



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 Craig Oliver

Name

Address 27 Marigold Drive, Galashiels, TD1 2LW

Address

Postcode TD1 1EP

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:

Yes No

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

Planning authority

Planning authority's application reference number 18/00398/FUL

Site address 52 Bank St, Galashiels, TD1 1EP

Description of proposed development

change of use from retail to tattoo studio (retrospective)

Date of application 3 April 2018

Date of decision (if any) 29th May 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:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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.

see attached

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Grounds for appeal as attached.

Letter of support from Christine Graham MSP

Confirmation that Timebomb are finalists in Scotland's Business Awards (Borders)

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Trying to access email from christen greben

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

28/8/2018

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

18/00398/FUL

Timebomb Tattoo, Bank St, Galashiels

Craig Oliver

Notice of Review

The application was refused on the grounds that

(1) the level of contribution of the proposed to the town's core retail function will not be so significant as to justify its occupation by the proposed use and there is no evidence to suggest otherwise.

Timebomb Tattoo is one of Scotland's leading tattoo salons. Clients travel to Galashiels from across the Borders, Scotland and even Europe for the sole purpose of having a tattoo done at Timebomb. The salon is highly regarded within the sector and the tattoo artists employed in the shop are invited to attend exhibitions and conventions. Visiting tattoo artists (the most recent was from the USA earlier this summer) come to Timebomb to feature their work and draw a fresh range of clients. Timebomb offers employment to 4 tattoo artists, all of whom have full diaries and are booked up six to seven weeks in advance. An average of 200 clients visit the salon each month. Most are accompanied by a friend or family member who, whilst the tattoo is being made, visit local cafes, restaurants or shops. As such, Timebomb is significantly contributing to the local economy and footfall.

(2) the development would potentially detract from the vitality and viability of the town centre and no other material considerations would outweigh this potential harm.

This appears an objective measure.

In the time that Timebomb has been in operation, there is no evidence that it has detracted from the vitality and viability of the town centre. On the contrary, the shared footfall outlined in (1) above directly contributes to improve the vitality and viability of the town. There are a number of empty units on Bank Street and elsewhere in the town centre (particularly Channel Street and Douglas Bridge), if this appeal is denied and Timebomb has to close, adding to those empty units, then that will certainly detract from the vitality and viability of the town. It is a measure of the esteem with which Timebomb is held that they have reached the finals of the Borders Retail Business Awards 2018.

There was significant media coverage of the decision to refuse permission for the DWP to take a property on Douglas Bridge last year. That decision was overturned at appeal by the Scottish Government with the Reporter noting "a number of units were vacant or displaying 'to let' signs and I noted a number of charity shops. Overall it (Galashiels) displays signs of decline and little evidence of recent investment." Denying change of use for Timebomb and potentially adding to the number

of vacant units seems to stand in direct conflict to Scottish Borders Council's stated aims of encouraging investment and entrepreneurship. It is frustrating and upsetting that the Change of Use was denied just weeks before Scottish Borders Council announced plans to relax the strict retail use in Galashiels. It is particularly distressing that, prior to that decision, other businesses have recently been granted change of use in Bank Street with seemingly little or no hurdles to overcome. To reiterate, Timebomb is a thriving business giving employment to four, it attracts visitors to the town, with Timebomb clients visiting other shops and businesses. Timebomb actively contributes to the local economy.

27 AUG 2018

HEADQUARTERS
NEWTOWN ST BOSWELLS
TO6 0SA



Borders Retail Business Awards 2018

TIMEBOMB TATTOO, GALASHIELS

Your business has been nominated by the public within the last 12 months and now reached the final of the Borders Retail Business Awards. We'd like to feature your business at the Awards Ceremony and Dinner which returns to the Borders this year at the Peebles Hydro Hotel, Innerleithen Road, Peebles, EH45 8LX at 6:30pm on Sunday 30th September 2018

In the category of

BEST TATTOOISTS

As a finalist business you are considered for consumer awards too.
Mystery shopping will continue until the week before the ceremony.


People can show their support for you by voting at

www.scotlandsbusinessawards.co.uk/borders

Voting will close on Friday 28th September

If you'd like to attend the Black Tie Awards Ceremony and Dinner please visit

www.scotlandsbusinessawards.co.uk/tickets

and click on the Borders Retail Business Awards link then use the access code 

Early Bird discounts available until 2th September 2018

Any questions please contact the head of the presentation team
Scott Somerville who will be calling on you prior to the awards
scott@scotlandsbusinessawards.co.uk or on 0750 540 1575

Please don't post this online in full as it contains password information, thank you.