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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 100075136-001

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.

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: | Ferguson Planning | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Tim | Building Name: | Shiel House |
| Last Name: * | Ferguson | Building Number: | 54 |
| Telephone Number: * | 01896668744 | Address 1 (Street): * | Island Street |
| Extension Number: | | Address 2: | |
| Mobile Number: | 07960003358 | Town/City: * | Galashiels |
| Fax Number: | | Country: * | United Kingdom |
| | | Postcode: * | TD1 1NU |
| Email Address: * | tim@fergusonplanning.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: | | Building Name: | C/O Agent |
| First Name: * | Robert | Building Number: | |
| Last Name: * | McCririck | Address 1 (Street): * | C/O Agent |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | C/O Agent |
| Extension Number: | | Country: * | C/O Agent |
| Mobile Number: | | Postcode: * | TD1 1NU |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

| | |
|---|--------------------------|
| Planning Authority: | Scottish Borders Council |
| Full postal address of the site (including postcode where available): | |
| Address 1: | 40-41 THE SQUARE |
| Address 2: | |
| Address 3: | |
| Address 4: | |
| Address 5: | |
| Town/City/Settlement: | KELSO |
| Post Code: | TD5 7HL |

Please identify/describe the location of the site or sites

| | |
|--|--|
| | |
|--|--|

Northing

634012

Easting

372742

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

CHANGE OF USE FROM CLASS 1 RETAIL TO ALLOW MIXED USE CLASS 2 (PODIATRY CLINIC) AND CLASS 1 (ANCILLARY RETAIL

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Appeal Statement for Full Grounds of Appeal

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning Statement Site and Location Plans Application Form Consultee Responses Email Correspondence Decision Notice Report of Handling

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/01139/FUL

What date was the application submitted to the planning authority? *

14/08/2017

What date was the decision issued by the planning authority? *

20/10/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 10/11/2017

FERGUSON
PLANNING



SBC LOCAL REVIEW BODY

STATEMENT OF APPEAL

PLANNING REF. 17/01139/FUL

**CHANGE OF USE FROM CLASS 1 (RETAIL) TO
ALLOW MIXED USE CLASS 2 (PODIATARY
CLINIC) AND CLASS 1 (ANCILLARY RETAIL)**

40-41 THE SQUARE, KELSO, TD5 7HL

CLIENT: MR ROBERT MCCRIRICK

NOVEMBER 2017



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FERGUSON PLANNING



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Appendix 1: Appeal Documents List



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1. INTRODUCTION

- 1.1 This statement of appeal has been prepared by Ferguson Planning, on behalf of Mr Robert McCririck. It relates to a proposal (17/01139/FUL) to change the use of a long standing vacant unit at 40-41, Market Square from a former Class 1 (retail) to allow mixed use Class 2 (podiatry clinic) and Class 1 (ancillary retail).
- 1.2 Scottish Borders Council's (SBC) Planning Department on the 20th October 2017 refused the application via delegated powers. As such, we now seek to appeal this decision to the Council's Local Review Body.
- 1.3 The site has been redundant for over two years with no sound interest from a retail or other Class 1 uses. This is despite it being widely advertised during this time by local agents (Edwin Thompson).
- 1.4 The proposal will enable new investment in the Kelso economy and contribute positively to the overall vitality and viability of the Town Centre.
- 1.5 The supporting and background documentation to this appeal are listed within the Appeal Form and Appendix 1 with this statement focused on responding to the reason for refusal. Specific reference to the Development Plan and related material considerations are made when outlining the grounds of appeal.



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2. REASONS FOR REFUSAL

- 2.1 Within the 'Decision Notice' there was one reason for refusal that being:

The proposed change of use from Class 1 (Shop) to Class 2 (Financial, Professional and Other Services) would be contrary to Policy ED4 of the Local Development Plan 2016 in that the use of the premises as a podiatry clinic would result in the loss of prime retail floorspace in a prominent location and introduce a non-retail/food and drink use within the Core Activity Area in Kelso, which forms part of the principal shopping area in the town centre. It has not been adequately demonstrated that the proposed change of use to Class 2 would maintain the vitality and viability of Kelso town centre. Material considerations, including the vacancy of the unit, have been accounted for but do not outweigh the conflict with Policy ED4.

- 2.2 It is considered also important to highlight extracts from the Officer's Report of Handling which relate to the reason for refusal. These being:

Joint Shopping Trips, Footfall Contribution and Footfall Rates

This is the principle reason concern in respect of this proposal. It is accepted that potential clients could make joint shopping trips, however there is clear overriding evidence that this use would function equally successfully in an alternative site outwith the Core Activity Area.

I find no compelling reason in the Applicant's Supporting Statement to justify this change of use. Granting approval of this Class 2 use would unnecessarily result in the loss of a retail or food and drink use in a Core Activity Area.

The case against this chosen site is clearly stated by the Forward Planning Section; the projected footfall (when fully operational) is 120-150 clients a week. While sounding a high level of footfall in principle, it is actually only 20 clients per day based on a 6 day week. No operating times are given therefore there is no indication that this operation will be during office hours. I cover the subject of appointments below.

Hours of operation are a significant matter in retail core areas and a significant concern when considering joint shopping trips and contribution to footfall. The target market is stated to be walking and running enthusiasts. This suggests that potentially the majority of business would be outwith normal business and shop opening hours. It therefore seems unlikely that clients would take joint shopping trips. I find no valid argument that this proposal will improve vitality and viability of the town's retail core.

- 2.3 It is considered to be a rather unsubstantiated assumption that visitors to the shop would be outwith normal business and shop opening hours. There is no evidence to suggest that walking and running enthusiasts would require non-conventional business hours operation. It is anticipated that the unit will be open during regular business hours, generally 9am-5pm.





- 2.4 There are many examples of Podiatry Clinics running successfully alongside retail functions which provide products that support the requirements of clients to the clinic.¹ Indeed, there are many examples of this type of retail which operate as a stand-alone business².

In support of current footfall rates, the Council's Footfall Survey 2016 states 'the footfall in Peebles, Kelso and Melrose has generally been steady or increasing in recent years and these towns have low levels of retail unit vacancy. Overall, footfall is up 6% since 2007 and Kelso is considered to be performing well'. This proposal could set a precedent for similar uses that would over time damage this documented improvement in footfall rates.

- 2.5 The Scottish Borders Footfall Survey 2016 actually shows that footfall in the period 2015-2016 decreased by 4%. However, notwithstanding this and in regards to client numbers, the response is based on the assumption of a 6 rather than 5 day week for just visitors to the clinic function side of the business. This artificially lowers and thus greatly underestimates the likely number of visitors to the unit. Indeed, the figures provided for those visiting the practice for medical treatment are very conservative estimates and could expand significantly should additional practitioners become involved with the practice in future. This aside, comparison is being drawn between the number of visitors from this aspect of the business to those visiting other retail locations whilst failing to acknowledge the potential footfall generation from the retail component of the business in its own right.

- 2.6 In addition to presenting a frontage with an obvious retail component, which is in keeping with the spirit of the town centre being more retail-orientated, there are no reasonable grounds to make the assumption that this aspect of the business could not generate a level of footfall comparable to many of the pure retail units in the town. A note of caution should also be applied in relation to the Council surveys as they are simply a snapshot in time and cannot be overly relied upon as a consistent or precise indication of footfall throughout the year.

Sequential Test

There is no evidence provided which would demonstrate that the Applicant has considered other locations outwith the Core Activity Area. There are vacant premises outwith the Core Activity Area that may be appropriate. Sites close by in Horsemarket, Woodmarket and Roxburgh Street would offer appropriate accommodation for Class 2 uses. I find no requirement for a podiatrist to have a lounge behind a fully glazed shop frontage in a Core Activity Area.

- 2.7 Reference to a sequential test is inappropriate in the context of this application. There is no requirement within Policy ED4 to identify other sites that may be more suitable for the proposed development.

¹ <https://www.shuropody.com/>

² <https://www.simplyfeet.co.uk/>, <http://www.shoemed.co.uk>



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- 2.8 The Policy does not include a requirement for the applicant to demonstrate that other locations are more appropriate for a Class 2 use. The Policy simply requires justification for the proposed development as submitted.

I find this to be the most significant issue with this application. It is unlikely that this business would have any means of accepting impromptu clients off the street. The main aim of Core Activity Areas is to encourage public activity within such areas to safeguard areas where retailers are able to display and trade at the convenience of the public.

- 2.9 It is anticipated that the Podiatry Clinic will operate on an appointment based system, however there is no evidence to suggest that there would be no ability to accept impromptu clients off the street. This is another assumption made within the Report of Handling without requesting clarification on this point.

Current Vacancy, Marketing History, Longevity of Vacancy

Letters of supports from the public and from the Council's Economic Development Section highlight the fact that this is a vacant unit and a blight on character and appearance of The Square, which is damaging to the vitality of the town.

I find no weight in this argument. It is a small frontage and Economic Development highlight that it is sited in a corner low profile location.

Vacancy is unfortunately a consequence of the free market economics. Market equilibrium will be reached and a willing trader found. You have to look no further than Fat Face at 12 The Square, Kelso. This is a national brand willing to trade in a small market town.

- 2.10 The Report of Handling does not appear to grasp the fundamental issues concerning the vacancy of this unit. Whilst it is accepted that vacancy is a consequence of free market economics, this unit has been vacant for in excess of two years illustrating that there is no desire to operate Class 1 retail in this location.

- 2.11 It is not clear why the decision would choose to disregard the representations made by all but one consultee in supporting the application. This includes support from, the following as well as local residents:

- Kelso Community Council
- Kelso and District Amenity Society
- Economic Development

- 2.12 It is considered that in fact substantial weight should be placed on the material arguments that the proposed use would enhance the vitality of the town. Long term vacancy of units can create a blight on the character of the town centre. As acknowledged within the report: *"The fascia*



panel has been removed leaving an unsightly modern frontage.” This illustrates that he recognises the detrimental impact that the vacancy of the unit is creating.

- 2.13 We would point out the aim of Policy ED4; which is to encourage public activity within the Core Activity Areas in Town Centres. The policy justification states that *“A wider range of commercial uses encourages development which increases footfall in town centres and in turn prevents the gradual loss of essential town centre activities in locations where this is regarded as important to the vitality and viability of the centre.”*
- 2.14 It would appear that the decision does not seek to meet the aims of the policy justification to allow a wider range of commercial uses. The current long term vacancy of the unit is enabling the gradual loss of town centre activities. By bringing the unit back into an active use, with a retail frontage, the vitality and viability of the centre will be maintained.

I confirm that this unit has been advertised since 24/09/2015. Sale particulars demonstrate it was operating as an interior design shop. Prior to this it operated as a hardware store. I do not find this period of vacancy in itself enough evidence to justify departure from Policy ED4. Forward Planning specifically cite the Scottish Borders vacancy survey of Winter 2016 as being justification to the contrary. The survey identifies vacancy levels at 5% compared to an average of 11% in the Borders and a national average of 12%.

- 2.15 The Vacancy Survey can only present a snapshot of time and should not be relied upon as evidence of consistent vacancy rates. However, with the evidence put forward, to continue to prevent genuine interest from local professional business from developing further at this stage for the sake of rigid compliance to the policy is counterproductive when vacancy of the unit represents the least desirable status of all.
- 2.16 Being a statistically favourable area in terms of unit vacancy is of no consolation or practical significance for the owners who bare the financial burden of an unrented unit, for the young professional seeking to create a business of true value in the community and indeed for all those other local businesses who are unable to benefit from the always welcomed increased footfall this could bring through their doors.

Ability to Retain a Frontage

The proposed floorplan appears to make no use of the shop frontage as a retail display area, despite “Class 1 ancillary use” being in the application description. Discussion in the Supporting Statement surrounds sale of foot products but there are no figures given as to the volume or proportion of business these sales would comprise. Certainly there is no evidence in the proposed layout of floor area given over to retailing.

Economic Development argue that this absence of intervention in the frontage to be a positive point. In the proposed plans, it appears that the applicant would use the window display as a lounge area, with a three seater settee, two armchairs and coffee tables and a reception desk. I





do not agree that such a use of this shop frontage "complements neighbouring commercial and retail uses". I place significant weight on this fact. This layout plan successfully demonstrates that this shopfront would be used as a waiting room. This is historically inaccurate for the B Listed Building and is in direct conflict with Core Activity Areas, which seeks to retain these buildings for retailing and food and drink uses to maintain vitality and viability of Kelso Town Centre.

- 2.17 No information was requested during the determination period regarding the volume of, or internal arrangements for the retail aspect of the unit.
- 2.18 There is sufficient space within the unit to accommodate the proposed podiatry clinic as well as the retail functions of the business. It is anticipated that retail aspects could be incorporated within the front bay windows as well as within the premises. This would present an active, retail frontage to The Square. The property was chosen for the proposed use primarily because of the ability to incorporate all of the relevant operational aspects of the podiatry clinic whilst also ensuring sufficient space to accommodate the retail functions of the premises.
- 2.19 The internal arrangements demonstrated on the submitted plans are indicative only. They are not required to demonstrate precisely how the internal arrangements of the premises will function. Should it have been considered that this was a material consideration of considerable weight, it is suggested that the agent or applicant should have been contacted for clarification rather than make unfounded assumptions.
- 2.20 It would appear that the Report of Handling fundamentally misunderstands the operation of the proposed development. The proposal would not create the loss of a retail unit, it will in fact enable a diversification of use within a long term vacant unit. It will essentially retain a retail use as well as allow for the provision of a much needed facility within a highly sustainable location. There appears to be no detailed justification as to why decision concludes that only retailing and food and drink will maintain vitality and viability.



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3. PLANNING POLICY CONTEXT

SCOTISH BORDERS LOCAL DEVELOPEMNT PLAN (2016)

- 3.1 It is pertinent that we quote Policy ED 4 in full which is the primary policy used in the determination of this proposal:

To provide flexibility and maintain vitality and viability in the retail core of the town centre, core activity areas have been identified in Galashiels, Hawick, Peebles, Kelso, Selkirk, Melrose, Jedburgh, Duns and Eyemouth. In core activity areas a mix of uses appropriate to the town centre will be allowed. Class 1 and 3 of the use Class Order are seen as appropriate uses within core activity areas. Proposals for uses other than Class 1 and 3 at ground level in core activity areas will normally be refused.

Proposals for other uses including Class 2 will be assessed in terms of their contribution towards the core retail function of the area and will only be acceptable where there is a significant positive contribution to the core retail function.

Other uses, such as residential, are encouraged above shops and other town centre uses.

- 3.2 It is also relevant to quote the reasoning for the amendment to Policy ED 4:

The aim of the policy is to encourage public activity within Core activity areas in Town Centres.

These areas are defined in the town centre network identified in policy ED3 and shown on the proposals maps. A wider range of commercial uses encourages development which increases footfall in town centres and in turn prevents the gradual loss of essential town centre activities in locations where this is regarded as important to the vitality and viability of the centre.

In order to support the vitality and viability of core activity areas, acceptable uses are restricted to Class 1 (shops) and 3 (food and drink) of the use Class Order. proposals for uses within Class 2 (financial, professional and other services) of the use Class Order would only be acceptable where they contribute positively to the core retail activity of the area and will be assessed against the following:

- *How the proposed use would contribute to joint shopping trips;*
- *Footfall contribution;*
- *Current vacancy and footfall rates;*
- *Longevity of vacancy;*
- *Marketing history of premises; and*
- *Ability to retain shop frontage.*



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CONNECTED BORDERS (2017-22)

3.3 This document presents the Administration of Scottish Borders Council’s vision for the next 5 years (2017 – 2022)³. As well as stating the key principles that will guide our work it articulates the type of communities we want to create and the progress that needs to be made in order to achieve a more Connected Borders.

3.4 Part 3 of the document states:

As a Council we will adapt the Local Development Plan to promote diversification in town centres that encourages new and existing businesses to flourish by making it easier for a greater variety of business types to set up, including specialist retailers, offices, tourist businesses, cafes and restaurants.

SCOTTISH PLANNING POLICY

3.5 The SPP introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

3.6 This means that policies and decisions should be guided by a number of principles including the following:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

3.7 Policy principles for Town Centres states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;

³ https://www.scotborders.gov.uk/downloads/file/3281/connected_borders





- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

3.8 With regards to Development Management procedures, decisions should take account of new development in a town centre which should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.



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4. GROUNDS OF APPEAL

THE PROPOSAL

- 4.1 The proposal is relatively straight forward in that there are no external or internal building works being proposed to the currently vacant unit. The applicant seeks to accommodate a use which is currently not present within the settlement or surrounding area.
- 4.2 It is somewhat confusing as to why a mixture of uses including a podiatry clinic with associated retail would be seen as being any different in form or function to a sole retail use as both would function in the same way and fall within separate uses classes and thus triggering the application in question.
- 4.3 The business would create new employment in Kelso Town Centre, bring a prominent vacant unit back into life and increase footfall and custom in a central and sustainable location. It is likely that further enhancements, such as painting of the building/unit, would occur in due course, and to the overall benefit of the town centre environment.
- 4.4 Given the unit falls within the town centre it is accessible by sustainable modes of transport. As outlined within consultations made to the application there is local support for that being proposed (refer to Kelso Amenity Society, Community Council and local resident's representations).

REASON FOR REFUSAL

- 4.5 The main reasons for refusing the application have been outlined within Chapter 2. Our formal response to the reasons form the 'Grounds of Appeal' which are listed below.

GROUNDS OF APPEAL (GOA)

GOA 1

- 4.6 The proposal does not require a deviation from Policy ED4. The reason being that Policy ED4 currently states uses that fall beyond Class 1 could be deemed acceptable where ***it can clearly be demonstrated that the development would not result in an unacceptable adverse impact on the viability and vitality of the town centre or village.***
- 4.7 The proposal seeks to bring back into use a longstanding vacant unit within Kelso's Core Retail Area. It will retain the shop frontage with all external aesthetics remaining as they are at present.
- 4.8 The impact of allowing the unit to be brought back into use for a purpose very similar to that which has gone before is deemed to have a positive rather than negative impact on Kelso's core retail area.





- 4.9 As highlighted within the Planning Statement the front of the property will incorporate the ancillary retail use and therefore the unit will continue to present an active retail frontage to the Core Activity Area.
- 4.10 The proposal will enhance vitality in this area by attracting new customers/clients to the area (currently not happening with vacant unit). Viability is shown in that a Podiatrist is wishing to invest in the town centre not compete with it. Should the Council consider certain Class 2 uses to be unacceptable (beyond that proposed) a suitably worded condition could be applied.
- 4.11 In our opinion, the Report of Handling and reason for refusal has failed to outline how the proposal is going to lead to an unacceptable impact on Kelso's core/town centre and fundamentally misunderstands the proposed mixed use approach which would retain a strong retail element within the unit. The proposed use falls within the town centre and in theory will compliment neighbouring uses not compete with them.

GOA 2

- 4.12 The proposal is also in line with recent Scottish Government guidance. That being to diversify the uses within Scotland's town centres beyond Class 1 in order to bring vitality back to our High Streets and reduce the rising vacancy levels.
- 4.13 It is noted that Kelso's Core Activity Area consists of 71 units, as distinguished within Appendix 4 of the Retail Survey for Scottish Borders. The following table is a breakdown of the uses:

| Use Class | Unit Amount | Percentage |
|-----------|-------------|------------|
| Class 1 | 51 | 71.9% |
| Class 2 | 12 | 16.9% |
| Class 3 | 4 | 5.6% |
| Class 7 | 4 | 5.6% |

- 4.14 As can be seen above, the overwhelming use within the Core Activity Area is Class 1. The proposed change of use would, in the worst case scenario (i.e. a pure Class 2 function), result in the loss of a single Class 1 property. This would result in a 70.4% proportion of Class 1 uses within the CAA. It can certainly not be said that the proposed development would result in an over concentration of Class 2 uses within the town centre. It is therefore considered that the proposed development would have no demonstrable impact on the viability and vitality of the CAA.
- 4.15 Furthermore, it should be recognised that the proposal would not lead to the loss of a retail unit but will merely allow for a wider use of the unit to incorporate a function that would not prejudice the vitality and viability of the town centre.



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- 4.16 The Borders Connect document presents the Administration of Scottish Borders Council's vision for the next 5 years (2017 – 2022). This document was approved during a Committee Meeting on 24th August 2017⁴. It has not been referred to within the Report of Handling although its content should be assessed as a material consideration in the determination of this application.
- 4.17 The document seeks to actively encourage the development of new and existing business within the Scottish Borders as well as encouraging a flexible approach to town centres. Of pertinence, Section 2 (Page 7) determines that:

Not only will SBC be supporting our existing businesses to grow and develop but we will be encouraging new business and industry to develop in the Borders... When new sites are identified for development, it is essential that adequate consideration is given for enterprise and economic development as well as residential development. Joined-up thinking is required when it comes to town and community planning, making sure that appropriate services and opportunities are provided for our communities and residents.

- 4.18 Furthermore Section 3 (Page 9) states that:

Our town centres are great local assets where we connect with local services and facilities but many face challenges as patterns of retail change and shoppers use online services or large out of town supermarkets. Low 'footfall' in many towns results in some premises being left empty altogether. As a Council we will adapt the Local Development Plan to promote diversification in town centres that encourages new and existing businesses to flourish by making it easier for a greater variety of business types to set up, including specialist retailers, offices, tourist businesses, cafes and restaurants.

- 4.19 The decision to refuse the proposed change of use application entirely contradicts the agreed vision of the Council to promote diversification in town centres.
- 4.20 The proposal seeks to enable a local business owner to establish himself within Kelso and would solve the issue of a long term vacant unit bringing vibrancy and regular use to the town.

GOA 3

- 4.21 The unit in question has been marketed for Class 1 use for over 2 years, as noted within the Report of Handling. This provides the necessary evidence to demonstrate the lack of demand for continual Class 1 use only. Whether the vacancy level in Kelso town centre is below or above national vacancy rates is irrelevant in our opinion. The focus should be about demonstrating the lack of demand (which we have done) and taking every opportunity to reduce the number of vacant units within Scottish Borders town centres.

⁴ <http://scottishborders.moderngov.co.uk/ieListDocuments.aspx?CIId=132&MIId=3719>





GOA 4

- 4.22 One of the key Grounds of Appeal to be raised, is the overall misunderstanding of the proposed development. A substantial aspect of this is the Council's evident misinterpretation of the plans provided and lack of request for any clarification during the determination process.
- 4.23 It is recognised that the stance appears to suggest that additional information regarding the retail use of the premises would be of benefit. However, with respect, it is felt that despite repeated emphasis placed on the retail value in the proposed use in correspondence directed towards both the Planning Officer and the Forward Planning Department, this would appear to have been significantly disregarded. With that in mind, the following points are laid out which aim to provide the details of the intended use of the building interior. We trust these will provide ample explanation for how the frontage of the premises will complement the core retail activity of the town centre and why it is of great importance that the proposed activity be permitted to take place in this town centre location:
- 4.24 The two large shop front windows will display a range of footcare products as well as athletic footwear, especially running shoes, and specialised footwear inserts (as already stated in section 3.6 of the original planning statement) that historically have only been available further afield (there are currently no providers of specialist athletic footwear in Kelso).
- 4.25 Additional displays will be included on and adjacent to the reception desk site and a footwear range will be incorporated along the right-hand wall immediately adjacent to the right-hand front window.
- 4.26 The front area of the premises, identified by the officer as a 'lounge area' is indeed designed to function as a waiting area for podiatry clients however it also serves to function as a seating area necessary for customers trying on footwear as would be standard in any pure retail establishment selling footwear products.
- 4.27 The area that the reporting officer identified as a "desk area" with "no apparent use" is not actually a desk area at all – this is a foldable treadmill designed for running and walking gait analyses and will be used both in the assessment of patients attending podiatry appointments as well as for retail customers interested in the purchase of athletic footwear and/or specialist shoe inserts in order for trained staff to guide customers as to the best purchases they can make in terms of their individual goals. This brings up two important points:
- The complimentary nature of the two sides of the business; the option of a local provider of technical retail products such as athletic footwear is already likely to be welcomed in Kelso but the combination of this with the expert knowledge of podiatrists and support staff is a first for any establishment in the Scottish Borders. The next closest location to offer services such as treadmill analysis when purchasing athletic footwear is Run4It (Lothian Road,



Edinburgh⁵) and even in this instance the service is offered by retail staff and not practitioners with extensive experience in gait analysis. It would be a shame for the Borders to lose this business and for customers to instead venture elsewhere for these services or simply for appropriate athletic footwear.

- Upskilling of local people; the training of the in-house team to provide these services is just one of the ways in which the business can benefit staff by developing a range of new skills.
 - The two smaller rooms/‘walk-in cupboard’ areas on the ground floor will have a sink reinstated as described in the original planning statement and will also serve as an appropriate space for the storage of specialist equipment used in the process of decontaminating/sterilising medical instruments.
 - The first floor consists of a three room layout; one as a toilet (already in place), the other two conjoining rooms would have the potential for use as storage and/or additional treatment room as per the officer’s interpretation and the original planning statement indicated.

GOA 5

- 4.28 It is asserted that there is a significant misunderstanding made that this business would not be able to accommodate impromptu visits from clients and therefore not contribute significantly to increasing local footfall. Putting aside the matter of a long vacant premises offering absolutely no increase in footfall, this presumption is false in two important regards – firstly, podiatry practices can and do accept drop-in appointments with clients, this is a perfectly routine occurrence and indeed it should be seen as a sign of high ethical standards in ensuring that all visitors seeking treatment or advice are accommodated to the best of the abilities of the practice. The second and perhaps most relevant reason that the reporting officer’s presumption is false brings us back to the almost entirely overlooked matter of the retail use component of the business that we trust the material herein demonstrates will offer ample opportunity for impromptu visits by clients much like that of any pure retail use.
- 4.29 When looking directly at footfall numbers, based on the presumption made by the forward planning department, suggested that the number of clients visiting the premises would generate a low volume of footfall relative to typical pure retail uses. Rebuttal to this was made on more than one occasion but never acknowledged in the final Report of Handling so we are forced here to yet again reaffirm our position to ensure misunderstanding is not made.
- 4.30 The quoted 120-150 clients per week is a conservative figure based on a single practitioner’s diary for a 5-day week and not the entire business over 6 days as the Forward Planning Department inexplicably assumed. Therefore, with the explanation of the building layout; to potentially include 2 treatment rooms plus the additional staff involved, it should be clear that

⁵ <https://www.run4it.com/edinburgh-run4it-running-shop>



the true figure for the entire premises (even for a 5 day week) would far exceed the suggested number.

- 4.31 It was also again not acknowledged in the final report how the retail component of the business would of course also enhance footfall. With this also taken into consideration it is quite reasonable to assume that the proposed businesses could match or in some cases greatly exceed the typical footfall generated by other nearby service-based businesses.

GOA 6

- 4.32 Whilst there is no requirement to undertake a sequential assessment to justify the proposed mixed use of the application unit for a podiatry clinic and retail space, we have undertaken an evaluation of property within Kelso in order to demonstrate that the proposal is situated in the most sequentially preferable location.

- 4.33 At the time of preparing this document there are only two other vacant commercial premises with ground floor access close to Kelso town centre:

36-40 Horsemarket, Kelso

- 4.34 Substantial work is required to alter the property to create suitable spaces for the operational functioning of the podiatry clinic element of the proposals, including private client rooms, orthotic manufacture space and instrument decontamination rooms.
- 4.35 The premises are only two units away from another podiatry clinic which would create obvious conflict between the two businesses and is professionally undesirable for both parties in numerous regards, not least of all, ethically.
- 4.36 The unit is outside of the town centre and thus will not be able to realise the same footfall that the retail component of this business seeks to take advantage of by being situated more centrally.
- 4.37 The unit is more than double the annual rent of the intended property, partly due to its far greater size (to the point of being excessive for the proposed use) making it financially unviable, especially when coupled with the aforementioned internal works required.

26-38 Roxburgh Street

- 4.38 The square footage internal area of this property is stated as approximately 6,983sqft. This is very close to an 8-fold greater floor area than 40-41, The Square and as such is far beyond considerable use for this business.
- 4.39 Again, this unit also suffers from a non-central location which would weaken the retail benefits intended for this business.



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- 4.40 Other commercial units advertised in the Kelso area are light-industrial units at Pinnaclehill Industrial Estate which are obviously completely unsuitable for the proposed use.
- 4.41 This clearly demonstrates that the unit identified for the proposed site is the most sequentially preferable within Kelso and the wider area and directly contradicts the Planning Officer's assertion that there are vacant premises in the Core Activity Area which would be more appropriate. No such premises have been identified.

GOA 7

- 4.42 It is considered that the employment opportunities offered by the site have been at worst dismissed and at best misunderstood during the determination of the application.
- 4.43 It is stated that the Council are unconvinced of the employment opportunities this use would create. The proposed creation of a private ground floor treatment room, a potential treatment room/office on the first floor and a reception desk area should have given at least some indication that staff will be necessary to operate this business and again we would have welcomed the opportunity to clarify this had it been presented to us. Nevertheless, to expand on Paragraph 4.13 of the submitted Planning Statement, approximately 5 new jobs are anticipated to be generated through this business in due course. This is based on full-time positions, although it could feasibly increase if part-time vacancies transpire to be more appropriate.
- 4.44 Employment is anticipated to include:
- Lead clinician (Podiatrist)
 - Assistant Practitioner/Orthotic Technician
 - Associate Podiatrist
 - Receptionist/Administrative Assistant
 - Retail Assistant
- 4.45 For a specific example of one of the ways in which this use will foster employment and high-end skill generation, a suitable candidate has already been identified for the role of assistant practitioner/orthotic technician within the business. A summary of this role can be found at The College of Podiatry website - <https://www.scpod.org/assistant-practitioners/>.
- 4.46 Not only would this use provide employment opportunities and foster numerous new skills and professional development opportunities in employees but the number of individuals employed would be at the very least equal to a typical retail use in this premises.



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GOA 8

- 4.47 Substantial benefits would be provided to other local businesses in contrast to assertions made by in the Report of Handling. As raised in section 3.9 of the original planning statement, *“There are many other examples of businesses in the town centre other than pure retail including barbers, estate agents, cafés and other medical-based businesses such as opticians and pharmacists who have all demonstrated an ability to thrive in Kelso Square and be only of benefit to the community and their neighbouring local businesses.”*
- 4.48 To put further emphasis on the mutually beneficial arrangement of mixed uses in the town centre it is important to reiterate that, even with all of the retail uses of the this proposal put aside, a specialist podiatry business such as this is inherently good news for other local businesses perhaps even more so than most other possible class 2 uses as *“A typical business day will involve advising numerous clients to, for example, visit local shoe retailers with recommendations on appropriate footwear choices or to visit nearby pharmacists to obtain specific products or get additional expert advice.”*
- 4.49 One need look no further than the public comment of support given to this application by Mr. William Rogerson of Rogerson Footwear for evidence that, in the respondent’s words *“Provision of this professional service centrally and occupation of the redundant unit would I believe have a positive impact on the town centre and benefit surrounding retail.”* This position demonstrates desire by other local businesses to see this proposal granted in addition to the clear support echoed by local residents and all-but-one of the council departments involved in review of the original planning statement.



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5. CONCLUSION

- 5.1 We believe that the subject site represents a sound location for an Podiatry Clinic with ancillary retail use. It will compliment neighbouring Class 1 uses, create new employment, drive greater footfall and vitality to Kelso town centre and create associated linked trips and thereby encourage and support the overall vitality and viability of the centre. It is therefore, in our opinion, in compliance with Planning Policy ED4 in that it is clear that it will not have a negative impact on the core retail area
- 5.2 The following 'Grounds of Appeal' which are detailed fully within Chapter 4, should be considered and we respectfully request that this appeal be allowed.
- **GOA 1 – The proposal does not conflict with Policy ED4 and would not lead to an adverse impact on the vitality and viability of the Core Activity Area.**
 - **GOA 2 -The proposal would not lead to the loss of a retail function within the Core Activity Area and would not lead to a concentration of non-retail or food and drink uses.**
 - **GOA 3 – The subject unit has been vacant for an excess of two years.**
 - **GOA 4 – The unit will not present a non-retail frontage to the Core Activity Area as a substantial retail frontage will be incorporated within the proposals.**
 - **GOA 5 – There has been a misinterpretation of footfall figures.**
 - **GOA 6 – There is no requirement for a sequential test, however the unit has been demonstrated as the most sequentially preferable location within Kelso.**
 - **GOA 7 – The proposal offers significant employment benefits.**
 - **GOA – There are wider benefits to the town from the proposals.**



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APPENDIX 1 – APPEAL DOCUMENTS

1. Application Form
2. Location and Site Plans
3. Planning Statement
4. Email Correspondence (regarding comments made by Forward Planning Team)
5. Planning Officer's Report of Handling
6. Local Residents Representations
7. Consultee Representations
8. Borders Connect (2017-2022)
9. LRB Appeal Statement



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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 100062683-001

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)

CHANGE OF USE FROM CLASS 1 RETAIL TO ALLOW MIXED USE CLASS 2 (PODIATRY CLINIC) AND CLASS 1 (ANCILLARY RETAIL)

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: | Ferguson Planning | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Sarah | Building Name: | |
| Last Name: * | Lapsley | Building Number: | 69 |
| Telephone Number: * | 07586807973 | Address 1 (Street): * | Buchanan Street |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Glasgow |
| Fax Number: | | Country: * | United Kingdom |
| | | Postcode: * | G1 3HL |
| Email Address: * | sarah@fergusonplanning.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: | | Building Name: | C/O Agent |
| First Name: * | Robert | Building Number: | |
| Last Name: * | McCrick | Address 1 (Street): * | C/O Agent |
| Company/Organisation: | | Address 2: | |
| Telephone Number: * | | Town/City: * | C/O Agent |
| Extension Number: | | Country: * | United Kingdom |
| Mobile Number: | | Postcode: * | G1 3HL |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

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

Northing

Easting

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)

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

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:

51.43

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)

Class 1 (Retail)

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)? *

0

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?? * (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)

Proposal is for Change of Use, waste collection will remain as existing.

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

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 2 Financial, professional and other services

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

82

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 1 Retail (non-food)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

1

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Ancillary Class 1 in association with proposed Class 2

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

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Sarah Lapsley

On behalf of: Mr Robert McCririck

Date: 14/08/2017

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)

Planning Statement

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: Ferguson Planning Tim Ferguson

Declaration Date: 14/08/2017

Payment Details

Cheque: 000000, 00000000000000

Created: 14/08/2017 14:19