

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)

Name D. HOWARD
Address KILKNOWE PARK, WOOD STREET, GA

Postcode TD1 1QS

Contact Telephone 1
Contact Telephone 2
E-mail*



Agent (if any)

Name
Address

Postcode

Contact Telephone 1
Contact Telephone 2
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 SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 18/00723/FUL

Site address REDBURN GARAGE, PEEBLES ROAD, GALASHIELS

Description of proposed development

CHANGE OF USE TO JOINERS WORKSHOP AND SHOWROOM, CARAVAN REPAIRS AND SALES, CAR VALET, RETAIL, AND SITING OF CATERING UNIT (RETROSPECTIVE)

Date of application 04/06/2018

Date of decision (if any) REFUSED

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 that a site visit is essential, to enable the review panel, to see the development of the joiners workshop, and prove that it is not detrimental to the character and amenity of the area. and a hearing to explain my plans in detail

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 checked="" type="checkbox"/> | <input 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:

N/A

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.

Redburn Garage ceased trading, and all parts of the business was transferred to there Hawick garage, as sales, repairs had fallen to such a level, that it was no longer viable to operate at that site, and the property has stood empty for over 1 year, gradually deteriorating. They had attempted to sell this as a garage and workshop, and showroom, and was advertised as such, but to no avail. The previous owners have, on my request, forwarded written confirmation of this, and it was submitted to the Planning Officer. And as if to confirm the statement above, the previous owner has now closed his Hawick branch, and ceased trading, since my application was lodged. So, in fact, there are now two garages available, that may require a change of use. In one of my many conversations with the Planning Officer (Carlos Clarke) i was openly informed that he had received many inquiries about the garage and planning, but non wished to retain it as its original use, and each would have to submit a change of use application, to which he confirmed he would not support, and also added, that i had not made those same inquiries, but just purchased and started trading. This is true, and i now believe i have transformed a failing site, with no future use prospects, into individual units, creating employment, and revenue in rates and taxes. I have requested a site visit, so that the review body, can see that this joinery / workshop , is no more detrimental to the charachter and amenity of the area, as opposed to a garage workshop. added to this point is that as a joinery / workshop, it is less of a noise or spillage pollutant, than the former garage was. Given the fact that the three main doors are closed, it is hard to see how it can be conceived so differently to a garage /workshop. anyone looking in could see a joiner, or mechanic, is that enough of a difference to refuse the application.? To gather information on this point, i have asked locals and customers if they could, or would notice, and most give a puzzled look as to why the question had been asked in the first instance, and no objections were noted. Policy ED2 would appear to be very flexible, and there are many examples of change of use being allowed. the most recent being the council yard, which is beeing promoted as a possible hotel site, and the recent demolition of the Poundstretchers premises, from retail, to leisure. and of course, i can add so many more to the list, namely Asda retail from former lock ups, Tesco retail from former industrial mill, cont

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.

Confirmation, that the downturn in businesses at the garage, causing it to close, with no offers of purchase, has been compounded by the closure of the former operators Hawick branch, confirming the downturn in the motor sector.

Cont,

Macdonalds was a former garage /factory unit. Marks and Spencers and Tesco, were former industrial projects.

So, change of use has been permitted in many cases, and I feel quite rightly so. If we did not encourage change, we would still be living in caves.

Policy PHD2 again has been used with great flexibility in the past. Gala Water Business Park would not exist if this was so, as all the retail units, should have been forced to move into the high street or not move at all. Even Boots, were allowed to close their High Street premises, and move to the Gala Water Estate, and I feel that these decisions demonstrate that planning has been permitted outside of the original town centre.

Redburn Garage site offers more potential for the type of businesses we are creating. And as an example, I could not operate my car wash, or have a joinery workshop, along the high street, and in reality, Milestone Garden Centre is doing all of the things that I am trying to do, and they were allowed to develop out of the town area.

There is a former garage in Kelso, now used as a food outlet, and in Hawick, two major food retailers, were allowed to build on former industrial mill sites. and just today 14/02/2019, I read that the Auction Mart in Newtown, could be turned into a hotel, and retail. A former Fish shop in Selkirk to be changed into a community centre.

The reason that I am pointing these obvious changes out suggests that the phd2 policy is flexible.

The planning officer also states that the visual impact on the approach into Galashiels to be detrimental to the image of the town.

In my opinion, the approach from the A7 is more detrimental to our town's image, with hundreds of refuse bins and black rubbish bags lining the road into Gala, with a dilapidated former mill, just to add to the image.

With regards to my retail outlet, I have been overwhelmed by the positive responses, and high sales, and believe that I have created a vibrant site, from the failings of a redundant garage.

Given these points I have raised, I feel that the decision to refuse the application be reconsidered.

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.

continuation letter in support of my reasons to review

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.

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 [REDACTED]

Date 14/2/19

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