rather have a shop empty! Couldnae run a raffle

3 d Like Reply



**Neil Harkness** Replied · 7 Replies



**Alasdair Mackay**

Scottish Borders Council are happy seeing High Streets lined with empty shops. Disgusting!

3 d Like Reply



**Betty Scott**

Dorwards shop has been empty for long time.

3 d Like Reply



**Denise Lightbody** Replied · 1 Reply



**Steven Squance**

They should hang their heads in shame only secondly corrupt to edinburgh



Write a comment...





**Leigh Hogg**

**John Lamont MP** I would like to think this will be reconsidered as what's being reported doesn't support small business nor does it support any attempt for rejuvenation on a tired and run down High streets. If you think about it 8 dogs a day would potentially bring 16 visits to the high street per working day...thats 16 constant visitors who may pop into a local store for milk bread, a lottery ticket or even a newspaper? To refuse is only making 16 less visits than there were today!

1 d Like Reply



1



**Gerald Reilly**

Business as usual then. They care not a jot and they haven't the sense to see that because of the competition from the supermarkets with their central purchasing power to buy in massive quantities, there is no way the little shops can compete. I'm sure there is a demand for this Dog Grooming business. At least the Supermarket's invited by the

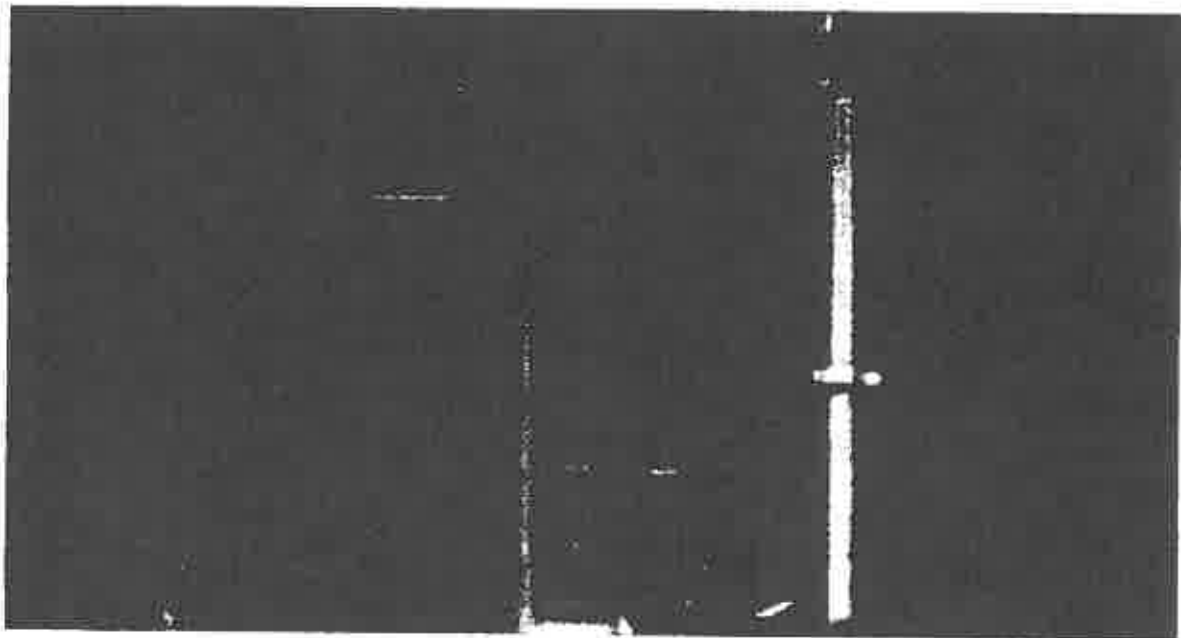


Write a comment...



Southern  
Reporter**The Southern Reporter**Saturday at 13:08 · 

The council said it wouldn't generate enough footfall.



THESOUTHERNREPORTER.CO.UK

**Application to turn sweetie shop into dog grooming business rejected**



Angry



Comment



Share



You and 19 others + 75 = 94.

1 share



Comment



Write a comment...



