

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 5th April 2018

Contact: Carlos Clarke ☎ 01835 826735

Ref: 18/00398/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 26th April 2018, 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 26th April 2018, 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:** Craig Oliver

**Agent:** N/A

**Nature of Proposal:** Change of use from retail to tattoo studio (retrospective)

**Site:** 52 Bank Street Galashiels Scottish Borders TD1 1EP

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**OBSERVATIONS OF: Economic Development Section**

## CONSULTATION REPLY

We have no objections and support this application as it could increase town centre footfall.

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>18/00398/FUL</b>
<b>Uniform Ref</b>	<b>18/00895/PLANCO</b>
<b>Proposal</b>	<b>Change of use from retail to tattoo studio (retrospective)</b>
<b>Address</b>	<b>52 Bank Street Galashiels Scottish Borders TD1 1EP</b>
<b>Date</b>	<b>18/4/18</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – no comments</b>

**Amenity and Pollution**

**Assessment of Application**

Noise

Nuisance

This is an Application for Change of use from retail to a tattoo studio.

Noise from equipment used on these premises has the potential to impact on local amenity.

**Recommendation**

Agree with application in principle, subject to Conditions.

**Conditions**

*Any noise emitted by plant and machinery used in connection with the Development will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2*

*Reason To protect the residential amenity of nearby occupiers.*

*All equipment used on the premises shall at all times be maintained and operated so as to comply with the above Noise Limits.*

*Reason To protect the residential amenity of nearby occupiers.*

# Consultation Reply



## ENVIRONMENT AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Carlos Clarke

**Planning Ref:** 18/00398/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 11<sup>th</sup> April 2018

**Contact:** Ian Chalmers

**Ext:** 5035

**Our Ref:** B48/2493

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**Nature of Proposal:** Change of use from retail to tattoo studio (retrospective)  
**Site:** 52 Bank Street Galashiels

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In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

In 2012, several businesses on Bank Street were badly flooded from water overtopping at the Bakehouse Burn, running down St John Street and Gala Park, which pooled on Bank Street.

If this application is to be approved, I would recommend that the applicant contacts the Flood and Coastal Management Team on 01835 825035 and signs up to our receive early warning from the Council's water level gauge on the Bakehouse Burn, there is currently a "Bank Street Flood Warning Group" that receives the messages.

Furthermore, there is also access and egress issues during flood conditions and I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.

Many businesses on the street own flood gates and a number of flood protection products such as floodgates and air-vent covers are also commercially available from the Council at heavily discounted prices through our subsidised flood product scheme; details of these can be found by calling Emergency Planning on 01835 825056. I would recommend that the owners purchase a flood gate and self-closing airbricks if required.

Notwithstanding the above this is a 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 I would not oppose it on flooding grounds.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Ian Chalmers  
Engineer – Flood and Coastal Management  
Scottish Borders Council

## PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 5th April 2018

Contact: Carlos Clarke ☎ 01835 826735

Ref: 18/00398/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 26th April 2018, 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 26th April 2018, 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:** Craig Oliver

**Agent:** N/A

**Nature of Proposal:** Change of use from retail to tattoo studio (retrospective)

**Site:** 52 Bank Street Galashiels Scottish Borders TD1 1EP

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### OBSERVATIONS OF: Forward Planning Section

## CONSULTATION REPLY

52 Bank Street is located within the Core Activity Area of Galashiels as defined by the Scottish Borders Local Development Plan 2016. This application must therefore be assessed against Policy ED4 – Core Activity Areas in Town Centres. In essence, this policy seeks to ensure Class 1 retail units are not lost within town centres as these generate higher footfall which enhances vitality and viability of the town centre. As a result of the economic downturn Policy ED4 also allows other complimentary uses within town centres, namely those within Use Class 3 (Food and Drink).

The retrospective 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.

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.

Policy ED4 states that 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 area function of the area and will only be acceptable where there is a significant positive contribution to the core retail function. Paragraph 1.2 of the fore text to Policy ED4 sets out criteria against which proposals for Class 2 uses within core retail activity areas will be considered, these are:

- 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

The proposed Class 2 Use therefore requires to be tested against the aforesaid criteria.

The Council's Town Centre Footfall Survey at this location (point 7/8) 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 were vacant between Spring/Summer of 2016 and the Spring/Summer of 2017. It is believed the tattooist opened in May 2017. At no other time since 2006 have the premises been vacant. No information has been submitted in respect of the marketing of the premises at the time it was vacant. It is not, therefore, possible to assess this retrospective application in terms of the marketing history of the proposal during this period. Bank Street is the most attractive and buoyant retail area of Galashiels, being opposite the well maintained and attractive garden. Vacancy rates on Bank Street have historically been low.

Town centre regeneration in Galashiels is a major objective for the Council and these principles are identified in the Blueprint. 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.

It is not considered that this planning application meets the requirements of Policy ED4 and should therefore be refused.

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Roads Planning Service	Contact e-mail/number		
Officer Name and Post	Alan Scott Senior Roads Planning Officer	<a href="mailto:ascott@scotborders.gov.uk">ascott@scotborders.gov.uk</a> 01835 826640		
Date of reply	25 <sup>th</sup> April 2018			
Planning Application Reference	18/00398/FUL	Case Officer: Carlos Clarke		
Proposed Development	Change of use from retail to tattoo studio (retrospective)			
Site Location	52 Bank Street, Galashiels			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description				
Key Issues (Bullet points)				
Assessment	<p>Given its previous use, it is unlikely that this proposal will result in a detrimental effect on the surrounding road network. There is town centre parking available both on and off street within acceptable walking distance of this location which will adequately cater for the anticipated traffic associated with this proposal.</p>			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

Signed: DJI