

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00764/FUL

APPLICANT : Robin Purdie

AGENT :

DEVELOPMENT : Change of use from retail (Class 1) to mortgage shop (Class 2) and external re-decoration

LOCATION: 37 Bank Street
Galashiels
Scottish Borders
TD1 1EP

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Existing Layout	Refused
	Floor Plans	Refused
	Photos	Refused
colour reference	Specifications	Refused
photo mock-up	Other	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Roads Planning Service: No reply

Community Council: No reply

Forward Planning Service: The site is within the Core Activity Area of Galashiels as defined by the Local Development Plan 2016. This application must therefore be assessed against Policy ED4. The proposal falls within Use Class 2 and is therefore contrary to the prime purpose of Policy ED4. The policy does allow consideration of a number of other factors to be considered and applied on a case by case basis which in extreme instances may allow consideration of allowing other uses. Policy ED4 sets out the criteria. The key factors that influence the vitality and viability of a town centre include pedestrian footfall, the diversity of uses and the number of vacant properties. Class 2 uses will only be acceptable where there is a significant positive contribution to the core retail function

The Council's Town Centre Footfall Survey at this location (indicates a recent increase up to 8470 in 2017 from 6850 in 2013. The Council's most recent retail survey (Summer 2017) indicates that the Galashiels retail vacancy rate had decreased 1% to 18% from the figure of 19% in the Winter of 2016. 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.

The Council's retail survey, which goes back to 2006, shows that these premises have been vacant since late 2016. 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. Bank Street is the most attractive and buoyant retail area of Galashiels, being opposite the well maintained and attractive gardens. Vacancy rates on Bank Street have historically been low.

The Council agreed to approve a one year Pilot Scheme at a special meeting on 16 July 2017 for Galashiels and Hawick. This allows for a wider and more flexible range of uses to be supported. However, financial/mortgage advisors are noted as offering an inactive frontage and low footfall generally. This type of use would not be permissible within the Galashiels Core Activity Area under this Pilot Scheme. 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. It is not considered that this planning application meets the requirements of Policy ED4 (and the Pilot Scheme) and should therefore be refused.

Flood Protection Service: The site is at risk from a flood event with a return period of 1 in 200 years. Notwithstanding this, this is a small scale change of use that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems, and he would not oppose it on flooding grounds. He would strongly encourage the applicant to sign up free to the Council's "Galashiels Flood Warning Group". A number of flood protection products such as floodgates and air-vent covers are also commercially available for the existing property

Heritage and Design Officer: Whilst he generally has no objections to the principle of the proposed works, the current application is light on detail. The existing external stone shop front has been partially painted in the past and is currently a mid-green shade. His understanding is that this painted stone will be repainted a dark grey colour but it is not clear from the application what is the extent of this repainting. There is information of proposed signage, but it is not clear where this is to be located.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, PMD5, ED3, ED4, HD3, EP9, IS7, IS9

SPG Shop Fronts and Shop Signs 2011
Town Centre Core Activity Area Pilot Study

Scottish Planning Policy 2014

Recommendation by - Carlos Clarke (Lead Planning Officer) on 2nd August 2018

Site and application description

This application seeks consent to convert a vacant shop to a 'mortgage shop'. This would be a professional service categorised within Class 2 of the Use Classes (Scotland) Order 1997 (as amended). The use would operate on a 'walk-in, no appointment necessary basis'. A related LBC application (18/00785/LBC) has been submitted that includes repainting of the shop front dark blue - that aspect also requires Planning Permission, and requires consideration here.

In support of this application, the applicant has provided statements, initially with the application, and subsequently in response to matters raised by this service. These have been considered in full, can be viewed on Public Access and are referred to in this assessment where necessary.

The property is a ground floor shop, with symmetrical frontage, within a 2 ¾ storey Victorian building with a stone frontage onto Bank Street. The building is Category C Listed and located within the Conservation Area.

Principle

The property is within the town centre. Policy ED3 supports a wide range of uses appropriate to the town centre. This is a use appropriate to a town centre location, capable of contributing positively to its overall character, mixed use nature and overall vitality and viability. However, the property is also within the Core Activity Area where uses other than Class 1 (retail) and 3 (food and drink) are to be refused under Policy ED4, unless the proposal can be assessed as contributing significantly to the town centre's core retail function. This proposal would be a Class 2 use and, therefore, it would be in conflict with Policy ED4 since it is within neither Class 1 nor 3. The test is whether the proposal would make a significant positive contribution to the core retail function of the town centre. To assist with this test, Policy ED4 identifies six criteria to apply to Class 2 uses, and these are considered in turn below. In making this assessment, a considerable material consideration is the Council's recently adopted Pilot Study which promotes other uses not falling within Class 1 or 3:

1. How the proposed use would contribute to joint shopping trips

A Class 2 use is generally considered to be less lively than a Class 1 retail or Class 3 food and drink use in terms of contributing to a visitor's shopping experience within a town centre. The Council's Pilot Study recognises that 'financial/mortgage advisors' will provide some linked trip potential, but it identifies this type of use as not being acceptable within the Core Activity Area overall. The applicant proposes a 'no appointment' basis of operating. That has the potential to attract a shopper who may combine a visit with shopping. To some extent, therefore, this proposal may contribute to joint shopping trips, and this particular business may do so more than a traditional mortgage advisor. However, if consent were granted, the Council could not reasonably control the operations of the business, so it would be a matter for the applicant as to how clients use the business's services. Each business will provide different levels of footfall so comparing is difficult. Ultimately, however, the proposal will likely contribute to joint shopping trips to a lesser degree than Class 1 or 3 uses, but perhaps comparatively with some other uses supported by the Pilot Study, for example, an estate agent.

2. Footfall contribution

This proposal will generate footfall which, as the applicant notes, the vacant shop currently does not do. However, an assessment of its contribution in terms of footfall cannot be reasonably made against a vacant shop, but rather the lawful use of the premises, which is currently Class 1 retail. The Council's Pilot Study judges that this type of use will generate low footfall generally. The applicant states that, on a conservative level, this proposal could generate 1000 visits per year, on a conservative estimate of four meetings per day. Added to that will be footfall from staff and others. This footfall contribution, while welcome, will be lower than that of a shop or café. While comparisons with uses that are accepted by the Pilot Study, such as nail salons and beauticians, are noted, these provide a personal service that cannot be provided remotely. While there may be a significant one-to-one element to this particular business, it can also operate on a basis that does not essentially require personal contact. The same, though, could also be said for other uses accepted by the Pilot Study, such as a bank, betting office and estate agents. However, these all provide different services and will contribute differently to the town centre. Ultimately, I would conclude that this proposal will be a welcome addition to the town centre in terms of footfall, but not likely a significant one.

3. Current vacancy and footfall rates

The Forward Planning Service outline the vacancy levels and footfall rates above. As noted, vacancy levels have fallen, and footfall has increased. Vacancy rates in Bank Street are historically low. This remains the case now. That said, the Council's introduction of the Pilot Study recognises that more progress needs to be made. However, the level of vacancy in Bank Street is not significant itself, and the Pilot Study does not consider that the flexibility to be provided to uses other than Class 1 or 3 needs to, at this time, extend to mortgage advisors. The Pilot Study has only just been introduced, and it requires time to establish if it will have a marked impact on vacancy rates in the town..

4. Longevity of vacancy

The property has been vacant since August 2016. This period of vacancy is a concern, albeit not unprecedented. The Pilot Study that has been introduced may result in greater interest in the premises from uses that are accepted by the study.

5. Marketing history of premises

The property has been marketed for sale and let since September 2016, with a board on the premises and website marketing. It has attracted 10-15 viewings, and a withdrawn offer from a barber (a Class 1 use). The applicant states that the seller considers that retailers and café operators do not feel the property is suitable for their requirements, most likely due to the modernisation required. This, however, is a matter for the owner to resolve, and is not a consequence of planning policy. It is noted that the applicant will invest in the property, and that will overcome this aspect. However, at this early stage of the Pilot Study, it would be premature to approve this use without other uses accepted by the Pilot Study being given the opportunity to consider the potential of the property.

6. Ability to retain shop frontage

The applicant has advised that his intention is to keep the frontage welcoming. The proposal will result in redecoration of the property frontage and no alterations to its frontage are necessary. In that sense, it will continue to contribute positively to the town centre. The proposal is not likely to be as lively as a shop or café, but it may not be significantly different to the visual contribution made by some uses accepted by the Pilot Study, such as a bank or a beauticians.

Summary

Ultimately, this development would be a positive contributor, resulting in investment in the shop and the town generally. The business model the applicant proposes may also result in a livelier, more welcoming premises than a traditional mortgage advisor may provide. However, how the applicant operates the business is not something this authority can reasonably control. This proposal is for a Class 2 financial service, and would be a use that the Pilot Study specifically does not encourage. Though the property's continued vacancy is a concern, the Council's Pilot Study may broaden the potential for finding a new occupier amongst those uses the Pilot Study endorses.

The similarity between this proposed uses and uses which the Pilot Study accepts, are acknowledged. This proposal has elements which compare favourably with those uses, however, none which would appear to be overwhelming. The Pilot Study excludes this specific use and, though the applicant's business model may set this proposal apart from traditional mortgage advisors, it is the use that seeks consent, not the business model. Though the applicant has drawn attention to the Council's approval of a dog groomer's adjacent this property (which is also excluded by the Pilot Study), that was subject to some materially different considerations. In particular, it was approved prior to the Pilot Study's adoption

Any continued vacancy of the premises is regrettable, however, it would appear to be premature to permit a use which the Pilot Study is not trying to attract to the Core Activity Area at this time. There is no clear reason why a use supported by the Pilot Study, such as an estate agents, nail salon etc could not operate from this premises. On balance, therefore, while the proposal would indeed be a positive contributor to the town centre as a whole, it is not considered that it can be supported within this prominent unit within the Core Activity Area at this time.

Other matters:

Services and parking

Mains services are expected to be available, and existing bin storage arrangements will be in place. Given the town centre and established use, no parking is necessary

Flood risk

The property is at potential risk of flooding but not to the extent that consent should be refused, given the established and proposed uses of the premises. An informative note that reflects our Flood Protection Officer's comments could be applied to a consent, were it to be granted.

Amenity

The proposed use will not conflict with the amenity of neighbouring properties or operation of other businesses

Alterations

The alterations to the exterior are limited to repainting the shop front dark blue. This will be a sympathetic redecoration on the basis that only the existing painted elements are repainted. A condition similar to that imposed on 18/00785/LBC could be imposed here

REASON FOR DECISION :

The proposed development would not comply with Policy ED4 of the Local Development Plan 2016 in that it does not comprise a Class 1 (retail) or Class 3 (food and drink) use. It would also not comply with the types of uses encouraged by the Council's Town Centre Core Activity Area Pilot Study. The proposed development would potentially positively contribute to the town centre but, on balance, its contribution would not be sufficient to override its conflict with policy and potentially adverse effect on the town centre's core retail function

Recommendation: Refused

- 1 The proposed development would not comply with Policy ED4 of the Local Development Plan 2016 in that it does not comprise a Class 1 (retail) or Class 3 (food and drink) use. It would also not comply with the types of uses encouraged by the Council's Town Centre Core Activity Area Pilot Study. The proposed development would potentially positively contribute to the town centre but, on balance, its contribution would not be sufficient to override its conflict with policy and potentially adverse effect on the town centre's core retail function

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