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LOCAL REVIEW BODY MONDAY, 18 DECEMBER 2023

A MEETING of the LOCAL REVIEW BODY will be held in COMMITTEE ROOMS 2 AND 3, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on MONDAY, 18 DECEMBER 2023 at 10.00 am. This will be a blended meeting.

All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days .

NUALA McKINLAY
Director of Corporate Governance

8 December 2023

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Continuation of review of refusal in respect of proposed change of use for Units 8-2 and 8-3 to mixed use to include classes 1 and 10 at U-Stor Business Units, Spylaw Road, Kelso - 23/00034/RREF
	(a) Submission by Officer on New Information and Applicants Response (Pages 5 - 14)
	(b) Notice of Review (Pages 15 - 72) Including:- Decision Notice Officer's Report
	(c) Papers referred to in the Officers Report (Pages 73 - 76)

	(d) Additional Information (Pages 77 - 90)
	(e) Consultation Replies (Pages 91 - 100)
	(f) Support Comments (Pages 101 - 244)
	(g) Objections (Pages 245 - 254)
	(h) Further Representations (Pages 255 - 256)
	(i) List of Policies (Pages 257 - 258)
5.	Consider request for review in respect of the erection of boundary fence (retrospective) at 24-1 Ettrick Terrace, Hawick - 23/00045/RREF
	(a) Notice of Review (Pages 259 - 286) Including:- Decision Notice Officers Report
	(b) Papers referred to in the Officers Report (Pages 287 - 294)
	(c) Objections (Pages 295 - 296)
	(d) List of Policies (Pages 297 - 298)
6.	Consider Request for review of refusal in respect of the erection of dwellinghouse on Garden Ground of Glenfield, Redpath - 23/00046/RREF
	(a) Notice of Review (Pages 299 - 350) Including:- Decision Notice Officers Report
	(b) Papers Referred to in the Officer's Report (Pages 351 - 352)
	(c) Additional Information

	(Pages 353 - 368)
	(d) Consultation Replies (Pages 369 - 376)
	(e) List of Policies (Pages 377 - 378)
7.	Consider request for review of refusal in respect of the Erection of dwellinghouse on Land South of 1 Old Edinburgh Road, Eddleston - 23/00047/RREF
	(a) Notice of Review (Pages 379 - 414) Including:- Decision Notice Officer's Report
	(b) Papers referred to in the Officers Report (Pages 415 - 416)
	(c) Additional Information (Pages 417 - 418)
	(d) Consultation Replies (Pages 419 - 424)
	(e) Objections (Pages 425 - 426)
	(f) List of Policies (Pages 427 - 428)
8.	Any Other Items Previously Circulated
9.	Any Other Items which the Chairman Decides are Urgent

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Membership of Committee:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small, V. Thomson

Please direct any enquiries to Fiona Henderson 01835 826502
email fhenderson@scotborders.gov.uk

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Archived: 07 November 2023 13:27:16

From: [Calvert, Euan](#)

Sent: Tue, 7 Nov 2023 10:29:25 +0000Authentication

To: [localreview](#)

Subject: FW: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

Sensitivity: Normal

Good morning,

Sorry for the delay in replying,

I have considered the Supporting Statement, specifically the Updated Floor Plan, and have consulted Forward Planning. I undertook a site visit on Monday 30 October.

The Forward Planning response;

“ Thank you for the opportunity to provide further comments following the submission of additional information.

Having read the Supporting Statement, it is not felt that the updated floorplan accurately reflects the current use of floor space of Units 8-2 and 8-3 at Spylaw Road Industrial Estate, Kelso. It is considered that the predominate use of the floorspace is retail (Use Class 1A) with a smaller separate room used for training and workshops (Use Class 10). The area identified as craft room/education is identified correctly and falls within Use Class 10 (approx. 30%) however the remainder of the unit (approx.. 70%) is currently in use as Use Class 1A (retail). The retail area remains unchanged from the original submission, the areas coloured pink, blue, grey and orange all fall within Use Class 1A (retail) with the remaining uses of kitchen/office being ancillary to this use.

The existing planning land use map submitted by the applicant identifies the existing use classes located at Spylaw Road Industrial Estate. It is acknowledged there are existing retail units within the Industrial Estate however, these units sell large bulky items including animal feeds, car parts and agricultural equipment. These are items which would be difficult to accommodate within a town centre retail unit and therefore their location at Spylaw Road is considered appropriate. It should be noted that there are a number of haberdashery businesses similar to the ‘Wonky Giraffe’ which are located within Kelso town centre and are operating in accordance with planning policy.

It is noted that the applicant also provides examples of similar businesses located within industrial estates within other larger Council areas including Newcastle, Manchester and Carlisle, these are much larger cities/towns which have established out of town retail uses unlike Kelso. Policy ED3 of the Scottish Borders Local Development Plan aims to protect and enhance the retail vitality and viability of town centres by focusing retail uses within town centres rather than out of town locations in accordance with the ‘Town Centre First Principle’. It is not felt that the information submitted changes the policy position and therefore the comments contained within the original response submitted by the Forward Planning Team remain unchanged as the location of a Class 1A use at this location sets an unwanted precedent and the application cannot be supported.

“

Having viewed the site and the operation it is considered that the extent of Retail (Class 1A) remains unchanged from the submission in that 70% of the floor space is being used as contiguous retail floor area. No meaningful distinction can be made between retail use and the other uses identified; “Communal/ Meeting Area; Storage; class preparation area; online orders and

postage area; office”.

The predominant use must therefore be considered Retail (in terms of floor print occupied) and, contrary to the Supporting Statement, no operational requirement is identified in the retail offering. The goods could be *accommodated within a town centre retail unit*. The planning Authority disagree with the conclusion that no suitable places within the town centre or on the edge of town centre were available. (Policy 27 of NPF4 does require development proposals to be consistent with the town centre first approach.) The Supporting Statement does not demonstrate that all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; or that the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre.

The Supporting Statement does not change the conclusions reached in the Report of Handling and recommend the appeal be dismissed.

Euan Calvert

Assistant Planning Officer (Development Management)

Planning, Housing & Related Services

Scottish Borders Council, Council Headquarters, New town St Boswells, MELROSE, TD6 0SA

Tel: 01835 826513 | ecalvert@scotborders.gov.uk

From: localreview <localreview@scotborders.gov.uk>

Sent: Monday, November 6, 2023 5:13 PM

To: Calvert, Euan <ECalvert@scotborders.gov.uk>

Cc: Fotheringham, Barry <bfotheringham@scotborders.gov.uk>

Subject: FW: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

Importance: High

Good Afternoon Euan

I refer to my e-mail below which I sent on 23 October 2023 and note that I have not yet received a response.

I would be obliged if you could deal with this as a matter of urgency.

Regards

Fiona Henderson

Democratic Services Officer

Democratic Services

Resources

Council Headquarters

NEWTOWN ST BOSWELLS TD6 0SA

 DDI : 01835 826502

✉ fhenderson@scotborders.gov.uk

From: localreview

Sent: Monday, October 23, 2023 4:04 PM

To: Calvert, Euan <ECalvert@scotborders.gov.uk>

Subject: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

Importance: High

Good Afternoon

Further to the Local Review Body held today, Monday, 23 October 2023, the Review Body have requested that the Planning Officer and anyone you may wish to consult with, comment on the information listed below which was submitted with the Review but was not before the appointed officer at the time of determination.

LIST OF MATTERS

- updated floor plan which provided further clarity on the use of the floor space and how this was divided between; craft room, meeting area, storage, office and retail areas. The updated plan advised that the retail area was significantly lower than understood during the course of the planning application (occupying 11% of the floor area instead of up to 70%).

Please send any comments to the above email address by **Monday, 6 November 2023 at the latest.**

Thanks Fiona

Democratic Services

Resources

Council Headquarters

NEWTOWN ST BOSWELLS TD6 0SA

☎ DDI : 01835 826502

✉ fhenderson@scotborders.gov.uk

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From: Ray Cherry Architect <info@raycherry-architect.co.uk>
Sent: 16 November 2023 20:19
To: localreview
Subject: RE: [OFFICIAL] U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

CAUTION: External Email

Dear Fiona,

Thank you for forwarding the Planning Officer's comments. I have shared these with the Applicant & been instructed to submit the response below on his behalf. I trust that this is in order, but please do not hesitate to contact me if further information or clarification is required in order to assist the Local Review Body.

The Applicant is, understandably, disappointed by the latest assessment, but remains of the opinion that it has been made without fully understanding the business operating model, nor taking into account the wider economic benefit that has been / is being delivered by a thriving local business which is providing wider economic benefit to the town as a whole. There a number of specific items from the Planning Officer's report that require to be drawn to the Local Review Body's attention.

Area of space dedicated to retail.

This has not been differently demarcated since the original application was made - the submitted floor plan with the breakdown of space was provided as an indication of the use in practice & it did not seem prudent for the Applicant or his tenant to make precipitous changes to the layout pending the outcome of the application & review process. The Applicant & tenant would be happy to create a retail counter with restricted access to members of the public, leaving the wider stock area for staff & users of the workshop activities.

Other Business on Spylaw Road

The assertion of bulky items only (predominantly) being sold by other businesses is incorrect - both Country Corner & Border Raw Petfood offer clear examples of where this is not the case.

This also applies to the bakery opposite & Travis Perkins on the adjacent site operating a retail counter that is open to the public. It has been clearly noted in the submitted material that the tenant supplies bulky items - sewing machines - that require the ability of customers to access by car. This is no different to other businesses within the estate selling bulky items, but is

different to the other haberdashery businesses in the town centre that are referenced by the Planning Officer.

Business Model

The previously submitted material was specific in its reference to the Wonky Giraffe model

being interlinked, i.e. craft workshops, on-line retail & in-person retail; the officer's comments

suggest that these can be disaggregated to allow the retail function to be delivered within the

town centre. The tenant - Wonky Giraffe - has confirmed that the doubling of premises & staff

would mean that the business would be forced to cease to trade as the duplicate overhead costs

would be too significant to bear.

Town Centre Location

The suggestion has been made that alternative town centre locations have not been

demonstrated as having been exhausted & that it would be possible to achieve a town centre

presence. This, it is submitted, is only relevant to the retail function that appears to be at the

heart of the consideration in the latest response. Again, it had been noted clearly in the previous

submission that premises in town suited for retail, would not be sufficiently large for workshop

use, nor provide the parking provision for large items. Planning consent would presumably be

required for change of use for any space, deemed suitable to allow the educational activities to

take place - there would be no guarantee of this being granted, especially given the authority's

expressed concerns regarding the safeguarding of the town centre use.

General

The assessment has not taken account of the genesis of the business (Wonky Giraffe) which was

described in detail previously & which is fundamental to the facts of this case. The business

started during the pandemic lockdown as an on-line one & was successful. Demand from the

customer base that was established indicated an opportunity for small business growth to

deliver workshops. This grew significantly & required larger space which became available

immediately post lockdown within the same premises. This expansion, on site, enabled the

development of a popular service & successful business model from which in-person retail

became increasingly in demand. The Spylaw Road premises were fundamental to this growth as

they offered appropriate space & parking for the business users.

Regards

Ray

Ray Cherry
info@raycherry-architect.co.uk
www.raycherry-architect.co.uk
07800 749 806

From: localreview [mailto:localreview@scotborders.gov.uk]
Sent: 07 November 2023 13:35
To: Ray Cherry Architect <info@raycherry-architect.co.uk>
Subject: [OFFICIAL] U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5
8DN - 23/00325/FUL
and 23/00034/RREF
Importance: High

Further to my e-mail of 23 October 2023, advising that the LRB had requested written submission on the updated floor plan which had been provided.

I now attach herewith the comments from the appointed officer – should you wish to comment, please send to the above e-mail address by Tuesday, 21 November 2023.

Regards

Fiona Henderson
Democratic Services Officer
Democratic Services
Resources
Council Headquarters
NEWTOWN ST BOSWELLS TD6 0SA
? DDI : 01835 826502
? fhenderson@scotborders.gov.uk

From: Ray Cherry Architect <info@raycherry-architect.co.uk>
Sent: Monday, October 23, 2023 6:02 PM
To: localreview <localreview@scotborders.gov.uk>
Subject: RE: [OFFICIAL] U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

CAUTION: External Email

Thanks Fiona

info@raycherry-architect.co.uk
www.raycherry-architect.co.uk
07800 749 806

From: localreview [mailto:localreview@scotborders.gov.uk]
Sent: 23 October 2023 16:00
To: info@raycherry-architect.co.uk
Subject: [OFFICIAL] U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5

8DN - 23/00325/FUL
and 23/00034/RREF

Good Afternoon

Further to the Local Review Body Meeting held today, 23 October 2023, please find attached a letter advising of the continuation of the above application.

Kind Regards

Fiona Henderson
Democratic Services Officer
Democratic Services
Resources
Council Headquarters
NEWTOWN ST BOSWELLS TD6 0SA
? DDI : 01835 826502
? fhenderson@scotborders.gov.uk

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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 2013

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1
Contact Telephone 2
E-mail*

Contact Telephone 1
Contact Telephone 2
E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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 (tick one box)

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:

Yes No

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

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

Statement

You must state, in full, why you are seeking a review of 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.

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.

List of documents and evidence

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. Note: there will be no opportunity to submit further documents to accompany this notice of review.

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

Ray Cherry Architect

Date

30 June 2023

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

Application for Planning Permission for change of
use for units 8-2 & 8-3 to mixed use including
Classes 1 & 10

at
U-Stor Business Units
Splylaw Road
Kelso

on behalf of

U-Stor Business Units Ltd

June 2023



Background

This application is for Planning Permission for the change of use of two units within a wider group of buildings owned and operated by U-Stor Business Units Ltd at Spylaw Road, Kelso. The application is for Units 8-2 and 8-3 to become mixed use including Classes 1 and 10.

The building group has a long history of uses and changes of formal Planning Consent provision. It was known previously as Ancroft Tractors which provided a workshop and sales outlet for agricultural machinery and equipment.

Previous Consents have been granted: veterinary practice (11/00028/FUL); storage and meeting area (14/00712/FUL); furniture manufacturing unit (14/01047/FUL).

The Applicant's main building on the site is sub-divided into a number units providing opportunities for nine business, other than the Wonky Giraffe, which occupies the units that form the basis of this application. There are other businesses within the Applicant's site.

Units 8-2 and 8-3 comprise approximately only 24% of the total floor area of the main building.

The Applicant's business model has been to renovate a building that was in deteriorating condition and create a number of units of varying sizes to allow different business demands and needs to be met. This process of redevelopment and fabric improvement has been on-going, as can be demonstrated by the Applicant's own statement that accompanies this submission. It is evident that U-Stor Business Units Ltd is a conscientious property owner and landlord who has sought to create opportunities for local economic development within Kelso.

The Wonky Giraffe business moved to the U-stor premises in 2020 during the Covid-19 pandemic and in response to an advert. This was a new business venture that was established as an on-line retailer of quilting and haberdashery products.

The business took a change of direction shortly after starting, when it became apparent that it needed to be much more than just an online shop to satisfy the demands of customers. Additional space was required to accommodate the stock held, and, following customer feedback, the owner was keen to organise and run training classes and hold open group sessions.

At this time she explored the premises available within the town centre and the edge of town (as identified in Policy ED3). There were very few vacant premises at the time, and they were either too small or the layout did not fit the business model. It is worth noting that the classification within both of these areas would not have permitted her to hold classes for teaching, as these would have required classification 10 – provision of education - which the town centres do not allow and therefore rendered anything within these areas unsuitable.

A larger unit became available for rent within the U-Stor building: Unit 8-2. Relocating to this unit allowed the business to continue the online retail function and establish an element of "in person" retail as people became aware of the business, but it also allowed the Wonky Giraffe to start hosting classes and organise training sessions. This has now become the main element of the business, so when the unit next door became available (8-3) it made complete business sense to take this on to create a dedicated, safe, comfortable and inclusive place for all to come along and join in. This has led to the creation of a community of crafters who share knowledge, learn new skills and support other local businesses in Kelso and surrounding areas. The

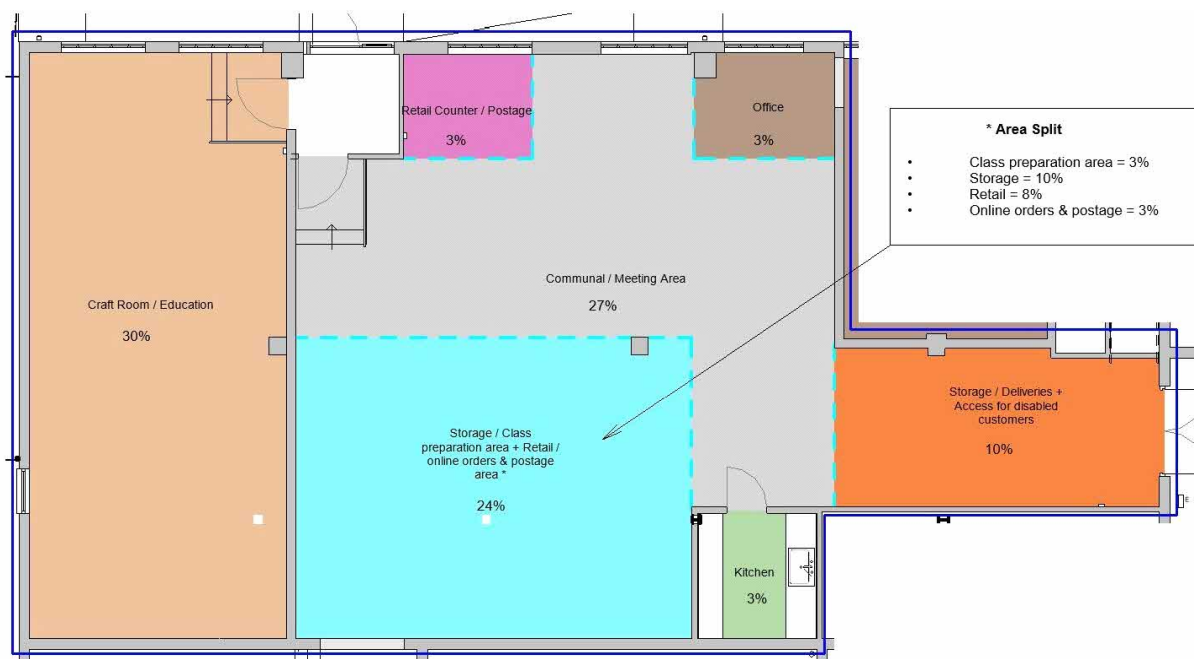
proximity and functions of the two units plus the tenant's business model are inextricably linked: neither could operate in isolation of the other. In short, this has been a successful business story that would not have been possible without the availability, quality and flexibility of the U-Stor premises.

Planning Application

During the Planning Application process a request was made for additional information relating to parking provision on the site. This was the only additional information requested and was duly provided.

The Council's Forward Planning Team are understood to have visited the premises as part of the application process, but it is suggested here that in doing so they misunderstood the actual operational nature of the Wonky Giraffe business and its operating model, by concluding that Retail comprised 70% of the floor area. It is recognised by the Applicant and tenant that this is an understandable assumption; however, had this been issued to the Applicant for confirmation / clarification during the initial application it could have been addressed easily. The table below sets out the actual position.

Space	%
Craft Room	30%
Kitchen	3%
Storage / Delivery / Access	10%
Office	3%
Retail Counter / Postage	3%
Storage / Class Preparation / Retail / Online & Postage	24%
Communal / Meeting Area	27%



A further analysis of the space in relation to Planning Categories indicates the following breakdown of the space occupied by the Wonky Giraffe business:

Description	Category	%
Retail	1	11%
Storage & ancillary + online	4	29%
Craft / Education	10	60%

The tenant of the units subject to this application has provided the following breakdown of sales for the previous year:

Room Hire	Classes (Kits & Materials)	Retail (in person)	Retail (Online)
36%	48%	9%	7%

Sales figures are, understandably, confidential and not suited to wider publication; however, the tenant has indicated a willingness to share these in confidence with the Local Review Body should it seek further confirmation.

Planning Decision

An extract from the Local Development Plan (Kelso) is appended to this document, as is a street plan showing the Spylaw Road / Station Road area as defined in the LDP as zEL205. This plan has been overlaid with the Planning categories to demonstrate the existing mixed use of the estate. A further appendix includes a list of these businesses by name and type. It is key to note that the U-Stor Business Units are located within a “local safeguarded and industrial site” and not a strategic one. As such, the Planning Authority possesses greater flexibility in its determination of the occupancy categories permitted and, as is noted below, has already chosen to do so for a number of existing businesses on the estate.

zEL205	Spylaw Road/ Station Road	8.5	N/A
Site Requirements			
<ul style="list-style-type: none"> This is a local safeguarded business and industrial site as defined in Policy ED1. 			

Within the 'Formal Notice of Refusal' there were two reasons for refusal:

1

The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- **National Planning Framework 4 Policy 26** – Policy intent states “to encourage, promote, and facilitate business and industry uses to alternative ways of working such as home working, live-work units and micro-businesses”. Policy 26, section b, specifically states that “Development proposals for home working, live-work units and micro-businesses will be supported where it can be demonstrated that the scale and nature of the proposed business and building is compatible with the surrounding area and does not impact on amenity or neighbouring uses”.
 - In total, 21 neighbours were notified of the change of use application and there was not one objection. The Wonky Giraffe has been operating for almost 3 years on this mixed-use street and has not had any negative impact on the surrounding areas or businesses.
 - In 2019, rooms within the former dairy directly opposite U-Stor Business Units were advertised by Edwin Thompson LLP as Offices/Workspace/Storage/Studios and it was claimed that they ‘provide considerable flexibility for a range of office, workshop, storage, work rooms, beauty/treatment rooms, artisan studios or similar’. In 2019 a dog groomer took on one of the rooms and two years later (in June 2021) a bakery took another. This required a change of use (21/01006/FUL). The application was successful and permitted a change to the storeroom to form a bakery shop (Room 3) and a new storage area from workshop (Room 4). The timeframe between advertising and tenants taking on these leases demonstrates that these properties have remained empty for a significant period of time, and therefore contradicts the comment in the refusal for this application that states; “it would be most undesirable if future class 4, 5 and 6 businesses were detracted from locating and investing at Spylaw Road/Station Road due to insufficient space.” There is evidence therefore that sufficient space does exist (and has done) on the estate & that this has traditionally exceeded market demand.
 - The Foundry, Station Road, Kelso (RKELS001) (which is approx. 350 metres from the U-Stor business units) was advertised by Edwin Thompson in 2019. Noted within the sale information it states it is a site zoned for re-development within the Scottish Borders Local Development Plan 2016. It also states that ‘it is in a mixed-use area’. This site is still listed on the Edwin Thompson website 4 years later, which again would suggest that there is not a high demand for either industrial or mixed-use buildings/development in this particular area.
 - Whilst Spylaw Road is noted within the Local Development Plan as industrial use only, over the years it has clearly been allowed to develop into a mixed-use area. Alongside housing there are retail businesses, garage workshops, car sales, hot food takeaways, a

nursery, a gymnasium, a dog groomers, a raw food company and a removal/storage business. Far from The Wonky Giraffe setting a precedent should the application be approved, the precedent for this street has already been set with the current range of businesses that operate there. If it is not currently recognised as a mixed-used site, then it seems reasonable that a full review of all business operating there should be undertaken, and the classification of this street amended. It is contended that, if the units along Spylaw Road were to be vacated as a result of such a review, and reverted back to Industrial only, the street would be filled with redundant buildings that would fall into disrepair which, in turn, would contravene **Policy 9** – Brownfield, vacant and derelict land and empty buildings. This states “to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings”. **Policy 25** – Community Wealth building, which is to support improving community resilience, increase spending within communities and local job creation would also be contravened.

➤ Policy 27 – City, town, local and commercial centres

- It is accepted that all town centres and edge of town centres must be protected, and that a town centre first assessment should be carried out. At the point when The Wonky Giraffe changed to accommodate its demand and growth, there were no suitable places within the town centre or on the edge of town centre, primarily due to size and layout, but also because of the classification of use. The Wonky Giraffe did not clearly fall into any of the classification of use categories. This business is a “perfect fit” for the Spylaw Road development, especially when considering its adjacency to an education establishment in the next building (Castlegate Nursery) and a mix of part and predominately-retail businesses opposite and elsewhere on the same street.
- The size of the Wonky Giraffe business cannot be altered or reduced in scale to allow it to be accommodated in a town centre as it relies upon sufficient space for materials, large equipment (sewing machines for use and for retail) **and** activity (workshop) space. The sale of sewing machines can be considered comparable to the sale of agricultural spares in other nearby buildings: goods that are too large to carry any distance and that therefore require adjacent parking – something that is rarely available in a town centre location.
- It is also perhaps worth recording that there has been a total of 42 small town centre haberdashery / fabric store closures in Scotland and the North of England since the pandemic started; this is a significant amount for this sector. The emerging models of haberdashery / fabric stores are now generally located within industrial sites; they are much bigger destination stores and offer more than any town centre can accommodate. Examples of these similar businesses are noted as an appendix to this document.
- The expressed concerns presented in the Decision Notice of there being a detrimental impact to both the town centre business activity / character and to the availability of industrial land are unfounded. The existence of the Wonky Giraffe has had no adverse effect on the vitality and viability of Kelso town centre. In fact, the opposite could be said as it brings people to the town from outwith the area and is a generator of economic benefit to the wider settlement, including to other local businesses. In this sector these

stores are fast becoming destination stores. Brick-and-mortar businesses must offer experiences that will draw customers into their premises in order to survive and, in doing so, must operate a model that is suited to their customers' needs. The Wonky Giraffe does this, which is why it has grown exponentially in its early years. The large volume of notes of support in response to the original application also help to demonstrate this point.

2

The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

- The aim of the **Policy ED1** is to rigorously protect strategic business and industrial sites for employment uses. Kelso is fortunate to have various sites allocated for strategic business and industrial uses: Pinnaclehill Industrial Estate (BKELS005), Pinnaclehill Industrial Estate extension (zEL206), Wooden Linn Phase 1 and Wooden Linn Phase 2 (BKELS003), as well as the vacant Foundry site on Station Road (RKELS001). At the moment there are vacant premises within the Pinnaclehill Industrial sites. These have been vacant for several years. The building of the sites at Wooden Linn has not yet started. It is suggested that, between the empty premises and yet-to-be-built premises, there is adequate provision for any industrial businesses that may wish to establish themselves within Kelso in the future. Policy ED1 also states that 'Local sites' allocated for business and industrial use, are considered to have a lower priority and therefore alternative uses are likely to be supported. Retail may also be acceptable on local sites where they are located within or adjacent to the town. Spylaw Road and Station Road are on a Local site (zEL205). Over the years this site (zEL205) has developed into a mixed-use area as per Policy ED1 Section 2d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed-use pattern is now considered acceptable by the Council. As mentioned in the above, the precedent for this street has already been set with the variety of businesses operating there.
- Spylaw Road / Station Road (zEL205) sit within the lowest classification of industrial land defined in the Council's Local Development Plan as "local" and, as such offers the greatest flexibility of choice regarding use classification and the capacity of the Planning Authority to support such.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

Policy ED3 – Town Centres and shopping development. It is the Council's role to seek to develop and enhance the role of the town centres. If a business cannot be accommodated within the town centre it can be allowed within the edge of town centre. An out-of-town centre location will only be considered where there is no suitable site within the town centre or edge of town centre. The Wonky Giraffe is such a business. At the time of opening, the U-Stor Business units were exactly what this start-up required. As the business grew, the owner looked for alternative locations, both within and on the edge of town, but there were no suitable premises that would meet her needs. The business did not fit into either town centre or edge of town sites. It was an online business, with one-to-one training, operating classes and running open group sessions. The business has thrived in its current location and, whilst a small percentage of retail is a result of people visiting The Wonky Giraffe, the main element of retail comes as a by-product of the training and classes, which is the education element of the business.

It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.

No information was requested during the determination period as to why it was necessary for The Wonky Giraffe to be located outwith the town centre. The decision notice sets aside the use of precedent for other long-established businesses on the estate; this point is contested in that a precedent has, indeed, not only been established, but permitted, and therefore it should be taken into consideration.

There are several businesses along Spylaw Road and Station Road that started off with only an element of retail, but over the years these have become (and have been allowed to become) so much more than just an element of retail. One such business that has grown over the years, and is a fantastic asset to Kelso, is Country Corner. It has many elements to its business and some elements would be difficult, but not impossible, to site within a town centre. It could at least, therefore, be argued that the upstairs clothing department for men, woman and children could be sited separately and accommodated in the town centre.

Not only would it be difficult to find premises in the town centre or edge of town centre that would physically accommodate The Wonky Giraffe, relocating to the town centre would contravene Policy ED3 which states that only retail/shop (Class 1), food and drink (Class 3) and offices (Class 2 & 4) are permitted to operate in the town centre. The Wonky Giraffe requires Class 10 (provision for education) to operate, which is not authorised in the town centres as per Policy ED3. Herein lies the issue: the retail element of the business can operate under Class 1 within the town centre while the training and education elements, under Class 10, require the industrial estate, but nowhere in Kelso will permit both in the same place. This is a thriving business, (a tenant of the Applicant's own thriving business), that brings custom to the town, and, additionally, impacts positively on the mental health and well-being of many of its dedicated customers. It is again worth noting that many of the supporting comments received in response to the original application indicated customers who come from outwith the local area specifically to use this

business and who also stay within the town generating much needed economic activity to the local community.

It is also worth referencing precedent elsewhere in the Scottish Borders where similar decisions have been reviewed and overturned by the Local Review Body:

21/00015/RREF – Cavalry Park, Peebles (Strategic High Amenity Site)

22/00002/RREF - Netherdale Industrial Estate, Galashiels (District Site)

It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site.

The precedent element has been addressed in previous paragraphs.

The comment above states that there are two similar shops in the town centre; this is not correct. One of the shops, (Clothworks) stocks upholstery fabrics, which is entirely different to the Wonky Giraffe shop. Whilst it does have a lot of fabric on show, it also operates from a series of catalogues, allowing customers to order the quantity required for curtains, blinds etc.. This is a long-established business with a fantastic customer base, and provides an excellent service to Kelso and the surrounding areas. The Wonky Giraffe works closely with the owner of this shop and directs anyone looking for this type of fabric to her. The second shop mentioned is a very different retailer. The Wonky Giraffe carries an extensive stock of fabric and a considerable number of other products, including sewing machines (**bulky items**), sewing machine accessories, wool, knitting and crocheting accessories, embroidery and needlework threads, hoops, frames as well as a wide range of haberdashery. The other shop carries a more limited range of fabrics and haberdashery, by comparison.

Conclusion

Planning Policy, and the Local Development Plan in particular, are formulated to provide a framework in the interests of the Scottish Borders Council. They seek to establish frameworks that allow consistency of approach across the region; however, they are limited in their capacity simply because the built environment is not a homogenous entity that can respond to a binary approach in decision making.

This paper, and its appendices, has set out why this is the case. A redundant manufacturing building within an industrial estate (classified as the lowest safeguarding category of Local) has been renovated by the applicant. In doing so he has extended the life of this building in a sustainable manner that responds to one of the Council's stated goals. He has also created the opportunity for economic development at a scale that suits a variety of micro and small businesses that is not readily / widely available elsewhere in the town. One of the Applicant's tenants has developed a business model that has thrived in this location, so much so that it

required to expand in order to meet growing demand, and took advantage of the availability of additional space within the same building. All of this in the midst of the global pandemic at a time when many businesses were closing and others were seeking to diversify in order to survive.














U-Stor Business Units Ltd and its tenant, The Wonky Giraffe, are examples of successful Borders businesses that require to be supported in their ventures in order to continue the economic benefit that they bring to Kelso, and the wider, Scottish Borders economy.

APPENDICES

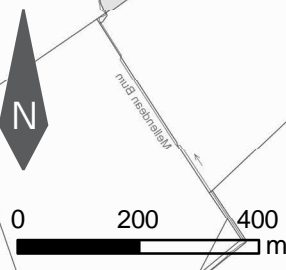
APPENDIX 1

Kelso Local Development Plan Map

Kelso

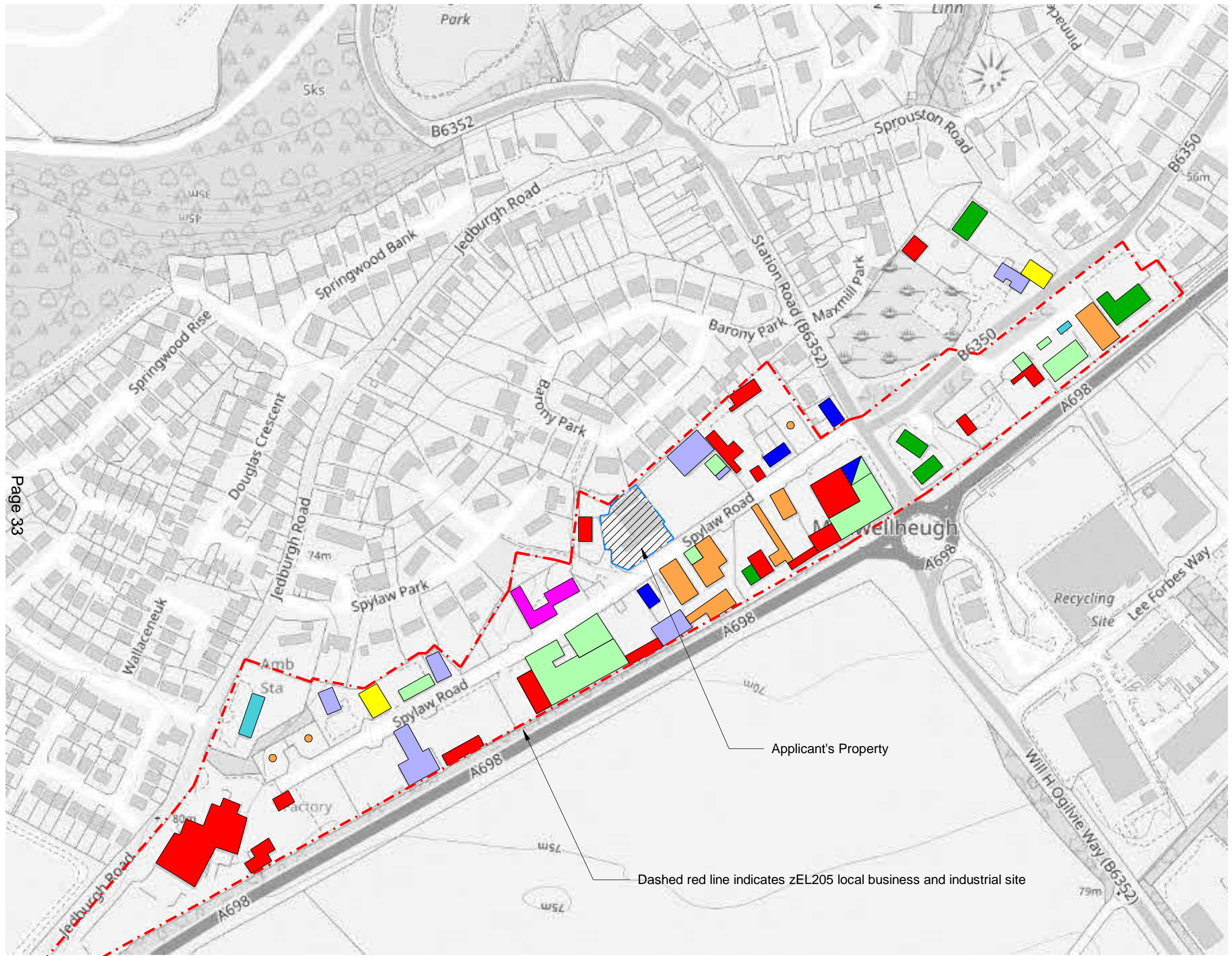
-  Development Boundary
-  Town Centre Boundary
-  Conservation Area
-  Key Greenspace
-  Housing
-  Longer Term Housing
-  Redevelopment
-  Business and Industrial
-  Business and Industrial Safeguarding
-  School
-  Wetland
-  Structure Planting/Landscaping
-  Core Activity Areas

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APPENDIX 2

Street Plan of Current Use Category Within zEL205



Health & Safety Information

- Retail presence - Class 1
- Retail presence - Class 1 Sui Generis
- Professional, etc - Class 2
- Offices / Light industry - Class 4
- General Industry - Class 5
- Storage / distribution - Class 6
- Housing - Class 9
- Institutions - Class 10
- Assembly - Class 11

RAY CHERRY ARCHITECT

Ray Cherry RIBA, RIAS, IMApS
 Hillmount Cottage
 Main Street
 Birgham
 Berwickshire
 TD12 4NE
 Telephone: 07800 749 806
 E-mail: info@raycherry-architect.co.uk
 Website: www.raycherry-architect.co.uk

Project:
 U-stor Business Units Ltd
 Spylaw Road, Kelso

Title:
 Existing Planning
 Land Use

Scale (@A3)		As indicated	
Date: June 2023	Project No.: 22-016		
Drg. No.: 303	Rev.: D1		

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Map extract from SBC Website for underlay purposes

Applicant's Property

Dashed red line indicates zEL205 local business and industrial site

APPENDIX 3

List of Businesses Within zEL205

Businesses in Zone zEL205

Motor Sales & Repairs

1. Maxwell Motors	Car Sales & Service
2. Complete Auto Repairs	Motor Repairs
3. Ken Hope	Car Sales & Service
4. Bernie Murray	Motor Repairs
5. Tweedside Light Commercials	Van Sales & Service
6. James Hume	Motor Repairs
7. C & R Tyres	Tyre Supplies & Fitting
8. SAB Services	Motor Repairs

Manufacturing

9. Kyle Engineering	Steel Fabrication
10. ICOM ScoΣ ech	Electronics
11. DH Design & Print	Signage
12. Bheula Framing	Picture Framing/Retail
13. Border Concrete	Concrete Products
14. Border Ornamental Ironwork	Gates & Railings
15. Food Factory	Bakery/Retail
16. Kelso Powder Coating	Painting

Contractors

17. A R Transport	Haulage
18. Crop Services	Crop Spraying
19. CSS	Pressure Washer Sales & Service
20. ScoΣ Mckenzie	Joiner
21. James Nairn	Electrician
22. Cockburns	Ware & Drainage Services
23. Derek Welsh	Plasterer
24. Borderloo	Toilet Hire
25. Grant Morrison	Landscape
26. T. L. Joinery	Joinery
27. Darren Paxton	Plumber

Gymnasium

- 28. K.D. Fitness
- 29. The Muscle Factory

Retail

- | | |
|------------------------|-------------------------|
| 30. T.M.S Motor Spares | Motor Spares |
| 31. Car Parts for U | Motor Spares |
| 32. Country Corner | Country Stores |
| 33. Border Row Penfold | Pet Food |
| 34. Agri Parts | Agricultural Spares etc |
| 35. The Wonky Giraffe | Haberdashery/Education |

Residential

- | | |
|--------------------|---------------------|
| 36. Ashville | Semi Detached House |
| 37. Holmwood | “ “ “ |
| 38. Helensville | Bungalow |
| 39. Country Corner | Flat |

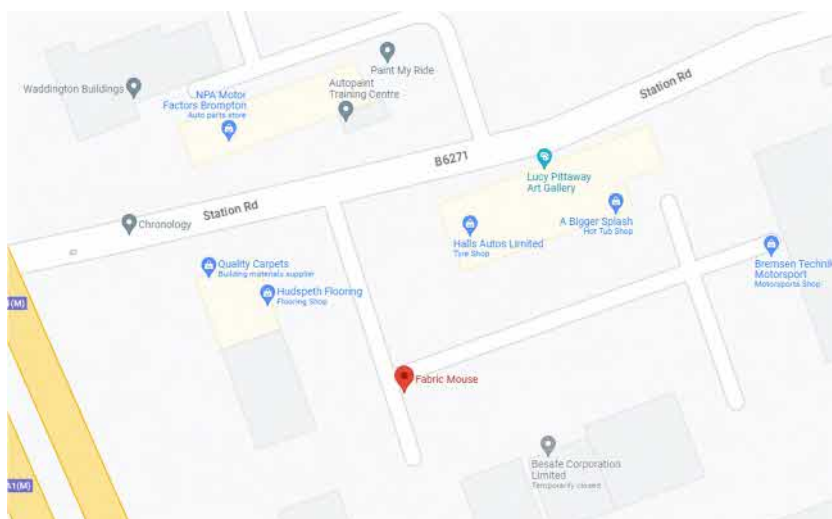
Miscellaneous

- | | |
|-----------------------------|--------------------------|
| 40. SBC | Council Yard |
| 41. Kyles Funeral Directors | Depot |
| 42. R.I. Wilson | Furniture Store |
| 43. Castlegate | Nursery |
| 44. Noon Entertainments | Events Equipment |
| 45. Susan Gibson | Massage Therapy |
| 46. EOSE | Sports Planning |
| 47. Vicki Paerson | Nail Bar |
| 48. Andrew McLean | Water Services Design |
| 49. Tanya Davidson | Skin Care |
| 50. K.A.O.S | Costume Store & Hire |
| 51. D. H. & Co | Document Store |
| 52. Kenneth Gibson | Store |
| 53. U.B.U.L. | Store |
| 54. Travis Perkins | Builders Merchant/Retail |
| 55. Wessex North | Storage |

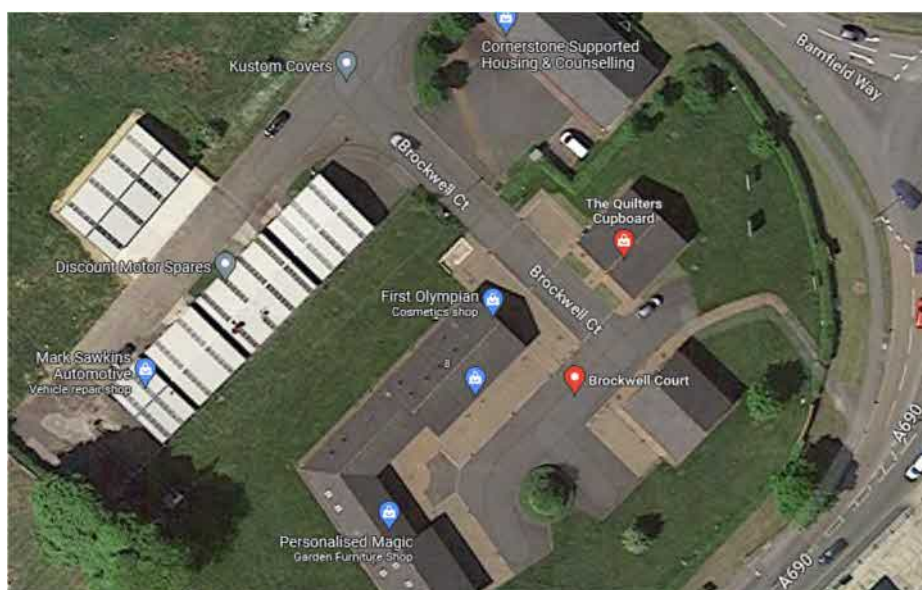
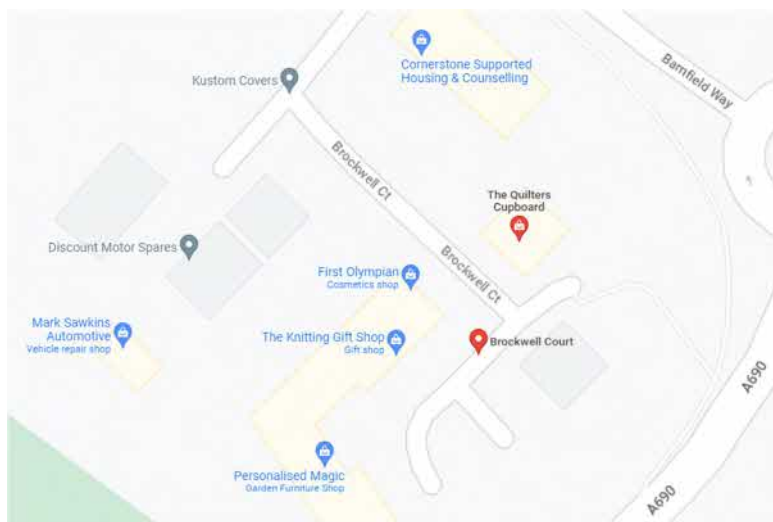
APPENDIX 4

Similar Businesses Within Industrial Estates

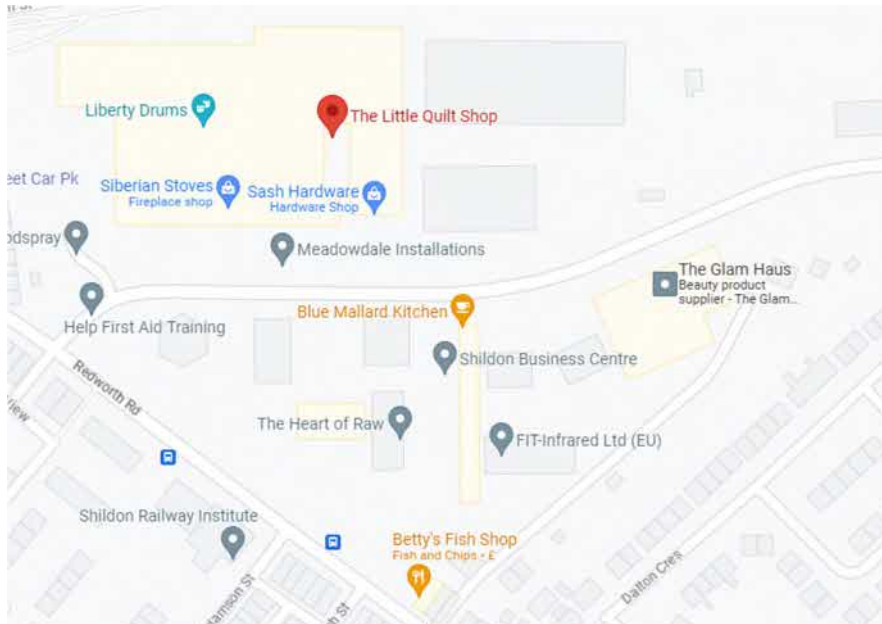
Fabric Mouse
Unit 5, Station Road Business Park
Brampton On Swale
Richmond
North Yorkshire
DL10 7SN



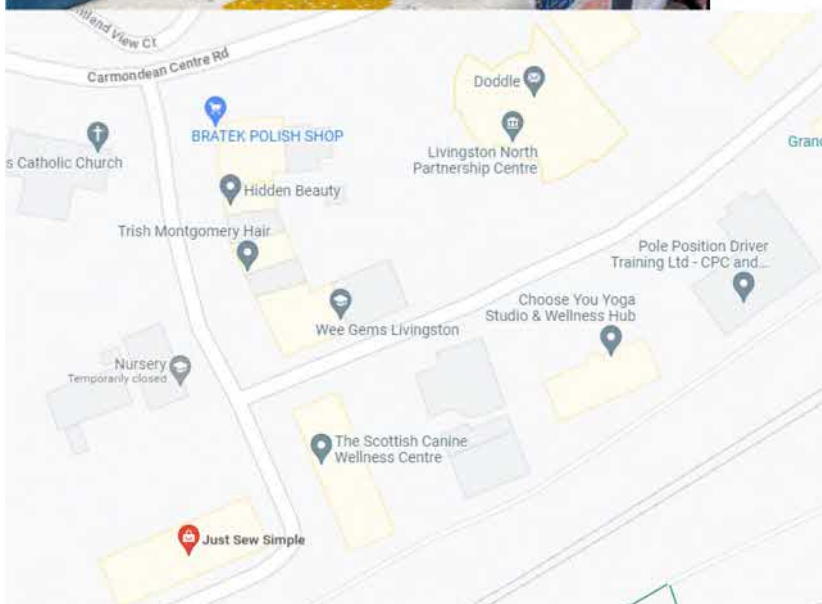
The Quilters Cupboard
Unit 1, Brockwell Court Industrial Estate
Low Willington
County Durham
DL15 0UT



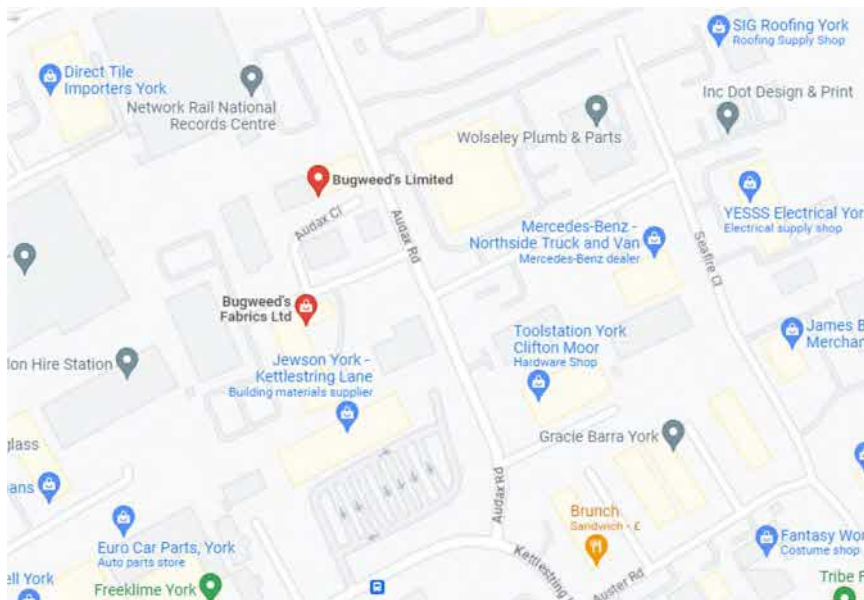
The Little Quilt Shop
Unit 11, South West Durham Business Centre
Dabble Duck Industrial Estate
Shildon County Durham DL4 2QN



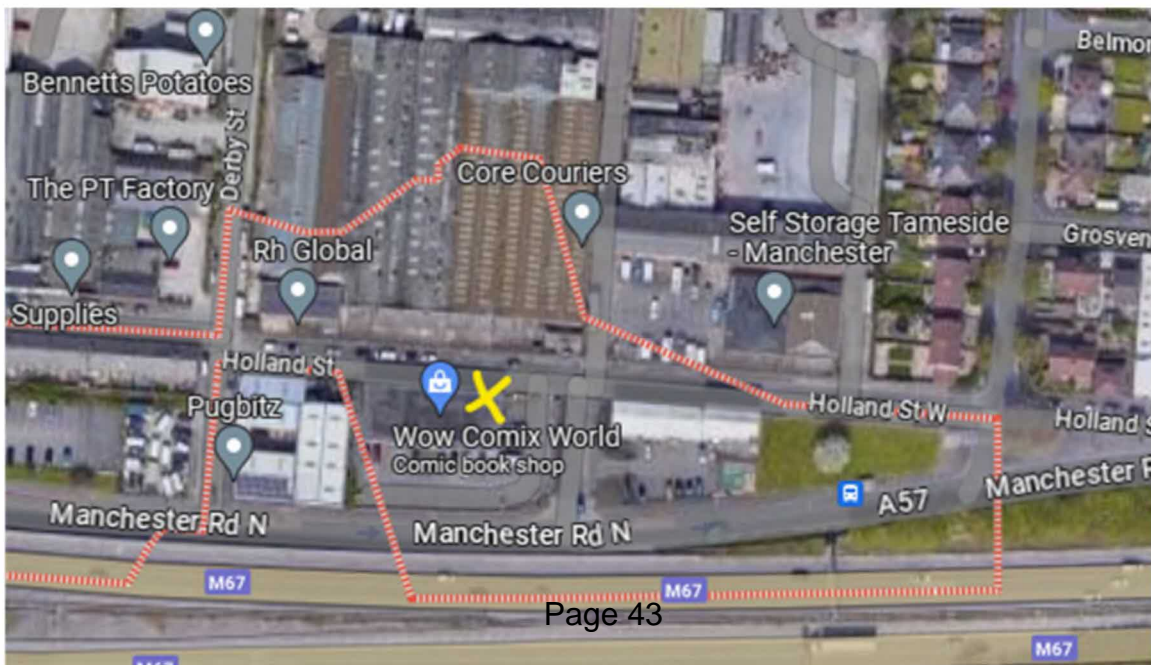
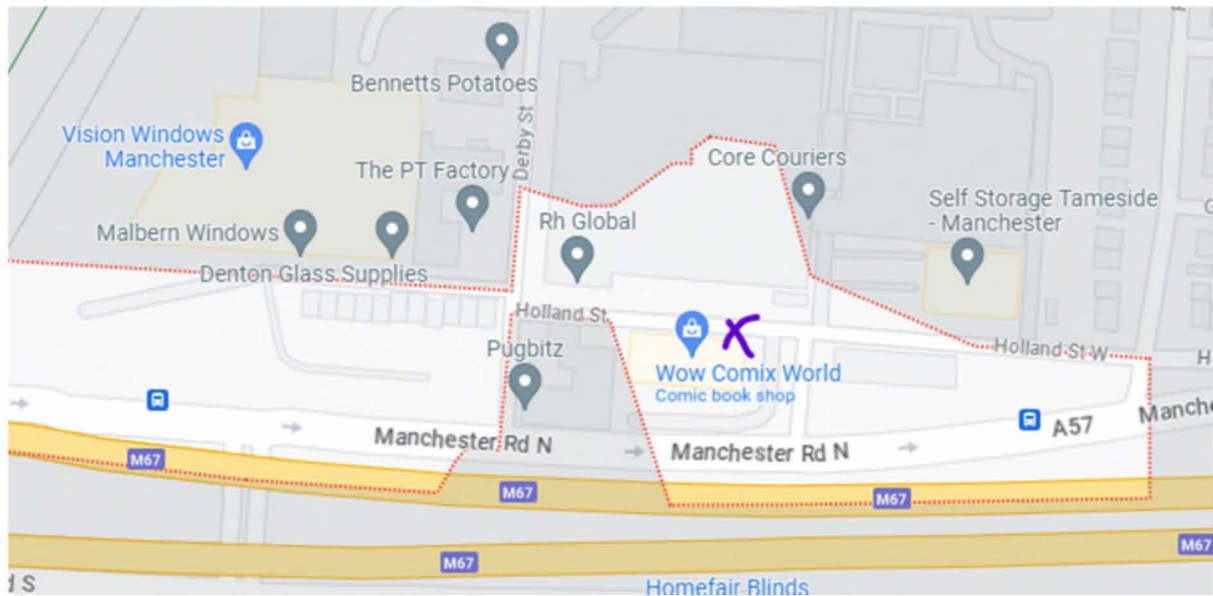
Just Sew Simple
Unit 9, Carmondean Business Units
Livingston
West Lothian
EH54 8PT



Bugweeds Fabrics & Crafts Ltd
Unit 3, Lancaster Park
Audax Close
Clifton Moor York North Yorkshire YO30 4RA



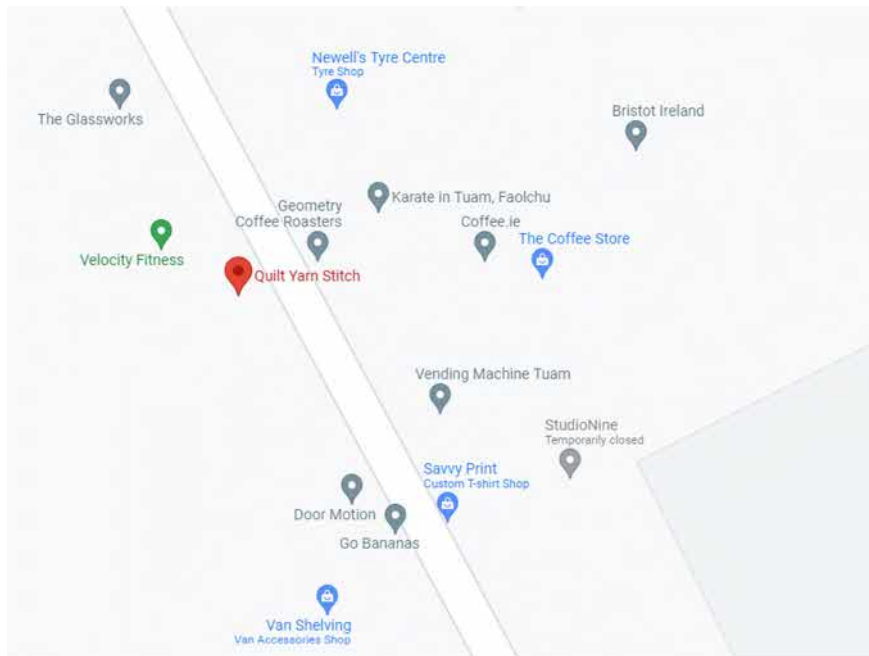
Mimi and Bee
163 Holland Street
Denton Manchester M34 3GE.



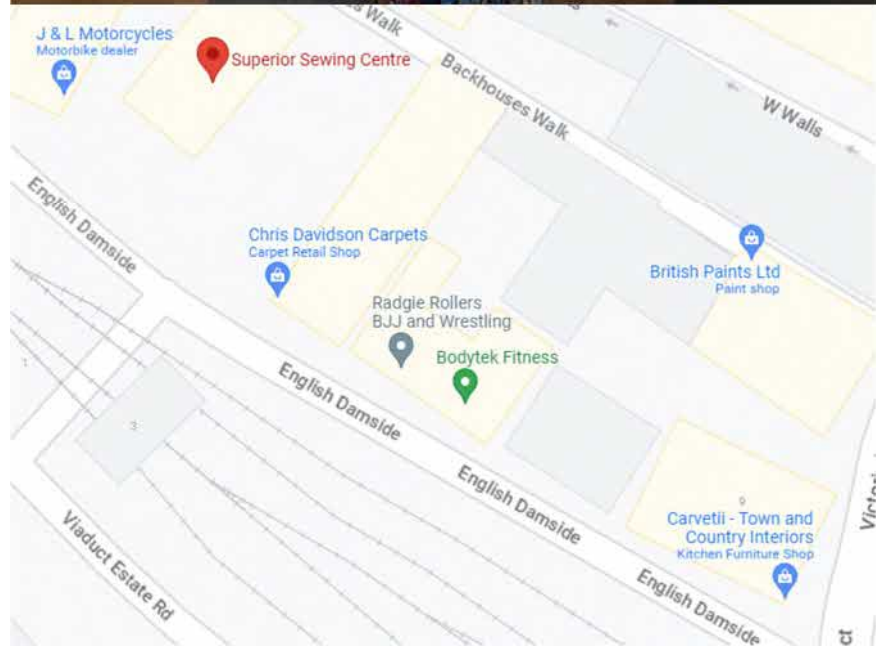
Quilt Yarn Stitch

1st Floor

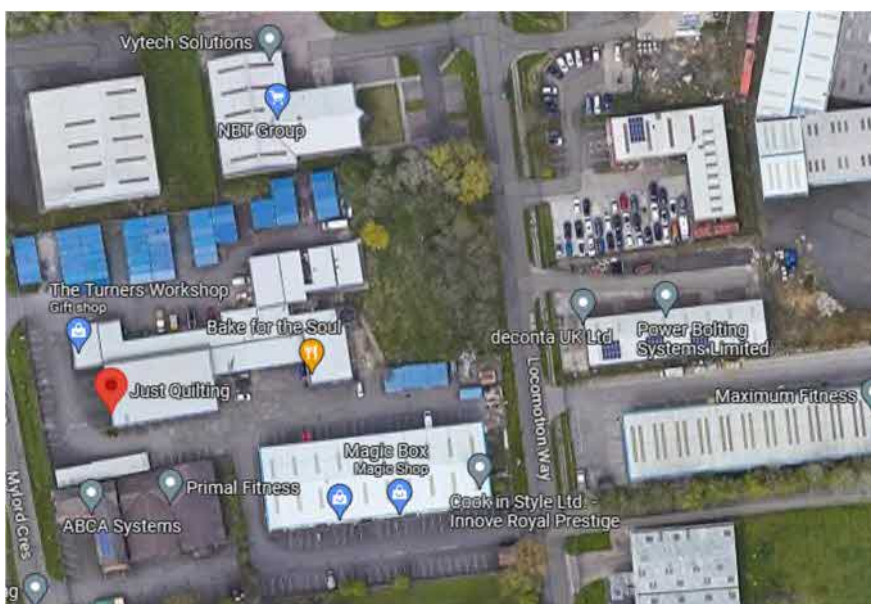
Unit 19 MG Business Park Galway Road, Tuam, Co Galway, H54 YF25.



Superior Sewing Centre
Phoenix House
English Damside
Carlisle, Cumbria, CA3 8AU.

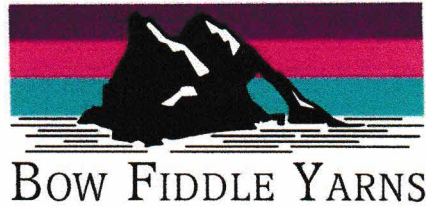


Just Quilting
Unit 3, Morgan Business Centre,
Mylord Crescent, Camperdown Industrial Estate, Newcastle-upon-Tyne, NE12 5UJ.



APPENDIX 5

Additional Notes of Support



I am an independent yarn dyer based in the North East of Scotland and have an online presence (web shop) and also travel around the UK to yarn festivals and craft shows to showcase my hand dyed yarns.

It is very difficult to build a business when the product is very tactile, and the nuances of colour can be distorted on a computer monitor. Therefore, having a presence in a bricks and mortar craft business is vitally important. I have been lucky enough to be stocked at The Wonky Giraffe in Kelso, and it is my only outlet in the Borders and I am indebted to Louise for her trust and faith in my product.

Whilst primarily a fabric shop, crafters are notorious about wanting to try new techniques, learn new skills and find new products and the yarn stocked at The Wonky Giraffe complements the range of fabrics.

The space that Louise has created is very welcoming, airy and relaxing which is the perfect environment for not only shopping, but the workshop space is also a haven for inspiring and teaching students. This, in my opinion, is one of the best craft shops that I have visited, and that has been a lot across the globe, including Houston and Singapore.

I am aware of 2 yarn shops closing in other parts of the UK this week, and whilst it may seem that craft is not an essential service, I am concerned that the impact and loss of community this will have on the local populace of these areas.

I am passionate about the positive impact that creating makes to mental health. Learning new skills and the sense of achievement in making something with your hands is a skill everyone should embrace.

In 2017 I had to step back from my full time job as an accountant due to a cancer diagnosis and spent the year, knitting, sewing, colouring in and trying new projects. The ability to either switch off with an easy pattern when my foggy brain wasn't retaining information, or tackling a complex colourwork pattern so that I could completely focus on the project and not think about how scary the treatment was, I credit craft as the best way to spend hours productively. It was also the catalyst for launching my yarn dyeing business and encourage people to try new things.

At the heart of any craft business is a passionate owner, who wants to share that love of colour, fabric, creating and learning with everyone who steps through that door and also encourage others to build not only skills, but confidence and a community which will last a lifetime. Louise has curated, not only an amazing shop, but a group of people that give back so much to the community and it would be a shame to lose this from the heartland of textiles.

Louise Davidson



To whom it may concern:

I am a freelance embroidery tutor based in the Scottish Borders who runs workshops at a variety of premises throughout Scotland and the North of England.

Over the last few years I have been lucky enough to work extensively with Louise Whittle from The Wonky Giraffe on a number of occasions, primarily running classes at the premises on Spylaw Road, Kelso. The opportunities Louise has provided for me has meant that I have been able to develop my own business much further than I would have otherwise been able to.

These premises are ideal for teaching a variety of crafts. A great deal of thought and work has gone into ensuring that the space is suitable for workshops and I have been unable to find other premises of such a high standard in the Kelso area. In fact, there are very few premises in the country which provide the facilities and atmosphere which is found at The Wonky Giraffe.

I know that other tutors and participants travel from neighbouring counties because the accommodation, access, parking and facilities are second to none. If the Wonky Giraffe is unable to continue trading from this location then I and other tutors will be forced to look much further afield for suitable premises. Unfortunately local village halls and buildings such as Abbey Row are not fit for purpose.

The workshops I run give people the chance to learn new skills but more importantly they offer the opportunity for likeminded people to come together in a safe space, something which is increasingly important as we place more emphasis on mental as well as physical well-being. As we recover from the after effects of COVID lockdowns the groups meeting regularly at the Wonky Giraffe have meant that many older members of our community have been able to integrate back into meeting friends in public in safety.



Susie Stitch

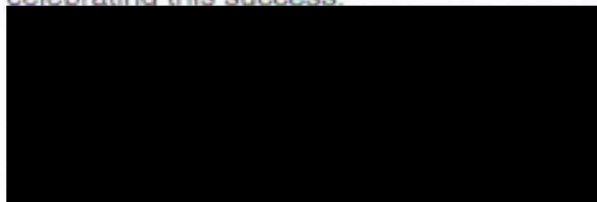
The retail space provides not just a much larger range of products than other similar retail outlets but also different ranges of fabrics, threads, yarns and haberdashery which would otherwise have to be purchased online. The convenience of having workshop and retail space side by side means that anyone forgetting something essential for a class is able to purchase it on the premises.

Far from taking business away from the town centre the goods and services provided from these premises actually enhance and complement retailers, food outlets and attractions within Kelso. Many visitors choose to make a day of their visit and spend additional revenue in other outlets throughout the town. The business has been featured in a number of local and national magazines and media outlets further spreading the positive image of Kelso to crafters and visitors.

A number of community projects have been co-ordinated from these premises in recent years which have benefitted residents and visitors alike. As well as Kelso-centred projects, the Welcome Panel for the Great Tapestry of Scotland was completed and readied for exhibition here.

I am currently working on a new commission from the Borders Railways Community Partnership, a tapestry panel designed by Andrew Crummy which will be displayed in the Galashiels Interchange once completed. Several stitching sessions have already taken place at the Wonky Giraffe and my intention would be to again carry out the final completion stages on site as the space available is much more suitable than my own small studio space.

In a relatively short period of time, and during a global pandemic, Louise has built not just a thriving business but a flourishing community and we should be encouraging and celebrating this success.



Susie Finlayson



1st June 2023

APPENDIX 6

Applicant's Note on the History of the Business

U-STOR Business Units Ltd

This document provides the history of U-STOR Business Units Ltd in relation to the retrospective application for Change of Use for Units 8-2 and 8-3 at Spylaw Road, Kelso.

Throughout the Borders redundant church, school, agricultural and industrial buildings have been revitalised and repurposed for various uses. In Spylaw Road in Kelso a number of properties have been converted over the years for use e.g. as a nursery, a bakery, a gym, country store, hardware sales and indeed a residential flat.

U-STOR Business Units Ltd have continued on a well trodden path by utilising the buildings formerly used as a Sawmill, Haulage Depot and Agricultural Engineers to provide premises suitable for today's businesses and to meet current demand. This conversion which we have carried out over the last 10 years has produced 20 small units, offices, stores and workshops providing accommodation for 15 businesses who employ 17 full time and 6 part time staff. Nineteen off-street parking spaces are available for our tenants and their customers and the overall result is a small vibrant business hub.

The cost of repairs and improvements to the buildings since its purchase is circa £330k with the majority of the work being carried out by local contractors.

Planned improvements for this year are the resurfacing of the entrance to the premises (long overdue) and the final phase of replacing the Asbestos roofs with insulated composite panels.

U-Store Business Units Ltd
per Ray Cherry
Hillmount Cottage
Main Street
Birgham
Scottish Borders

Please ask for: Euan Calvert
01835 826513
Our Ref: 23/00325/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 27th April 2023

Dear Sir/Madam

**PLANNING APPLICATION AT U-Stor Business Units Spylaw Road Kelso Scottish Borders
TD5 8DN**

PROPOSED DEVELOPMENT: Proposed change of use for Units 8-2 and 8-3 to mixed use
include Classes 1 and 10

APPLICANT: U-Store Business Units Ltd

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 23/00325/FUL

**To : U-Store Business Units Ltd per Ray Cherry Hillmount Cottage Main Street Birgham
Scottish Borders TD12 4NE**

With reference to your application validated on **1st March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

at : U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

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

**Dated 26th April 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00325/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
201	Proposed Plans	Refused
Site Plan Showing Parking	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- 2 The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

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 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 (as amended).

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SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00325/FUL

APPLICANT : U-Store Business Units Ltd

AGENT : Ray Cherry

DEVELOPMENT : Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

LOCATION: U-Stor Business Units
Spylaw Road
Kelso
Scottish Borders
TD5 8DN

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused
201	Proposed Plans	Refused
SITE PLAN SHOWING PARKING		Proposed Site Plan Refused

NUMBER OF REPRESENTATIONS: 91

SUMMARY OF REPRESENTATIONS:

21 neighbours were consulted by letter. There were 84 comments in support of development and 6 objections received, 5 of which were received within the statutory period of public consultation. The following issues were raised:

Objections:

- o Industrial facilities in the surroundings are not compatible with this use.
- o No toilet facilities.
- o No cafe facilities or other businesses that would complement this businesses.
- o Sets a precedent.
- o Building Rates are cheaper here than on the High Street, to the disadvantage of competitors.
- o A High Street location would support local cafes.
- o No public transport or amenities for users.
- o Contrary to local plan policies.
- o Health concerns from the former industrial use.
- o Noise.
- o Road safety concerns.
- o Abbey Row Centre classes are now being held on this site; adverse impact on the ongoing viability of community led hubs.

Support comments:

- o Community, health and wellbeing benefits.
- o Abundant on-site parking.
- o Spylaw Road is already in mixed use.
- o Avoids the use of on-line shops.
- o Contributes to footfall/ complementary spend to the town centre.

Consultations

Community Council: Supports the change of use to Class 1 and Class 10. The previous comment has been rescinded.

Roads Planning Service: No objections.

Environmental Health - Contaminated Land: No objection subject to condition. This is proposing the redevelopment of land which was previously operated as a saw mill and a depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

Forward planning: Objection.

This application is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205) within the Local Development Plan 2016 and is protected by Policy ED1: Protection of Business and Industrial Land. Policy ED1 states that 'development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites' and 'retail may be acceptable on local sites where they are located within or adjacent to town centres'

This application proposes a change of use to Class 1 and Class 10 uses. However the main use of the unit is retail with almost 70% of the total floor space being used for retail purposes. Whilst it is acknowledged some of the building is used for Class 10 use, it is considered that overall the predominant use of the unit is use Class 1.

It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.

Policy 26 within National Planning Framework 4 (NPF4) supports development proposals for business and industry uses on sites allocated for those uses in the LDP. It is therefore important that such allocations are safeguarded for such uses as it would be most undesirable if future Class 4, 5 and 6 businesses wished to locate and invest at Spylaw Road/Station Road and were unable to due to there being insufficient space to accommodate them.

It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site.

As the location of this proposal is within a safeguarded business and industrial site which is not located within or adjacent to the town centre of Kelso it is contrary to policy ED1.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 26 Business and industry

Policy 27 City, town, local and commercial centres

Local Development Plan 2016

PMD2 Quality Standards

ED1: Protection of Business and Employment Land

ED3: Town Centres and Shopping Development

HD3: Protection of Residential Amenity

IS7: Parking Provision and Standards

Supplementary Planning Guidance:

Placemaking and Design 2010

Recommendation by - Euan Calvert (Assistant Planning Officer) on 25th April 2023

Site and Proposal

This is a retrospective application to change the use of part of this storage building to mixed use comprising Class 1 (retail) and Class 10 (Non-residential institutions).

In light of recent amendments to the GDPO, Class 1 now becomes Class 1A, "Shops, and financial, professional and other services" whereby a broader range of uses are within a single class which includes financial, professional services, amongst other uses.

For the purpose of the application, the predominant use of the application site is retail space extending to 136m² with a craft room measuring 61m².

A short supporting statement has subsequently been provided by the proprietor of the "Wonky Giraffe" outlining how the business operates. They state that retail is ancillary to the main function of manufacturing and craft work production. The retail space is said to have a dual function as a community space, training area and an area for provision of refreshments for patrons.

The proposals are within Units 8-2 and 8-3 within a larger subdivided site. The site plan identifies this proposal as a portion of the overall planning unit. There is a kitchen facility but no toilet facilities are identified within the units shown on the floor plans. The location plan identifies the entire building and curtilage within a red line boundary. A parking layout has now been provided demonstrating provision of 19 parking bays in-curtilage accessed by the existing vehicular access serving the whole site.

Other site occupants are identified as follows:

1. Unit 8-1 (Ground Floor) - G W Cockburn Water & Drainage Services
2. Unit 9-1 (First Floor) - Susan Gibson (Sports Massage)
3. Unit 9-2 (First Floor) - European Observatoire of Sport & Employment (EOSE UK Ltd)
4. Unit 9-3 (First Floor) - Darren Paxton Plumbing and Heating
5. Unit 9-4 (First Floor) - Peach Studio (Beautician)
6. Unit 9-5 (First Floor) - Andrew MacLean Design and Construction Management - Water & Wastewater Design Specialist (AMDCM LTD)
7. Unit 9-6 (First Floor) - Skin by Tanya (Beautician)
8. Unit 9-7 (First Floor) - KAOS (Kelso Amateur Operatic Society) - Upper Circle Costume Hire
9. Unit 9-8 (First Floor) Messrs Douglas Home (DH & Co)

Planning History

The following change of use applications have been considered previously:

11/00028/FUL

Change of use from farm machinery sales and alterations to form veterinary practice. Approved - lapsed.

Restriction of use: Condition 4: The premises shall be used for as a veterinary practice and for no other purpose (including any other purpose in Class 2 of the Schedule to The Town and Country Planning (Use

Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the use remains compatible within the site.

14/00712/FUL

Change of use and alterations to form storage area on ground floor and meeting area for amateur operatic society on first floor - Approved - implemented.

Restriction of use: Condition 2: The area identified on the first floor of the approved plans is to be used as storage, rehearsal and meeting space for an operatic society, and for no other purpose other than Class 6 (Storage) of the Town and Country Planning (Use Classes) (Scotland) Order, unless first subject to a successful application for planning permission.

Reason: To maintain effective control over the future use of this part of the application building, in the interests of ensuring that any future use remains compatible with adjoining storage use within the application building, and with adjoining land uses.

14/01047/FUL

Part change of use from storage to form furniture manufacturing unit. Approved - implemented.

Restriction of use: Condition 2: The change of use to Class 5 manufacturing hereby approved is limited to the area highlighted in red on approved plan US-SP2 SHEET 5.

Reason: To maintain effective control over the development, and to ensure compatibility with neighbouring uses.

Planning Policy

It is appropriate to consider Policy 26 within National Planning Framework 4 (NPF4), which supports development proposals for business and industrial uses on allocated sites. Policy 27 is also considered, which identifies support for Town, Local and Commercial Centres. Development proposals are to be consistent with the town centre first approach.

Business and industrial allocations are safeguarded for Class 4, 5 and 6 by Policy ED1 in the Local Development Plan 2016. This application site is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205).

Policy ED1 - Protection of Business and Industrial Land - states that; 'development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites' and 'retail may be acceptable on local sites where they are located within or adjacent to town centres'.

Policy ED1 within the Proposed Local Development Plan 2020 is presently under Examination by the Scottish Government Reporter.

The key planning issue is whether proposed use (retail and residential education/ training centre) is compatible with the surrounding uses and is compatible with the town centre first approach.

Assessment

This is a retrospective planning application. The fact this business is currently operating from these premises is not a material planning consideration.

Several of the 84 support comments highlight non-material planning matters, in particular, health and wellbeing benefits of the business are highlighted. Abundant on-site parking is being highlighted as a benefit over town centre locations. The community and health/ wellbeing benefits of this business are not a planning consideration. There is on-site parking and the Roads Planning Officer has considered the change of use and parking layout. They have no objections on road safety and road design grounds therefore the proposals can be considered to comply with policies PMD2 and IS7 concerning road safety.

Arguments are presented by supporters that this business is having combined retail and economic benefits to the wider town by attracting clientele from far and wide. Spylaw Road is said to already have a wide variety of businesses and this change is argued to be complementary to the uses. Those objecting counter

this argument and highlight concerns for the viability and vitality of the High Street. Concerns are raised by objectors that this development is occupying a site designed for industry and will detract or deter industry from locating to Spylaw Road Industrial Estate in the future.

Units 8-2 and 8-3 are located on the ground floor and form part of a larger 'U-Stor' unit which has been subdivided over two floors to create a number of smaller individual storage/ commercial units. This is a former industrial building constructed in brick and steel. It was formerly a tractor dealership/ agricultural engineers. The vernacular is best described as industrial in character. There have been modern additions made including new window and door reveals. The building has been re-roofed in insulated profile steel sheet.

There is first floor accommodation within the building and several of the neighbouring businesses (beautician, sports massage therapist and various other office accommodation) do not have planning consent. These are considered professional services which would now fall within Class 1A of the GDPO. Planning permission 14/00712/FUL was granted on this site subject to condition 2, which restricted the first floor to be used for storage, rehearsal and meeting space for an operatic society only. These other uses are therefore in breach of Planning Condition 2 of 14/00712/FUL. These non-permitted uses are not a material consideration in this decision.

This application proposes retail use over 70% of the public area outlined in blue on the submitted floor plan. The space given to the Craft Room (30%) is subordinate or secondary within the building. The proprietor has emphasised that the retail business space is dual purpose and provides for congregation of clientele/ patrons, where refreshments (teas and coffees) and community use takes place. It is acknowledged that the business contains Class 10 use but on a fact and degree basis, the predominant use of floor space is considered primarily as retailing. This would now be Class 1A of the GDPO. No pecuniary evidence has been provided to differentiate the proportion of retailing income against provision of classes/ workshops (Class 10, non-residential institution, use).

Compatibility

It is acknowledged that within the industrial estate there are some established businesses which have a retail element, however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. These neighbours are considered as depots (Use Class 4, 5 or 6) with secondary/ ancillary retail counters which are predominantly for commercial/ account customers. The exception is Country Corner which is a long established retail use, 98/00016/COU. There is also a long established nursery facility in the surroundings, 07/00037/FUL. These neighbours should not be considered precedent to this application. This is a different site and different type of application combining both retailing and education/ congregation.

NPF4 identifies that business uses are only to be supported where they are compatible and will not prejudice the function of the area. The conclusion of the Planning Authority is that this business is not compatible with the business and industrial character of the area. Notwithstanding the two exceptions above, the wider site of Spylaw Road is characterised by both light and heavy industry. This retailing and congregation use is not compatible in the long term in that it is liable to detract from further industrial investment in the building and the surrounding area.

The Forward Planning Team have objected to the proposal as it does not comply with Policy ED1 of the adopted Local Development Plan. They highlight the updated version of Policy ED1 within the Proposed Local Development Plan 2020 strengthens the argument that retail uses should not be located on industrial estates. The policy states that 'Shops and outright retail activities which are not considered to be complementary nor ancillary uses to the estate will not be allowed'. As previously mentioned, this policy is subject to Examination with a decision expected in late spring/early summer, however it does indicate the direction of travel that the Council is taking to not allow retail uses within allocated business and industrial sites.

Policy 26 within NPF4 supports development proposals for business and industry uses on allocated sites. Safeguarding of allocated sites is intended to ensure adequate provision of employment generating land. It would be most undesirable if future Class 4, 5 and 6 businesses were detracted from locating and investing at Spylaw Road/Station Road due to there being insufficient space to accommodate them or because of an ever-widening variety of uses in the surroundings.

Kelso Town Centre

This application would set an undesirable precedent, especially at a time when the Council policies support town centres. On a fact and degree basis, the proportion of retailing space cannot be considered ancillary to the business. Furthermore, Class 10 use is not considered to be complementary to the predominantly industrial uses in the surroundings.

There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site (zEL205).

Policy ED3 identifies the extent of Kelso Town Centre where shopping development is to be located. Spylaw Road/Station Road Industrial Estate (zEL205) is not located within or adjacent to the town centre of Kelso, therefore this use is contrary to Policy ED1 and ED3.

Policy 27 of NPF4 identifies that proposals must be consistent with the Town Centre First Approach, which seeks to help town centres adapt positively to long term economic, environmental and social changes. Commercial uses that generate significant footfall will not be supported outwith those centres unless a Town Centre First Assessment demonstrates that all town centre and edge of centre options have been sequentially assessed; the scale of development cannot be altered to allow it to be accommodated in a centre; and the impacts on existing centres have been assessed and there will be no significant adverse effect on the vitality and viability of centres.

This site is not a retailing or commercial centre and does not have the character of such. Forward Planning colleagues identify that this proposal will set a precedent for Spylaw Road and will prejudice the long term provision of industrial space in Kelso.

The proposal does and will generate significant footfall therefore should be located in the local centre. No Town Centre First Assessment has been provided. No evidence has been provided that centre and edge of centre options have been sequentially assessed and discounted. It is considered that this scale of development can reasonably be accommodated in the Town Centre. No impacts on the centre have been assessed and an adverse effect on the vitality and viability of Kelso Town Centre is identified.

No site-specific justification has been advanced in the application. It has not been demonstrated that this proposal will create jobs, no marketing history has been provided to demonstrate any period of dormancy or vacancy in letting the buildings for Class 4, 5 or 6 uses nor has it been demonstrated that this retail use is a necessity to maintain viability of the site. The applicant has not set out any exceptional circumstances explaining why it would be necessary for the business to be located on an industrial estate.

Other Issues

The Contaminated Land Officer has identified the site is potentially contaminated owing to the previous use as a sawmill/ depot. A contaminated land investigation is a requirement of any permissions granted in future.

No residential amenity concerns are identified (policy HD3).

Conclusion

The proposals are contrary to national planning policy specifically Policy 26 of National Planning Framework 4 concerning protecting sites for business and industry and Policy 27 concerning the Town Centre First approach. Policies ED1 and ED3 of the Local Development Plan identify a town centric approach to retailing and requires proposals to be compatible with the predominant surrounding uses. This has not been demonstrated in the application.

REASON FOR DECISION :

The proposals are contrary to National Planning Framework 4 specifically Policy 26 concerning protecting sites for business and industry and Policy 27 concerning the Town Centre First approach. In addition, the proposals do not comply with Policy ED1 of the Local Development Plan in that the use is not compatible with the predominant surrounding uses and would dilute the industrial estate with other uses setting an undesirable precedent. The proposals are contrary to Policy ED3 which seeks to develop and enhance the town centre for retailing.

There are no material considerations identified which justify departure from these policies.

Recommendation: Refused

- 1 The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- 2 The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100618714-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed change of use for Units 8-2 & 8-3 to mixed use including Class 10

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

- No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

There has been no physical change to the premises relating to this proposed change of use; this relates to a current tenant of two specified units & their business operations.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ray Cherry Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ray	Building Name:	Hillmount Cottage
Last Name: *	Cherry	Building Number:	1
Telephone Number: *	07800 749806	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Birgham
Mobile Number:		Town/City: *	Coldstream
Fax Number:		Country: *	Scotland
		Postcode: *	TD12 4NE
Email Address: *	info@raycherry-architect.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Unit 1
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Pinnaclehill Industrial Estate
Company/Organisation	U-Stor Business Uits Ltd	Address 2:	
Telephone Number: *		Town/City: *	Kelso
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD5 8DW
Fax Number:			
Email Address: *	info@raycherry-architect.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

ANCROFT TRACTORS LTD

Address 2:

SPYLAW ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KELSO

Post Code:

TD5 8DN

Please identify/describe the location of the site or sites

Northing

633073

Easting

372873

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

2088.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

use classes 4,5 & 6. The units were previously used as workshops & storage / distribution

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

This is not applicable: the application relates to the internal use of 2No units only & reflects a change of use that requires no additional disposal, or other, infrastructure.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ray Cherry

On behalf of: U-Stor Business Uits Ltd

Date: 24/02/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ray Cherry

Declaration Date: 24/02/2023

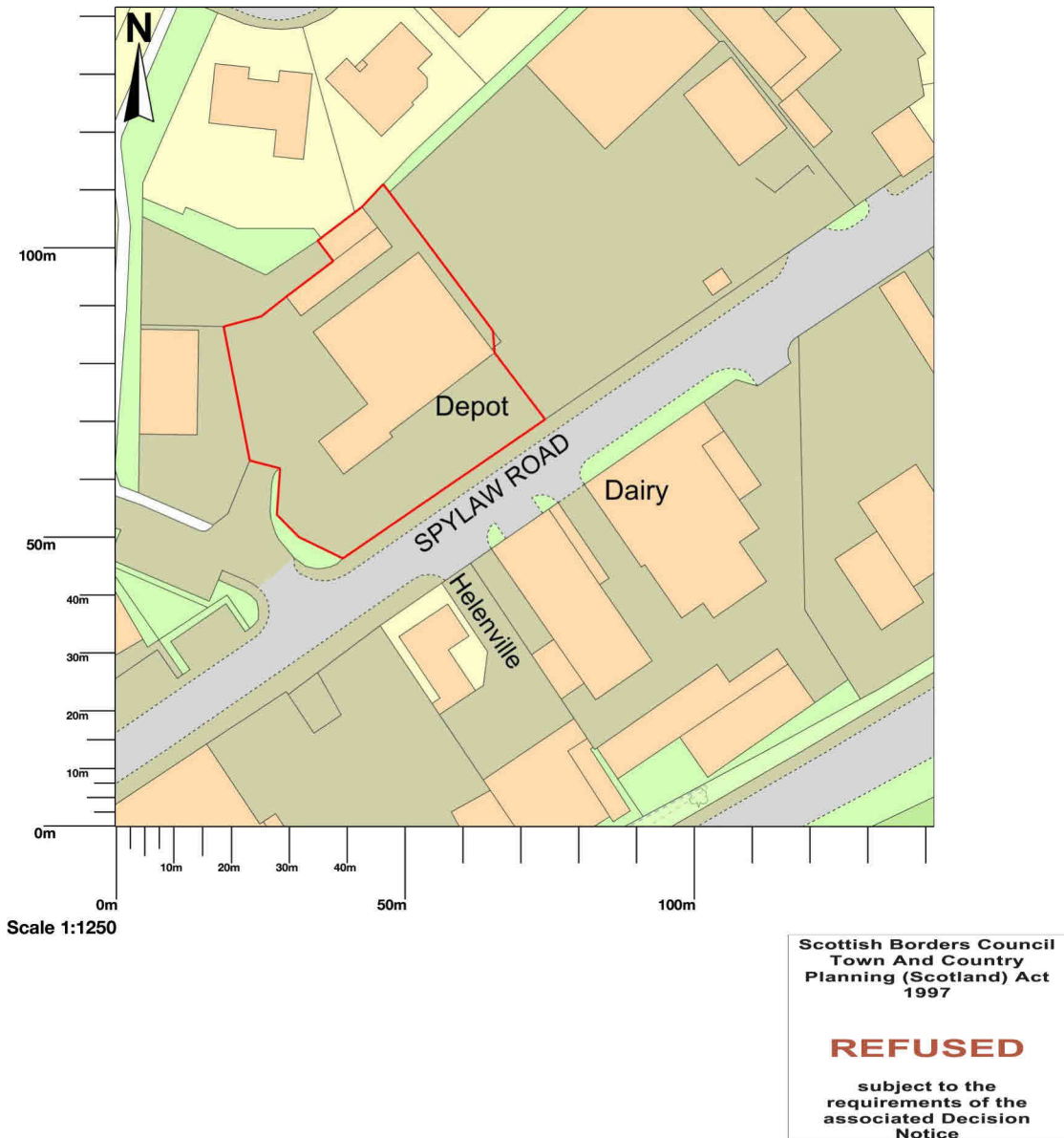
Payment Details

Online payment: XM0100006846
Payment date: 27/02/2023 11:32:00

Created: 27/02/2023 11:32

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Unit 9-6, U-Stor Business Units, Spylaw Road, Kelso, TD5 8DN

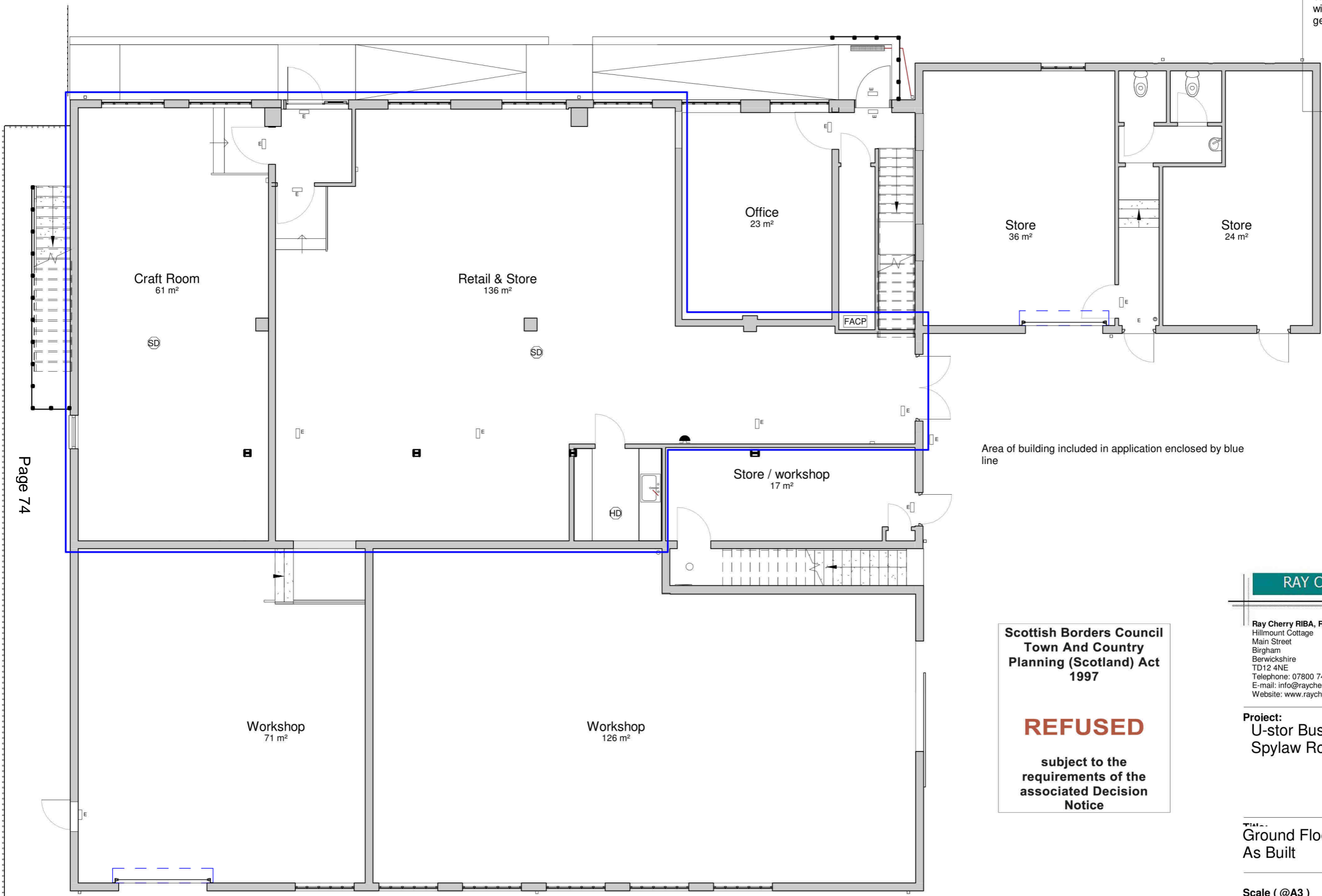


Map area bounded by: 372823,632987 372965,633129. Produced on 10 April 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2cuk/609816/827031

23/00325/FUL
26/04/2023

Health & Safety Information

There are no issues associated with this drawing - information is generally "as-built"



Page 74

Area of building included in application enclosed by blue line

**Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997**

REFUSED

**subject to the
requirements of the
associated Decision
Notice**

RAY CHERRY ARCHITECT

Ray Cherry RIBA, RIAS, IMApS
Hillmount Cottage
Main Street
Birgham
Berwickshire
TD12 4NE
Telephone: 07800 749 806
E-mail: info@raycherry-architect.co.uk
Website: www.raycherry-architect.co.uk

Project:
U-stor Business Units Ltd
Spylaw Road, Kelso

**Ground Floor Plan -
As Built**

Scale (@A3) 1 : 100

Date: February 2023	Project No.: 22-016
-------------------------------	-------------------------------

Drg. No.: 201	Rev.: P1
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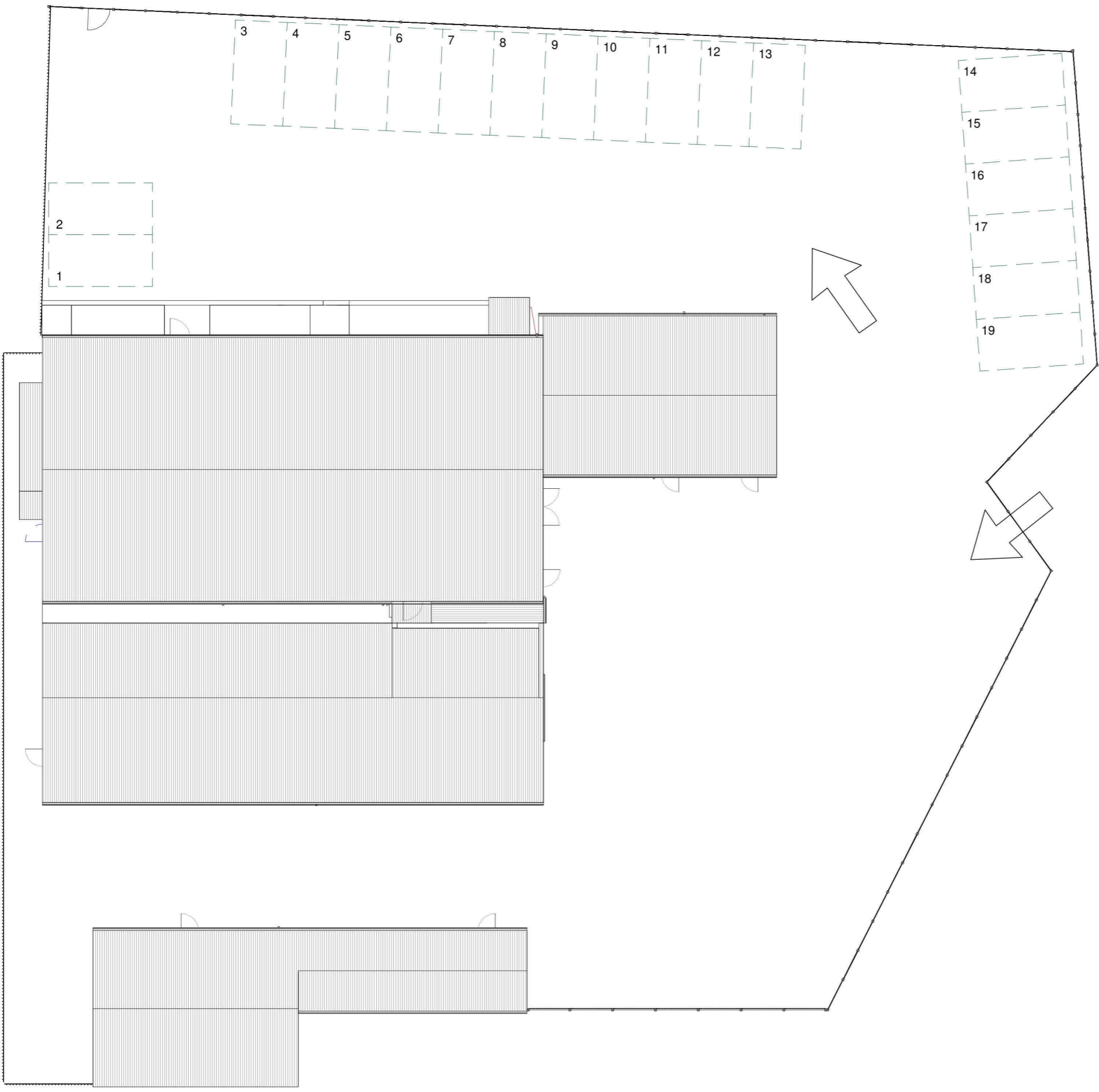
23/00325/FUL
26/04/2023

Health & Safety Information

There are no issues associated with this drawing - information is generally "as-built"



Car parking spaces shown.
NB some of this area was used previously for container storage which has since been removed.



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RAY CHERRY ARCHITECT

Ray Cherry RIBA, RIAS, IMApS
Hillmount Cottage
Main Street
Birgham
Berwickshire
TD12 4NE
Telephone: 07800 749 806
E-mail: info@raycherry-architect.co.uk
Website: www.raycherry-architect.co.uk

Project:
U-stor Business Units Ltd
Splylaw Road, Kelso

**Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997**

REFUSED

subject to the
requirements of the
associated Decision
Notice

**Site Plan Showing
Parking**

Scale (@A3) 1 : 200

Date: March 2023 Project No.: 22-016

Drg. No.: 301 Rev.: P1

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Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 14/01047/FUL

To : U-STOR Business Units Ltd 12 Kingscroft Scottish Borders Kelso Scottish Borders TD5 7NU

With reference to your application validated on **18th September 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Part change of use from storage to form furniture manufacturing unit

at : Store 8 U-STOR Business Units Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997. The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 14th November 2014
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 14/01047/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
US-SP2 SHEET5	Block Plans	Approved

REASON FOR DECISION

Subject to compliance with the noted planning conditions, the proposed development is considered to comply with relevant development plan policies pertaining to changes of use on allocated employment sites.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The change of use to class 5 manufacturing hereby approved is limited to the area highlighted in red on approved plan US-SP2 SHEET 5.
Reason: To maintain effective control over the development, and to ensure compatibility with neighbouring uses.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 It should be noted that:

1 Attention is drawn to the Consultation Reply of the Council Contaminated Land Officer, as follows:

"The site is recorded as having previously been operated as a sawmill and depot. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health. "

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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 0SA.

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.

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 14/00712/FUL

To : U-Stor Business Units Ltd 12 Kings Croft Kelso TD5 7NU

With reference to your application validated on **24th June 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use and alterations to form storage area on ground floor and meeting area for amateur operatic society on first floor


at : Former Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 22nd August 2014
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Service Director Regulatory Services

APPLICATION REFERENCE : 14/00712/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
US-SP2 SHEET 1	Location Plan	Approved
US-SP2 SHEET 2	Floor Plans	Approved
US-SP2 SHEET 3	Elevations	Approved
STORE, YARDS AND PARKING	Floor Plans	Approved

REASON FOR DECISION

Subject to compliance with the noted planning conditions, the proposed development is considered to comply with relevant development plan policies pertaining to changes of use on allocated employment sites, and the display of advertisements, principally, policies.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The area identified on the first floor of the approved plans is to be used as storage, rehearsal and meeting space for an operatic society, and for no other purpose other than Class 6 (Storage) of the Town and Country Planning (Use Classes) (Scotland) Order, unless first subject to a successful application for planning permission.
Reason: To maintain effective control over the future use of this part of the application building, in the interests of ensuring that any future use remains compatible with adjoining storage use within the application building, and with adjoining land uses.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 4 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Attention is drawn to the Consultation Reply of the Council Contaminated Land Officer, as follows:

" The site is recorded as having previously been operated as a sawmill and depot. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have. The land is not currently identified as contaminated land and the Council is not aware of any

information which indicates the level of risk the potential contamination presents. The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health. "

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 11/00028/FUL

**To : Merlin Veterinary Group per Edwin Thompson & Co (Berwick) 44/48 Hide Hill Berwick
Upon Tweed TD15 1AB**

With reference to your application validated on **12th January 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use from farm machinery sales and alterations to form veterinary practice

at : Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 21st February 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 11/00028/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
M347(A).15	Elevations	Approved
M347.02	Existing Elevations	Approved
M347.100	Location Plan	Approved

REASON FOR DECISION

The proposed development is considered to comply with the provisions of the development plan permitting exceptional approvals on employment land. No matters have been raised during the processing of the application which would lead to a conclusion to refuse consent.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 Prior to application, the paint colour of the new timber window frames is to be submitted to and agreed in writing by the Planning Authority. Thereafter the development is to be carried out in accordance with the agreed details.
Reason: To maintain effective control over the development.
- 4 The premises shall be used for as a veterinary practice and for no other purpose (including any other purpose in Class 2 of the Schedule to the The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
Reason: To ensure that the use remains compatible within the site.
- 5 Prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site.
No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented to like satisfaction.
The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
 - a) A desk study and development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of

this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.

- b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential for health risk arising from any identified land contamination has been adequately addressed.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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 0SA.

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.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 07/00037/FUL

To : Castlegate Nursery 161B Roxburgh Street Kelso Scottish Borders TD5 7DU

With reference to your application validated on **9th January 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of factory to childrens nursery

at : Peter Scott & Co Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

the Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 **subject to the following condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

**Dated 21st March 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning & Building Standards

Application reference : 07/00037/FUL

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

For the information of the applicant the Director of Technical Services stated that the applicant should take steps to ensure the children can be dropped off safely and be kept off the public road.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**



***Pinnaclehill Lodge
Sprouston Road
KELSO,
TD5 8ES***

***E-Mail :
kelsocommunityconcil@gmail.com***

18 April 2023

Planning Office
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose TD6 0SA

Dear Sirs

The following plan has been considered by the Kelso Community Council -

Planning 23/00325/FUL - Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN. The Kelso Community Council supports the change of use of class 10 and class 1.

Yours sincerely

**Mrs S A Redgrave
KCC Councillor**

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 20th March 2023

Contact: Euan Calvert ☎ 01835 826513

Ref: 23/00325/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2023, 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 10th April 2023, 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: U-Store Business Units Ltd

Agent: Ray Cherry

Nature of Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Site: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	EVH - Contaminated Land Officer			
Date of reply	24 th March 2023		Consultee reference: 23/00502/PLANCO	
Planning Application Reference	23/00325/FUL		Case Officer: Euan Calvert	
Applicant	U-Store Business Units Ltd			
Agent	Ray Cherry			
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10			
Site Location	U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The above application appears to be proposing the redevelopment of land which was previously operated as a saw mill and a depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	<p>It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.</p> <p>Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	<p>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site.</p> <p>No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance</p>			

	<p>with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan). d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council. e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.</p>
<p>Recommended Informatives</p>	

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 20th March 2023

Contact: Euan Calvert ☎ 01835 826513

Ref: 23/00325/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2023, 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 10th April 2023, 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: U-Store Business Units Ltd

Agent: Ray Cherry

Nature of Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Site: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Laura Bell (Planning Officer) Forward Planning Section	Laura.Bell@scotborders.gov.uk 01835 825064
Date of reply	28/03/2023	Consultee reference:
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert
Applicant	U-Store Business Units Ltd	
Agent	Ray Cherry	
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10	
Site Location	U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	<ul style="list-style-type: none"> • The proposal is on an allocated business and industrial safeguarded site located within the Kelso development boundary • The site is classed as a 'local' site within Policy ED1 of the adopted Local Development Plan 2016 • The unit subject to this planning application is currently operating from the site and therefore this is a retrospective application 	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Compliance with adopted LDP (2016) Policy ED1 – 'Protection of Business and Industrial Land' • Consideration of Proposed LDP (2020) Policy ED1 'Protection of Business and Industrial Land' • National Planning Framework 4 (NPF4) Policy 26 • Other material considerations 	
Assessment	<p>This application is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205) within the Local Development Plan 2016 and is protected by Policy ED1 - Protection of Business and Industrial Land.</p> <p>This allocation has been carried forward into the Proposed Local Development Plan 2020 along with an updated version of Policy ED1. However there are a number of unresolved issues relating to Policy ED1 therefore the updated policy is not a material consideration at this stage consequently this application will be assessed against Policy ED1 contained within the adopted Local Development Plan 2016.</p> <p>In relation to the classification of this site, Policy ED1 states that '<i>development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites</i>' and '<i>retail may be acceptable on local sites where they are located within or adjacent to town centres</i>'.</p> <p>Units 8-2 and 8-3 subject to this application are located on the ground floor and form part of a larger 'U-Stor' unit which has been subdivided over two floors to create a number of smaller individual units. It appears that there are a number of non-confirming uses within the building which do not appear to have planning consent including a beautician, sports massage therapist and various other office</p>	

	<p>accommodation.</p> <p>It should be noted that this is a retrospective planning application and the business is currently operating from these premises.</p> <p>This application proposes a change of use to class 1 and use class 10 uses. However the main use of the unit is retail with almost 70% of the total floor space being used for retail purposes. Whilst it is acknowledged some of the building is used for class 10 use, it is considered that overall the predominant use of the unit is use class 1.</p> <p>It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.</p> <p>Although it is not yet a material consideration, the updated version of Policy ED1 within the Proposed Local Development Plan 2020 strengthens the argument that retail uses should not be located on industrial estates. The policy states that <i>'Shops and outright retail activities which are not considered to be complementary nor ancillary uses to the estate will not be allowed'</i>. As previously mentioned, this policy is subject to Examination with a decision expected in late spring/early summer however it does indicated the direction of travel that the Council are taking to not allow retail uses within allocated business and industrial sites.</p> <p>Policy 26 within National Planning Framework 4 (NPF4) supports development proposals for business and industry uses on sites allocated for those uses in the LDP. It is therefore important that such allocations are safeguarded for such uses as it would be most undesirable if future class 4, 5 and 6 businesses wished to locate and invest at Spylaw Road/Station Road and were unable to due to there being insufficient space to accommodate them.</p> <p>It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site (zEL205).</p> <p>As the location of this proposal is within a safeguarded business and industrial site which is not located within or adjacent to the town centre of Kelso it is contrary to Policy ED1.</p> <p>Consequently as the proposal does not comply with Policy ED1 of the adopted Local Development Plan, the Forward Planning Team cannot support the proposal.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	15 th March 2023	Consultee reference:	
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert	
Applicant	U-Store Business Units Ltd		
Agent	Ray Cherry		
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10		
Site Location	Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	I have no objections to this proposal.		
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: AJS

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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: A Stubenrauch

Address: The Clayhouse, Friars, Jedburgh.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

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10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: MRS & WIFE

Name: MRS A WHITE

Address: 21 SPRINGWOOD BANK
KELSO.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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25/3/23.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: AILEEN CALDER

Address: 19 WOODSIDE PARK
KELSO TD5 7RE.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr Alan Cater

Address: 19 Cheviot View, Wark-on-Tweed TD12 4RF

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I believe the change of use of these two units to allow a retail and training amenity is to be welcomed. They are far enough away from the town centre to be of little detriment to existing businesses, and sit in an area where there are already trade and retail counters available in nearby operations. The current tenant has been able to increase her offer in a niche market, showing a positive trend, set against the current difficult market environment. I am sure that any landlord, allowed the opportunity to give choice in operational use to any future tenant would make renting easier and maintain occupancy. Surely this is better than empty units providing no income to anyone.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ALAN COATES

Address: 55, THE AVENUE, EYEMOUTH, TD14 5EA

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Alison Wilson

Address: 9 Broomlands Gardens, Kelso, Scottish Borders TD5 7SS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to add my name to the lengthy list of people who support this planning application.

Wonky Giraffe is a much needed and very busy outlet for crafters, quilters, knitters and crocheters alike. Whether for the experienced or for the novice, Wonky is a place where people can go to learn, share, discuss and show their ideas and projects.

Customers and friends of Wonky have been involved in many community projects which have promoted Kelso and generated a positive community spirit which is invaluable.

Louise has worked hard to stock her shop. She listens to what customers want and goes above and beyond to accommodate their needs. For these reasons I give my support for the application.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ALLAN PETTIGREW

**Address: 23 ABBOTSCAT
KELSO
TD57LR**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr Andrew MacLean

Address: Unit 9-5, U-Stor Business Units, Spylaw Road Kelso, Scottish Borders TD5 8DN

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am a tenant within the building where these changes are proposed. I see no material reason to object to these proposals. The business proposed provides two valuable services. One is that the retail element brings tourism to the area of Kelso, which has provided benefits to other businesses in the Town, where people have stayed overnight during visits.

Secondly, from being a tenant in the building I see people gathering socially and learning/doing a craft skill they enjoy. In a time of social mental health awareness bringing people together should be praised and not objected to. The customers of the business and the business owner are always polite and courteous, and I have never had any cause of concern with the use of the building.

The industrial area of Spylaw Road has a wide variety of businesses from offices, garages, a gym to retail ventures. This variety does not cause any material problems of access or traffic within the area, and USTOR Business Units has off-street parking, unlike other businesses on the Road. As a tenant I have never had an issue gaining access to the building or parking my vehicle in the off-street parking at the Unit.

I believe the change of use should be fully support as it benefits Kelso as a Town.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ANN FORTUNE

**Address: 12 DEAN RD
SPROVSTON KELSO**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs ann gold

Address: 11 Ryecroft Park, Wooler, Northumberland NE71 6AS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I fully support this application. The Wonky Giraffe is a very happy and friendly shop to visit. Louise is always so helpful and friendly. I would have to travel many miles to find the variety of craft materials she stocks. After a visit to the Wonky Giraffe I enjoy visiting the town centre to visit the shops, I don't think it would occur to me to make a specific visit to the shops in Kelso if I wasn't also making a trip to the Wonky Giraffe

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Anne Bird

**Address: 12 Queen's Road Wooler
NE71 6DR.**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ANNE DONALD

Address: 2 HARDY CLOSE

SWARLAND, NB UMBERLAND NE65 9PG

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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- 2 – Provides mental/education stimulation and therefore promotes well-being
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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *Barbara Edgar*

Address: *28 Belmont Court
Samlaws
Heiton TD5 8JY*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



5 Dornie Place,
Lochardil,
Inverness
IV2 4BY
Tel [REDACTED]

5th April 2023

Ewan Calvert, Esq.,
Planning Officer,
Scottish Borders Council,
St. Boswells.
TD6 0SA

Dear Sir,

Application Number 23/00325/FUL
U-Stor Business Units, Spylaw Road, Kelso.

I refer to the above application and wish to add my comments in support of the above application.

I regularly visit a friend in Jedburgh and look forward to a few trips to the Wonky Giraffe (business referred to in this application). I am made so welcome by the business owner. Groups were meeting there and the atmosphere was so warm and inviting. All age groups seem to be working and helping one another.

1. There is ample parking outside the facility, so no congestion on the road.
2. Other business are in the area, many of them with a retail element
3. I cannot see whose privacy is compromised.
4. Members of the groups meeting there told me that they also attended groups in Kelso and nearby villages.
5. Finally, I must add that visits to this business did not prevent me continuing into town for shopping and lunch.
I'm sure many others who come to shop there, do the same.

Yours faithfully,

[REDACTED] (CAROL^{Page 123} DYER)

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *Catharina Laugstos*

Address: *2 Riverside Dr
Kelso
TD57RH*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Chloe Brown

Address: Honeysuckle House, Teviot Road, Roxburgh Kelso, Scottish Borders TD5 8LZ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I (28 year old female) attended a card making class at 'The Wonky Giraffe' with my 18 year old cousin which was brilliant. The tutors had come down from Edinburgh and commented they wouldn't have been able to run a class like this if it wasn't for the space available at 'The Wonky Giraffe'. It was a lovely relaxing environment and amazing to see women of all ages enjoying themselves. At the same time as this class was running I was introduced to a group of ladies who were part of a sewing group. I explained that I had been trying to get my sewing machine fixed for a while but Clothworks in town weren't able to help [REDACTED]

[REDACTED] my only option was to take it to Edinburgh which I hadn't had the time to do due to working full time. I was so very pleased to learn that this was something that 'The Wonky Giraffe' could help with.

On return to collect my machine a week later, I again met several women in the shop/ workshop who encouraged me to come along to the weekly drop-in session and offered to teach me how to sew.

I have learnt a new skill and it wouldn't have been possible without the combination of the shop and workshop space. The ladies have helped me to read patterns, purchase the right materials/ equipment and complete several projects.

This has been great for my mental health and one of the benefits of the shop being in the location it's in is it's easy to get parked making attendance stress free. I know this is also of benefit to some of the older users whose mobility isn't great, as the distance from the car park to the unit is short.

I do not believe that having this business out of the town centre is detrimental to the economic development of Kelso. In fact from what I have witnessed it is having the opposite effect. It is bringing people into the town. They are visiting and spending money on food & drink, accommodation and in other retail businesses. Kelso has a vibrant town centre with very few empty shops and to my knowledge none that would be a suitable size in comparison.

I have shopped at other retail businesses on this road - Country Corner (selling woman's and men's clothing, dog toys etc), Travis Perkins and Agriparts. There is also a food retailer, a gym and nursery so the argument that this is solely an industrial park is not true.

To refuse the change of use to this business would be a hypocritical decision and counterproductive to the ambition of fostering growth of local businesses.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MISS DENISE McDONALD

Address: 17 EDENSIDE COURT
KELSO, TD5 7DQ

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Diane Colvine

Address: 10 Gun Avenue, Earlston, Scottish Borders TD4 6EN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to support the planning application and was surprised to hear that there were objections to it.

Wonky Giraffe is a fantastic facility providing materials and accessories for many crafts and crafters. Louise provides a warm, friendly, welcoming environment to work or shop in and she is providing a haven for like minded crafters.

As someone who does not live in Kelso I enjoy coming to Wonky regularly to meet up with friends as part of a sewing group and I have participated in several of the classes provided by Louise, being introduced to new skills and crafts. Finally I must add that visits to this business does not prevent me continuing into the town centre for other items of shopping.

If Wonky Giraffe has to close it will be a great loss to Kelso and the surrounding community.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Diane Garwood

Address: 34 Hendersyde Park, Kelso, Scottish Borders TD5 7TU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A valuable addition to Kelso offering retail and classes for all. In pleasant surroundings that are safe for all to use. It is already in a mixed location with varied other retail premises so cannot see the objection

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: 

Name: MRS. DOREEN HAVIS

Address: 6, BOWMONT COURT,
HEITON,
KELSO, TD5 8JY.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

MRS. JOREEN HAVIS
6, BOWMONT COURT
HEITON
KELSO TD5 8JY.



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: EDITH WATSON

Name: MISS EDITH WATSON

Address: GREENLEA,
FUYNDER PLACE
KELSO TD5 7EH.

Comment details:

Commenter type: Member of public (MEMBER OF QUILT GROUP (ASBEY QUILTERS))

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas ✓
- 2 – Provides mental/education stimulation and therefore promotes well-being ✓
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises. ✓
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education. ✓
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions. ✓
- 6 – Toilet facilities provided when in group work ✓
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops ✓
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public) ✓

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B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue ✓

C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides. ✓

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Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: ELAINE PETTIGREW.

Name: 23 ABBOTSEAT

Address: KELSO TD5 7LR

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *Mrs Eleanor Gibson*

Address: *61, Abbotseat, Kelso TD57LS.*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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To this end I feel this application should be supported.

*Ms Eleanor Gibson,
61, Abbotseat,
Kelso. TDS 7LS*

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Evelyn Ball

Address: Skirza House, Freswick, Wick KW1 4XX

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to express my total support for this planning application. It is an amazing facility & hub for the local community from what I gather. For me it offered a weeks quilting retreat as well as encouraging me to experience everything else that Kelso and the Border region has to offer. I dined in some excellent restaurants, shopped in really lovely gift shops, sampled delicious local bakery treats & stayed in a most comfortable & welcoming B&B. I also found the Kelso Mill & took home two sacks of oatmeal & porridge oats, visited the wonderful Great Tapestry of Scotland's & was captivated by the stunning countryside. So from an online customer I discovered the joy of a visit to the Borders. This is not just a quilting heaven it is a great promoter of all that the Scottish Borders has to offer.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Fiona Graham

Address: 9 Hendersyde Avenue, Kelso, Scottish Borders TD5 7TZ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: I support this planning application for this business based on the following

The area that this business is in has businesses of mixed use including educational, health and well being and retail premises.

The business concerned has had a huge impact on the local community since Covid by offering a safe environment for people to gather and share a great knowledge of sewing and crafting. The workshops are supported not only by local residents but by people from far and wide who also spend time in town by staying over locally and using other facilities.

This facility has helped many people with their health and well-being by meeting up in groups that Louise has facilitated and to break this continuity would be traumatic for some of the ladies who come here for company as much as learning new crafts.

Louise has built this business through hard work. She has time for everyone and is always polite, encouraging and welcoming as well as assisting people with projects due to her vast range of knowledge and experience.

If this planning permission is not granted I feel it would be detrimental to my own mental health and well being as I myself have had issues in the past and the ladies who attended the classes, along with Louise, were of great support to me when needed and continues to be so.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: FIONA MURPHY

Address: 20 MERCERS COURT
KELSO
TD5 7NF

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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To this end I feel this application should be supported.



comment on or object to a planning appⁿ /
Scottish Border Council (scotborders.gov.uk)

Application number: 23/00325/FUL

(or) ✓

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: FIONA WOOTTON

Address: 12 NORTHBURN VIEW
EYEMOUTH

} and a regular customer
of the Honky Giraffe.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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To this end I feel this application should be supported.

Fiona Wootton

2.4.2023

In addition, I support a charity called 'Linus Project' which gives quilted blankets to sick children in hospital, and to disadvantaged children/children in refuges.

All my quilting materials are purchased at Monkey Giraffe.



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: GEORGINA LAHRE

**Address: BINNING HOUSE, DUNS ROAD
COLDSTREAM TD12 4DR**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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20/3/2023

If you close the Monkey Giraffe down you leave us with nowhere to buy supplies locally and we will be forced to buy online - is that good for Kelso?



Application number: 23/00325/FUL

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Proposal: Proposed change of use for units 8-2 and 8-3 to mix use to include classes 1 and 10.

Case Officer: Euan Calvert

Customer details:

Gill Foggin
2 Greenhill Farm Cottages
Greenhill
Bamburgh
Northumberland
NE69 7AU

Comment details:

Comment Type: Member of the Public

Comment Reasons:

1. Supports local Kelso people and those from the surrounding areas.
2. Provides mental / education stimulation and therefore promotes well-being.
3. Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
4. Beginning to encourage young people to attend. To learn skills which are being lost in mainstream education.
5. Develops positive mental health and wellbeing as it is in a warm, unbiased, secure environment enabling a safe place to have discussions.
6. Toilet / washroom facilities provided when in group work.
7. Brings visitors from other areas into the locality encouraging inter-trading and visitor spend in the local area at hotels, B&Bs and spending in shops, restaurants and other providers.
8. Sited within an already mixed location of retail sites and business units (many of which sell to the public).
9. Precedent is already set as the business has been established for three years and is continuing to bring visitors to the area.
10. Provides a warm welcome to all and promotes what shops in a small Borders town should be aiming to do.
11. Many of the patrons of the business have been involved in community projects which benefit Kelso:

- Buying wool for poppies, then using the warm, safe space to create items for the War Memorial.
- Providing high-quality quilts to raffle which raises funds for local causes e.g. Borders Search & Rescue
- Involvement with making Christmas decorations for the Town Hall and Square. This would have been impossible without this space that the unit provides.

12. Surely closure is entirely contrary to the main purpose of the SBC Planning Department which is to facilitate the business life of the area.

To this I feel this application should be supported.

Yours faithfully,



Gill Foggin

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Hazel Nisbet

Address: Eids - Uis
Main Street
HEITON

KELSO

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
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9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

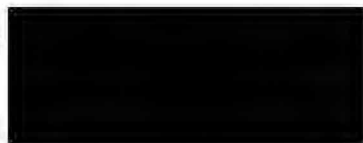
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To this end I feel this application should be supported.



Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Heather Skerven

Address: 3 Pinnaclehill Park, Kelso, Scottish Borders TD5 8HA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: Support of planning application

It would be highly detrimental to many people, both locally and from further afield if this application were not supported.

Despite the fact that this facility is not in the town centre its impact is very positive

Ladies and partners, groups of ladies who have discovered the place on the internet travel to visit the shop, then "make a day " of it by going into Kelso for coffee, lunch etc, as do those who make a longer stay for a weekend.

Far from being detrimental, it brings further revenue into town shops, cafes, hotels etc, especially when small friendship groups have been formed and these ladies go from their class out for lunch or coffee on a weekly basis.

As a community one of the biggest considerations is the important role it plays in providing a safe warm space where people can meet, there are not many smaller local shops which can actually do this.

Because of its size and layout, it enables people to come, not only to shop and chat but also for mental stimulation through planned group workshops or through small informal weekly groups, where knowledge and skills are shared in a friendly, non-judgemental space, allowing those who may otherwise be alone to meet with others, be stimulated through crafts with like-minded people. Spylaw road itself has a wide variety of businesses, offices, garages, groomers, and sandwich shops all of which bring traffic to the area.

The U-Stor building has its own off-street parking which removes the need for parking on the road and therefore does not add any congestion to the area

As a visitor to any classes or groups toilets are provided and a small kitchen area is available for those simply wishing to chat and keep warm or to actually partake in a group activity

There are other shops of a similar nature in the town centre but whilst similar, are not providing

identical services, especially the socialisation aspect of the experience, which is so important for mental well-being. Co-operation and tolerance between the shop owners should build on the experience for visitors and be an advantage not a detriment to those involved, this, in turn, should enhance the Kelso experience

To this end I believe a change of use should be fully supported as it draws people into the area from further afield, more visitors means more revenue for the local council and community.

For the attention of Euan Calvert

On behalf of the ladies who frequent The Wonky Giraffe we would like to add our individual support to Application number 23/00325/FUL.

Many of the ladies who attend The Wonky Giraffe do not have an email account or a computer and knew nothing of this. However, upon hearing about the application above they felt so strongly about it that they wanted to pass on their support, and have done so by individually signing the attached documents.

There are a wide range of business along Spylaw Road, including retail businesses and we do not see how this is any different to these. Country Corner, Travis Perkins, ABL, The Food Company, The Raw Company all sell to the public. Kelso Community Council has deemed this to be protected as an industrial site. How is this possible when you have approved a gymnasium and a nursery, which clearly aren't industrial. Country Corner has only recently opened its whole top floor to host a women's, men's and children's clothing sections, it is huge. It is a great asset to the town and people come from the surrounding area to visit here, Sainsburys, and then pop into the town for the rest of their shopping. There are also houses along this street. We understand the need to protect industrial areas, to create employment, but for Kelso they have a huge area behind Sainsburys and have recently built more units over the back. When Sainsburys was built there was a huge outcry that that would kill the town centre and it has done nothing of the sort. This retail business was approved to be built on 'industrial' land, but it fits in very well with the layout of Kelso. We feel very strongly that if this application was to be rejected then all the other business that claim to be non-retail (or a very small %) should be reviewed.

Heather Skerven
3 Pinnaclehill Park
Kelso
Scottish Borders
TD5 8HA

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Isa Scott

Address: 19, Blakenhope Court, Tweedbank Galashiels TD13RB

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
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To this end I feel this application should be supported.



Isa. Scott.

19 Blakenhope Court.

Tweedbank.

Galashiels TD1 3RB

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Isobel Riley

Address: 2 East Haugh, Birgham, Coldstream, Scottish Borders TD12 4FG

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Wonky Giraffe is a huge asset for Kelso. The only other outlet in the area is only open for very restricted hours and the next available place is Melrose which is much smaller and cannot offer the range of goods or the use as an amenity for classes, workshops and get together of like minded people. It has grown in popularity and is no problem to access. There is easy parking too. There are other shops in the area and access whether in a car or on foot is easy. There is not the time restriction as in town which is great for the classes etc. Supplies for projects are on hand for or after workshops when one has been inspired to try something new which otherwise would require waiting for the town centre shop to be open or travelling 40 miles for me. I am quite sure that people travel a distance to this shop as its reputation grows. They will then go on into town to enjoy the rest of their day with the facilities in Kelso. I believe the Wonky Giraffe is an asset to Kelso and refusing the change of use of the unit is both short sighted and would be a great loss for many people.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: JACQUELINE PURVES

**Address: 11, INCH PARK
KELSO TD5 7EQ**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



**Piperwood
Monklaw,
Jedburgh,
Roxburghshire.
TD8 6SJ**

Tel: [REDACTED]

Mob: [REDACTED]

Email [REDACTED]

3rd April 2023.

Euan Calvert, Esq.,
Planning Officer,
Planning Department,
Scottish Borders Council,
St. Boswells,
Scottish Borders

Dear Sir,

**Re. Application No 23/00325.FUL
U-Stor Business Units, Spylaw Road, Kelso.
Proposed Change of use for Units, Spylaw Road, Kelso.**

I refer to the above and wish to add my comments in support of the above application.

Firstly, I am surprised that anyone would object to a business which is such a bonus to a small town
[REDACTED]

- 1) This business is situated in an area where there are several other business with a retail element.
- 2) There is ample off road parking and so causes no congestion.
- 3) There does not appear to be much nearby private housing to cause a privacy problem.
- 4) I understand that toilet facilities are available when classes are being held.
- 5) There do not appear to be many retail outlets in the Borders selling similar goods and training opportunities and therefore Kelso is well able to support this business [REDACTED]
- 6) As far as I am aware the customers of this business who attend her classes also attend the classes held in Abbey Row and the village halls, so none of these suffer.

Finally, I must say that this lady's business provides not just a shopping trip but an experience! She is an extremely pleasant lady, so enthusiastic about what she offers and is encouraging young and old to come together to enjoy needlework in a warm welcoming environment. If she closes it will be Kelso's loss!

[REDACTED]
Jane C. Stuart.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs JANET RAMSDEN

Address: Kaimridge Kaimflat, Kelso, Scottish Borders TD5 7QN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to give my full support to the application there is no reason why the premises cannot be retail and education, there are examples of this already on that road notably country corner and Agriparts which sell many of the same things sold in the town centre including clothes pet food and supplies and footwear and hardware. There is plenty of parking which is an issue in Kelso, people come from all over the Borders and beyond to the wonky Giraffe so it brings people to Kelso they often go into town to shop at the same time, there is nothing like it in the town there are no wool shops or shops dedicated to the sale and repair of sewing machines not to mention the classes she puts on for many different crafts, It is an asset to the town, In my opinion if Sainsburys can operate in that area with retail then how can you say no to a good local business that also supports lots of other businesses such as craft teachers, and sells local products from around the borders local crafters. It would be an absolute shame if it was not allowed to carry on.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Janine Wilson

Address: Cairns House, Main Road, Stichill Kelso, Scottish Borders TD5 7TB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have been going to Wonky Giraffe since it opened and feel so lucky to have such a wonderful shop so close to where I live!

It's so lovely to be able to see and touch so many fabrics and haberdashery items instead of shopping online.

Louise has created a friendly bright spacious area where you can go and browse, shop or take a craft class.

It brings like minded people to the premises and provides a meet up point with friends and then coffee or lunch in the town.

We need to support Louise's wonderful business and all her hard work.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Jennifer Redpath

Address: 14 High Croft, Kelso, Scottish Borders TD5 7ND

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this business.

I think the art of sewing is something that has been forgotten about in mainstream education. This lady has promoted well being and provided a safe space for people when sometimes they have felt lost. She has also supported various activities in the town such as the poppies and the Christmas decorations.

This unit is fantastic and it is full of businesses, who need more space, and gives them the chance to trade.

This business is still part of the town and Spylaw Road has many thriving businesses which I am sure this one only adds to. Kelso is more than the high street and like any thriving town, it is diverse and open to healthy competition within it.

Good luck to Louise and I really hope she is successful in her application.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: JOSIE SMEATON

**Address: 74 BRIDGEND PARK
WOOLER
NORTHUMBERLAND NE71 6QG**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas**
- 2 – Provides mental/education stimulation and therefore promotes well-being**
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.**
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.**
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- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial**
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: Proposed change of use for units 8-2 and 8-3 to mix use to include classes 1 and 10.

Case Officer: Euan Calvert

Customer details:

Joy Massey
3 Greenhill Farm Cottages
Greenhill
Bamburgh
Northumberland
NE69 7AU

Comment details:

Comment Type: Member of the Public

Comment Reasons:

1. Supports local Kelso people and those from the surrounding areas.
2. Provides mental / education stimulation and therefore promotes well-being.
3. Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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To this I feel this application should be supported.

Yours faithfully,



Joy Massey

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Judith Ziolkowski

Address: 50 Inchmead Crescent, Kelso, Scottish Borders TD5 7LN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Surely as per the Councils Economic Strategy small businesses such as this should be encouraged so as to promote economic growth and stability in Kelso and the Borders which is stated as being at the heart of your strategy and not obstructed

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MRS JUNE BARGH

Address: 16, RUTHERFORD SQUARE
KELSO TD5 7DD

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs June Bradley

Address: Bowmont Villa, Dean Road, Sprouston Kelso, Scottish Borders TD5 8HN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I wish to support this application for change of use. The business using the units listed in the application is a major asset to the town of Kelso both as a community resource, as a draw to visitors from outside the area and to businesses within the town who benefit from extra trade generated by those drawn to visit by the growing reputation of this new business. Were this business put in a position of having to close its retail arm then I believe this would be entirely contrary to one of the main purposes of Scottish Borders Planning Department, which is to promote and facilitate the business life of the area.

The area in which the business is situated is in an area which already has a mixed range of businesses, including retail. The business does not constitute a departure from the character of the built environment in which it sits. In my view it would constitute a major injustice if a thriving business was truncated in its growth because of a refusal of change of use.

No objection has been raised by roads to the change of use. No objections have been raised by nearby businesses. The objections seem to constitute a feeling that an unfair competitive advantage is being gained. Competition is part of business. In the current economic climate it is for each business to find its way to thrive and make a profit. It is unfair to try to hamper a business from doing so on the basis that it competes with other similar businesses.

I strongly support this application for change of use.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Karen Matthews

Address: 3, Pinnacle Farm Cottage
Ancrum
Jedburgh TD8 6UP

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: KAY BELL

Address: 27 Hiddesdale Crescent, Hawick TD9 0EX

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MRS KAY MATTHEWS

Address: TEVIOTCLER, LANTON
JEDBURGH TD8 6SU

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Kirsten McNiff

Address: walled garden, Caerlee Estate
Inverlathen EH44 6PX

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Kirsty Robb

Address: 6 Pinnaclehill Park, Kelso, Scottish Borders TD5 8HA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am fully supportive of the applications as the services currently supplied within the two units are a real asset to the town of Kelso. They bring in visitors from out with the town and Borders area. These visitors also take the opportunity to visit our lovely town centre, thus bringing in extra much needed trade to the town. The facility is now known across the crafting community as a place to visit and has been featured in a number of magazines, promoting both the facilities and the wider town of Kelso

The facilities are also used by a wide variety of groups (both within and out with the town) providing a safe and welcoming place to visit and craft. There is a real sense of welcome and community, which is greatly needed with current mental health crises. The groups using the facilities have undertaken a number of community projects on behalf of the town and other charities. The town of Kelso has directly benefited from the hard work of the groups and individuals, without this facilities these projects may not have been possible.

As a visitor to the premises and someone who regularly walks around the area I have not experienced any difficulties with parking or noticed any traffic congestion or unsafe conditions. I have found the routes into the premises safe, with a gate in from the main road to provide pedestrians with easy access.

I also note within many of the industrial estates across the Borders are a real mix of and variety of business, which allows the Borders economy to flourish.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Lesley Moir

Address: 11 Bell Tower Park, Berwick upon Tweed, TD15 1ND

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Lorraine Elliot

Address: Ellwood, 12 Spylaw Park, Kelso, Scottish Borders TD5 8DS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this business for several reasons. It is accessible for all age groups but particularly those in the upper age group, parking is easy and safe with no time limit. Louise has worked very hard indeed to make this a beautiful and friendly place to visit, as people now do from areas outwith The Borders, parking being one of optimal points. Can't image customers coming to somewhere where the parking is limited (if even available) and would of necessity incur walking from public parking which for some is very difficult, especially carrying goods back to your vehicle. Also there is the high rent and rates to be considered. Louise, in this venture, has given a lot of women a place to go and befriend others of a like-minded nature and she is to be applauded for this.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Lorraine Young

Address: 6 Barony Park, Kelso, Scottish Borders TD5 8DJ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:1 - Supports local Kelso people and those from surrounding areas

2 - Provides mental/education stimulation and therefore promotes well-being

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Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Louise Whittle

Address: 56 Wallaceneuk, Kelso, Scottish Borders TD5 8BF

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: As the tenant of a premises currently under review, I feel it is important to highlight and clarify a few things. It is, after all, my livelihood and business that are at stake and it would be reckless of me to allow a decision to be made about it based on comments and misinformation from others.

I opened the business in 2020, primarily as an online retailer of quilting and haberdashery products. All my initial plans and proposals indicated as such, but it soon became apparent that it needed to be more than just an online shop. It very quickly evolved into what it is now and I have spent the last few years building a community. 'The Wonky Giraffe' is more than a provider of products; it's a place for people to socialise when they otherwise wouldn't; it's a place to meet new people and form friendships that will last a lifetime; it's a place to escape the normal every day and switch off for a couple of hours. We have toilet facilities for those who stay a long time. At a time when mental health is more of a priority than it ever has been, a space that provides all of this should be supported without question.

Classes are held regularly at 'The Wonky Giraffe'. All of the classes are organised and coordinated by self-employed tutors who simply want to share their craft. Local, independent talent is supported throughout the year as a result of this, and many of the tutors return month after month to repeat classes that are in demand. I provide a place for them to build their confidence and generate an income that they wouldn't otherwise have.

In addition to the social aspect of 'The Wonky Giraffe', there is no denying that I am a retail premises. I offer a range of products, the vast majority of which are different to those offered by other shops in town. Some of my suppliers have in excess of 25,000 products available to buy;

there is no way there are exact overlaps between similar businesses in the town. As a perfect example, I was recently approved as an outlet for popular branded sewing machines; the nearest location outside of Kelso that stocks these is Edinburgh. I, along with other retail business along Spylaw Road, hope to encourage people to 'Shop Local' rather than venture to the big cities by stocking a wide range of products.

Quite the opposite to 'The Wonky Giraffe' pulling business away from the town, the classes and sewing retreats held at 'The Wonky Giraffe' often result in business and revenue being driven back into the town. Attendees 'make a day of it' and venture into Kelso for lunch or coffees, and those who have travelled from further afield have stayed in local Bed and Breakfasts and Hotels. Visitors from as far away as Thurso, Caithness, Dumfries, Glasgow, Aberdeen and Edinburgh have travelled specifically to visit 'The Wonky Giraffe', and it could be strongly argued that they'd never have come to Kelso otherwise. It is also worth noting that some of these visitors are the partners of fishermen, who now regularly visit the town whilst their other half is on the water. And, having posted orders to places as far away as Germany, Canada and Abu Dhabi, who knows if we might even end up with some international visitors coming to our town soon! Moreover, as a result of some of the events organised by 'The Wonky Giraffe', I too have driven revenue back into local retailers and businesses. For example, I've purchased numerous buffets from a local cafe for in house events, and I've repeatedly employed a local bus company to take groups of ladies through to Glasgow for big events.

In addition to supporting local businesses, I have worked closely with a range of charities to raise funds for their projects: MacMillan Cancer, Cancer Research UK, Maggies, The Ukraine Appeal, One Million Steps for Ellie, and The Poppy Appeal to name a few. In collaboration with another business in the town, the customers of 'The Wonky Giraffe' raised enough money for the Borders Search and Rescue Team to buy a new monitor for their command vehicle. I am a central collection point for handmade quilts that are donated to local hospitals and care homes. I support local fundraisers by donating raffle prizes, and have supported local schools and colleges by donating resources for small projects that the young people wouldn't have the chance to do otherwise.

Far from being away from the hustle and bustle of the town, 'The Wonky Giraffe' has played an important role in many community projects. We were an integral part in the creation of 'The Great Tapestry of Scotland'; several of the panels were stitched here, and many of the pieces were put together using the training space tables. Displays around the centre of Kelso have been possible because of resources provided by 'The Wonky Giraffe', not to mention because of the good will of the ladies who spend time here. It is only because of them that the town looked as great as it did at Christmas time and that we have an ever growing Remembrance Day display each year.

Perhaps most notably, I have worked hard to generate publicity around 'The Wonky Giraffe', which in turn has generated publicity for our town. I have been mentioned in magazine articles and worldwide publications, and I was the location for a news piece about 'The Great Tapestry of

Scotland'. Far from pulling the focus away from the town itself, I have actively sought to publicise the town I am proud to call my home.

'The Wonky Giraffe' has been running in its current location for just shy of two years, and all of the above has been achieved in that time alone. It is only by having relocated to the larger premises on the ground floor that I have been able to create what it is now. Far from pulling business away from the town, 'The Wonky Giraffe' brings people to the town, supports local businesses and pulls together to work on community projects enjoyed by all. The fact that the retail side of the business, specifically, is being questioned is absurd to me, especially when other retail businesses have been operating along Spylaw Road for years, and are most certainly not 'industrial' as it is claimed. On this point, it is also worth noting that there have been a lot of new industrial units built recently up and around Solomon Way, which is great for Kelso and employment for within town. However, there are industrial units within the Pinnaclehill Industrial site that have been empty for years. Therefore, if there is not a great demand for industrial units to be used as such, surely it is better to have them occupied rather than sitting empty?

As a side note, whilst writing this letter a lady has just this minute popped into the shop. Her and her husband have come all the way from Hexham. She has come to Kelso to visit The Wonky Giraffe, which she found out about from a friend. Her and her husband has spent a lovely day in the town, before coming to The Wonky Giraffe.

It is without surprise that I finish by saying I strongly support the application to change the use of the premises, for the community that has been built more than anything else that's at stake.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MS M MITCHELL

**Address: THE CLAYHOUSE, FEARS, JEDBURGH
TD8 0BN**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Case Officer: Euan Calvert

Customer Details:

Name: MARGARET ADAMS

**Address: 2, KNOWE HEAD
CORNHILL-ON-TWEED
NORTH → TD12 4UA,**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Case Officer: Euan Calvert

Customer Details:

Name: MARGARET MACKAY

Address: CONIFER COTTAGE 5 HUME HOLDING
GREENHAW BY DUNS TD10 6UW

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Case Officer: Euan Calvert

Customer Details:

Name: Margaret Thompson

Address: 2 Downham Farm Cottages, Mindrum Cornhill-on-Tweed, TD12 4QJ.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Case Officer: Euan Calvert

Customer Details:

Name: Mrs. MAREKRI WANKEL.

Address: CALKINHIN, 1 CHRISIELS BRAE
CHRISIELS, HANICK, TD9 8TQ

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Case Officer: Euan Calvert

Customer Details: MARILYN JACK

Name: WISMORE, NO 12 BROOMLEA

Address: COURT, KELSO TD5 7RD.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Mary Dryburgh

Address: The Roan, Lauder, Scottish Borders TD2 6SA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is an absolutely fantastic local independent business offering quality products and fabulous workshops to all. It brings people from all over the Borders and beyond to Kelso, and they return again and again as it is such a super place. Surely we want small local businesses to have the opportunity to grow and thrive. They not only generate business for themselves, but they also bring business and opportunities to other places in the town.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MOIRA MACMILLAN
Address: LYCH VIEW, FOGO, DUNN, TD11 3RA

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do


11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

If this business closes I will again be doing all my business in Melrose. The other businesses in the centre of town has NEVER since the day of opening kept to the advertised opening times therefore I stopped driving to Kelso. Whilst I fully sympathise with illness in a family a business should be open when advertised. The other business was so keen for quilters to visit it was ALWAYS closed on a Monday the day the quilters met. Since the day of opening the Wanky Giraffe has gone out of its way to cater to the needs & wishes of its customers. For me personally it means I spend in at least 5 other businesses in the town when I visit Kelso



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MOIRA PRENTICE

**Address: 71, CROFT Road
Kelso TD5 7EP.**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Wonderful asset to the community, would be a great shame to lose it.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MRS P. BLACKLOCK

**Address: 5 THE YETT
KIRK YETHOLM
KELSO TD5 8PL.**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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To this end I feel this application should be supported.



Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: P Marshall

Address: 22 Bowmont Court, Kelso, TD5 8JY

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 - Supports local Kelso people and those from surrounding areas
- 2 - Provides mental/education stimulation and therefore promotes well-being
- 3 - Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 - Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
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- 7 - Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 - Sited within an already mixed location of retail sites and business units (many of which sell to the public)
- 9 - Precedent is already set. This business has been established for three years and is continuing to bring visitors to the area.

10 - Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 - Many of the patrons of the business have been involved in community projects which benefit Kelso

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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Patsy Macaskill

Address: Sharvedda, Strathy Point, Thurso KW14 7RY

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I whole heartedly support this planning application. The locals are very fortunate to have such a great facility like this on their door step. It's a wonderful space for ladies getting together for sharing their crafts with each other and most importantly their mental health and wellbeing especially in these times. My highlight of the year is coming to Wonky Giraffe for a craft retreat. There is nowhere like it that offers wonderful surroundings, wonderful atmosphere and always meet delightful ladies. I take the opportunity to visit the Border Mill at Duns, to deliver my alpaca fleeces to be processed into wool. Kelso offers excellent accommodation, and restaurants also wonderful shopping experience. I hope this application gets approval as hope to return to Wonky Giraffe for craft retreat in the autumn.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Polly Fraser

Address: Steading Bank House, Overwells, Jedburgh, Scottish Borders TD8 6LT

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support the Wonky Giraffe business it is a unique shop in the Borders. It offers classes encouraging more people to Kelso and a good variety of fabrics and haberdashery as well as yarn and knitting supplies. The unit is big enough for groups to meet and craft together very useful for mental wellbeing

There is nowhere else that provides the depth and breath of fabric wool's haberdashery and learning courses in the Borders. It would be an enormous loss to the crafting community.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include

Case Officer: Euan Calvert

Customer Details:

Name: Rhona Rafferty

Address: 5 Keirhill gardens, westhill, Aberdeenshire
DD11 2 6AZ .

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
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To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr richard lindsley

Address: Kaimknowe Farmhouse, Kaimknowe, Kelso, Scottish Borders TD5 7NX

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I regard this businesses an asset to the Kelso community as it encourages tourists to the town and provides craft skills in needlecraft.

It provides a welcome meeting place with adequate parking facilities for crafters to further enrich their skills.

Invaluable support is given to many and diverse charities and deserves the support of the Kelso community.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr Robin Dodyk

Address: Ruskin, 19 Broomlands, Kelso, Scottish Borders TD5 7PR

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I make comment in full support of the change-of-use of the [part] building at the above.

Spylaw Road, is already a street of mixed use, from dwellings, gymnasiums, nurseries, merchants and indeed other existing retail outlets, all of which co-exist and thrive with no detriment to the surroundings and each with many of these 'a change...' away from industrial use.

Precedent has been set all along this road resulting in almost 100% occupancy of buildings which would otherwise have fallen into disrepair and eventual demolition: you need to look around other less fortunate towns in the Borders to see the problem.

The business operates in a unique way offering the handy-craft community a Borders facility to meet, learn and share ideas, and yes, with a chance to see and buy materials [also offered on-line] to boot.

People travel to this facility AND also spend time and money in Kelso itself. No doubt they will also visit the other craft shops and businesses in the town as well as cafes, pubs and hotels.

The proprietor, other crafters [and others] also contribute and provide to the community at large: displaying their handy work during the year - Remembrance, Christmas and the like.

Finally, not many moons ago, the building of Sainsbury's was mooted to be the death knell of the town center and yet, this has not proved to be the case.

Granting permission for this [or any] change-of-use is within the Councils remit for Planning & Business Development and trust approval will be given.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name:

HAI MRS SSELL
34 BOWMONT COURT

Address:

MILTON
UGL
TD5 8JY.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ROSA LIA ESPINOSA

Address: BIRNINGHOUSE, DUNS ROAD
Coldstream TD12 4JR

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

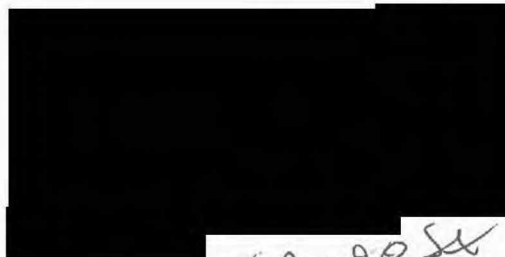
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To this end I feel this application should be supported.



R.H. 259 100 SW
30-3-2023

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Rose Weaver

Address: 21 Gowanlea, Coldstream, Scottish Borders TD12 4NU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am in full support of this application for change of use.

I believe the change of use of these two units to allow a retail and training amenity is to be welcomed. They are far enough away from the town centre to be of little detriment to existing businesses, (the other similar businesses within the town have a different offering), and sit in an area where there are already trade and retail counters available in nearby operations. The current tenant has been able to increase her offer in a niche market, showing a positive trend, set against the current difficult market environment. I am sure that any landlord, allowed the opportunity to give choice in operational use to any future tenant would make renting easier and maintain occupancy. Surely this is better than empty units providing no income to anyone.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Ruth Ellison

Address: 1 Bellshiel Farm Cottage, Duns, Scottish Borders TD11 3JA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Love this shop, real sense of community and in my opinion is an asset to the town.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Samira Hill

Address: 9 Park Avenue, Newtown St Boswells, Melrose, Scottish Borders TD6 0QU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: As a local, self employed professional teacher and crafter I strongly support the change of use application. I completely disagree with the argument that it draws customers from the town centre, I know people who visit the premises regularly and always meet and have lunch in the town first, or coffee and cake afterwards, as well as a browse around the high street shops. The current premises offers mostly unique products that are not available locally in such a broad range, and therefore are not in direct competition with other retailers. The educational premises are also not available elsewhere, and whilst not competing with any other business in the town in this capacity, it also draws a large crowd from most corners of the Borders. I totally agree with looking after the growth of high street / town centre shops, but I really do not think that, in this instance, the change of use for this application goes against this. If anything, it is a positive asset to the town.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Sandra Clark

Address: 25 The Yelt
Kirk Yetholm, Kelso
TD5 8PL

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
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- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
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- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

**Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders.
TD58DN**

**Proposal: proposed change of use for units 8-2 and 8-3 to mix use
include classes 1 and 10**

Case officer: Euan Calvert

Customer Details:

Mrs. Sharon Mackenzie

Aloha, Lanton, Jedburgh, TD8 6SU

Comment Details:

Comment Type: Member of the public

Stance: My comments are in support of the planning application.

First of all, I was shocked to hear that we might lose this facility in Kelso. Since I discovered this workshop 2 years ago I have completely changed my shopping regime now combining my weekly shop with a visit to the units where the crafting groups are held together with the shop which supplies a large variety of crafting materials needed for our hobbies. Our alternative would be to buy a lot of these materials online, taking away business from the Borders and, not everyone is online!

Contrary to comments made earlier about taking away business from the town centre, I now spend more time in Kelso visiting other shops in Kelso town centre, eating there and supporting one of the other retail businesses in Spylaw road.

Many people now come from all over the country and from abroad and with the activities that happen annually at the show ground i.e. the Border Union Championship dog show, many visitors spend at least a week in Kelso, and visit the crafting venues while they are here.

There is easy parking, disabled access into the unit and the warmest, friendliest welcome at all times. I have joined workshops, and met many new friends while learning new skills along the way. It is a haven for like minded crafters when relaxation and mindfulness is necessary at these times.

I fully support this application and feel it would be detrimental to Kelso to refuse this application.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Stanley Thompson

**Address: 2 Mindrum Farm Cottages, Mindrum
Cornhill, TD12 4QJ**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people both male and female and those from surrounding areas**
- 2 – Provides mental/education stimulation and therefore promotes well-being**
- 3 – Accessible car parking making it easier for older patrons or those with walking difficulties to visit the premises.**
- 4 – Encourages young people to attend, to learn skills which are being lost within main-stream education.**
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions, it has been invaluable to myself and my wife during our recent bereavement.**
- 6 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops**

7 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

8 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

9 – Provides a warm welcome to all including men and promotes what all shops in a small border's town should be aiming to do, I cannot drive and get around very well so a Men's shed is not on my agenda, but because of the size of the premises I am able to visit and socialize with other husbands whilst my wife shops. We then go into town for lunch and shopping and have a grand day out, none of the similar shops in the town centre can provide this and this has been an absolute life saver for me.

10 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Sue B. Fox

Address: DANSON COTTAGE
TREATY PARK
BIRGHAM
BERWICKSHIRE
TD12 4NG

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: Susan Fields

Name: Susan Fields

Address: 2 Station Cottages
Belford
Northumberland NE70 7DU

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Susan Finlayson

Address: Belmont, Wellogate Brae, Hawick, Scottish Borders TD9 9NE

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As a freelance embroidery tutor I have run a number of classes at these premises. A great deal of thought and work has gone into ensuring that the space is suitable for craft workshops and I have been unable to find other premises of such a high standard in the Kelso area.

The workshops I run give people the chance to learn new skills but more importantly they offer the opportunity for likeminded people to come together in a safe space, something which is increasingly important as we place more emphasis on mental and well as physical well-being. A number of community projects have been co-ordinated from these premises in recent years which have benefitted residents and visitors alike.

I know that other tutors and participants travel from neighbouring counties because the accommodation, access, parking and facilities are second to none.

Refusal of this change of use application would force individuals to move elsewhere for classes.

The retail space provides not just a much larger range of products than other similar retail outlets but also different ranges of fabrics, threads, yarns and haberdashery which would otherwise have to be purchased online.

Far from taking business away from the town centre the goods and services provided from these premises actually enhance and complement retailers, food outlets and attractions within Kelso. Many visitors choose to make a day of their visit and spend additional revenue in other outlets throughout the town. The business has been featured in a number of local and national magazines and media outlets further spreading the positive image of Kelso to crafters and visitors.

I can see no material reason for refusing this application.

[REDACTED]

From: Calvert, Euan
Sent: 24 March 2023 08:57
To: Planning & Regulatory Services
Subject: Fwd: Ancroft tractors Spylaw road

Please upload acknowledge
Mithanks

Sent from [Outlook for iOS](#)

From: Weatherston, Tom [REDACTED]
Sent: Thursday, March 23, 2023 5:08:16 PM
To: Calvert, Euan <ECalvert@scotborders.gov.uk>
Subject: Ancroft tractors Spylaw road

Euan
I can't get logged onto the portal can I comment this way please.

I would like to support this application for mixed use, as Spylaw Road is already very much a mixed-use area with a wide range of businesses and housing.
I support the principle of Industrial provision, but now Pinnacle hill is very much that area.
Spylaw road over many years has been allowed to develop into a mixed-use area with many well used businesses employing many people.
As well as housing there are retail businesses, garage workshops, car sales, hot food takeaway, a nursery and several more.
As things currently stand on this street, I can't see this new proposal causing a problem being mixed use, as that's exactly what currently exists on Spylaw road already.

Tom Weatherston
Elected Member
Kelso and District

Sent from [Outlook for iOS](#)

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Valerie A. Tait

Address: 3. East ord Gardens
Berwick upon Tweed
TD15 2LS

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Victoria Denley Spencer

Address: Braehour Farmhouse, Scotcalder, Halkirk KW12 6XJ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to express my complete support for this planning application. This is a fantastic facility and hub for the local community as on my initial holiday I went quilting. I met some very lovely local people, who enjoyed not only the shops merchandise, but also the classes and the friendships shared. The quilting greatly encouraged me to experience everything else that Kelso & the Borders region has to offer. I dined in some excellent Kelso restaurants, went shopping in really lovely gift shops, and A. Hume was a great find. I sampled delicious local bakery treats and stayed in a wonderful, welcoming B&B. We also found the Kelso Mill and took home sacks of oatmeal & porridge oats. On my first visit, I went to the wonderful Great Tapestry of Scotland, where this is stunning countryside wherever we went. I visited an Alpaca trekking centre not far from the town. I discovered the joy of a visit to the Borders. Six months later, I revisited Kelso, primarily to go to Wonky Giraffe shop but also headed into the town to shop the gift shops in town. They are so great and I got lots of birthday presents, stocking up with porridge oats too. I look forward to my visits to the Scottish Borders and Kelso has so much to offer but if had not been for this wonderful facility I was recommended to visit I would not have visited.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Victoria McNeill

Address: The Walled Garden, Coerlee Estate
Inverleith, EH44 6QX

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Wendy Guthrie

Address: 4 Hillview, Coldstream, Scottish Borders TD12 4ED

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Sir

I am in support for this application for proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10. for the following reasons

- 1 - Supports local Kelso people and those from surrounding areas
- 2 - Provides mental/education stimulation and therefore promotes well-being
- 3 - Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 - Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 - Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
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To this end I feel this application should be supported.

Wendy Guthrie

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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Brenda Forder

Address: 27 Eschiehaugh, Kelso, Scottish Borders TD5 7SJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: The proposed retrospective planning application will have a detrimental impact to Kelso Town centre and other towns further down the line.

Retail businesses pay a premium to operate from a high street than from an industrial unit. There are currently two established businesses within the town centre who are at a disadvantage if this application is granted.

All retail business small or large should all be playing to the same rules why should one benefit over others.

Do we want Kelso high street to go the way of other borders town I sure don't.

Having retail trading out of industrial brings in less monies to the council is that what we want.

If all industrial unit owners started to follow the same path of this application

- 1 - new industries will have nowhere to trade from
- 2 - The high streets will become ghost towns
- 3 - SBC will have less monies.

A lose,lose,lose.

Carol Brydon
17 Redpath Crescent
Galashiels
TD1 2QG

23 April 2023

Reference:

A. 23/00325/FUL | Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10 | U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

I wish to object to the above planning permission on the following grounds:

To permit the planning permission to go ahead would be in contradiction to the SBC Local Development Plan, Policy ED1 – Protection of Business and Industrial Land. The use of industrial estate is not acceptable use for retail and the application does not demonstrate how it is appropriate within the local category classification. In addition to permit this planning permission would appear to be contradictory to Policy ED3 which aims to protect and enhance the vitality and viability of town centres.

The application states “There has been no physical change to the premises relating to this proposed change of use; this relates to a current tenant of two specified units and their business operations. Originally the business began operation as an online store in the second half of 2020 and therefore the use of the premises may have been aligned to the permitted use of the unit e.g. Class 6 which I believe can only be changed to class 4. By December 2020 as evidenced by their website they acknowledged themselves as a “non essential shop” and would be closed as per the Government COVID requirements and have since expanded to include facilities for training, classes and group sessions. Clearly defining them as a Class 1 business.

Kelso is one of the few thriving town centres within the Borders. With many high streets offering more than adequate high street retail facilities in which businesses can be operating from should the council not be encouraging them to set up in the town centres?

I understand that the Kelso Community Council is moving to support this application on the basis that there has been a great deal of support for the application. Since when did points make prizes over local policy? On that basis I would encourage each business in the Kelso Town Centre to draft a form for their loyal customers to complete in objection of this planning request to even the playing field.

It's important that local policy is complied with to ensure that our local businesses and town centres thrive on a fair and level playing field. Allowing businesses who have not complied with planning permission, whether by design or ignorance (which is no defence), retrospective planning permission on the basis of having traded for a period of time should not be permitted.

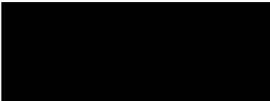
By permitting this planning permission to proceed, SBC are encouraging current businesses and new businesses to leave the high street and move to cheaper industrial facilities. I overhead the owner of one businesses owner currently trading in the industrial estate, state this as the very reason for them leaving their facility in Kelso Town Centre. Businesses in the town centres who play by the rules and incur higher operating costs are being penalised for playing by the rules.

For each argument in support of this application the same can be said of many businesses not just in Kelso Town Centre but in all our town centres. Each town centre business owner supports the local people and those from surrounding areas. Many town centre business owners provide education and stimulation and support mental health and wellbeing for young and old. What about the mental health and wellbeing of the town centre business who have managed to survive COVID and are struggling like everyone else to continue to operate in such a difficult financial climate? Town centres have accessible parking for all.

I would argue that given the out-of-town location, it isn't a given that the wider town centre benefits. The tenant referred to in the application provides refreshments for those attending classes therefore it could be argued negating a need for its customers from visiting the town centre, rather than encouraging it. In addition, one would question if there is adequate public transport between this site and the town centre to ensure a symbiotic relationship exists for the whole community.

I understand that support has been given on the basis that there are other retail businesses operating from this site, thereby setting a precedent. I would advise that it would be prudent of SBC to carry out its due diligence on these "retail" business to ensure they are compliant with the ED1 Policy.

Carol Brydon



Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr C R Jamieson

Address: 25 Queens Acre, Kelso, Scottish Borders TD5 7UN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: This is a retail outlet out with the town centre within an industrial environment, it does not have the infrastructure of public transport and amenities available to its end users. It fails to even have a sole user toilet facility for the general public. Trade businesses within this area do not relate to the retail change of use the premises owner is applying for. It is on these basis that I strongly oppose this planning application. When do we stop damaging our high streets and start protecting them?

Wasn't this the site also former saw mill which means it comes under contaminated land??... I'm sure there was a furniture maker that came up against this issue.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Eileen Gilchrist

Address: 2 Mellerstain Mill Cottages, Kelso, Scottish Borders TD5 7SB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: This would be a retail facility in an area whose purpose is to be used for industrial facilities therefore the expectation would be that the general public would not be in and around the area on a regular basis. There are no toilet facilities for the public nor even a cafe. That's what the high street shops are for. To allow a retail business to trade here would open the floodgates to other retail businesses leaving the high street for larger cheaper premises leaving the town centre like so many others in the borders a ghost town. Let's keep the town centre for retail as it should be and the industrial sites as just that.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Ms Lynne Wotherspoon

Address: Unit 1 Ground Floor, 36 - 40 Horsemarket, Kelso, Scottish Borders TD5 7HD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Health Issues
- Increased traffic
- Land affected
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety

Comment: I object to this application for change of use to mixed retail; the area of Spylaw Road is not within the strategic plan of the town centre of Kelso which is where the town's retail shops are situated. Unit 8-2, which is the larger of the two units, measuring 153.8m², is predominantly retail and has been operating since 2020 with a smaller unit of 68.96m², that has been rented since last year to be used for classes. The trading of this business from these premises has already had a knock on effect for the Towns Abbey Row Centre as it used to host some of the classes that are now held at the U-Stor premises. Sadly this has an impact on the ongoing viability of community led hubs such as the Abbey Row Centre and other village halls that have been/could have housed community groups that use such amenities for group learning purposes, whereas this learning area is being run as a business for personal gain and it is attached to non-compliant retail premises thus leaving the viability of the community hubs in limbo.

If Mr Beveridge is successful with this application to change the two areas of this building, where does he stop applying for retail status on the multiple remaining units he owns and rents in the same building/street creating an out of town shopping centre. It is not the current tenant that has retail rights it the owner, this then means that any subsequent tenants may also trade as retail from these premises. A quick look on the Scottish Assessors Website shows that Mr Beveridge owns a total of 18 Units within these premises and those are only the units listed under his business name of U-Stor Business Units. Mr Beveridge also owns multiple sites where he has

sited storage containers but when does he decide to apply for planning permission to build on these plots of land.

The businesses with existing mixed retail status on this same street are as follows:

Travis Perkins- Builders merchants to the trade, this has a small retail trade counter area dedicated to b2b sales

ABL Agriparts Borders Ltd- Agricultural Tools and Welding Supplies to trade services

Crop Services/ Country Corner- Agricultural feed suppliers, Horsewear suppliers and outdoor wear

Some of the other businesses on this same street which are unable to trade from retail premises on the high street are :

Tweedside Light Commercials Ltd - Commercial Vehicle Sales / Commercial Garage Services

Spylaw Motors - Vehicle Sales and Garage services

Bordaloo Ltd - Commercial Portable Toilet Rental

Border Mouldings Ltd - Trade B 2 B Business

Day Nursey - Child Care

The Muscle Factory - Gym

Borders Ornamental Iron - wrought iron metal works

Other businesses within the U-Stor Premises

George W Cockburn Ltd - Water & Sewerage Ground workers

Michael Noon - Noon Entertainment Hire (Bouncy Castles, DJ)

Darren Paxton - Plumbing and Heating Supplies

Nurture Landscapers Ltd - Landscaping services

Douglas Home & Co - Accountants

Not one of these trade businesses relate to the tenants proposed retail use, who's customer demographic is completely the opposite of tradespeople/Agricultural workers or Service orientated businesses. Instead, their customer demographic is predominantly elderly/retired people. On viewing this street on Google Earth, an agricultural Fertiliser trailer/container attached to a tractor is parked opposite the Crop Services/Country Corner entrance and a large Green agricultural farming vehicle parked within their car parking area so this business is clearly not geared up for the general public but rather to those who deal with agricultural/livestock/ Horses and Working Animals even although they have a small area dedicated to retail it has a trade counter operating and its retail area outdoor wear/ wellingtons. Businesses on Spylaw Road are grossly different to those of the Market Town centre of Kelso, which has conservation status and is a place brimming with diverse shops and cafes, views of the river and Floors Castle , The Kelso Abbey, stunning architecture and of course the largest cobbled market square in Scotland. The hotels and B&B's are all within the town centre. There are no notable places for the general public on or near Spylaw Road, no cafes (the one that was in Sainsbury's has since closed down), no public toilets, Gift Shops, Shoe Shops, Cookware/ homeware shops, Art Galleries, Butchers, men and women's wear clothing shops, florists, hairdressers, Toy Shops, Furniture Shops, Charity shops. Does Kelso and the people of Kelso want visitors lasting memories to be that of an industrial estate? The premises are also quite a distance up the hill from the town centre and as such with its customers being primarily elderly and/or retired, for those that don't drive it is quite a trek and once they get there, there are no facilities like cafes or other businesses that would compliment this

businesses and its customer demographic. There is certainly no seated covered bus shelters to wait for a bus or taxi.

I also do not believe that the premises are wholly suitable either to accommodate classes or large groups in that there is no dedicated toilet facility within either of these units 8-2 & 8-3. As per the plans attached to this application, to make use of the toilet facilities you need to leave the unit premises and walk outside into another part of the building, in order to access the shared mix use toilets with the 18 other unit tenants. Are there not planning regulations in force that determine the required number of toilets based on the numbers of people visiting these premises? Photographs from the current business tenants' and the major driving force for this application, Facebook and Instagram page, clearly show more than 40 women in one photo alone, all of whom are eating and drinking. Therefore, I do not believe the toilet facilities meet the current planning regulations, taking into account the numbers of other users within the remaining units as well as the large numbers this business has over its threshold at any one time. There is also no provision for disabled users should they need to use the toilet as it is up 4 steps according to the plans include in this application.

The previous occupant of both these units was Tom Butler Furniture maker, who had constraints imposed on his planning application as the property has previously been listed on the Contaminated Land Register, surely it would require soil and core testing to be carried out to ensure the safety of the multiple people this business may have over its doors. Tom Butlers application to turn it into furniture manufacturing is available for the general public to see as is the notification of it being listed on the contaminated land registry via this portal. There is currently land that has lain derelict for years on the Station road side of the junction and has been like this for sometime due to it also being on the Contaminated Land Register.

The existing business clearly shows on it's Social Media page, that they have two dedicated car parking spaces for their patronage within the U-Stor car park, with the only other alternative parking being on street. There are some laybys on the side of the road for parking as there are often large articulated vehicles going to the stone/concrete works at the very end of this street and it therefore allows safe passage. However bringing more vehicles into this street will only add to the congested parking bays outside Tweedside Commercials and the full parking bays outside the dog groomers and the other industrial units within the old Scotmas premises. This in turn compromises the safety of the users of other businesses within the environs and more so that of the children's nursery as it is bringing more vehicular traffic and creating issues with congestion due to extra vehicles being brought into the area, bearing in mind a daytime class may mean all day parking required for anywhere from 12-50 people. (I am sure they are not arriving in just two vehicles). Not to mention the additional people visiting the shop/ retail aspect of this business at the same time classes are on. There are also private residences on this street, it is not always easy as a property owner to voice views on planning as they are then potentially targeted as being difficult, these homeowners will be impacted when large numbers of patrons park up to get on a bus trip and leave their vehicles there all day or come along to a class/ group meet. There are also evening classes as well which means the parking issue and noise does not simply disappear at 5pm when most of these businesses close their doors.

Had this business opened its doors within the town centre it would have access to the many car

parking facilities within the town centre and also many disabled spaces for its disabled patronage just the same for any other business trading locally. The shops patronage would shop within the existing thriving town centre shops and cafes etc, as its patrons would be passing by multiple businesses open to the general public to get from parking areas to their shop premises. However this is not the case.

The area of Kelso has always had the Retail element of businesses serving the general public within the Strategic plan for Kelso, which has always been within the conservation town centre area, keeping the industrial zoned areas as predominantly Spylaw Road, Pinnaclehill Industrial estate and the area behind the old Pinnaclehill Industrial Estate forming the new industrial units where Tim Burton Wines has their warehouse. This planning application is detrimental to this structure, one that has served Kelso so well, stopping our town becoming like many of the others, Galashiels, Hawick and Duns. Kelso is a historic town with many diverse shops within its town centre, to allow this application to go ahead jeopardises the stability and structure of the town centre moving forward for years to come. People come to Kelso because it's high street has survived but for how long if we allow planning applications such as this to go ahead. Not only that, it is removing valuable smaller industrial spaces for industrial/trade businesses that cannot operate from a retail unit or a massive industrial site. I believe that John Lamont has already been involved with another party that had shown interest in these premises prior to the current tenant and that their business was of a B2B nature. The current premises owner IS aware that planning permission must be sought for change of use as he has supported other businesses in the past in seeking change of use applications, which can also be downloaded read on the Scottish Borders Planning Portal. So one has to ask the question why is this planning is being sought retrospectively and nearly 2.5 years after this tenant initially moved in and started trading?

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs MELANIE BURTON

Address: Paddington, Cliftonhill, Ednam Kelso, Scottish Borders TD5 7QE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a retail premises in an industrial area. It has gained financial advantages over those similar retail ventures within the town by operating illegally. All businesses should be entitled to a level playing field.

As a customer of these types of shops I would say that the shop does not offer anything that is not available in the town itself.

As a cafe owner in the town I appreciate the town businesses bringing customers to my premises, which this business will not.

Sue Fox.
Damson Cottage,
Treaty Park,
Birgham,
Coldstream,
Scottish Borders.
TD12 4NG.

Planning Ref: 23/0034/RREF
18.7. 2023

Agenda Item 4h

Dear Sir,

In response to your letter of 11.7.2023 I am writing to make further representations in respect of the review of change of use for Units 8-2 and 8-3, Spylaw Road, Kelso.

These Units were set up as a venue for supplying the local community- and from afar - with the requirements for crafters of all disciplines --Quilters, sewers, embroiderers, knitters etc,etc. But what is as important, it is a Hub for people, mostly women, lonely, widowed or anyone just wanting a chat and a coffee in a lovely setting with like minded people, all doing there own thing. Many of them have shown large improvements in their mental health and once again are enjoying life having taken up an old skill or learnt a new one.

At this venue there is ample car parking, a toilet, coffee making facilities and space and congenial company in a beautifully set out airy, spacious welcoming atmosphere. The choice of lovely material and other requirements are huge.

If Kelso were to lose this facility it would be tragic, so much effort has been put into getting this retail outlet up and running in an area where there are many other retail outlets.

The possibilities for children and adults in this place are enormous. Knowledgeable speakers and demonstrators are on an extensive timetable.

Many people come to this venue from the surrounding countryside, spend time there and then go into Kelso and spend time there as well, so it is an asset all round.

The proprietor is the most delightful person who welcomes one and all.

So please give what I, and I am sure what many others have said, a favourable outcome at The Review at the end of October.

Yours faithfully,



18/07/2023, 17:48

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**Local Review Body – List of Policies
23rd October 2023**

Local Review Reference: 23/00034/RREF

Planning Application Reference: 23/00325/FUL

Development Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10 at U-Stor Business Units

Location: U-Stor Business Units, Spylaw Road, Kelso

Applicant: U-Store Business Units Ltd

National Planning Framework 4

Policy 26: Business and industry

Policy 27: City, town, local and commercial centres

Scottish Borders Local Development Plan 2016 (LDP)

PMD2: Quality Standards

ED1: Protection of Business and Employment Land

ED3: Town Centres and Shopping Development

HD3: Protection of Residential Amenity

IS7: Parking Provision and Standards

Other Material Considerations:

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

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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 2013

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)	Agent (if any)
Name Gary Johnstone	Name
Address 24A Etrick Terrace Hawick	Address
Postcode TD9 9LJ	Postcode
Contact Telephone 1 [REDACTED]	Contact Telephone 1
Contact Telephone 2 [REDACTED]	Contact Telephone 2
E-mail* [REDACTED]	E-mail*
	Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>
	Yes No
* Do you agree to correspondence regarding your review being sent by e-mail?	<input checked="" type="checkbox"/> <input type="checkbox"/>

Planning authority Scottish Borders Council
 Planning authority's application reference number 23/00847/FUL
 Site address 24A Etrick Terrace, Hawick, TD9 9LJ

Description of proposed development Erection of boundary fence

Date of application 02/06/2023 Date of decision (if any) 02/08/2023

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 (tick one box)

- 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:

To establish the reasons for the refusal and discuss what, if any, the impact of the fence is.

Site inspection

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

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

You must state, in full, why you are seeking a review of 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.

I am seeking a review of my application on the basis that the refusal does not appear to be in line with the application itself. The refusal suggests that the proposal could constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Firstly, the proposal relates to a garden fence which I would argue is not a development. The fence has replaced a pre-existing hedge and is no higher than this ever was. Whilst I understand the permissions surrounding hedges vary, I would point out that the appearance in regard to height has not altered. Please also note that a partial fence with gate, offering side entrance to the property, was replaced with the current fence which is of equal height. Therefore one structure was replaced with another with no change in height/appearance. The fence starts from the side extension of our building, which at the opposite end, has a fence much higher than ours, housing an electric substation (see images 1-3). I would therefore argue that this fence is in keeping with the surrounding area. The position of my house is not of a traditional front facing home, whereby the house structure creates a natural privacy barrier between the road and garden, as my house sits on a corner plot at an angle, and this offers no privacy to the side and rear elevations. This set-up allows anyone driving by or walking by to see and access my private property. The fence provides a security barrier to allow my young children to play in the garden space. Furthermore, I would point out that the terraces area of Hawick is a busy area, both in terms of traffic and footfall. Please see attached various images (4-10) which evidence the types of vehicles which park (without restriction) next to our perimeter/garden fence on a daily basis. This not only negates the fence height, as most of the vehicles are taller resulting in the fence almost becoming unseen, but also encroaches massively on our privacy. In addition to the above, and an issue that was not mentioned in the original proposal due to the fact it wasn't there, is the installation of a new telegraph pole directly outside our fence (near touching). May I point out that no neighbours were informed of this installation – which exceeds 1 meter in height and may possibly constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area, see images 11 & 12... (see attached statement).

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.

The addition/installation of the new telegraph pole has happened post submission and I was unaware this was happening.

List of documents and evidence

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. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Review Statemnet
Images 1 - 12

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 25/10/2023

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

Image 1



Image 2



Image 3



Image 4



Image 5



Image 6



Image 7



Image 8



Image 9



Image 10



Image 11



Image 12



Mr Gary Johnstone
24 - 1 Ettrick
Terrace Hawick
Scottish Borders
TD9 9LJ

Please ask
☎:

Stuart Small
01835 825055

23/00847/FUL

Our Ref:

Your Ref:

stuart.small@scotborders.gov.uk

E-Mail:

2nd August 2023

Date:

Dear Sir/Madam

PLANNING APPLICATION AT 24 - 1 Ettrick Terrace Hawick Scottish Borders TD9 9LJ

PROPOSED DEVELOPMENT: Erection of boundary fence (retrospective)

APPLICANT: Mr Gary Johnstone

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 23/00847/FUL

To : Mr Gary Johnstone 24 - 1 Etrick Terrace Hawick Scottish Borders TD9 9LJ

With reference to your application validated on **2nd June 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of boundary fence (retrospective)

at : 24 - 1 Etrick Terrace Hawick Scottish Borders TD9 9LJ

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

**Dated 1st August 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00847/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
A Location Plan	Location Plan	Refused
Fence	Photos	Refused
Fence 2	Photos	Refused
Fence 3	Photos	Refused
Fence 4	Photos	Refused
Fence 5	Photos	Refused
Fence 6	Photos	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area.

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 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 (as amended).

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SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00847/FUL

APPLICANT : Mr Gary Johnstone

AGENT :

DEVELOPMENT : Erection of boundary fence (retrospective)

LOCATION: 24 - 1 Ettrick Terrace
Hawick
Scottish Borders
TD9 9LJ

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A Location Plan	Location Plan	Refused
Fence	Photos	Refused
Fence 2	Photos	Refused
Fence 3	Photos	Refused
Fence 4	Photos	Refused
Fence 5	Photos	Refused
Fence 6	Photos	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

No consultations were received.

One representation was received from a Mr Michael Scott who objected to the proposal on the basis of the height of the fence.

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

National Planning Policy Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

Policy 14: Design, quality and Place

Policy 16: Quality homes

Scottish Borders Local Development Plan (2016)

Policy PMD2: Quality Standards

Policy HD3: Protection of Residential Amenity

Supplementary Planning Guidance:

Placemaking and Design (2010)
Householder Development (2006)

Recommendation by - Stuart Small on 31st July 2023

This application seeks retrospective planning permission for the erection of a boundary fence at 24-1 Ettrick Terrace, Hawick. The site is an end terraced dwellinghouse located at the junction of Ettrick Terrace and St Ninians Road. The height of the fence is 1.6 metres.

Assessment

The key planning issues under consideration for the assessment of the application are the scale, design and materials of the development and the impact it has on the amenity and privacy of neighbouring properties.

Layout, siting and design

Policy PMD2 of the Local Development Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy 14 of NPF4 protects against developments that are poorly designed and detrimental to the amenity of the surrounding area.

Ettrick Terrace and St Ninians Road is characterised by similar dwellings that are set back from the public road and footpath and are set within generous areas of front garden ground. The character of the front gardens between the dwellings and the public road vary along Ettrick Terrace but those that have not been converted to driveways all feature low boundary treatments. Other tall fences may exist in the general surrounding area, but this street is not characterised by them.

The 1.6m fence appears to be excessively high adjacent to the roadway and has an intrusive impact upon the visual amenities of the area given this part is characterised by hedges and low fencing/walls. As such, the fence appears as an uncomfortably placed structure in this particular setting and forms an incongruous feature that would not be in keeping with the surrounding area. For this reason, it is considered that the fence is contrary to Policy PMD2.

Residential amenity

Policy HD3 of the LDP and Policy 16 of the NPF4 aims to protect the amenity and privacy of neighbouring properties from inappropriate development. I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and I am satisfied that the proposal does not adversely impact upon daylight, sunlight, outlook and privacy. The proposal is considered to comply with Policy HD3 of the LDP and Policy 16 of NPF4.

REASON FOR DECISION:

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area.

Recommendation: Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.



Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100629812-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

An existing garden hedge has been removed due to littering, overgrowth and upkeep issues and has been replaced with a perimeter fence of equal height. The fence is a traditional featherboard style and is approximately 160cm in height from the footpath.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

19/12/2022

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

It was not known that prior planning permission was required for this work.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Gary"/>	Building Number:	<input type="text" value="24A"/>
Last Name: *	<input type="text" value="Johnstone"/>	Address 1 (Street): *	<input type="text" value="24A Ettrick Terrace"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Hawick"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD9 9LJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="24-1 ETRICK TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="HAWICK"/>
Post Code:	<input type="text" value="TD9 9LJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="614782"/>	Easting	<input type="text" value="350695"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Gary Johnstone

On behalf of:

Date: 26/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Gary Johnstone

Declaration Date: 30/05/2023

Payment Details

Online payment: XM0100007147
Payment date: 31/05/2023 12:40:00

Created: 31/05/2023 12:40

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Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



129.8m

El
Sub
Sta

24

132.0m

1

11

St Ninian's Road

33

34

137.8m

18

Ettrick Terrac

Twirlees Terrac

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



23/00847/FUL
01/08/2023

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



REFUSED

subject to the
requirements of the
associated Decision
Notice



Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

23/00847/FUL
01/08/2023

REFUSED

subject to the
requirements of the
associated Decision
Notice



e291

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



23/00847/FUL
01/08/2023

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



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Comments for Planning Application 23/00847/FUL

Application Summary

Application Number: 23/00847/FUL

Address: 24 - 1 Ettrick Terrace Hawick Scottish Borders TD9 9LJ

Proposal: Erection of boundary fence (retrospective)

Case Officer: Stuart Small

Customer Details

Name: Mr Michael Scott

Address: Thornhill, 8 Marmion Road, Hawick, Scottish Borders TD9 9PD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of

Comment: Due to the height of the fence is obstructing the view to the junction, also there is a height restriction that is 1 metre that most fencers stick to.

But once again people build cowboy builder try to get away with things under permitted development. To be honest the parking over the junction is a joke which should be double yellow lines.

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**Local Review Body – List of Policies
18th December 2023**

Local Review Reference: 23/00045/RREF

Planning Application Reference: 23/00847/FUL

Development Proposal: Erection of boundary fence (retrospective)

Location: 24 - 1 Etrick Terrace, Hawick

Applicant: Mr Gary Johnstone

National Planning Framework 4

Policy 1: Tackling the climate and nature crises

Policy 14: Design, quality and Place

Policy 16: Quality homes

Scottish Borders Local Development Plan 2016 (LDP)

Policy PMD2: Quality Standards

Policy HD3: Protection of Residential Amenity

Other Material Considerations:

SBC Supplementary Planning Guidance on

- Placemaking and Design 2010
- Householder Development (incorporating Privacy and Sunlight Guide) 2006

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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 2013

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Keith Robertson

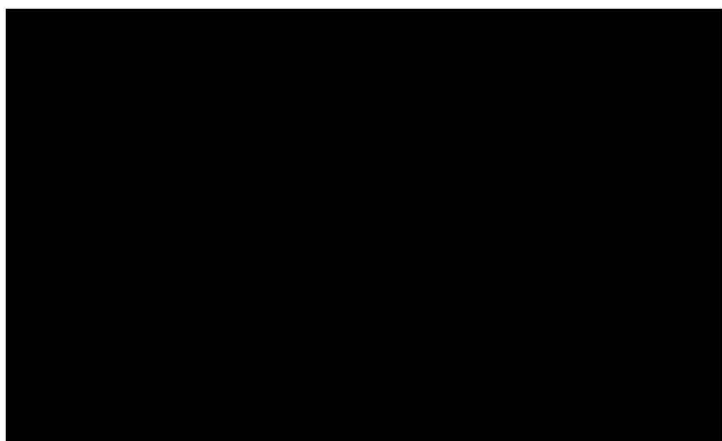
Address Almakeni, Redpath, Earlston

Postcode TD4 6AD

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

E-mail* [REDACTED]



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

Yes No

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

Planning authority Scottish Borders Council

Planning authority's application reference number 23/01014?FUL

Site address Garden Ground of Glenbield, Redpath, Earlston. TD4 6AD

Description of proposed development Erection of Dwelling House

Date of application 6 July 2023

Date of decision (if any) 15 September 2023

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 (tick one box)

- 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:

Full consideration should be given to previous planning consents within the village of Redpath. No opportunity was provided to discuss the application, with the Planning Officer, prior to the application being determined.

Site inspection

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

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

List of documents and evidence

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. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Supporting Information Document
 Photographs of other Dwelling Houses and Dwelling House Extensions within Redpath Village
 Google Maps Plan to view Dwelling House Developments within Redpath

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 Date 30-10-2023

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scothborders.gov.uk

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Planning Application : 23/01014/FUL - Refused
Local Review Body Appeal : Supporting Information

Introduction

Keith and Alison have been Redpath residents since 2003.

Nicola Robertson, the couple's daughter, is a single parent, with two daughters, aged 9 and 11 years and has owned Glenfield since May 2017.

Design and Planning Application Considerations

Policies, 4,7, 14 and 16 of National Planning Framework 4 (NPF4)
Policies EP4 and EP9 of National Planning Framework 4 (NPF4)
PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 (SBLDP2016)
Council's Supplementary Planning Guidance Placemaking and Design 2010 (SPG 2010)

The above policies were considered, in detail, in conjunction with the reasons behind applying for Planning consent.

Reasons for Planning Application

Keith and Alison plan to stay in Redpath and continue to enjoy the particular way of life that the small, conservation village provides. They, also, wish to stay close to Nicola and their granddaughters in order to maintain their strong family bond, together with providing child/youth minding assistance, for Nicola, in her position as a neonatal nurse practitioner at the Borders General Hospital.

Keith and Alison currently live in Almakeni, Redpath. The house and garden are likely to become too onerous in terms of upkeep as the couple are now 68 years and 66 years old respectively.

Building the new dwelling is future proofing themselves against having to move out of the village, while continuing to provide independence and privacy to both them and Nicola.

This was explained to the neighbours who would be directly affected by the new development and other village residents who expressed an interest when advised of the proposed development. There were no objections, to the proposed development, from any resident within the village.

Planning Policy Considerations

Keith, Alison and Nicola Robertson carefully considered the design of the new build and its positioning on the site, prior to lodging the application. The siting of the building and the ridge height, maintains the linear nature, of the two buildings, in relation to the access road. The new build extends to the rear/south of the site (Similar to the majority of extensions to houses along the south side of the village access road) and seeks to create a degree of symmetry once both properties have been developed as planned.

Please refer to Planning Application 23/00407/FUL - Approved

There are only two, small, frosted windows planned for the west elevation, overlooking the Glenfield property, with rooflights installed to create light within the new build.

Planning Application : 23/01014/FUL – Refused
Local Review Body Appeal : Supporting Information

Planning Policy Considerations (Continued)

There are wide variations in house design, size and positioning within sites, throughout the village, however, thoughtful consideration was given to the existing house designs and house extensions, erected in recent years, within the village, namely; Harefield House, The Paddocks, Pear Tree Cottage, Ahlon House, Park Cottage, Glenview and Solstice, all on the same, south side of the village access road.

Design and Planning Application Considerations (Continued)

Careful consideration was, also, given to the proposed vehicle access and parking area on the proposed, new house, development site.

The objective was to keep the site access to a minimum width and retain as much as possible of the hedge boundary, between the village access road and the proposed development. The frontage, north gable end of the house will only be visible, from the village access road, approaching from the west end of the village. The sub-station and existing hedge blocks the proposed new build from directly in front of the new dwelling.

We believe that two vehicles can be parked within the area provided and manoeuvred in order for both to be turned around within it. To our knowledge, neither the Planning Department or Roads Planning Service representatives have visited the site to confirm whether this is the case or not.

The timber cladding, to the gable end, which would front the access road, was selected as a design affect and we are happy to change this to a cladding that is acceptable for Planning Policy in the area. The Planning Officer did not raise this as a specific issue prior to the Planning Refusal decision.

House Design, Previous Extension Sizes in Relation to Existing Properties and Site Layout Issues

It is suggested that the following information be considered in conjunction with viewing Google Maps and the attached photographs provided for each property.

The colour coded text addresses the Recommended Refusal clauses as follows ;

1. Blue (Policy 14 of NPF4) (PMD2 and PMD5 of SBLDP2016) (SPG2010)
2. Green (Policy 7&14 of NPF4) PMD2, PMD5 and EP9 of SBLDP2016) (SPG2010)
3. Yellow (Policy 7&14 of NPF4) PMD2, PMD5 and EP9 of SBLDP2016) (SPG2010)
4. Purple (PMD2 & IS7 of SBLDP 2016)

As you enter the village, the first property, on the south side of the access road, is Harefield House, a substantial, two story, detached property, with a large, 1.5 story, double garage extending to the north of the house. This has a gable end facing the village access road. The entirety of the west and north elevation is clearly visible from the access road. The orientation and layout of this building establishes a precedent for a new build being out of keeping with the established character and pattern of the street scene, resulting in adverse impacts on the character and appearance of the Conservation Area.

See attached photograph

Planning Application : 23/01014/FUL – Refused
Local Review Body Appeal : Supporting Information

The second property, The Paddocks, is a single story, detached property, which has had two, substantial extensions erected to the rear of the original dwelling and extends approximately 10 metres beyond the south wall of the original house. These extensions have almost tripled the size of the original property.

The West extension to the building runs approximately 2 metres from and along the line of the boundary fence with the neighbouring property, Cabrachan.

See attached photograph

The third property, Cabrachan is a 1.5 story, detached house, built in a town-like design.

See attached photograph

The fourth and fifth properties, Sundial Cottage and Pear Tree Cottage, respectively, are stone built, semi-detached cottages, on the roadside, which were built in the early life of the village.

See attached photograph

Pear Tree Cottage has recently had two extensions, erected to the rear / south of the house. These extensions take up a large part of a narrow site and more than double the size of the original, semi-detached building.

The timber cladding, to the west elevation, of the west extension, is clearly visible from the village access road.

See attached photograph

The sixth property, Ahlon House, is a 1.5 story building, with a double garage to the East and North of the house and set at a c45 degree angle to the house. The gable end and garage is clearly visible from the village access road.

See attached photograph

The seventh property, Old Post Office, is situated at the east end of three, single story, stone built, terraced cottages and, as such, is semi-detached. These cottages are on the roadside and were built in the early life of the village.

See attached photograph

The eighth property, Park Cottage, is the terraced cottage as described above, and has had an extension erected, to the rear / south of the original building, which has approximately doubled the size of the original cottage. This is a very narrow site. The east and west facing windows, on the extension, look onto the neighbouring gardens.

See attached photograph

The ninth property, Glenview, is situated at the west end of the row of terraced, roadside cottages. It has had two extensions erected to the rear / south of the property. This a very narrow site. The east and west facing windows, on the extension, look onto the neighbouring gardens.

See attached photograph

The tenth property, Solstice, has a double garage, situated to the east of the house, with the gable end facing towards the village access road. There is approximately 2 -3 metres distance between the house and the garage. This gable end elevation is clearly visible from the village access road.

There has been a substantial extension, erected to the rear/south of the original house.

See attached photograph

Planning Application : 23/01014/FUL – Refused
Local Review Body Appeal : Supporting Information

The eleventh property, Braeside, is the neighbouring house to the east of Glenbield and the proposed new house development. It is a two story house, with its west gable end being approximately 15 metres from the boundary shared with the proposed development. A well established, 2.5 metres tall hedge and a drystone dyke separate the properties. Only one, first floor window looks onto the proposed development in Glenbield.
See attached photograph

The twelfth property, Glenbield, is a single story house, with planning consent (23/00407/FUL) to extend upwards and to the rear/south of the house.
The New Build Planning Application (23/01014/FUL) is situated to the east of the house.
Detail of the "*Design and Planning Application Considerations*" is provided under this heading, within this document.
See attached photograph

The thirteenth property, Rowan Cottage, is a single story house and is one of a six house development, built in 2002/03. This house is the west neighbouring property to Glenbield and the properties have a shared, road access, from the village access road to the rear of the properties.
See attached photograph

The fourteenth (Birch Cottage) and fifteenth (Chapter Cottage) properties, are two of a six house development. Birch Cottage has a front elevation similar to others in the village access road and Chapter Cottage has a gable end, front elevation to the access road. They are joined by single garages and have off-street parking for one vehicle.
See attached photograph

Planning Application : 23/01014/FUL – Refused
Local Review Body Appeal : Supporting Information

Summary

The above information provides the rationale to support the appeal against Planning Application 23/01014/FUL - Refusal.

1. Sizeable house extensions, on similar, narrow and smaller sites, to that of the subject of this Planning Application, have been erected, in Redpath, in recent years.
2. The street scene or frontage to the south of the Village access road presents a very varied picture in relation to the design, size and linear nature of the properties on the south side of the village. The orientation, layout and density of the proposal is in keeping with that already present within other properties in the village.
The gable end frontage and proximity to Glenfield is replicated in the layout of the Ahlon House property, although this is a substantial garage, not a house. Harefield House, The Paddocks and Chapter Cottage have gable end elevations facing the village access road.
3. The design of the proposed house is sympathetic and in keeping with other design characters present in the village. The timber cladded, gable end frontage, to the village access road, seeks to support the introduction of timber cladding to parts of dwelling houses on the south side of the village and the fact that this type of cladding is visible, on the west elevation of Pear Tree Cottage, from the access road. This type of cladding is not a necessity and a cladding, similar to that on Glenfield, is acceptable to the applicant.
The gable end frontage and proximity to Glenfield is replicated in the layout of the Ahlon House property, although this is a substantial garage, not a house. Harefield House, The Paddocks and Chapter Cottage have gable end elevations facing the village access road.
4. The layout, of the proposed parking area, is designed to be sympathetic towards the current and future owners of Glenfield. The west end, car park area boundary has been restricted to keep it from overlapping a bedroom window in Glenfield.
It is believed that there is sufficient room, for two, sizeable vehicles to park, manoeuvre and turn within the site. We are happy to demonstrate this to the Roads Planning Service Department.

It is our opinion that thorough consideration of previous planning precedent, within the village, has not been undertaken. We were not offered the opportunity of consultation with the Planning Officer or Roads Planning Service Department, prior to the Planning Application Refusal.

We present the above rationale to support this appeal against the Planning Officer's decision.

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Harefield House
Redpath, Earlston TD4 6AD



The Paddocks
Redpath, Earlston TD4 6AD



Cabrachan

Redpath, Earlston TD4 6AD



Sundial Cottage and Pear Tree Cottage
Redpath, Earlston TD4 6AD



Pear Tree Cottage
Redpath, Earlston TD4 6AD



Pear Tree Cottage
Redpath, Earlston TD4 6AD



Ahlon House
Redpath, Earlston TD4 6AD



Old Post Office, Park Cottage & Glenview

Redpath, Earlston TD4 6AD



Solstice
Redpath, Earlston TD4 6AD



Village Access Road
Detailing the Trees, Shrubs and Hedging
to Front of Braeside and Glenbield Properties
Redpath, Earlston TD4 6AD



Park Cottage

Redpath, Earlston TD4 6AD

Extension to Rear of Property



Braeside
Redpath, Earlston TD4 6AD



Braeside
Redpath, Earlston TD4 6AD



Glenbield

Redpath, Earlston TD4 6AD

Village Access Road and Hedge to Front of Property



Glenbield

Redpath, Earliston TD4 6AD

Long established pathway on Glenbield property



Glenbield & Glenbield Garden Site

Redpath, Earlston TD4 6AD



Glenbield

Redpath, Earlston TD4 6AD

Hedge to Front of Glenbield



Glenfield

Redpath, Earlston TD4 6AD

View of Glenfield Entrance and Village Access Road
from West of Glenfield



Rowan Cottage
Redpath, Earlston TD4 6AD



Birch Cottage and Chapter Cottage
Redpath, Earlston TD4 6AD



30 October 2023

Clerk of the Local Review Body
Democratic Services
Scottish Borders Council
Council Headquarters
Newtown St.Boswells
TD6 0SA

Keith Robertson
Almakeni
Redpath
Earlston
TD4 6AD

Dear Sir / Madam

Local Review Body – Notice of Review Application
Erection of Dwellinghouse – Garden Ground of Glenfield, Redpath, Earlston. TD4 6AD
Planning Application - 23/01014/FUL - Refused

Please find enclosed the following documentation in relation to the above;

- Notice of Review Application Form
- Supporting Information Document – 5 Pages
- Photographs – 20 in number

I look forward to receiving confirmation that you have the above documentation in your possession and when this review will be considered by the Local Review Body.


If there are any concerns regarding the application, please don't hesitate to contact me on my mobile number or email address provided above.

Kind regards

Keith Robertson

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Mr Keith Robertson
per Stuart Davidson Architecture
Design Studio
32 High Street
Selkirk
Scottish Borders
TD7 4DD

**Please ask
for:**


Julie Hayward
01835 825585

Our Ref: 23/01014/FUL

Your Ref:

E-Mail:

jhayward2@scotborders.gov.uk

Date:

20th September 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Garden Ground Of Glenbield Redpath Earlston Scottish
Borders**

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Keith Robertson

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 23/01014/FUL

**To : Mr Keith Robertson per Stuart Davidson Architecture Design Studio 32 High
Street Selkirk Scottish Borders TD7 4DD**

With reference to your application validated on **6th July 2023** for planning permission under the
Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Garden Ground Of Glenbiel Redpath Earlston Scottish Borders

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

**Dated 19th September 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/01014/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P818-PL-LOC2	Location Plan	Refused
P818-PL-005 B	Proposed Plans	Refused

REASON FOR REFUSAL

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

SCHEDULE OF CONDITIONS

- 1 The proposed development would fail to comply with Policy 14 of National Planning Framework 4 and Policies PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that, due to the small size of the site and its narrow nature, the proposal would constitute overdevelopment that would not respect the character of the area or existing pattern of development in Redpath.
- 2 The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene resulting in adverse impacts on the character and appearance of the Conservation Area.
- 3 The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the proposed dwellinghouse is poorly designed, detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.
- 4 The proposed development would not comply with Policies PMD2 and IS7 of the Scottish Borders Local Development Plan 2016 in that the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site resulting in vehicular access and parking to the detriment of road safety.

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 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a request for local review form and return it to the Clerk of the Local Review Body, Democratic Services, 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 (as amended).

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/01014/FUL

APPLICANT : Mr Keith Robertson

AGENT : Stuart Davidson Architecture

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Garden Ground Of
Glenbield
Redpath
Earlston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P818-PL-LOC2	Location Plan	Refused
P818-PL-005 B	Proposed Plans	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations have been received.

CONSULTATIONS:

Community Council: No response.

Education and Lifelong Learning: No response.

Scottish Water: No objections. There is currently sufficient capacity in the Howden Water Treatment Works to service the development. Further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Roads Planning Service: Object. Whilst I have no objections to the principle of a dwelling in the garden ground of this property, I have concerns regarding the layout proposed. It is our policy to look for two parking spaces to be provided for new build dwellings such as this and whilst the layout indicates two, I am not satisfied these will operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and PU apparatus. The bay in front of the house is in

such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.

Until it can be demonstrated that parking for two vehicles can be accommodated, I will not be able to support the proposal. To provide these bays may require the dwelling to be moved back further into the plot, thus allowing more room at the front to accommodate the parking.

The development proposed does not comply with Policies PMD2 and IS7 with regards access safety and parking.

Heritage and Design Officer: Objects. The site is located in Redpath Conservation Area. Redpath Village Hall is set relatively close to the application site, and is the only Listed Building in the Conservation Area.

The density of development within Redpath Conservation Area varies, although overall it retains a spacious, rural character. High density sections tend to be comprised of row houses/attached properties rather than detached properties. The area is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.

The proposed property is detached and set very close to another detached property in the Conservation Area. It is set at right angles to the road and extends significantly into the plot. The density, layout, form and design of development that would be created would therefore not be characteristic of the Conservation Area.

The area to the front of the property is characterised by high levels of vegetation which give a sylvan and rural character to the Conservation Area. The space available for parking and access to the proposed property would significantly impact this.

A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD5: Infill Development

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP7: Listed Buildings

EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Sustainable Urban Drainage Systems August 2020
Development Contributions 2023
Householder Development (incorporating Privacy and Sunlight Guide) 2006
Placemaking and Design 2010

Recommendation by - Julie Hayward (Lead Planning Officer) on 15th September 2023

Site and Proposal

The site is an area of garden ground associated with Glenbield, a bungalow with rendered walls and tiled roof, situated on the southern side of the main street through Redpath, within the Conservation Area and National Scenic Area. There is a substation in the north eastern corner of the site, a mature hedge along the road frontage and a close boarded fence and a footpath along the eastern boundary within the site.

The proposal is to erect a dwellinghouse on the site. This would be one-and-a-half storey with three bedrooms. The gable end would face the public road and the dwellinghouse would have render and vertical timber boarding for the walls with UPVC windows and doors and a slate roof.

A new access would be formed onto the public road and 2 on-site parking spaces are proposed within the site. One tree would be felled, the banking along the eastern boundary would be partially removed, the ground regraded and the boundary fence would be repositioned further to the east, allowing a 1.8m gap for the route of the public footpath.

Recent Planning History

16/01096/TCA: Works to trees. Approved 12th October 2016.

18/00460/FUL: Alterations to dwellinghouse, replace fencing and erection of garden shed. Approved 5th June 2018.

23/00407/FUL: Alterations and extension to dwellinghouse. Approved 2nd August 2023.

Assessment

Policy Principle

Policy 16 of National Planning Framework 4 encourages the delivery of high quality, affordable and sustainable homes in the right locations.

The application site lies within the Development Boundary of Redpath. In order to establish the principle of development, the proposal must be assessed against Policy PMD5 of the Local Development Plan 2016.

Policy PMD5 states that within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met.

One criterion is that the development should not conflict with the established land use of the area.

The application site is located within a residential area and so the proposal would be in keeping with the established use and character of the area.

Layout, Siting and Design and Impact on the Conservation Area

Policy 4 of National Planning Framework 4 states that development proposals, which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. The objectives of designation and the overall integrity of National Scenic Areas will not be compromised.

Policy 7 states that proposals affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting are preserved or enhanced. Relevant considerations

are the architectural historic character of the area and existing density, built form, layout, context, siting, quality of design and suitable materials.

Policy 14 of NPF4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. The policy encourages, promotes and facilitates well designed development that makes successful places by a design-led approach. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

Policy EP4 seeks to protect the special qualities of the National Scenic Area.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The Council's Supplementary Planning Guidance Placemaking and Design 2010 emphasises that new development must integrate well with the existing pattern of development, build upon the established character of an area and contribute positively to a sense of place.

The Settlement Profile for Redpath within the Local Development Plan states that the character of Redpath is established by its linear layout and countryside setting. The quality of the surrounding countryside is recognised by its inclusion in the National Scenic Area. The Conservation Area incorporates most of the village and part of its surroundings. The village developed in a linear form between 2 farms at the east and west ends of the village and is characterised by rows of traditional cottages and more recent housing development on larger plots. The village hall is a category C Listed Building.

The density of development within Redpath varies, from traditional cottages to more modern housing. The houses are single, one-and-a-half and two storey of traditional materials of whin and sandstone, harl and slate with timber, sash and case windows in the traditional properties.

The village retains a spacious, rural character. High density sections tend to be comprised of row houses/attached properties rather than detached properties. The village is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.

The proposal is to erect a detached dwellinghouse to the east of the existing house. This would have the gable end to the public road with a similar building line to Glenbield and extending significantly back into the narrow plot.

The proposed house would be sited 2m from the side elevation of Glenbield and between 2.5m and 3m from the fence on the eastern/side boundary. The sub-station and footpath take up a significant portion of the front and side of the plot.

This is considered to be a small and narrow plot (757 square metres), when compared to house and plot ratios elsewhere in the village, out of keeping with the character of the Conservation Area. The size of the site means that the proposed dwellinghouse would be positioned close to the boundary with the existing house to the west. This would result in an uncomfortable relationship with the existing house.

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing density and pattern of development in Redpath. In addition, the orientation and layout of the proposal, with the gable fronting the road, would be out of keeping with the established character and pattern of the street scene.

In respect of the design of the proposed dwellinghouse, this is lacking in architectural merit and interest and is not the high quality of design required by policies 14, PMD2 and EP9 and the Supplementary Planning Guidance Placemaking and Design 2010. In particular, the timber clad gable that would front the road would not respect the character of the Conservation Area, as the few gables fronting the road are garages/ancillary buildings rather than dwellinghouses. The proposal would not enhance the character or appearance of the Conservation Area. However, as the principle of residential development on this site cannot be accepted, discussions have not taken place with the agent to secure an improved design and orientation; the narrow nature of the plot may be a challenge in this respect.

Policy 7 of NPF 4 states that development proposals in Conservation Areas should ensure that existing natural and built features that contribute to the character of the Conservation Area and its setting, including boundary walls, trees and hedges are retained. The area to the front of the property is characterised by high levels of vegetation, which give a sylvan and rural character to the Conservation Area. The space required for parking and the vehicular access to the proposed property would significantly impact this.

A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.

The proposal therefore fails to comply with policies 7 and 14 of National Planning Framework 4 and PMD2, PMD5 and EP9 and Supplementary Planning Guidance Placemaking and Design 2010.

Impact on Residential amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The proposed dwelling would be 2m from the side elevation of the existing house, which would result in an uncomfortable relationship between the two properties. The windows proposed for the side elevation would be to a shower room and utility room, so not habitable rooms; it is accepted that there would be no overlooking or loss of privacy to Glenfield.

There are no windows in the side elevation of Glenfield but bedroom windows in the rear elevation. In applying the 45 degree rule, the new dwellinghouse would encroach beyond the horizontal 45 degree line, suggesting a loss of daylight to the closest bedroom window. However, it is accepted that the owner of Glenfield is the applicant and so this would not constitute a reason for refusal.

There would be no loss of privacy or light to Braeside to the east.

Trees

Policy 6 of NPF 4 supports proposals that enhance, expand and improve woodland and tree cover. Development will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high diversity value or identified for protection in the Forestry and Woodland Strategy.

EP13 seeks to protect trees from development.

The trees within the site are protected by the Conservation Area status. One tree would be felled to accommodate the development. No details of the tree, its species or health have been provided to assess its contribution to the character of the Conservation Area.

Access, Parking and Road Safety

Policy PMD2 aims to ensure that there is no adverse impact on road safety, including but not limited to the site access. In addition, Policy IS7 states that development proposals should provide car parking in accordance with the approved standards.

Vehicular access to the site would be taken from the public road to the north. Two on-site parking spaces are proposed.

The Roads Planning Service has concerns regarding the layout and car parking proposed as the parking would not operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and sub-station; the bay in front of the dwellinghouse is in such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.

The Roads Planning Service therefore cannot support the proposal. The parking layout as proposed emphasises the cramped nature and overdevelopment of the site.

The development proposed does not comply with policies PMD2 and IS7 with regards access safety and parking.

Services

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. No details of the surface water drainage have been provided.

The proposed servicing for the development would be acceptable in principle and the precise details for drainage would be agreed at the Building Warrant stage. Conditions would be required to ensure that the proposed development is serviced as specified and to secure details of surface water drainage, which should be to a SUDS.

There would be space within the application site to store refuse bins.

Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policy IS2.

Developer contributions are required towards the Borders railway (£2,587) education (Earlston Primary School: £3,349 and Earlston High School: £4,709) and would be secured by way of a legal agreement, should the application be approved.

Conclusion

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

REASON FOR DECISION :

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

Recommendation: Refused

- 1 The proposed development would fail to comply with Policy 14 of National Planning Framework 4 and Policies PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that, due to the small size of the site and its narrow nature, the proposal would constitute overdevelopment that would not respect the character of the area or existing pattern of development in Redpath.
- 2 The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene resulting in adverse impacts on the character and appearance of the Conservation Area.
- 3 The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the proposed dwellinghouse is poorly designed, detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

- 4 The proposed development would not comply with Policies PMD2 and IS7 of the Scottish Borders Local Development Plan 2016 in that the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site resulting in vehicular access and parking to the detriment of road safety.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.



Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100634687-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed erection of dwelling house as per drawings.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Stuart Davidson Architecture		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Design Studio
Last Name: *	Davidson	Building Number:	32
Telephone Number: *	01750 21792	Address 1 (Street): *	High Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Selkirk
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	TD7 4DD
Email Address: *	info@stuartdavidsonarchitecture.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Glenbield
First Name: *	Keith	Building Number:	<input type="text"/>
Last Name: *	Robertson	Address 1 (Street): *	Redpath
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Earlston
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	TD4 6AD
Fax Number:	<input type="text"/>		
Email Address: *	info@stuartdavidsonarchitecture.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

GLENBIELD

Address 2:

REDPATH

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EARLSTON

Post Code:

TD4 6AD

Please identify/describe the location of the site or sites

Northing

635687

Easting

358189

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

757.26

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Garden grounds to existing dwelling.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Internal recycling + external wheelie bin space.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stuart Davidson

On behalf of: Mr Keith Robertson

Date: 05/07/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stuart Davidson

Declaration Date: 05/07/2023

Payment Details

Cheque: Stuart Davidson, 000000

Created: 05/07/2023 14:34

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Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



Ordnance Survey (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

location plan

scale 1:1250



location plan

not to scale

red dot denotes location of site referred to in application in relation to closest A + B roads

rev:	description:	date:



STUART DAVIDSON
ARCHITECTURE

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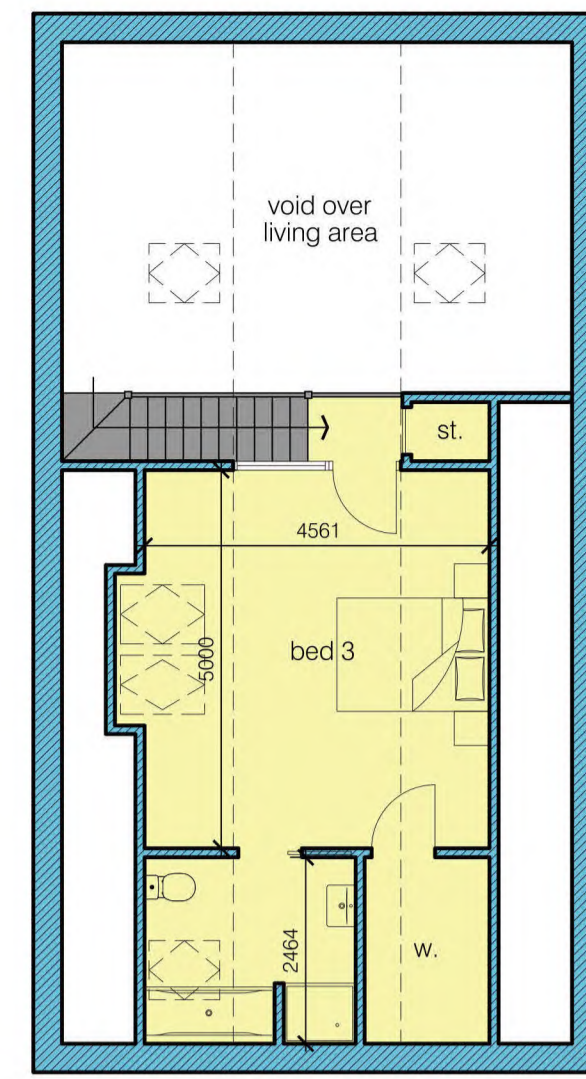
client:	Mr K Robertson
project:	Proposed New Dwelling on garden ground at Glenbield, Redpath
title:	Location Plan

status:	planning	scale @ A3:	as shown
date:	june 2023	drawn:	fc
number:	P818-PL-LOC2	rev:	-

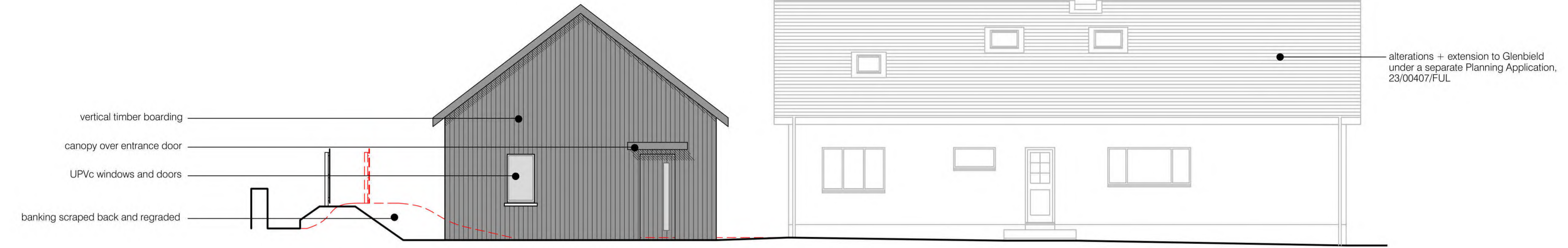
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

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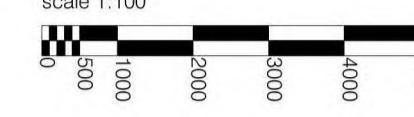
subject to the
requirements of the
associated Decision
Notice



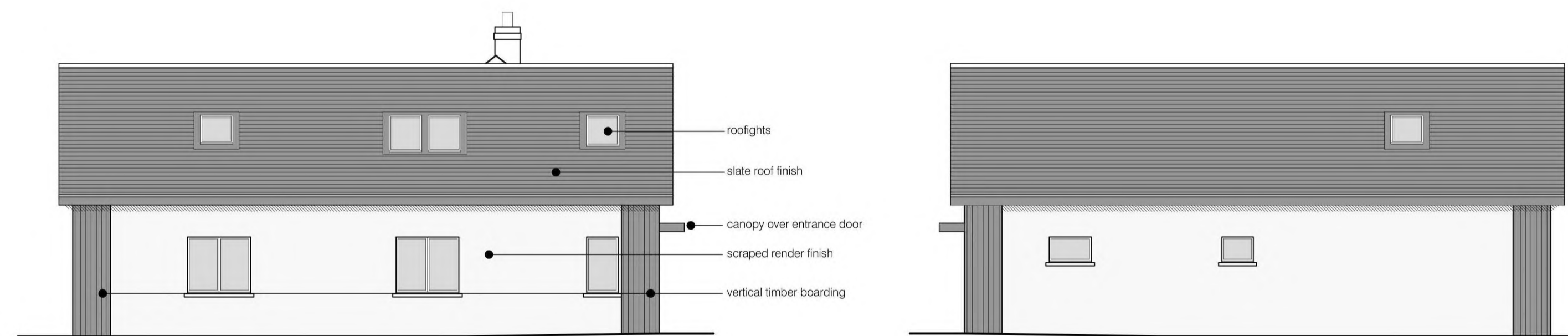
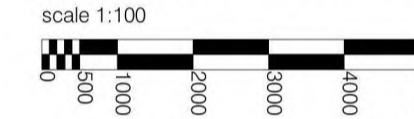
proposed first floor plan



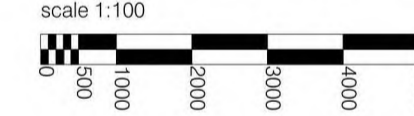
proposed front elevation



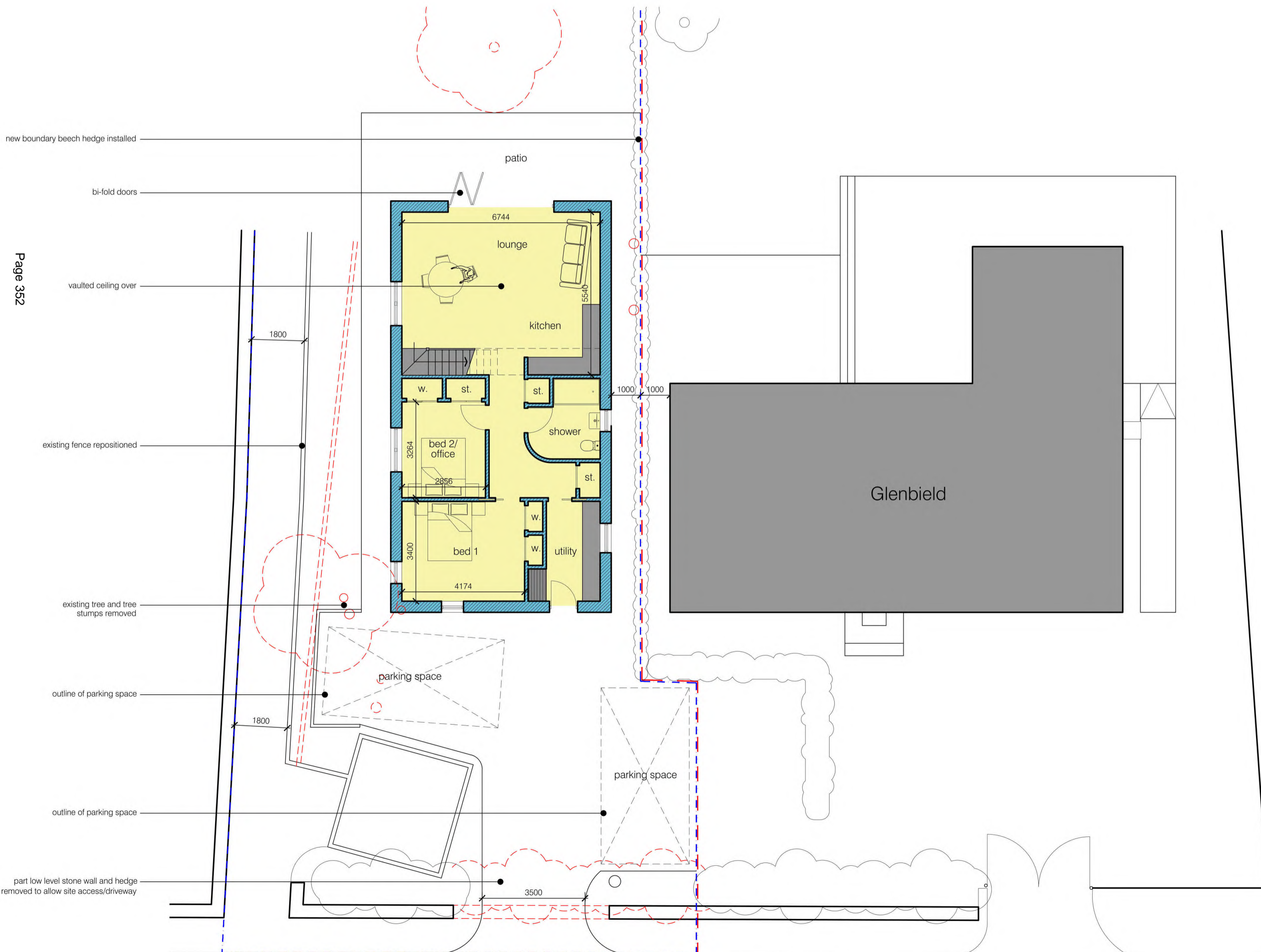
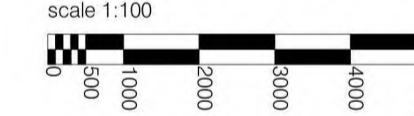
proposed rear elevation



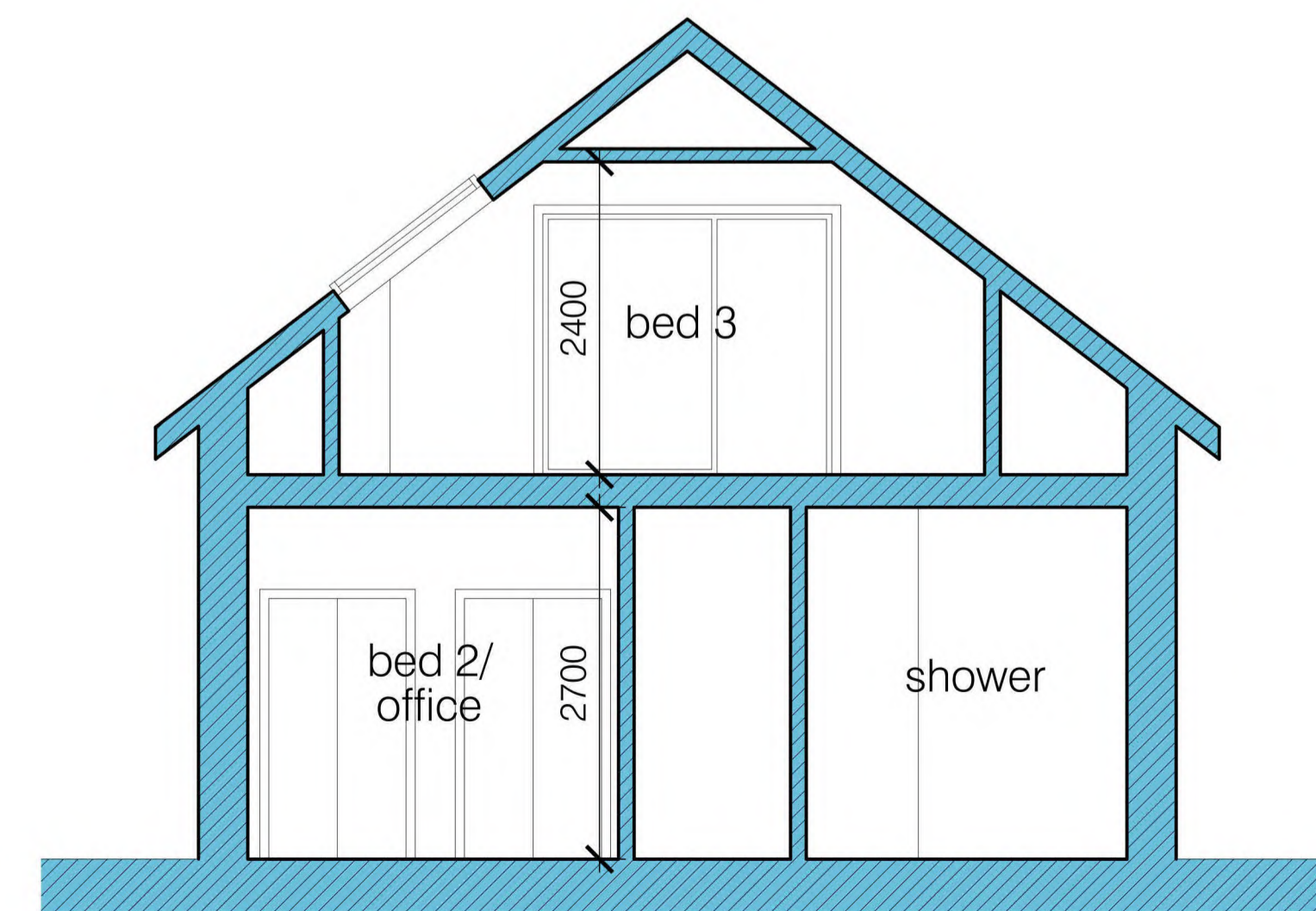
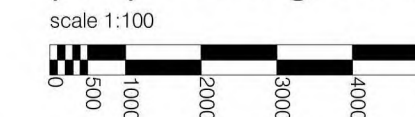
proposed side elevation



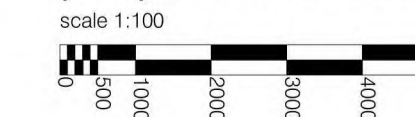
proposed side elevation



proposed ground floor plan



proposed cross section



rev.	description	date
A	client changes	28.06.2023
B	client changes	04.07.2023

sda
STUART DAVIDSON
ARCHITECTURE

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client: Mr K Robertson

project: Proposed New Dwelling on garden
ground Glenfield,
Redpath

title: Proposed Floor Plans + Elevations

status:	scale:	drawn:	as shown:
planning	1:100	FS	as shown
date:	June 2023	drawn:	FS



Mr Keith Robertson
per Stuart Davidson Architecture
Design Studio
32 High Street
Selkirk
Scottish Borders
TD7 4DD

Please ask for: Julie Hayward
☎ 01835 825585
Our Ref: 23/00407/FUL
Your Ref:
E-Mail: jhayward2@scotborders.gov.uk
Date: 3rd August 2023

Dear Sir/Madam

PLANNING APPLICATION AT Glenfield Redpath Earlston Scottish Borders TD4 6AD

PROPOSED DEVELOPMENT: Alterations and extension to dwellinghouse

APPLICANT: Mr Keith Robertson

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>. Please see the requirement for notification of initiation and completion of development as well as for Street naming and numbering as appropriate.

It should be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 23/00407/FUL

**To : Mr Keith Robertson per Stuart Davidson Architecture Design Studio 32 High Street Selkirk
Scottish Borders TD7 4DD**

With reference to your application validated on **16th March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Alterations and extension to dwellinghouse

at : Glenbield Redpath Earlston Scottish Borders TD4 6AD

Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), subject to the conditions attached to the following schedule for the reasons stated.

**Dated 2nd August 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00407/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P818-PL-LOC	Location Plan	Approved
P818-PL-003	Existing Plans	Approved
P818-PL-001 D	Proposed Plans	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Statutory Development Plan and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, windows, doors and roof of the extension and materials for the walls and roof for the existing dwellinghouse have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: To safeguard the character and appearance of the Conservation Area.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:
Monday-Friday 0700-1900
Saturday 0800-1300
Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 “Code of Practice for Noise and Vibration Control on Construction and Open Sites”.

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council’s website for this purpose.

Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo’ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>

Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 (as amended).

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SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00407/FUL

APPLICANT : Mr Keith Robertson

AGENT : Stuart Davidson Architecture

DEVELOPMENT : Alterations and extension to dwellinghouse

LOCATION: Glenfield
Redpath
Earlston
Scottish Borders
TD4 6AD

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P818-PL-LOC	Location Plan	Approved
P818-PL-003	Existing Plans	Approved
P818-PL-001 D	Proposed Plans	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations have been received.

CONSULTATIONS:

Berwickshire Civic Society: No view on the alterations described in this application to renovate a dwelling of little or no architectural or historic merit.

Community Council: No response.

Roads Planning Service: Whilst I have no problem with the alterations to the existing dwelling, I have some concerns regarding the annex element of the proposal. If the annex element is to be utilised for accommodation purposes not related to the family/owner of the main dwelling, I would require details of how the applicant proposes to accommodate parking for both properties. The street outside is restricted in width and there is limited opportunity for parking outwith property curtilages along the street. A condition is recommended that the annex must be tied to the existing dwelling and its use limited to that of ancillary to the main dwelling, not as a separate dwelling or holiday let.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation
Policy 4: Natural Places
Policy 7: Historic Assets and Places
Policy 14: Design, Quality and Place

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
HD3: Protection of Residential Amenity
EP4: National Scenic Areas
EP9: Conservation Areas

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006

Recommendation by - Julie Hayward (Lead Planning Officer) on 1st August 2023

Site and Proposal

The application relates to a modern, detached, single storey dwellinghouse situated within the Conservation Area and National Scenic Area. There is an electricity sub-station in the north eastern corner of the property and a footpath runs adjacent to the north eastern boundary.

The proposal is to remove the roof of the existing house and form a replacement roof with a higher ridgeline, roof lights and replacement chimney to provide first floor accommodation (3 bedrooms, en-suite and shower). The roof would be slate.

An extension would be erected on the rear elevation (4.2m by 4.2m) to provide a lounge. This would have vertical timber clad walls and a fibreglass flat roof.

A separate, one-and-a-half storey building would be erected to the east of the house to provide ancillary accommodation including a kitchen, lounge, two bedrooms, a utility room and shower at ground floor level and a bedroom and bathroom at first floor level. The ground would be re-graded to provide a level surface and one tree would be felled. The walls would be rendered and clad in vertical timber boarding.

Assessment

There are no issues with the raising of the roof or proposed extension to the existing house. The property is a bungalow of little architectural merit. The extension would be sited to the rear and the scale, design and materials are considered to be acceptable. The proposals would not harm the character of the Conservation Area or special qualities of the National Scenic Area. There are no concerns regarding impacts on the light or privacy of neighbouring properties.

The proposed annex would have a large footprint (7.5m by 14m), which would be only slightly smaller than the existing house (7.5m by 15m). The accommodation would be on 2 floors and the ridge height would be 1m higher than the existing house and 250mm lower than the proposed ridge height. This would not read as ancillary accommodation, subservient in scale; the development would be of a scale that could be used as a separate dwellinghouse or holiday accommodation.

The agent was advised of these concerns and a revised drawing has been submitted that omits the annex accommodation. The application can now be supported.

The proposal would not result in a loss of on-site parking. No trees would be felled.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Statutory Development Plan and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, windows, doors and roof of the extension and materials for the walls and roof for the existing dwellinghouse have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: To safeguard the character and appearance of the Conservation Area.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/00460/FUL

To : Nicola Robertson Glenfield Redpath Earlston Scottish Borders TD4 6AD

With reference to your application validated on **18th April 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations to dwellinghouse, replace fencing and erection of garden shed

at : Glenfield Redpath Earlston Scottish Borders TD4 6AD

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 5th June 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 18/00460/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Site Plan	Approved
2	Site Plan	Approved
3	Site Plan	Approved
4	Floor Plans	Approved
5	Elevations	Approved
6	Photos	Approved
7	Photos	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The precise colour of the window frames and external doors to be submitted to and approved in writing by the Planning Authority before the replacement windows and doors are installed. The windows and doors then to be installed in accordance with the approved colour.
Reason: To protect the character of the Conservation Area.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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 0SA.

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.

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Ian Aikman
Chief Planning Officer

Mr W. Kerr
Millmount
Melrose
TD6 9BZ

Please ask for:

Simon Wilkinson

Our Ref:

PF3 1.1

Your Ref:

E-Mail:

swilkinson@scotborders.gov.uk

Date:

12 October 2016

Dear Mr Kerr,

Trees in Conservation Area, Glenbield, Redpath

I can confirm I have no objections to the proposed tree works including removal of Cypress and Spruce. While an overdue operation improved light levels will suit the ground and allow proactive management.

All works to BS3998:2010, if you have any queries I can be contacted at Council HQ.

Yours sincerely,

Simon Wilkinson

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Friday, 21 July 2023



Local Planner
Development Management
Scottish Borders Council
Newtown St. Boswells
TD6 0SA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Garden Ground Of Glenfield, Redpath, Earlston, TD4 6AD
Planning Ref: 23/01014/FUL
Our Ref: DSCAS-0090961-GYG
Proposal: Erection of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Howden Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
 - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food

waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	SR Heritage & Design Officer	
Date of reply	03/08/23	
Planning Application Reference	23/01014/FUL	Case Officer: JH
Proposed Development	Erection of dwellinghouse	
Site Location	Garden Ground of Glenfield, Redpath	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	The site is located in Redpath Conservation Area. Redpath Village Hall is set relatively close to the application site, and is the only listed building in the conservation area.	
Principal Issues (not exhaustive)	<p>The principal legislative and policy considerations from a heritage perspective in this case are;</p> <ul style="list-style-type: none"> • Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that local planning authorities ensure that, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of any buildings or other land in a conservation area in fulfilling its planning functions. • Scotland’s rich heritage, culture and outstanding environment are national assets which support our economy, identity, health and wellbeing (NPF4). • Policy 7 of the NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It recognises the social, environmental and economic value of the historic environment, to our economy and cultural identity. • Policy 7 (a) indicates that proposals should be informed by national policy and guidance on managing change in the historic environment. The Managing Change documents are available from Historic Environment Scotland’s website. • Part (d) indicates that proposals in or affecting conservation areas will only be supported where the character of appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the: architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials. • Historic Environment Policy for Scotland sets out a series of principles and policies for the recognition, care and sustainable management of the historic environment. Relevant policies include: <ul style="list-style-type: none"> ○ HEP4: Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where 	

	<p>appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.</p> <ul style="list-style-type: none"> • The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes (Policy EP9). • Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals (Policy EP9). <p>Therefore, the principal consideration(s) from a heritage perspective from this case are;</p> <ul style="list-style-type: none"> • Whether the proposed works would preserve or enhance the historic character and appearance of the Conservation Area 				
Assessment	<p>The density of development within Redpath conservation area varies, although overall it retains a spacious, rural character. High density sections tend to be comprised of row houses / attached properties rather than detached properties. The area is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.</p> <p>The proposed property is detached and set very close to another detached property in the conservation area. It is set at right angles to the road and extends significantly into the plot. The density, layout, form and design of development that would be created would therefore not be characteristic of the conservation area.</p> <p>The area to the front of the property is characterised by high levels of vegetation which give a sylvan and rural character to the conservation area. The space available for parking and necessary access to the proposed property would significantly impact this.</p> <p>A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.</p>				
Recommendation	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;"><input checked="" type="checkbox"/> Object</td> <td style="width: 25%; text-align: center;"><input type="checkbox"/> Do not object</td> <td style="width: 25%; text-align: center;"><input type="checkbox"/> Do not object, subject to conditions</td> <td style="width: 25%; text-align: center;"><input type="checkbox"/> Further information required</td> </tr> </table>	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required		
Recommended Conditions					

Recommended Informatives	
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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer	ascott@scotborders.gov.uk 01835 826640	
Date of reply	24 th August 2023	Consultee reference:	
Planning Application Reference	23/01014/FUL	Case Officer: Julie Hayward	
Applicant	Mr K Robertson		
Agent	Stuart Davidson Architecture		
Proposed Development	Erection of dwelling		
Site Location	Glenbield, Redpath		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	<p>Whilst I have no objections to the principle of a dwelling in the garden ground of this property, I have concerns regarding the layout proposed. It is our policy to look for two parking spaces to be provided for new build dwellings such as this and whilst the layout indicates two, I am not satisfied these will operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and PU apparatus. The bay in front of the house is in such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.</p> <p>Until it can be demonstrated that parking for two vehicles can be accommodated, I will not be able to support the proposal. To provide these bays may require the dwelling to be moved back further into the plot, thus allowing more room at the front to accommodate the parking.</p>		
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input checked="" type="checkbox"/> Further information required
Reason for refusal	The development proposed does not comply with Policies PMD2 and IS7 with regards access safety and parking.		

Signed: DJI



Local Review Body – List of Policies 18th December 2023

Local Review Reference: 23/00046/RREF

Planning Application Reference: 23/01014/FUL

Development Proposal: Erection of dwellinghouse

Location: Garden Ground of Glenbield, Redpath

Applicant: Mr Keith Robertson

National Planning Framework 4 (NPF4)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

PMD5: Infill Development

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP7: Listed Buildings

EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Other Material Considerations

Supplementary Planning Guidance on:

- Sustainable Urban Drainage Systems August 2020
- Development Contributions 2023
- Householder Development (incorporating Privacy and Sunlight Guide) 2006
- Placemaking and Design 2010
- Trees and Development 2008
- Waste Management 2015

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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 2013

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name FRANCIS GILHOOLEY

Address peggies cottage

Postcode EH23 4TF

Contact Telephone 1 [REDACTED]

Contact Telephone 2

E-mail* [REDACTED]

Agent (if any)

Name James Moir

Address 21 Old Star Road
Newtongrange

Postcode EH22 4NR

Contact Telephone 1 07889542161

Contact Telephone 2

E-mail* jim.moir2@btinternet.com

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

Yes No

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

Planning authority Scottish Borders

Planning authority's application reference number 23/00844/FUL

Site address Land South of 1 Old Edinburgh Road, Eddleston, Scottish Borders

Description of proposed development Erection of Dwellinghouse

Date of application 31/05/2023

Date of decision (if any) 7/08/2023

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 (tick one box)

- 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:

There are several components to our appeal of the decision, and I outline them here. Ranald has been completely negative on all points. He also ignored my emails at crucial points in the process.

Site inspection

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

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

none

Statement

You must state, in full, why you are seeking a review of 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.

I have so many issues with this refusal the only way I could think to address each point is to attach the refusal, and I have inserted my comments in bold and blue writing below each planning note.

Ranald has in my opinion mis-interpreted several policy provisions, and he has stated false and misleading conclusions which are shockingly far from the truth.

He has also wrongly calculated land areas and percentages which again are so misleading is seems beyond error.

There are also several pointlessly negative aspects to Ranald's work which seem to aim to make this application impossible, including failure to reply in any way whatsoever to my emails.

Ranald also blatantly ignores key aspects of sustainability with regards to solar power production and its influence on orientation of the property, as well as living minimalistically on a plot designed to maximise vegetable and fruit production in a sustainable manor, whilst using Gabions and such to enhance insect, bee and butterfly life in the area.

He has also failed miserably to connect the link with government policies which are designed to encourage a more efficient and sustainable use of the land within each community as this gap site precisely is.

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.

List of documents and evidence

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. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Supporting PDF document with photos and video link contesting many of the points Ranald has made to come to his decision.

This file is a copy of the original refusal, with my strong refuting of the conclusions in bold blue writing below each and every point Ranald makes.

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] Date 05/11/23

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00844/FUL

APPLICANT : Mr Francis Gilhooley

AGENT : James Moir

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of
1 Old Edinburgh Road
Eddleston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
01	Proposed Plans, Sections & Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One representation received. That was an objection and the material grounds can be summarised as follows: impact on infrastructure; parking; visual impact; privacy. Consultation responses received from: Roads - further information required; Scottish Water - no objection.

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan 2016
PMD2 - Quality standards
PMD5 - Infill developments
HD3 - Protection of residential amenity
EP13 - Trees, woodlands and hedgerows
IS2 - Developer contributions
IS7 - Parking provision and standards
IS9 - Waste water treatment standards and sustainable urban drainage

NPF4

Policy 3 - Biodiversity
Policy 6 - Forestry, woodland and trees
Policy 9 - Brownfield, vacant and derelict land and empty buildings
Policy 14 - Design, quality and place
Policy 16 - Quality homes
Policy 18 - Infrastructure first
Policy 22 - Flood risk and water management

Supplementary Planning Guidance:

Development contributions;
Placemaking and design;
Privacy and sunlight guide;
Sustainable urban drainage systems;
Trees and development;
Waste management.

Recommendation by - Ranald Dods (Planning Officer) on 8th August 2023

Site and proposal

The site lies immediately to the east of Old Edinburgh Road in Eddleston and there is currently a stone dyke, approximately 900mm high between the site and the road surface, although vegetation and detritus has led to an apparent reduction in that height. It is approximately 8m wide at its narrowest, broadening out to a maximum of about 8.8m. From front to back the site measures 21.5m and in total, the area is a little over 180sqm. A mature tree, which is one of a number lining Old Edinburgh Road, appears to lie adjacent to the common boundary with the garden of the property to the south (numbers 15 and 19 Bellfield Road). To the north lies the garden of 1 Old Edinburgh Road, with that house being approximately 26.5m from the boundary.

The site slopes upwards approx 2.8m from front to rear, and has approx 5 very large mature conifers directly behind the site on the East, rising to a height approx 11m higher than the entry point to the site.

In determining the application, the following factors were considered:

Planning history

There is no specific planning history associated with the site but it appears to have been part of 21 Bellfield Road. A permission was granted in January 2007 for alterations to that property (reference 06/01451/FUL). A pre-application enquiry (reference 20/00777/PREAPP) was made for the development of the site under consideration. Far from being "supportive" as stated in the current application form, the pre-application response concluded that "Whilst it may be physically possible to fit a house onto the site, I have concerns... about the quality of development that would result in terms of amenity, privacy, cramming and I also have severe reservations about being able to develop a house on this site without serious damage to or loss of the tree at the roadside".

To take a single comment from the pre-application in this manner gives a slanted view of the evaluation given in the pre-application as a whole.

Also, there are very clear criteria set out in the pre-application which our design and objective clearly and confidently ticks every box.

Here are the criteria...

- A) it does not conflict with the established land use of the area;**
- B) it does not detract from the character and amenity of the surrounding area;**
- C) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or town and village cramming;**
- D) it respects the scale, form, design, materials and density in context of its surroundings;**
- E) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;**
- F) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.**

Our proposal complies with every one of these policy items.

Policy

The key LDP policies against which this proposal is assessed are PMD2, quality standards and PMD5, infill developments. In terms of NPF4, key is policy 14, design, quality and place. As set out below, the proposal does not comply fully with the terms of these key policies.

This is misleading and very unfair. Ranald is completely mis-representing the specific reason for the policy. The general drive of NPF4 Policy 14 is clear, and is specifically to try and improve the locality, with a drive to achieve more sustainable, local user friendly, community based developments. By filling in this gap plot on the Old Edinburgh Road with our proposed sustainable, solar powered development we will:

- 1. Take full advantage of the annual 1650 hours of usable local solar in this area.**
- 2. Charge our 2 electric vehicles using 100% solar power with the south facing apex covered in solar panels.**
- 3. Provide substantial garden vegetable growing areas to maximise food sustainability.**

4. Ensure our children can hop on the local school bus some 200 yards from our door.
5. Ensure with the new local fibre optic cable recently installed, Mrs Gilhooley can work from home, maximising sustainable use of the property.
6. Mr Gilhooley can teach clients from home, instead of having to rent space elsewhere to teach. This again maximises the sustainable use of the property compared to travel and other property rent.
7. In addition, using from a rural location, we will be able to regularly support the local restaurants The Horse Shoe and The Scots Pine and The Barony Castle, as well using the local membership Gym at The Barony Castle Hotel, all part of the drive for localising living in Policy 14.
8. The vast improvement the proposed development would provide in comparison to the current form of this somewhat abandoned land
9. As a family of cyclists, from this development we can also use the new cycle path from Eddleston to Peebles, frequenting The Cringletie Hotel & Restaurant, and all of the services in Peebles and beyond to Innerleithen by cycling. This is taking full advantage of the joined up community thinking and cycle path developments in the locality.
10. As a family who have lived in the area for over 20 years, we would be moving in from some distance in the nearby hills, completely changing our lives in a positive way, contributing to the local community, whilst also enhancing the local community, and living a vastly more sustainable lifestyle.

Here is the actual POLICY INTENT. You will see our proposal absolutely complies with policy 14 intent.

Policy 14 Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, green-spaces, health and social care, digital and sustainable transport links.
-

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

In conclusion of this section, for your planner Ranald Dods to attempt to convey that this development is at odds with Policy 14 is gravely concerning. What is the reason for a planner for Borders council to actively warp the very purpose of a policy, and create a barrier when there is none?

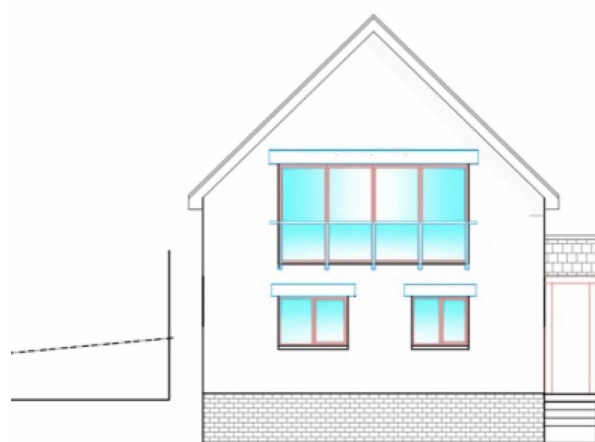
The placemaking and design criteria set out in policy PMD2, amongst other things, require that a proposal: creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles, whilst not excluding appropriate contemporary and/or innovative design; is of a scale, massing and height appropriate to its surroundings; is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality; is compatible with and respects the character of the surrounding area and neighbouring built form.

There are 6 drastically different house designs within 50 metres of this plot.

Here they are... every one of them completely different designs, completely different windows, completely different roofs, completely different cladding, completely different paving.



This is why we have chosen a design that should use the best aspects of all, but with a minimalistic approach.



WEST ELEVATION

Our application tries to fit in with the general feel of the area, and aims to neatly nestle in to the surrounding area offering privacy and sustainability, with no aggressive feature designs to invoke negative neighbour responses. The drawing were sent personally by Mr Gilhooley to the closest 8 properties before submitting the plans, asking that any objections would be welcomed personally, so Mr Gilhooley could have opportunity to re-design in early course, to attempt to satisfy all neighbours. No Neighbours responded negatively to this effort.

Policy PMD5 sets out the criteria against which development on non-allocated, infill or windfall sites will be assessed. Amongst those is a requirement that a development does not detract from the character and amenity of the surrounding area, respects the scale, form, design, materials and density in context of its surroundings; that adequate access and servicing can be achieved, particularly taking account of water and drainage; it does not result in a significant loss of privacy to adjoining properties and; can be satisfactorily accommodated within the site.

**We believe we comply with each of the requirements of PMD5.
This is PMD5 below...**

POLICY PMD5: INFILL DEVELOPMENT

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on settlement maps will be approved where the following criteria are satisfied:

- 1. where relevant, it does not conflict with the established land use of the area.**
- 2. it does not detract from the character and amenity of the surrounding area.**
- 3. the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or town and village cramming.**
- 4. it respects the scale, form, design, materials and density in context of its surroundings.**
- 5. adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity.**
- 6. it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.**
- 7 All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide Design Statements as appropriate**

Our development does not conflict with the localised land usage.

Our development has been designed to mimic aspects of the character of the local buildings, all of which are completely different.

The building can in no way be deemed as to be unsustainable by the local infrastructure, and with two more similar areas adjacent cannot be deemed as cramming. We are building on less than 45% of the plot size. This cannot be deemed cramming.

The design shape is similar to the house immediately to the South. The materials used are in sympathy to the other houses within sight to the north.

Adequate access, in particular consideration of water and drainage and schooling is fine.

There is no sunlight diminish caused by over shadowing.

There is no diminished privacy by Overlooking, as we do not overlook any properties.

The mature sized conifers on our East boundary offer considerable privacy to our development from the houses above, making our property more private than the adjacent low lying neighbours houses as per the photo below... See the large conifers offering privacy to our property.



NPF4 policy 14 requires, amongst other things, that development proposals be designed to improve the quality of an area, whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, as set out in NPF4, will not be supported.

This item has been addressed in Policy 14 earlier. We are compliant at every point and should be approved.

Assessment

Policy PMD2 aims to ensure all new development is of the highest quality and respects the environment in which it is contained. That policy aim does not restrict good quality modern or innovative design. What is at question here is whether the proposal is good quality or innovative design; whether it would be in keeping with the scale, extent, form and architectural character of the existing buildings and; whether or not the proposed dwelling would make a positive contribution to the character of the area.

The character of the area is single houses of varying styles, set within generous grounds, with mature trees creating an avenue along Old Edinburgh Road.

This is simply not true. The majority of the properties in the immediate surrounding area are made up of the council housing immediately East of our plot. There are in total 8 council properties within yards of our plot. None of these are single houses, they are all flats and semi detached, and the only mature trees are the conifers directly behind our plot. The properties of which Ranald refers to are much further along the street, the same distance away as more council blocks. None of these Council houses are surrounded by generous grounds, though they do have some low lying garden plots down the hill from these properties.

The nearest property to the south is known as Kilrubie. There is then a distinct break in development of some 80m before the next house at 1 Old Edinburgh Road, to the north of the application site. Other than a small telephone exchange building, the intervening land comprises the rear garden ground of 11-21 Bellfield Road and the southern part of the garden of number 1 Old Edinburgh Road. There is, as noted above, variety in styles of the buildings in the area but the closest properties, those noted above, are set back from the road and have generous gardens surrounding them.

Again, this is false and extremely important and in our opinion misleading.

The closest properties by far are the Council houses and flats which sit above the proposed development. These are 2 councils houses and 4 flats which are all attached in one large building approximately 40 metres long. To try and project this as an area of idilic large gardens is more than a little misleading. The gardens are all lawn and other than 5 mature conifers bordering the proposed development, there are no mature trees. This point needs to be made very clear, as there seems an attempt to mislead the nature of the proposed build compared to the exiting builds.

By contrast, the proposed house would be built hard up to the northern boundary. Being on the boundary, there would be no fenestration on the north elevation which would present an unattractive blank elevation on the approach to the village from the north.

This is an absolutely disgusting attempt to warp the look of the proposed property. I attach a few photos below which will precisely address the deliberate false skewing of the vision of this development by Ranald Dods.

Below there are two photos that clearly show how false and misleading Ranald assertion of the view of the development is. It's an utterly ridiculous indefensible comment and stance.





Closer view of the side of the building Ranald states would be an unattractive blank elevation on the approach to the village. It's almost completely sheltered and hidden behind the trees.

Viewed from the road, the house would have an area of underbuild, approximately 1m and the fenestration would give the property a symmetrical appearance. The entrance would be to the south and, as with the northern elevation, the elevational treatment would be unattractive, with only one window lighting a bathroom. The building, being located some height above the road level, would be unduly prominent when entering or leaving the village.

Please see my photos and comments above. This is simply an untrue deeply negative fabrication quite frankly.

Despite the variety of building styles in the village, this proposal would not relate well to its surroundings. There appears to be a lack of contextual understanding, leading to an ill-fitting development with the immediate area. This incongruity is exacerbated by the orientation and elevated position of the house and the lack of development on either side of the site.

I would have thought that Ranald would know that the orientation of the house has been chosen specifically to maximise the solar power production from the roof by means of the perfect southerly aspect the plot enjoys. Ranald must move into this century given the entire climate crisis, and start actively looking at the benefits of design with a view of the climate technology needed these days. Failure to take this into consideration is bad enough. But to actively condemn the orientation of the proposed build is nothing short of ignorance at the expense of the environment.

In addition, we have used the relative height and frontage shape as the house to the South, whilst incorporating the general brick/render mix as the house to the North. If this is not planning with great consideration to the local area, then I do not know what is. Having asked Ranald for guidance at the very beginning so we could comply with the area, he was not forthcoming with any assistance. Considering the sheer variance of existing house designs in the area, we thought complimenting several aspects of immediate properties would ensure we are planning with consideration of the surrounding area, yet this seems to have been completely overlooked by Ranald.

In terms of PMD5, whilst the applicant has demonstrated that a house could physically be fitted onto the site, the fact is that the house would be over-development or cramming of the site. The submitted plan shows that the site area is in the order of 180sqm and the house would be approximately 79sqm. In other words, the house would occupy 56% of the entire site.

We specifically designed the build to ensure the house would only occupy 44% of the property. We want a large vegetable garden and greenery to surround our house where possible. The figures you have calculated are completely back to front. We have 44% house build, and 56% Garden, so your assertion above is completely false and completely misleading.

In addition to this, I addressed all of the points you are raising about potential over-development (and addressing a neighbour comment) etc in an email I sent you on 17 July 2023, which clearly and in great detail conveys our willingness to adjust the property, and even flip the property round if required. I shall attached that email which you chose not to reply to, at the end of this appeal statement.

The house would be built directly onto the northern boundary, be between 1m and 1.4m from the southern boundary and 4.9m from the eastern boundary with only 35sqm (excluding the retaining gabion baskets) available as garden ground. The appearance would be one of a house crammed onto the site, which would be very much at odds with the pattern of development in the area.

Our intention is to form terraced timber framed vegetable plots integrated into the garden space to maximise vegetable production from all areas of the garden. This leaves adequate garden area of over 60 sq m, over and above gabions and pathways. It also is a greater than the garden we had in the street above this plot when we lived there on Bellfield Road. It is also very similar to the split of land/garden percentage in the house to the south of the plot. This proposal has enough garden front and rear to have a patio and social area, and lots of planting beds for home grown veg & fruit trees. The world is changing Ranald, and scaled down sustainable living is a must for the environment, and I shouldn't have to argue with planners on this kind of matter.

The submitted plan shows the front of the house to be only 5.5m from the boundary and that area (about 48sqm) would be given over to car parking and surface water drainage. The proposed "surface water sump" would not appear to be compliant with building regulations. Having discussed the proposal with Building Standards, that would have to be 5m from the house and the boundaries. Clearly that would be a matter for that department to consider under the relevant legislation but it does indicate that drainage from the site would be an issue and therefore, compliance with PMD5, as well as IS9 and policy 22, would have to be called into question.

Our intention is to excavate and create a very large sump under much of the parking. All pathways should be of the type "Ceda Gravel" allowing natural ground drainage at all points where possible. We believe we can make a sump large enough at the front of the property to adequately cope with all of this sites surface water needs.

In relation to policy 14 of NPF4, the matters set out above lead me to believe that the proposed house would not improve the quality of the area. The development is poorly designed and would be detrimental to the visual amenity of the area. The development would be crammed onto the site and would not enhance the pleasant entrance to the village and therefore the built space.

This is simply not true. The flaws, mis-calculations and lack of understanding of the Policy is beyond negligent. These are fundamental flaws. This will be the most environmentally friendly, well designed house in the area, with a productive insect, bee and butterfly friendly garden with 100% of surface water being cycled straight into the water table.

On the basis of the above, I conclude that the proposed development cannot be said to demonstrate a clear understanding of the context and would not be appropriate in siting and design terms. As it would not be designed in sympathy with its surroundings, it would not be sympathetic to the character of the immediate area and the village as a whole nor would it improve the quality of the area. Taking all of the above factors into consideration, the proposal does not comply with the terms of LDP policies PMD2, PMD5, HD2 and NPF4 policy 14.

Amenity

Policy HD3 aims to protect the amenity. It states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.

There is zero impact on the amenity of the residential area in this location. We propose to take an overgrown derelict plot and make it something attractive and absolutely worthwhile in line with the ethics of NPF4 Policy 14 and local development. There's is no impact on the traffic, the drainage, the water or electricity supply. The visual amenity will be dramatically improved. See below, a photo of the current site.



As set out above, the form of the development would not fit within the existing pattern of the area and the design would have a undue visual impact on the village and, in particular, the existing property to the north where the appearance of the north elevation would be particularly prominent and overbearing.

I specifically addressed this in my email on 17 July to Ranald which was completely ignored. In addition to this, I have above shown clearly with photographic evidence that the visual impact on entry to the village is zero. This is a completely and alarmingly false claim. I have taken the time to provide photos to prove this is absolutely false.

Whilst the proposal would not result in overshadowing or loss of light, I have reservations about privacy issues. The submitted plans do not show the relationship with the properties to the east in any detail. An estimate has had to be made of the distance to the properties on Bellfield Road and that is approximately 17m. Had the land been flat, then it may have been possible to allow for some flexibility in terms of the window to window privacy distance, accounting for any mitigation that could have been provided. In this case, however, the properties on Bellfield Road are approximately 5m higher than Old Edinburgh Road. Assuming the rear of the proposed house to be half way between Old Edinburgh Road and Bellfield Road, that would mean a level difference in the order of 2m to the existing houses. As set out in the council's Privacy and Sunlight Guide, for every metre difference in height (or part thereof), the distance in the standard is increased by approximately 2 metres. In order to safeguard the privacy of the proposed house, the privacy distance would need to be increased from 18m to 22m. As a result of those factors, the proposal would be contrary to policy HD3.

The distance from property to property is 22.3m which is over your required minimum distance. In addition to this, if you look at the above photo of the site taken from the front entry, you will see 5 large mature conifers right on the rear/upper boundary that almost completely remove any concerns of privacy. But the fact the distance is 22.3m from building to building, this means the distance complies with HD3 regardless.

Trees

The site has a mature tree within it and that forms part of an avenue of trees lining Old Edinburgh Road. Although those are not protected, they are of high amenity value to the area and form an attractive entrance to the village when travelling south on the A703. The applicant was advised at pre-application stage that an arboricultural impact assessment and tree survey would be required. No such reports were submitted with this application. Since the tree is not shown with any degree of accuracy, I estimate that the house would be positioned no more than 4.5m from the centre of the trunk. Given the size of the tree, that is likely to be well within the root protection area. In addition, the proposal to use that area as car parking and for surface water drainage is likely to increase pressure on the root structure and, in combination, lead to the loss of the tree. However, the tree is worthy of protection and the application takes no account of it, despite the probability of the development proposal having a negative impact on it. As a result, the proposal has to be found contrary to policy EP13.

I have made it absolutely clear both in the pre-application and all throughout that I want to keep this beautiful old tree. I'm aware that 2 of the avenue of trees have fallen over in the wind in the last few years, and another removed for safety concerns, but I believe the tree is a great old character and we would like to do anything to make sure we can keep it. I conveyed this clearly to you in another email you ignored on July 19th, and I quote... "We believe that the house at the next stage of planning would be on a concrete stilt in that corner, hand dug to avoid damaging any roots". This is pretty damning that you just straight forward refuse to discuss this. We have always made it clear we will retain this lovely tree.

Developer contributions

Were the proposal to be acceptable, developer contributions would be payable towards education provision. Those would require to be secured by a legal agreement.

This is all as expected.

Roads issues

I have discussed the case with the Roads Planning Service in light of their consultation response. An assumption had been made in error that the site would be accessed from Bellfield Road. Accepting that the access would be from Old Edinburgh Road, Roads state that their preference would be for 2 in-curtilage

parking spaces. The distance from the front wall of the house to the edge of the site would be 5.5m. This would mean that any car parked in the site would be likely to overhang the public road. In addition, no account has been taken of the slope of the site nor of the presence of the tree, both of which are likely to further cause issues for parking within the site. Whilst the starting position is for in-curtilage, Roads acknowledges that there would be on-street parking available.

We would like to park two vehicles on the drive for the purpose of electrical charging, however we were not particularly overly concerned about the parking as you have stated in your pre-application that “Two off street parking spaces would normally be required for a house. Given the road in front of the site is no longer a through road for motor vehicles and the site is towards the end of the stretch where vehicles could access, it may be possible for that requirement to be relaxed. That comment is made on the basis that I have not consulted my colleagues in Roads”.

We believe that we can fit two car parking inside, whilst looking after the tree root system if we excavate sensitively. There is also an option to bring a second charger to the front of the property if we remove the abandoned overgrowth, and park a vehicle against the front of the property. Please see photo below.



Services

The application form states that a connection would be made to the public water supply and foul drainage networks. Those matters would be acceptable, subject to condition. Surface water would be by means of a soakaway located to the front of the house. As noted above, the proposed soakaway is unlikely to be acceptable in terms of building regulations, albeit that is a separate regulatory regime, since that would have to be a minimum of 5m from the house and boundary of the site.

As someone who has worked in drainage for most of his life, I am absolutely sure that after discussion with an engineer, we can create a functioning drainage sump to handle the roof surface water from this site.

Finally, although there would appear to be sufficient space within the site to site waste and recycling containers to the rear of the property, the plans show the difference in level between the front of the house and the main entrance (roughly 1m) to be taken up by steps. In practical terms therefore, it is likely that the bins would be located to the front of the property, further adding to the unacceptable impact on the amenity of the area.

We will create a suitable bin store and sloping paths to ensure no bins are in the front of the property. This omission was an oversight between myself and my architect believing this was a building control matter for future drawings. There is clearly no negative issue here which adds to any negative potential with regards to the site amenity. The stance of negativity Ranald has taken from start to finish regarding this application. Ranald ensures a problem in every solution. This is an unacceptably negative starting point to work with.

Other matters

As noted already, there would be issues in terms of building regulations relating to the provision of a soakaway.

I have addressed this above. I don't see a problem.

The internal layout of the house is also likely to raise issues for Building Standards and revisions to make the development acceptable for that regulatory regime may then have a bearing on the exterior of the property and its impact on amenity and privacy. Were the proposal to be otherwise acceptable, in order to prevent privacy issues arising as a result of internal alterations, a condition would be recommended in order to remove permitted development rights for the creation of windows or openings in the north and south elevations.

I assume this is regarding future alterations... I agree.

Conclusion

The design of the proposed house is unsympathetic to the surrounding context in terms of siting, design, height and massing and it would have an overbearing appearance and unacceptable adverse impact on the existing property to the north.

The property to the North is approx 26.5 m away. There would normally be a 6ft boundary fence between properties. So the verdict of the "overbearing appearance" is literally the couple of feet of extra height to the roof. This is unduly negative considering the house is 26.5 m away from the boundary. In my email of both the 17th & 19th July which Ranald ignored both, I expressly stated "We would also happily flip the house so our front door faces his side, so we don't require access to his property for anything. We would erect a fence between us along the boundary to offer privacy to the bottom of his garden. His house is however a considerable distance from the boundary".

When the girls in reception tell us there is no point in them putting us through to planners by phone because they won't take the calls, and the emails we send are completely ignored, I wonder what we are paying our fee for.

There would be insufficient distance between the proposed house and the existing properties to the east to provide sufficient privacy distance, due to the difference in levels present in the area.

This has been dealt with in my comments above. There is sufficient distance to comply, and plenty of tree coverage over and above, so this comment should be removed.

The proposal has taken no account of the tree within the site.

We made clear in our pre-application that the tree will stay. I have stated this to you personally, and intimated it to you by email. I covered this point thoroughly above, and offered adequate coverage to ensure the tree's well being. We love this old tree.

The proposed means of surface water drainage is unlikely to be acceptable.

I reiterate, this is a complete false assumption. We will make the roof surface water drainage system and sump comply.

The proposal is therefore contrary to LDP policies PMD2, PMD5, HD3, EP13 and IS9 together with NPF4 policies 6, 14, 16 and 22. The principle of a house on the site is therefore not accepted.

Having addressed all of these points above in several ways, I believe the conclusions herein are completely wrong and an unacceptable conclusion to come to with this proposal.

REASON FOR DECISION :

The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

This is an exact repetition of the items above which I have made clear the issues, flaws and errors with above several times. I also emailed several of these points twice, on 17th & 19th July and my emails were ignored.

The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

I emailed my proposal to keep the tree along with my solution on 19th July and my email was ignored. These are clearly important points for the council and for ourselves, and as such to have my emails completely ignored is puzzling and extremely frustrating. This point cannot be ignored as I have my emails clearly time-stamped and I shall include/attach below.

The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site

I have made this point clear in my email of 19th July which was ignored. You have simply assumed non compliance with no back up or calculations to confirm your appraisal. I have made clear in my email our intention to design a large sump to take care of this.

...and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

I have explained the simplicity of a bin store construction to the rear of the property, and this simple oversight on my part. It is simply ridiculous, unfair and negatively biased against any construction to use this as a point to refuse this application. I have made clear the issues I have with Ranald's extremely negative views on several aspects of this application.

Recommendation: Refused

- 1 The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
I am confident Ranald is completely wrong with this assertion, in particular NPF4 policy 14 where it seems he has completely mis understood the motives behind the policy.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the

tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. **If my emails had not been ignored by Ranald, these points would have been covered, but Ranald's lack of communication or response to my emails has made this application discussion impossible.**

- 3 The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. **As mentioned previously several times, Ranald has made this impossible by not replying to my emails.**

I have also prepared a video of my objection to many of these points from the site.. <https://youtu.be/mz9agdyIKg0?feature=shared>

As the final part to this statement, I attach the emails I had sent in plenty of time to discuss the application with Ranald. One email on 17th July, and One on 19th July. Both of these emails were completely ignored. See below:

FG Fran Gilhooley
To: Ranald.Dods@scotborders.gov.uk > 22:49

Planning application [23/00844](#)/FUL

Hi Ranald,

Fran Gilhooley here, regarding our plot in Eddleston.

I wasn't sure if I am required to reply to the 2 notes that have been posted on the councils planning portal.

I thought I'd just comment to you if that's ok...

Reply to Roads Planning comment from Craig Johnston:
We can fit 2 cars into the driveway no problem whatsoever.
When we met for the pre-planning ages ago to discuss the potential Ranald, you had felt as I did that there was an abundance of parking outside the property on the old edinburgh road. But we can adjust the plans to show two cars reversing in, parking side by side, and driving out. Showing only one vehicle was an architect oversight. Also, the road is totally quiet and actually way wider than it looks because the grass has grown over the road by nearly 2.5 metres in total. I don't mind scraping back and re-widening this as part of our work.

Replying to the Neighbour's comment:
We feel that the water pipe in his garden is irrelevant to our work as we won't be near it... the waterboard have confirmed no objection... and it's also here-say from an old acquaintance of his. This chap has 3 boats and four cars sitting out on the road. This not only nullifies the integrity of his comments regarding parking shortage, but also indicates a self belief that he feels he has rights for his property that he clearly wouldn't endow us with, which is a little odd.

We would also happily flip the house so our front door faces his side, so we don't require access to his property for anything. We would erect a fence between us along the boundary to offer privacy to the bottom of his garden. His house is however a considerable distance from the boundary.

Regarding the house line. There are several different house lines within the stretch of road. There seems no good reason to match his house line, whilst ignoring all the others.

I hope our replies are useful Ranald. The response from all the neighbours was overwhelmingly kind and lovely when I personally visited them all with drawings a few months ago.

Please call me if I can be of further assistance in this application [REDACTED]

We can amend the drawing to suit your requirements if you feel it's necessary.

Kindest thanks

Francis Gilhooley



Planning for Eddleston plot, South of 1 Old Edinburgh Road.

Dear Ranald,

I'm writing to you to convey my surprise that you feel you may be leaning to rejecting our proposal for the house on the plot at Old Edinburgh Road, Eddleston.

There's a couple of reasons, and I'll explain below...

When you state that you felt concerned for the tree at the front of the property, both my wife and I feel strongly that the tree must stay. When we visited there some time before buying the plot, there were 5 or 6 Blue Tits jumping from branch to branch. This was brilliant for us to see! We believe the house at the next stage of planning would be on a concrete stilt in that corner, hand dug to avoid damaging any roots.

And when you mention low amenity, this house has a garden front and back, with enough room for a patio and social area, and lots of planting beds for home grown veg and fruit. This is fantastic amenity, and considering we lived previously in the council estate above the site, there's vastly more amenity on our design than the houses on that street... and we loved living there.

If you consider amenity internally too, the open living area upstairs is a fantastic space. We do only need 2 bedrooms, but felt that a third bedroom would allow family members to stay sometimes, but it's not essential, so the house can be smaller if required.

When it comes to the Traffic comment from the authority on the online portal... there is no need whatsoever for two cars to drive in and turn on the site before leaving. The huge house number 1 (next door) with all the boats and vans and cars everywhere doesn't have any such turning spot, and he's not at the dead end where it is quietest. The road, 'Old Edinburgh Road' is dramatically wider than it looks because the grass has grown into it from both sides, encroaching onto the road, reducing its width by almost 2.5m.

I have no problem skimming the entire street to make this road the width it's actually meant to be.

This creates masses more room for parking and turning... but I might point out this is already the quietest road in the entire village of Eddleston.

With regards to the comments from the neighbour, some of them are nonsensical, especially the parking comment, considering he has 11 vehicles and boats there all year round they never move. You can see by their condition.

Scottish Water don't share his concerns about the comment from his "old friend" who commented on some old pipe somewhere "on his property".

I stated to you I am also open to flipping the house round to pacify his comment about looking at the side of our house, even though it's at the farthest point from his house.

Ranald, we are desperate to move back into the community, so much so when we went round all the houses giving them drawings just before planning, the only comments we had from each house was that they'd be delighted to see us back as neighbours... all bar the chap at Number 1.

I have shown you my commitment to:

- 1) Adjusting the drawings if required by flipping the house round.
- 2) Scraping all the grass off the road to re-reveal hundreds of square metres of perfectly good but currently hidden road.
- 3) Keeping the tree and the wonderful wildlife living in it.
- 4) Maximising this property's potential amenity in every quarter.

In addition to this, I appreciate you said you have forgotten your comment to me from a couple of years ago, when you suggested that the road was so quiet there and the fact it was a dead end anyway, that there may be no actual need for a driveway.

I don't expect you to necessarily remember, but my reply to you was simply that I want a driveway so we can charge our cars, because we fully intend to take advantage of the perfect southerly aspect from the roof apex, and install solar power across that side of the roof, which will produce enough power from the local areas adequate 1650 annual usable sun hours. This will fuel both cars fully, giving the property possibly the smallest carbon footprint in the village.

All I ask, is that you consider all of my points, and urge you to make some sensible conditions so I can be held to my word, if you do approve the proposal.

We will definitely appeal a refusal of permission if it is refused, but we genuinely feel this is a good, and environmentally friendly, small sustainable development, with far more amenity than both the council estate houses above the plot, and the modern houses squeezed into the 6 metre wide plots that were passed and then built in Peebles.

Finally, if you would like to meet me on site to discuss any points whatsoever on the plot, I'd be delighted to meet and answer any questions on the site.

Regards

Francis Gilhooley

Mr Francis Gilhooley
per James Moir
21 Old Star Road
Newtongrange
Dalkeith
EH22 4NR

Please ask for: Ranald Dods
☎ 01835 825239
Our Ref: 23/00844/FUL
Your Ref:
E-Mail: ranald.dods@scotborders.gov.uk
Date: 11th August 2023

Dear Sir/Madam

PLANNING APPLICATION AT Land South Of 1 Old Edinburgh Road Eddleston Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Francis Gilhooley

Please find attached the decision notice for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/> .

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 23/00844/FUL

To : Mr Francis Gilhooley per James Moir 21 Old Star Road Newtongrange Dalkeith EH22 4NR

With reference to your application validated on **1st June 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Land South Of 1 Old Edinburgh Road Eddleston Scottish Borders

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

**Dated 9th August 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00844/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
01	Proposed Plans, Sections & Elevations	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
- 3 The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

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 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 (as amended).

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00844/FUL

APPLICANT : Mr Francis Gilhooley

AGENT : James Moir

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of
1 Old Edinburgh Road
Eddleston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
01	Proposed Plans, Sections & Elevations	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

One representation received. That was an objection and the material grounds can be summarised as follows: impact on infrastructure; parking; visual impact; privacy. Consultation responses received from: Roads - further information required; Scottish Water - no objection.

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan 2016

PMD2 - Quality standards

PMD5 - Infill developments

HD3 - Protection of residential amenity

EP13 - Trees, woodlands and hedgerows

IS2 - Developer contributions

IS7 - Parking provision and standards

IS9 - Waste water treatment standards and sustainable urban drainage

NPF4

Policy 3 - Biodiversity

Policy 6 - Forestry, woodland and trees

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 14 - Design, quality and place

Policy 16 - Quality homes

Policy 18 - Infrastructure first

Policy 22 - Flood risk and water management

Supplementary Planning Guidance:
Development contributions;
Placemaking and design;
Privacy and sunlight guide;
Sustainable urban drainage systems;
Trees and development;
Waste management.

Recommendation by - Ranald Dods (Planning Officer) on 8th August 2023

Site and proposal

The site lies immediately to the east of Old Edinburgh Road in Eddleston and there is currently a stone dyke, approximately 900mm high between the site and the road surface, although vegetation and detritus has led to an apparent reduction in that height. It is approximately 8m wide at its narrowest, broadening out to a maximum of about 8.8m. From front to back the site measures 21.5m and in total, the area is a little over 180sqm. A mature tree, which is one of a number lining Old Edinburgh Road, appears to lie adjacent to the common boundary with the garden of the property to the south (numbers 15 and 19 Bellfield Road). To the north lies the garden of 1 Old Edinburgh Road, with that house being approximately 26.5m from the boundary.

In determining the application, the following factors were considered:

Planning history

There is no specific planning history associated with the site but it appears to have been part of 21 Bellfield Road. A permission was granted in January 2007 for alterations to that property (reference 06/01451/FUL). A pre-application enquiry (reference 20/00777/PREAPP) was made for the development of the site under consideration. Far from being "supportive" as stated in the current application form, the pre-application response concluded that "Whilst it may be physically possible to fit a house onto the site, I have concerns...about the quality of development that would result in terms of amenity, privacy, cramming and I also have severe reservations about being able to develop a house on this site without serious damage to or loss of the tree at the roadside".

Policy

The key LDP policies against which this proposal is assessed are PMD2, quality standards and PMD5, infill developments. In terms of NPF4, key is policy 14, design, quality and place. As set out below, the proposal does not comply fully with the terms of these key policies.

The placemaking and design criteria set out in policy PMD2, amongst other things, require that a proposal: creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles, whilst not excluding appropriate contemporary and/or innovative design; is of a scale, massing and height appropriate to its surroundings; is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality; is compatible with and respects the character of the surrounding area and neighbouring built form.

Policy PMD5 sets out the criteria against which development on non-allocated, infill or windfall sites will be assessed. Amongst those is a requirement that a development does not detract from the character and amenity of the surrounding area, respects the scale, form, design, materials and density in context of its surroundings; that adequate access and servicing can be achieved, particularly taking account of water and drainage; it does not result in a significant loss of privacy to adjoining properties and; can be satisfactorily accommodated within the site.

NPF4 policy 14 requires, amongst other things, that development proposals be designed to improve the quality of an area, whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, as set out in NPF4, will not be supported.

Assessment

Policy PMD2 aims to ensure all new development is of the highest quality and respects the environment in which it is contained. That policy aim does not restrict good quality modern or innovative design. What is at question here is whether the proposal is good quality or innovative design; whether it would be in keeping with the scale, extent, form and architectural character of the existing buildings and; whether or not the proposed dwelling would make a positive contribution to the character of the area.

The character of the area is single houses of varying styles, set within generous grounds, with mature trees creating an avenue along Old Edinburgh Road. The nearest property to the south is known as Kilrubie. There is then a distinct break in development of some 80m before the next house at 1 Old Edinburgh Road, to the north of the application site. Other than a small telephone exchange building, the intervening land comprises the rear garden ground of 11-21 Bellfield Road and the southern part of the garden of number 1 Old Edinburgh Road. There is, as noted above, variety in styles of the buildings in the area but the closest properties, those noted above, are set back from the road and have generous gardens surrounding them. By contrast, the proposed house would be built hard up to the northern boundary. Being on the boundary, there would be no fenestration on the north elevation which would present an unattractive blank elevation on the approach to the village from the north. Viewed from the road, the house would have an area of underbuild, approximately 1m and the fenestration would give the property a symmetrical appearance. The entrance would be to the south and, as with the northern elevation, the elevational treatment would be unattractive, with only one window lighting a bathroom. The building, being located some height above the road level, would be unduly prominent when entering or leaving the village.

Despite the variety of building styles in the village, this proposal would not relate well to its surroundings. There appears to be a lack of contextual understanding, leading to an ill-fitting development with the immediate area. This incongruity is exacerbated by the orientation and elevated position of the house and the lack of development on either side of the site.

In terms of PMD5, whilst the applicant has demonstrated that a house could physically be fitted onto the site, the fact is that the house would be over-development or cramming of the site. The submitted plan shows that the site area is in the order of 180sqm and the house would be approximately 79sqm. In other words, the house would occupy 56% of the entire site. The house would be built directly onto the northern boundary, be between 1m and 1.4m from the southern boundary and 4.9m from the eastern boundary with only 35sqm (excluding the retaining gabion baskets) available as garden ground. The appearance would be one of a house crammed onto the site, which would be very much at odds with the pattern of development in the area.

The submitted plan shows the front of the house to be only 5.5m from the boundary and that area (about 48sqm) would be given over to car parking and surface water drainage. The proposed "surface water sump" would not appear to be compliant with building regulations. Having discussed the proposal with Building Standards, that would have to be 5m from the house and the boundaries. Clearly that would be a matter for that department to consider under the relevant legislation but it does indicate that drainage from the site would be an issue and therefore, compliance with PMD5, as well as IS9 and policy 22, would have to be called into question.

In relation to policy 14 of NPF4, the matters set out above lead me to believe that the proposed house would not improve the quality of the area. The development is poorly designed and would be detrimental to the visual amenity of the area. The development would be crammed onto the site and would not enhance the pleasant entrance to the village and therefore the built space.

On the basis of the above, I conclude that the proposed development cannot be said to demonstrate a clear understanding of the context and would not be appropriate in siting and design terms. As it would not be designed in sympathy with its surroundings, it would not be sympathetic to the character of the immediate area and the village as a whole nor would it improve the quality of the area. Taking all of the above factors into consideration, the proposal does not comply with the terms of LDP policies PMD2, PMD5, HD2 and NPF4 policy 14.

Amenity

Policy HD3 aims to protect the amenity. It states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. As set out above, the form of the development would not fit within the existing pattern of the area and the design would have a undue visual impact on the village and, in particular, the existing property to the north where the appearance of the

north elevation would be particularly prominent and overbearing. Whilst the proposal would not result in overshadowing or loss of light, I have reservations about privacy issues. The submitted plans do not show the relationship with the properties to the east in any detail. An estimate has had to be made of the distance to the properties on Bellfield Road and that is approximately 17m. Had the land been flat, then it may have been possible to allow for some flexibility in terms of the window to window privacy distance, accounting for any mitigation that could have been provided. In this case, however, the properties on Bellfield Road are approximately 5m higher than Old Edinburgh Road. Assuming the rear of the proposed house to be half way between Old Edinburgh Road and Bellfield Road, that would mean a level difference in the order of 2m to the existing houses. As set out in the council's Privacy and Sunlight Guide, for every metre difference in height (or part thereof), the distance in the standard is increased by approximately 2 metres. In order to safeguard the privacy of the proposed house, the privacy distance would need to be increased from 18m to 22m. As a result of those factors, the proposal would be contrary to policy HD3.

Trees

The site has a mature tree within it and that forms part of an avenue of trees lining Old Edinburgh Road. Although those are not protected, they are of high amenity value to the area and form an attractive entrance to the village when travelling south on the A703. The applicant was advised at pre-application stage that an arboricultural impact assessment and tree survey would be required. No such reports were submitted with this application. Since the tree is not shown with any degree of accuracy, I estimate that the house would be positioned no more than 4.5m from the centre of the trunk. Given the size of the tree, that is likely to be well within the root protection area. In addition, the proposal to use that area as car parking and for surface water drainage is likely to increase pressure on the root structure and, in combination, lead to the loss of the tree. However, the tree is worthy of protection and the application takes no account of it, despite the probability of the development proposal having a negative impact on it. As a result, the proposal has to be found contrary to policy EP13.

Developer contributions

Were the proposal to be acceptable, developer contributions would be payable towards education provision. Those would require to be secured by a legal agreement.

Roads issues

I have discussed the case with the Roads Planning Service in light of their consultation response. An assumption had been made in error that the site would be accessed from Bellfield Road. Accepting that the access would be from Old Edinburgh Road, Roads state that their preference would be for 2 in-curtilage parking spaces. The distance from the front wall of the house to the edge of the site would be 5.5m. This would mean that any car parked in the site would be likely to overhang the public road. In addition, no account has been taken of the slope of the site nor of the presence of the tree, both of which are likely to further cause issues for parking within the site. Whilst the starting position is for in-curtilage, Roads acknowledges that there would be on-street parking available.

Services

The application form states that a connection would be made to the public water supply and foul drainage networks. Those matters would be acceptable, subject to condition. Surface water would be by means of a soakaway located to the front of the house. As noted above, the proposed soakaway is unlikely to be acceptable in terms of building regulations, albeit that is a separate regulatory regime, since that would have to be a minimum of 5m from the house and boundary of the site. Finally, although there would appear to be sufficient space within the site to site waste and recycling containers to the rear of the property, the plans show the difference in level between the front of the house and the main entrance (roughly 1m) to be taken up by steps. In practical terms therefore, it is likely that the bins would be located to the front of the property, further adding to the unacceptable impact on the amenity of the area.

Other matters

As noted already, there would be issues in terms of building regulations relating to the provision of a soakaway. The internal layout of the house is also likely to raise issues for Building Standards and revisions to make the development acceptable for that regulatory regime may then have a bearing on the exterior of the property and its impact on amenity and privacy. Were the proposal to be otherwise acceptable, in order to prevent privacy issues arising as a result of internal alterations, a condition would be recommended in order to remove permitted development rights for the creation of windows or openings in the north and south elevations.

Conclusion

The design of the proposed house is unsympathetic to the surrounding context in terms of siting, design, height and massing and it would have an overbearing appearance and unacceptable adverse impact on the existing property to the north. There would be insufficient distance between the proposed house and the existing properties to the east to provide sufficient privacy distance, due to the difference in levels present in the area. The proposal has taken no account of the tree within the site. The proposed means of surface water drainage is unlikely to be acceptable. The proposal is therefore contrary to LDP policies PMD2, PMD5, HD3, EP13 and IS9 together with NPF4 policies 6, 14, 16 and 22. The principle of a house on the site is therefore not accepted.

REASON FOR DECISION :

The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Recommendation: Refused

- 1 The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
- 3 The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed

has been substantiated. This conflict with the development plan is not overridden by other material considerations.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.



Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100628697-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

construction of single dwelling house

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

James

Building Name:

Last Name: *

Moir

Building Number:

21

Telephone Number: *

+447889542161

Address 1
(Street): *

21 Old Star Road

Extension Number:

Address 2:

Newtongrange

Mobile Number:

+447889542161

Town/City: *

DALKEITH

Fax Number:

Country: *

United Kingdom

Postcode: *

EH22 4NR

Email Address: *

jim.moir2@btinternet.com

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Mr

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

PEGGYS COTTAGE

First Name: *

FRANCIS

Building Number:

Last Name: *

GILHOOLEY

Address 1
(Street): *

MOORFOOT FARM

Company/Organisation:

Address 2:

Telephone Number:

Town/City: *

GOREBRIDGE

Extension Number:

Country: *

MIDLOTHIAN

Mobile Number:

Postcode: *

EH23 4TF

Fax Number:

Email Address:

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

vacant plot

Northing

647353

Easting

324326

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

SUPPORTIVE

Title:

Mr

Other title:

First Name:

RANALD

Last Name:

DODS

Correspondence Reference Number:

20/0777/PREAPP

Date (dd/mm/yyyy):

05/02/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

200.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

VACANT PLOT

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

LOCAL AUTHORITY BIN COLLECTION

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: James Moir

On behalf of: Mr FRANCIS GILHOOLEY

Date: 16/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	T	Yes	≤	N/A
Drainage/SUDS layout. *	T	Yes	≤	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr James Moir

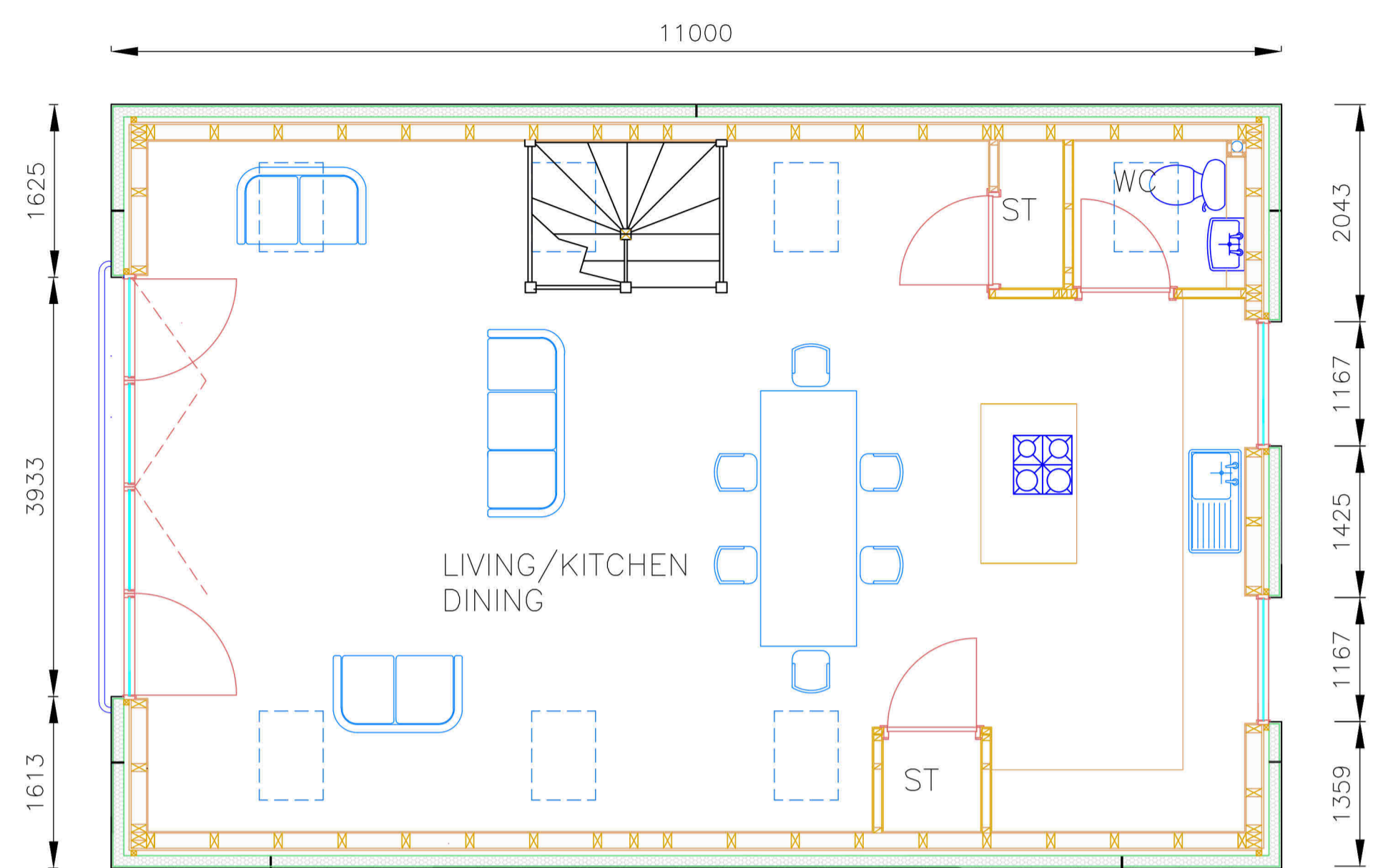
Declaration Date: 17/05/2023

Payment Details

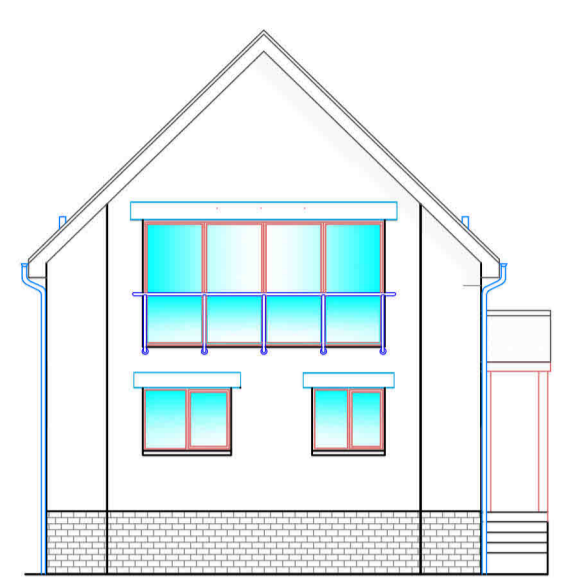
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Payment date: 30/05/2023 14:31:00

Created: 30/05/2023 14:31

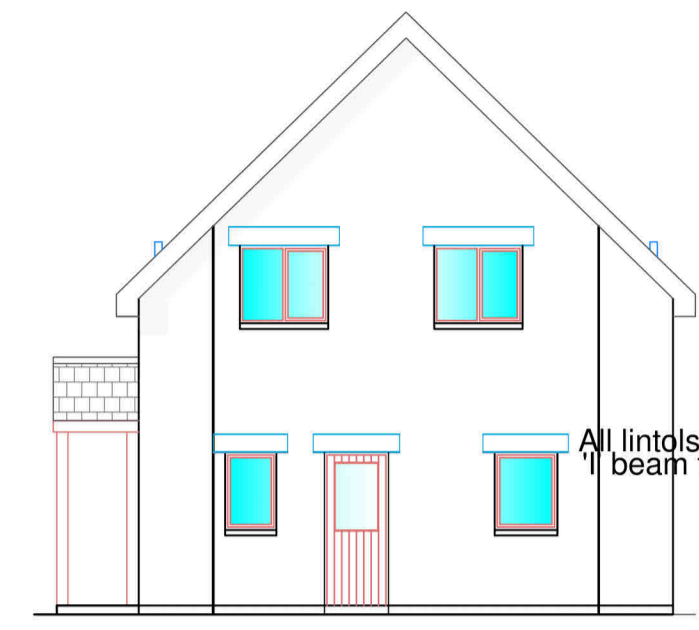


FIRST FLOOR PLAN 1:50

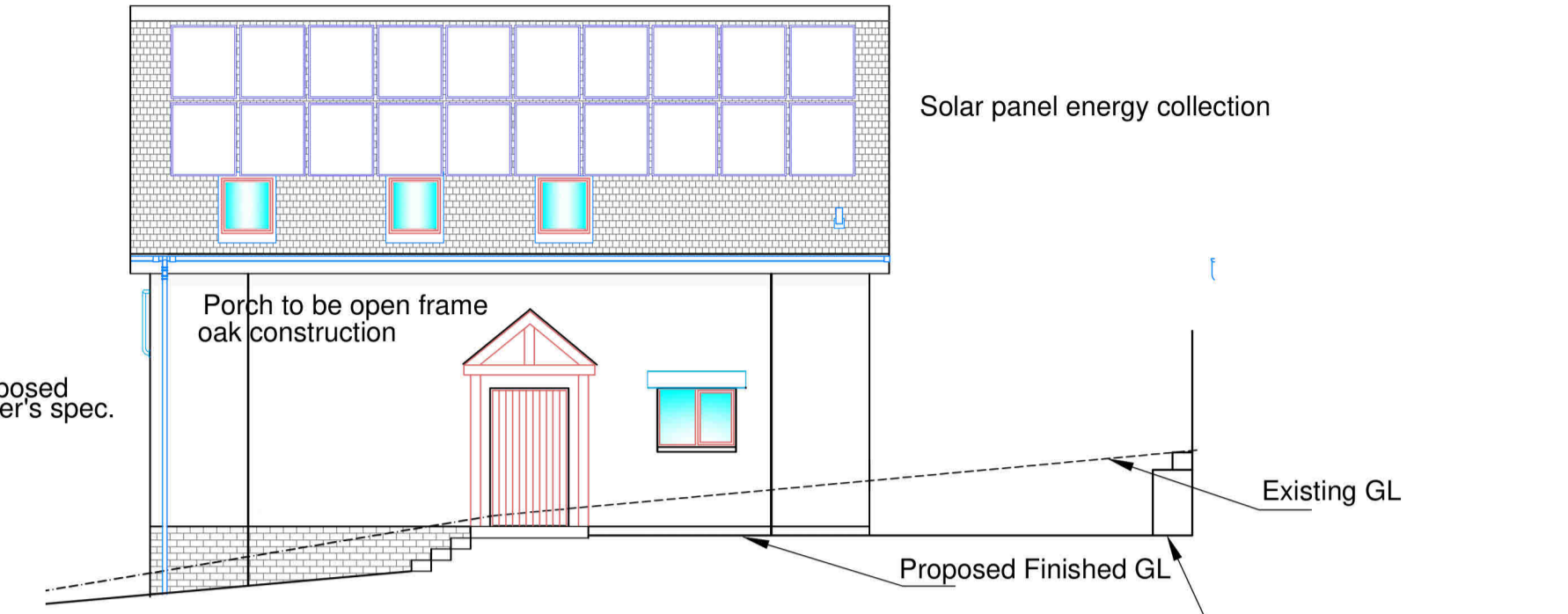


WEST ELEVATION 1:100

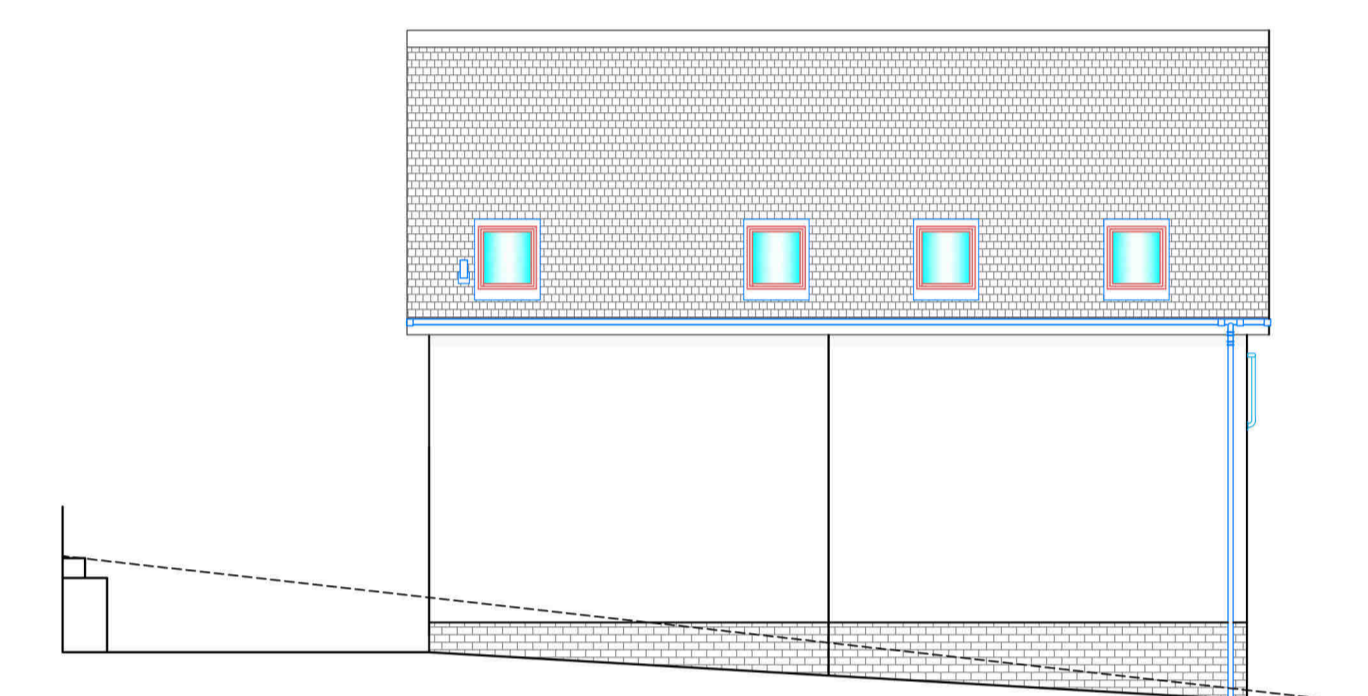
Specification
 Rear retaining wall to be Gabion Baskets
 Roof tiles to be Redland Plain smooth - Slate Grey
 Facing brick base course to be lbstock Black
 Windows & Doors to be Upvc double glazed - Slate Grey
 External wall finish to be smooth cement render + two coats white masonry paint.
 All lintols to windows & doors to be exposed treated steel 'I' sections.
 External plumbing to be pvc deepflow gutters & pvc downpipes - black.
 South roof elevation to support solar panels.
 All mains services are located on Old Edinburgh Road.
 Surface water to be collected via sump and comply with SUD'S regulations
 External wall construction to be timber kit, over slate grey facing brick base, with concrete block masonry above.
 Facias and soffits to be upvc to match windows.



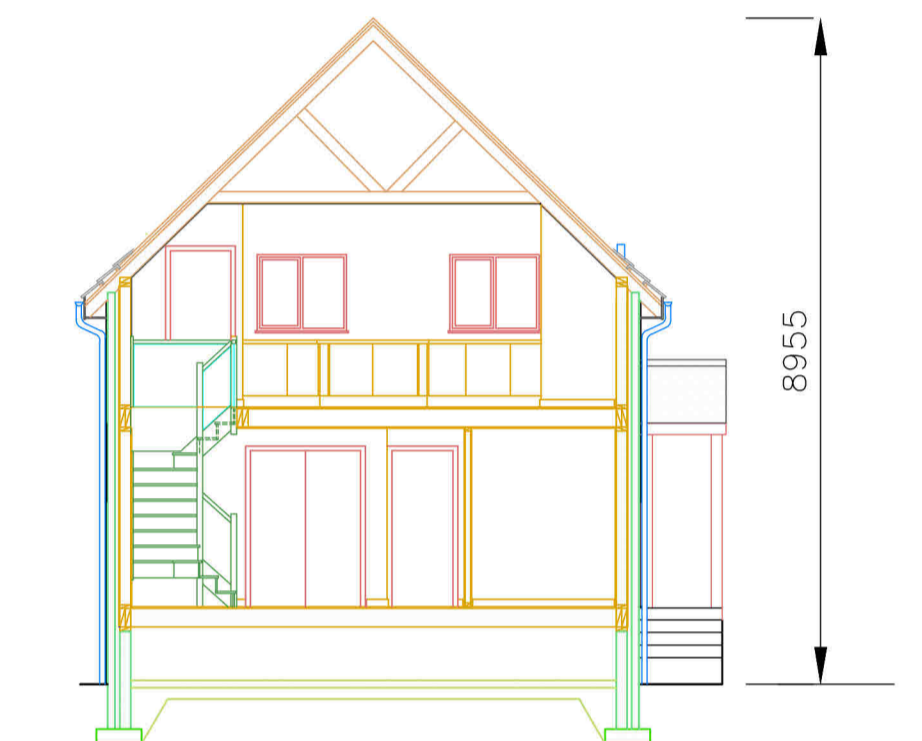
EAST ELEVATION 1:100



SOUTH ELEVATION 1:100



NORTH ELEVATION 1:100



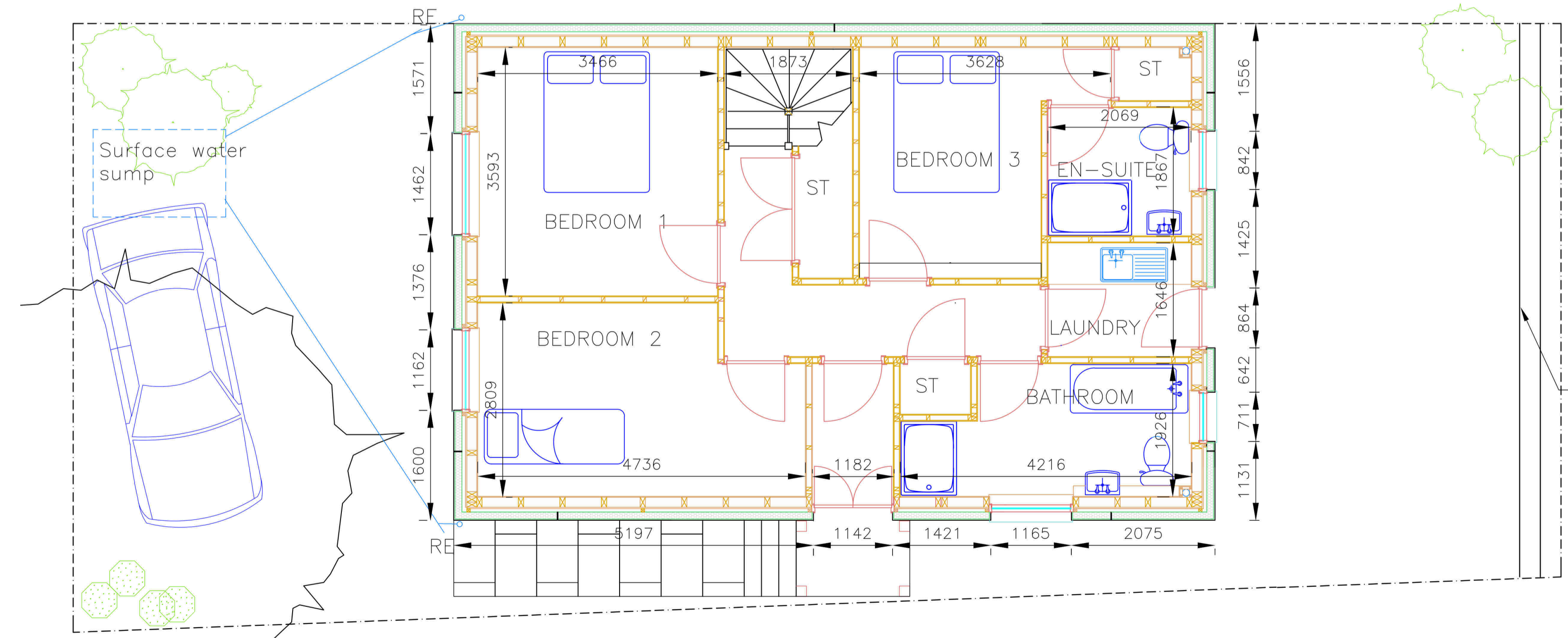
CROSS SECTION 1:100

23/00844/FUL
 09/08/2023

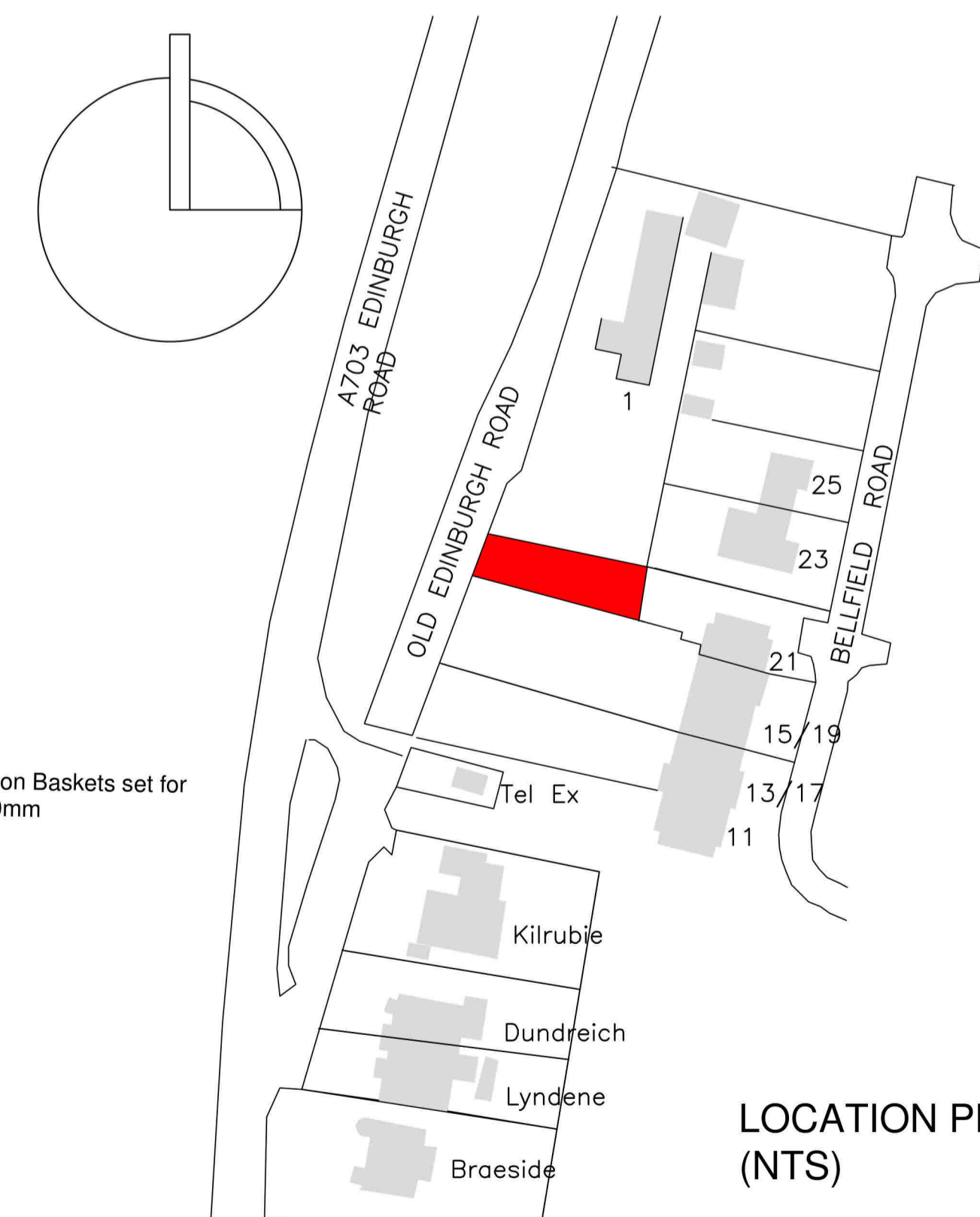
**Scottish Borders Council
 Town And Country
 Planning (Scotland) Act
 1997**

REFUSED

subject to the requirements of the associated Decision Notice



GROUND FLOOR PLAN 1:50



LOCATION PLAN (NTS)

Client Mr F Gilhooley Peggys Cottage Gorebridge Midlothian EH23 4TF	Project PROPOSED HOUSE DEVP. VACANT PLOT OLD EDINBURGH ROAD EDDLESTON SCOTTISH BORDERS	Title FLOOR LAYOUTS : ELEVATIONS: SITE & LOCATION PLANS
Date 16 MAY 2023	Scale AS SHOWN	Edition 1
		Sheet 2023/1

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 06/01451/FUL

**To : Peter Mackie per AD Architectural Design Hillview Greenside Peebles Scottish Borders
EH45 8JA**

With reference to your application validated on **21st July 2006** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations and erection of conservatory

at : 21 Bellfield Road Eddleston Scottish Borders EH45 8QR

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 **subject to the following condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated

**Dated 12th January 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning & Building Standards

Application reference : 06/01451/FUL

SCHEDULE OF CONDITIONS

- 1 Screen panel to be erected along the south elevation of the conservatory. Details of the screening to be submitted to and approved by the planning authority prior to the commencement of development. Screen to be erected to the satisfaction of the planning authority prior to the occupation of the conservatory.
Reason: To safeguard the visual amenity of the area.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

Tuesday, 06 June 2023



Local Planner
Development Management
Scottish Borders Council
Newtown St. Boswells
TD6 0SA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Customer,



South Of 1 Old Edinburgh Road, Eddleston, EH45 8QB
Planning Ref: 23/00844/FUL
Our Ref: DSCAS-0088077-6G5
Proposal: Erection of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from BonnyCraig Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by Eddleston Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 150mm combined sewer within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk

- ▶ www.sisplan.co.uk
 - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Craig Johnston Roads Planning Officer		craig.johnston@scotborders.gov.uk 01835 826856
Date of reply	23/06/2023	Consultee reference:	
Planning Application Reference	23/00844/FUL	Case Officer: Ranauld Dods	
Applicant	Mr Francis Gilhooley		
Agent	James Moir		
Proposed Development	Erection of dwellinghouse		
Site Location	Land South Of 1 Old Edinburgh Road Eddleston Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description	The site is subject to pre-application 20/00777/PREAPP, however the Roads Planning Service were not consulted on this.		
Key Issues (Bullet points)			
Assessment	<p>In order for me to support the erection of a new dwelling, I would generally look to ensure that parking for two vehicles can be achieved within the curtilage of the site.</p> <p>The submitted documents show a single car being parked within the plot, yet the application form states that two parking spaces will be provided. Furthermore, assuming the site access is to come from Bellfield Road, having a plot with parking but no turning would result in vehicles having to reverse a long distance in order to enter/exit the plot.</p> <p>In order for me to fully assess this application, I shall require a drawing showing the detailed parking and access arrangement which is being proposed. The detail should show that parking, and ideally turning, is available for two vehicles within the curtilage of the site.</p>		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input checked="" type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: AJS

Comments for Planning Application 23/00844/FUL

Application Summary

Application Number: 23/00844/FUL

Address: Land South Of 1 Old Edinburgh Road Eddleston Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Ranald Dods

Customer Details

Name: Mr Colin MacDonald

Address: 1 Old Edinburgh Road, Eddleston, Peebles, Scottish Borders EH45 8QB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Inadequate Boundary/Fencing
- Inadequate screening
- No sufficient parking space

Comment: Application Number 23/00844/FUL

The North side of the proposed new house is shown to be hard to the boundary with the garden old No 1 Old Edinburgh Road. Should it not be a sufficient distance distance from the boundary to allow construction and maintenance from within the site? Additionally, there is a live water main runs up the edge of the boundary in the garden of No1. A local resident who previously worked for Scottish water has previously cautioned me about the fragility of said water pipe.

The plan shows Gabion baskets set to 12mm. If my interpretation is correct, the intention would be to lower the finished ground level to the rear of the site. If so, 1. how would this effect the main sewer pipe that runs across that area of the site? 2. There is no detail of how the soil would be held back on the North side of the site? Additionally, would this impact the frost protection of the live water main running near?

The application mentions the provision of 2 parking spaces within the site but as the drawing illustrates, it would be tight to park one car.

The drawings do not show any details of planting and or any other measures to be employed to minimise the visual impact and privacy loss to No 1 Old Edinburgh road

It was my understanding that in previous planning applications the council had made it a condition that the front of the house had to in line with the front of No1 Old Edinburgh road



Local Review Body – List of Policies 18th December 2023

Local Review Reference: 23/00047/RREF

Planning Application Reference: 23/00844/FUL

Development Proposal: Erection of dwellinghouse

Location: Land South of 1 Old Edinburgh Road, Eddleston

Applicant: Mr Francis Gilhooley

National Planning Framework 4 (NPF4)

Policy 3: Biodiversity

Policy 6: Forestry, woodland and trees

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 14: Design, quality and place

Policy 16: Quality homes

Policy 18: Infrastructure first

Policy 22: Flood risk and water management

Scottish Borders Local Development Plan 2016

PMD2: Quality standards

PMD5: Infill developments

HD3: Protection of residential amenity

EP13: Trees, woodlands and hedgerows

IS2: Developer contributions

IS7: Parking provision and standards

IS9: Waste water treatment standards and sustainable urban drainage

Other Material Considerations

Supplementary Planning Guidance on:

- Sustainable Urban Drainage Systems August 2020
- Development Contributions 2023
- Householder Development (incorporating Privacy and Sunlight Guide) 2006
- Placemaking and Design 2010
- Trees and Development 2008
- Waste Management 2015

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