

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 22nd August 2017

Contact: Euan Calvert ☎ 01835 826513

Ref: 17/01139/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 12th September 2017, 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 12th September 2017, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr Robert McCririck

Agent: Ferguson Planning

Nature of Proposal: Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry clinic) and Class 1 (ancillary retail)

Site: 40-41 The Square Kelso Scottish Borders TD5 7HL

OBSERVATIONS OF: Forward Planning Section

CONSULTATION REPLY

The site subject to this application is located within the Kelso settlement boundary and within the town's Conservation Area. The site is also within the Kelso Core Activity Area which is protected by Local Development Plan Policy ED4 'Core Activity Areas within Town Centres'.

The retail unit subject to this application has been used as Class 1 and this application proposes to change this use to a podiatry clinic which is a Class 2 use. Whilst it is noted it is indicated there will be some ancillary retail operations from the premises the main use is Class 2 and therefore this is the use which the application should be judged.

Policy ED4 states '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'.*

In terms of the overall current vacancy rates in Kelso, the most recent retail study was undertaken in winter 2016 and recorded the vacancy rate in the town centre as being 5%. The Scottish Borders average is 11% and the national average is 12%. Consequently it is considered the current vacancy rate in Kelso remains extremely buoyant compared to other settlements within the Borders and is not at a level which can justify a deviation from policy. Indeed it is noted that the premises have been vacant in excess of a year, but that in itself is not a justification to override policy in this Core Activity Area.

Within the Scottish Borders Council Footfall Survey 2016 it 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'*. It is noted that the proposal caters for 120-150 clients per week which on the assumption it will be operated for six days per week it will be visited by approximately 20 people per day. Consequently it will generate relatively low footfall as opposed to any typical class 1 retail use.

A supporting statement has been submitted on behalf of the applicant providing a justification for the proposal. The applicant makes reference to other business in the town centre that are not pure retail including barbers, café and pharmacies. However these uses comply with policy ED4 as they fall within either Class 1 or Class 3. It should be noted that the Core Activity Area only relates to the safeguarding of retail units along Bridge Street and within the Square and its immediate vicinity. Consequently there are, for example, parts of Horsemarket, Wood Street and Roxburgh Street within the town centre where the proposed use would be supported in planning policy terms.

It should be noted that there was a planning application (14/00049/FUL) for a change of use from Class 1 (Travel Agent) to Class 2 (Estate Agent) within the Core Activity Area in The Square, Kelso. This proposal was not supported by the Forward Planning Team as it was contrary to policy and the Development Management Planning Officer recommended refusal of the proposal however the application was ultimately approved at the Council's Local Review Body.

In summary, the unit subject to this planning application is located within a prominent location within the Core Activity Area in The Square, Kelso which is covered by policy ED4 and seeks protection of Class 1 uses. It is not considered there are any circumstances identified which could justify a deviation from this well established policy and consequently the proposal cannot be supported.

REGULATORY SERVICES



To: **Development Management Service**
FAO Euan Calvert

Date: 27th Sept 2017

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **17/01139/FUL**

Subject: Change of Use from Class 1 to Mixed Use Class 1 and 2
40-41 The Square Kelso.

I have no objections to this proposal.

AJS

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 21st August 2017

Contact: Euan Calvert ☎ 01835 826513

Ref: 17/01139/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 11th September 2017, 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 11th September 2017, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr Robert McCririck

Agent: Ferguson Planning

Nature of Proposal: Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry clinic) and Class 1 (ancillary retail)

Site: 40-41 The Square Kelso Scottish Borders TD5 7HL

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

This application for a Change of use, we understand, does not meet Policy ED4 of the Consolidated Local Plan 2011 as it introduces a partial non-retail use into a location defined for Prime Retail Frontage.

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

- The premises, although facing on to the Square are tucked into a corner; low profile, location, appear to have been vacant and unused for over 1 year, and we believe, if this application was approved, would bring vitality where there has been none, so increasing overall economic activity.
- The new use offers employment opportunities.
- The premises still offers some retail use and would appear ideal for this planned new use, with little change to the appearance of the frontage.
- The use would ultimately increase footfall to these premises, and the town in general, by providing a specialist service.

Comments for Planning Application 17/01139/FUL

Application Summary

Application Number: 17/01139/FUL

Address: 40-41 The Square Kelso Scottish Borders TD5 7HL

Proposal: Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry clinic) and Class 1 (ancillary retail)

Case Officer: Euan Calvert

Customer Details

Name: Mrs Shirley Redgrave

Address: Pinnaclehill Lodge Sprouston Road, Kelso, Kelso, Scottish Borders TD5 8ES

Comment Details

Commenter Type: Community Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Committee looked at this application and considered all of the planning Policies relevant to the area of the proposal and were happy to support the plans.

The Council are very happy to see applications which keep open.

Kelso & District Amenity Society
Dean Weatherston
11 Rosewood Gardens
Kelso
TD5 7ES

31st August 2017

Dear Mr Hayward,

Application Reference: 17/01139/FUL

Name of Applicant: Mr Robert McCririck

Nature of Proposal: Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry clinic) and Class 1 (ancillary)

Site: 40-41 The Square, Kelso, TD5 7HL

KADAS Decision: No Objections

The Society welcomes this unit being brought back into use. There are thankfully only a small number of vacant premises in Kelso, but it would be good to have this one brought back into use as it has been empty for some considerable time, and also previously it has sat empty for lengthy periods. We don't feel this type of business would be detrimental to our historic Square in any way.

Yours faithfully,

Dean Weatherston
(KADAS Secretary)

Committee: Christine Henderson (Chair), Jeanette Baston (Vice Chair), Dean Weatherston (Secretary), Hazel Woodsell (Treasurer), and Jim Fleming (Planning).