



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	Robin Purdie	Name	
Address	16 High Cross Avenue, Melrose	Address	
Postcode	TD6 9SQ	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 **18/00764/FUL**

Site address **37 Bank Street, Galashiels, TD1 1EP**

Description of proposed development **Change of use from retail (Class1) to mortgage shop (Class 2)**

Date of application **17/06/2018** Date of decision (if any) **02/08/2018**

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:

I believe our proposal should be reconsidered. The unit has been empty and marketed for 2 years and there appears to be no logic or fairness in recently granting permission to the dog groomers then refusing us

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 type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input type="checkbox"/> |

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

Statement

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.

My company has had an offer accepted to purchase 37 Bank Street, which has been empty and on the market for nearly 2 years. We are an independent mortgage brokerage, and are going to rebrand our company to Borders Mortgage Hub upon moving. We are currently based in Edinburgh, but I am a born & bred Borderer who has been arranging mortgages around the mortgages for nearly 18 years.

Thus far, change-of-use planning permission has been declined even though:

1. The property has been empty and on the market for nearly 2 years
2. We will create jobs. At least one local person will be recruited immediately upon us arriving
3. We will bring an awful lot more footfall to the area than the shop has generated in the last 2 years
4. Our presence will enhance the area
5. A dog grooming business was granted permission very recently, at the next-door property. This company appears to be a one-man business, and that property was on the market for a lot less time than number 37

I have attached our supporting statement, along with additional info, and would be grateful if the outcome could be reconsidered.

As it stands, we find the refusal to be, at best, strange given the points above and, at worst, borderline discriminatory against professional services businesses. And it does not really create the impression that Galashiels is open to inward investment from businesses that want to relocate there.

And with regard to us being refused permission after the dog grooming business was recently accepted – we would really question the fairness of the decision to decline us if this cannot be overturned on 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 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.

Since making our initial application, some new information has since emerged regarding the previous use of the building. Prior to being owned by the current owner the property was at one time the office of Pike & Chapman solicitors, and prior to that was an office for the Pearl insurance company. Both of these are Class 2.

16 High Cross Avenue
Melrose
TD6 9SQ

24th July 2018

Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

Dear Sirs,

Ref: 18/00764/FUL 37 Bank Street, Galashiels, TD1 1EP

With regard to the above application, we write in response to the Planning Consultation document that was added to the planning portal on 19th July, and with additional detail regarding our proposal.

The document culminates with the recommendation that our change-of-use application should be refused. So, we have taken time to consider this and also the Town Centre Core Activity Area Pilot Study, as published on 16th July. So, with this letter we hope to further explain why we believe that the refusal would be not be in the interests of the community in Galashiels and the wider region as a whole.

Our Company

We are an independent mortgage brokerage that is currently based on George Street in Edinburgh, albeit I myself am a born and bred Borderer. Having been assisting clients in The Borders for many years, we have a large number of active clients across the region as a whole, indeed we have almost 400 at last count.

We are not looking to open a new regional branch of our current business (MOV8 Financial) in The Borders. We are, in fact, looking to fully relocate to Galashiels and be headquartered at 37 Bank Street. And in doing so we would rename the business Borders Mortgage Hub.

Our Intention

As indicated by use of the word "Hub" in our new name, we do not intend to operate in the manner of what could be perceived as a "traditional" mortgage broker. Our whole onus will be "no appointment necessary". Our message to consumers will be clear – walk in and you will be accommodated. The word "Hub" suggests a busy, open and welcoming environment, and that is exactly what we intend to create.

With this in mind, we specifically require a premises on a main and busy thoroughfare. We also require a premises with large windows that the public can see in, into an open and welcoming working environment. Our shop frontage (and branding as a whole) will have a modern look and feel, to create the impression that this is absolutely not a traditional professional service business. There will be no covered windows, no locked doors, no "by appointment only" signage, and no team members in suits & ties.

We also only intend to use local companies, based in the Borders, to provide the significant amount of initial work required to the property, and also the ongoing services that will be required. These works and services include:

Initial:

1. The trades required to convert the shop from its current condition into the functioning shop-cum-office that we require it to be – joiners, electricians, plasterers, plumbers, heating engineers, painters, flooring etc. These companies will be from various Border towns
2. A telecoms company, to install the required phone system. We have a company from Galashiels lined up for this
3. A technology company, to install our tech requirements. We have a company from Galashiels lined up for this
4. A signage company, to provide external and internal signage - We have a company from Galashiels lined up for this

Ongoing:

1. Telecoms support - We have a company from Galashiels lined up for this,
2. IT support - We have a company from Galashiels lined up for this,
3. Cleaning - We have a company from Galashiels lined up for this
4. Window Cleaning - We have a company from Galashiels lined up for this

The Premises

37 Bank Street is a retail unit that has been empty since August 2016. It was first marketed by Bannerman Burke in September 2016. In that time there have been only 10-15 viewings. In 2017 a tentative offer was made, but this was withdrawn shortly thereafter. The business that made this offer was not of a retail or food nature, and would have required change-of-use consent.

Our Commitment

We have made an offer to purchase the property, but it currently requires significant upgrading and reconfiguration to meet our requirements.

So, in purchasing a property as opposed to leasing one, we will incur significant initial costs. This is an indication of our long term commitment. We are fully relocating and rebranding an existing business that is already successful, and currently based at a location in Edinburgh that suits us. But we have a vision for Galashiels and the wider Borders community in general – we are coming to The Borders to provide a service to the people of The Borders.

Some have questioned why a mortgage brokerage would relocate from the thriving Edinburgh market. But we firmly believe that The Borders is underserved for what we will deliver in terms of a modern, open-door, welcoming brokerage. However, to make the move, our business model requires us to have premises of the type and in the location we are proposing to purchase.

To further demonstrate this, we have already held advanced discussions with Radio Borders to run a sustained advertising campaign, specifically designed around the onus of “no appointment necessary”. This demonstrates commitment to our vision, and believe that it will be the best way to spread the message that we are open to “walk in” customers. We will also run a social media campaign, across various platforms, to further spread this message.

The Benefits to Galashiels and The Borders as a Whole

We already have a large number of clients in The Borders, from across the whole region. All of these clients have been generated by “word of mouth” or personal connections.

As it stands, we typically meet these clients at an out-of-town coffee shop or occasionally at their own home. Indeed, some of them travel to Edinburgh to meet us in our current office. So, at the moment, we are not bringing footfall to any Borders town centre. This obviously would change immediately upon opening the new premises.

Also, as well as bringing a large number of existing clients to the area, our new presence, radio advertising and social media campaign will clearly bring many new clients to Bank Street. And with more new clients comes more word-of-mouth, more referrals and yet more footfall to the area. And this is notwithstanding the fact that our staff would be purchasing goods and services from other local businesses on a regular basis.

Our clients typically will visit us on many occasions. What we do for clients is not “one-time transactional” – we assist first-time buyers who will then revisit when they move. We assist movers who move again. We assist those looking to purchase properties to let. And all of these clients typically return to us when their mortgage needs to be reviewed. Also, when a client is purchasing a new property it is not uncommon to meet them at least two or three times regarding that purchase alone.

We also have built, and are continuing to build, commercial relationships with other companies in The Borders, whose own clients will be referred to Borders Mortgage Hub for mortgage advice. These companies (solicitors, estate agents etc) are based in various towns throughout the Borders. And in referring clients to Borders Mortgage Hub, these clients will be coming to Bank Street for meetings, which potentially also means they will be drawn to the other shops and businesses in the Bank Street area and Galashiels as a whole.

As a company, we are planning to relocate to The Borders to serve the people of The Borders at a time when bank branches are closing. The closure of bank branches in the region has been well publicised and poorly received by the community as a whole. Banks obviously provide mortgages to many people in Galashiels and the whole Borders region. So we intend to provide a bespoke, personal and independent “walk in” service at a time when other, larger organisations are withdrawing from the region.

We will require staff, and will therefore create jobs for local people. We will require at least one new full-time employee from day one, and it is expected that more will be required in due course.

The Risks

As far as we can see, there are none. We are not a “start up” business. We have been trading for nearly 7 years, and have a large and recurring client bank, both in The Borders and further afield.

We believe the area is badly underserved in terms of what we can offer and the way in which we will deliver our offering. We intend to be everything that a traditional financial services company is not – young, modern, welcoming, with a clear and well-known “walk in” policy.

And because of this we genuinely believe that we will bring significant footfall to the area, much more so that a service business that operates in the more “traditional” way.

Responses to Points Raised in the Planning Consultation Report

We would like to respond to the points raised in the consultation report added to the SBC Planning Portal on 19th July:

“The proposal falls within use class 2 and is therefore contrary to the prime purpose of Policy ED4”

We at Borders Mortgage Hub understand this. However, “the policy does allow consideration of a number of other factors to be considered, and applied on a case by case basis” – we feel that, given how long the property has been empty and marketed, and given our offering explained above, we are exactly the type of company that that could be granted an exception.

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

37 Bank Street has not generated any footfall since August 2016. Also, we understand that a Dog Grooming business was granted “change of use” permission six or so weeks ago, and they are now based in the retail unit next to 37 Bank Street. With this in mind, we would question the fairness of the decision if we were not granted permission when another class 2 business recently was.

“It is appreciated the proposal will generate a degree of footfall, although by the nature of the business and the few people that will visit it in a typical day this would be substantially less than a typical retail unit. Consequently in respect of these matters it is not considered these are reasons in themselves for deviating from Council policy in this instance”

37 Bank Street has not generated any footfall since August 2016. Having read appendix 3 of the Pilot Study, there seems to be a particular aversion to financial, legal and accountancy firms while, at the same time, the rules seem to be relaxed for beauticians/nail salons etc. It is difficult to understand this discrimination against professional services. It is unlikely that a nail salon, for example, would generate more footfall than the kind of business that we have outlined.

“No information has been submitted in respect of the marketing of the premises for the period it has been vacant. It is not, therefore, possible to assess this application in terms of the marketing history of the premises during this period”

It has now been ascertained, from Bannerman Burke, that 37 Bank Street has been empty since August 2016 and actively marketed via various channels since September 2016, both for sale and let. During this lengthy period only 10-15 parties have viewed the property. A tentative offer was made in 2017, but this was withdrawn shortly thereafter. The business that made this offer was not of a retail or food nature, and would have required change-of-use consent.

“Bank Street is the most attractive and buoyant retail area of Galashiels, being opposite the well maintained and attractive gardens”

This is the reason that Borders Mortgage Hub wishes to be located here. We wish to move to The Borders in order to serve the people of The Borders. But our vision for a busy, “no appointment necessary” hub only works on a main thoroughfare, in a unit that can have an open-plan working area with large windows.

“The Pilot Scheme, however, notes that financial/mortgage advisors offer an inactive frontage and low footfall generally”

This is not an image we recognise in our business model. Our continued success will be built on having an active and engaging shop frontage, with good footfall. There are many businesses located within the core area that, I believe, will generate less footfall than Borders Mortgage Hub would.

Having assessed appendix 3 of the Pilot Study we find it disappointing that certain types of class 2 businesses are deemed a “better bet” than a walk-in mortgage shop. Having provided a more detailed explanation of our vision and intention has been provided, we hope that our proposal is seen as very different to the more traditional (and some would say “old fashioned”) impression of a mortgage advisory business.

“If the Council allows a number of uses which do not meet the principal thrust of Policy ED4 this would defeat the long term aims of generating healthy footfall. This would have major implications for the aspirations of ensuring a buoyant and healthy town centre”

Given our plans outlined above, we genuinely believe that our offering would be an excellent addition to Bank Street, both in terms of footfall and also overall contribution to the current look and “perception” of the street.

With regard to Policy ED4’s criteria against which proposals for Class 2 uses within core retail activity areas will be considered:

- 1. How the proposed use would contribute to joint shopping trips** – We have an existing client bank that would come from all over the region to our office, often 2 or 3 times in short succession. These clients, and the many new clients that our presence and advertising campaigns would generate, are currently not providing footfall to anywhere at the moment, with the exception of the out-of-town coffee shop we use, or indeed George Street in Edinburgh. So, this additional footfall to Bank Street would potentially visit (and spend money in) other businesses and shops on the street and surrounding area.
- 2. Footfall Contribution** – The premises has not generated any footfall since August 2016. Indeed, we are the only company to make any firm and lasting offer on the property since it came to market in September 2016. On this basis *any* footfall generated by Borders Mortgage Hub is a bonus to the area. Our estimate is that over 1,000 visits per annum will be made to the premises, based on a very conservative 4 meetings per working day, and given that we will have 2 fully qualified and experienced mortgage advisers based at the premises, as well as support staff.

With a sustained advertising campaign highlighting our onus on “no appointment necessary”, our actual footfall could turn out to be well in excess of this figure.
- 3. Current Vacancy and Footfall Rates** – These can be found in the SBC’s Town Centre Core Activity Area Pilot Study Report, of 16/07/2018.
- 4. Longevity of Vacancy** – 37 Bank Street has been empty since August 2016.
- 5. Marketing History of Premises** – 37 Bank Street has been actively marketed by Bannerman Burke since September 2016. A “for sale/let” sign has been fixed to the premises for all of this time, the property is listed in the window of Bannerman Burke’s two shops in the

region. And the property has also been listed on Rightmove and Bannerman Burke's own website for all of this time, and Zoopla for some of the time.

6. **Ability to Retain Shop Frontage** – In order for our “no appointment necessary” ethos to work, the shop frontage will need to reflect this. It needs to be open, consumers and passers by need to be able to see in, and it needs to reflect the welcoming environment that awaits inside. To have shop-frontage that did not reflect our ethos would defeat the purpose of what we are trying to achieve.

To Conclude

We at Borders Mortgage Hub firmly believe that we will bring a good level of footfall to Bank Street in Galashiels. And in doing so this will provide a first class and required service for the people of Galashiels and The Borders as a whole, while at the same time:

1. Choosing to invest in Galashiels and The Borders, as opposed to remaining in Edinburgh
2. Creating jobs for local people
3. Utilising local business for initial and ongoing services
4. Bringing to life a retail unit that has stood empty since August 2016
5. Bringing a service that will counter bank branch closures in the area

Yours faithfully,



Robin Purdie
Borders Mortgage Hub

16 High Cross Avenue
Melrose
TD6 9SQ

12th August 2018

Clerk of the Local Review Body
Scottish Borders Council
Newtown St Boswells
TD6 0SA

Dear Sirs,

Ref: 18/00764/FUL 37 Bank Street, Galashiels, TD1 1EP

Since our application, the additional info that we provided, and the subsequent refusal of our application, we wish to formally appeal this. Please therefore find the Notice of Review Form attached.

We also wish to point out that new information has since emerged regarding the previous use of the building. Prior to being owned by the current owner the property was at one time the office of Pike & Chapman solicitors, and prior to that was an office for the Pearl insurance company. Both of these are Class 2.

Also, the planning officer's report of 2nd August states that our proposal would not comply with the types of uses encouraged by the Council's Town Centre Core Activity Area Pilot Study. However, our application was submitted on 17th June 2018, prior to the Pilot Study report published on 16th July. This is a significant "shifting of the goalposts", post-application, which has clearly done more harm than good to our application. So we are struggling to see, in the interests of fairness, how applications made prior to 16th July can be measured against outcome of the Pilot Study.

We therefore believe that, at best, the Pilot Study should have no impact on our application. In the exact same way that it had no impact on the recently accepted application by the adjacent dog grooming company. Or, at worst, we should be refunded our application fee. It is simply not fair, in our opinion, for the findings of any study/report to have a bearing on the outcome of an application made prior to that report being published. Especially given the acceptance granted to the adjacent dog grooming company. And this is notwithstanding the reasons that we believe we should have been accepted initially:

1. The length of time that the unit has been empty and marketed
2. The creation of jobs
3. The investment in Galashiels from a company that wants to relocate there from Edinburgh
4. The footfall that we will bring to the area
5. The ways in which our presence will enhance Bank Street

We are hopeful that the barriers that we have incurred thus far can be lowered, and that the refusal can be overturned.

Should you require any additional information then just let me know.

Yours faithfully,


Robin Purdie
Borders Mortgage Hub

Attached:
Notice of Review form
Supporting statement of 24th July