

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
STREET TRADER APPLICATION - TWEED VALLEY FOODS LIMITED
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OBJECTION 1

1. Location

The yard in question is literally yards directly adjacent to the main gate of our town cemetery and should this premise actually deliver any footfall (doubtful see 3 below) then it would potentially increase parking on a stretch of Traquair Road that could lead to traffic congestion and potentially accidents as entering/exiting Tweedbank Ley could easily be a blind-spot

2. Tweedbank Lay (a quiet residential street of circa 30 properties) has become cut off from the rest of

the town by industrial units. Any food provision vehicles and associated foot traffic from customers

could easily prove too noisy or intrusive to what is and will remain for quite some time, an older

demographic. The business in question is not a food business, but a warehouse for large military hardware and these vehicles are now speeding from the warehouse into the yard. Along with two additional food vending vehicles they are adding to an untidy visual.

3. Over provision of Similar Offerings

Innerleithen doesn't attract that many cyclists and their attendance is intermittent and highly seasonal. Those who come tend to stock up on food and drink either in the High Street (min 4 existing

cafes, a Co-op to purchase drink and sandwiches, a chip shop and Caldwells). On Traquair Road itself

their food and drink offerings are already met by (i) The Traquair Arms, (ii) LouLou Bells drink/snack

bar at Toll house and most importantly (iii) the licenced Caddon Hill Car Park Static Café.

I fully support the success of local businesses, but Traquair Road simply cannot sustain any more snack/drink offerings. There are no passer-by's other than cyclists and they are already well catered for.

OBJECTION 2

Please record any objections to the foregoing application which I believe is a proposal to site a catering van at this location. I consider this site wholly inappropriate to conduct this type of business.

Regardless of where this can is sited within this yard it will be no more that 30 – 40 metres from the nearest residential property. The odours and smells which will emanate from this type of facility will certainly permeate residential properties washing lines and the internal fabrics with serious loss of amenity for the neighbouring residents. Further disruption will arise for the local residents with the loss of privacy, generation of noise and the potential for mass gathering creating disturbance. It should also be noted this site is adjacent to the town cemetery. It should also be highlighted that allowing the public access to this area creates a serious security risk for the neighbouring households, houses at this location have been burgled with the intruders gaining access to the properties from this yard. It should also be noted this site is adjacent to the busy roadway which provides parking for multiple activities in this area. Vehicles are parked here where people access the Walkerburn/Peebles railway walk, cemetery parking, resident parking and vehicles parked in association with the local biking facilities and the roadway does become congested on a regular basis.

OBJECTION 3

We would like to voice our concerns with regard to this Street Trader licence application at the sheds directly behind our house. This shed is used for commercial storage and is located at one end of a residential development of some 40 plus bungalows where the average age of a majority of owners is 60 plus years.

It is very apparent that you are not familiar with the site and I have therefore included several area photos taken by drone for your information showing the overall commercial site and including the assumed catering vehicle (the images were taken at 7.30pm).

As you can see regardless where the vehicles is parked, it will be no further than 20 yards from a good number of the houses. The Traquair Road which is the only access to the site can be very busy at times especially at the weekends with the cyclists vans and cars using the mountain biking facility. As you can also see from the photographs the main entrance to Innerleithen Cemetery is directly opposite the entrance to the proposed site and on many occasions vehicles line both sides of the road. This application may well hamper the bereaved from attending or visiting the cemetery.

You can observe that the proposed catering vehicle has a chimney. It can be presume that fried food will be available. As the site hard standing runs West to East it will mean that the cooking smells, fumes etc will impact the whole area and again it would be fair to assume that the electrical power source will be by petrol generator with all the continuous noise and fumes that that will bring. Owing to several piles of grass cuttings etc on the site and the likelihood of food waste there is a very realistic chance of increased vermin which again will impact on the whole area.

We can also expect mess from the paper, plastic containers and wrapping to impact on the Community. The two already has an environmentally damaging problems with little louts and dog owners who don't pick up after their dogs. Surely the car park at the downhill mountain biking centre would be a more appropriate venue for this enterprise.

As an unrelated point of interest one of the commercial sheds in the adjacent industrial estate to the rear of this development caught fire last year and the resulting smoke and fumes permeated the whole of the surrounding area for some considerable time. My point being the overall smoke and fumes had on the neighbourhood.

Another consideration is the fact that house values could be affected by the proximity of this venture.

Can I also draw to your attention to the site notice application. Neither a signature nor date are visible due to the dampness in the plastic envelope. So how can anyone know when the statutory 28 days are over?

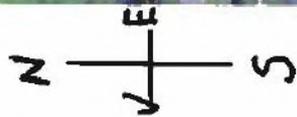
In conclusion we feel our town is pretty well served with food and drink venues. Please

note we would like to be kept informed as to the outcome of this application.

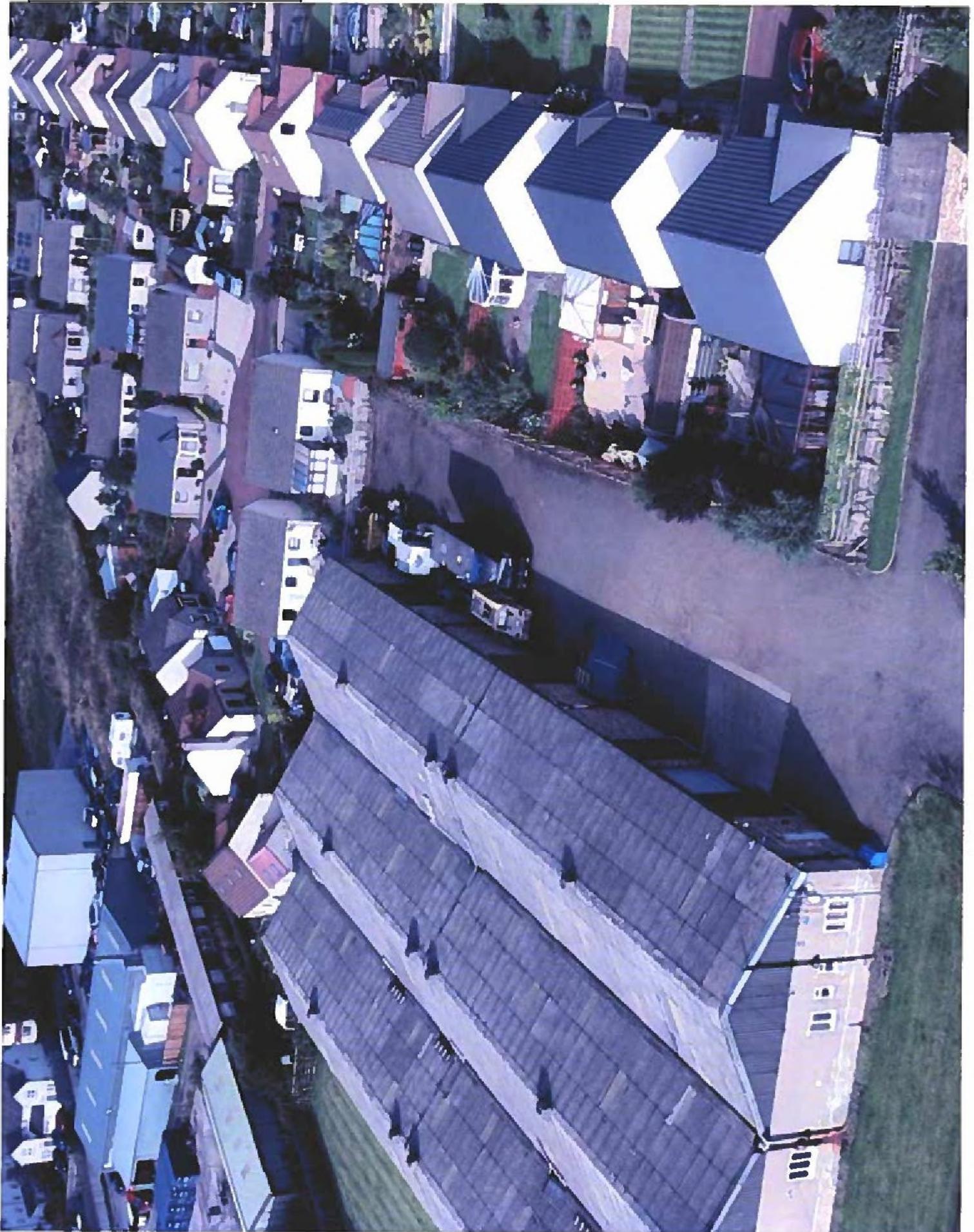
OBJECTION 3(a)



OBJECTION 3(b)



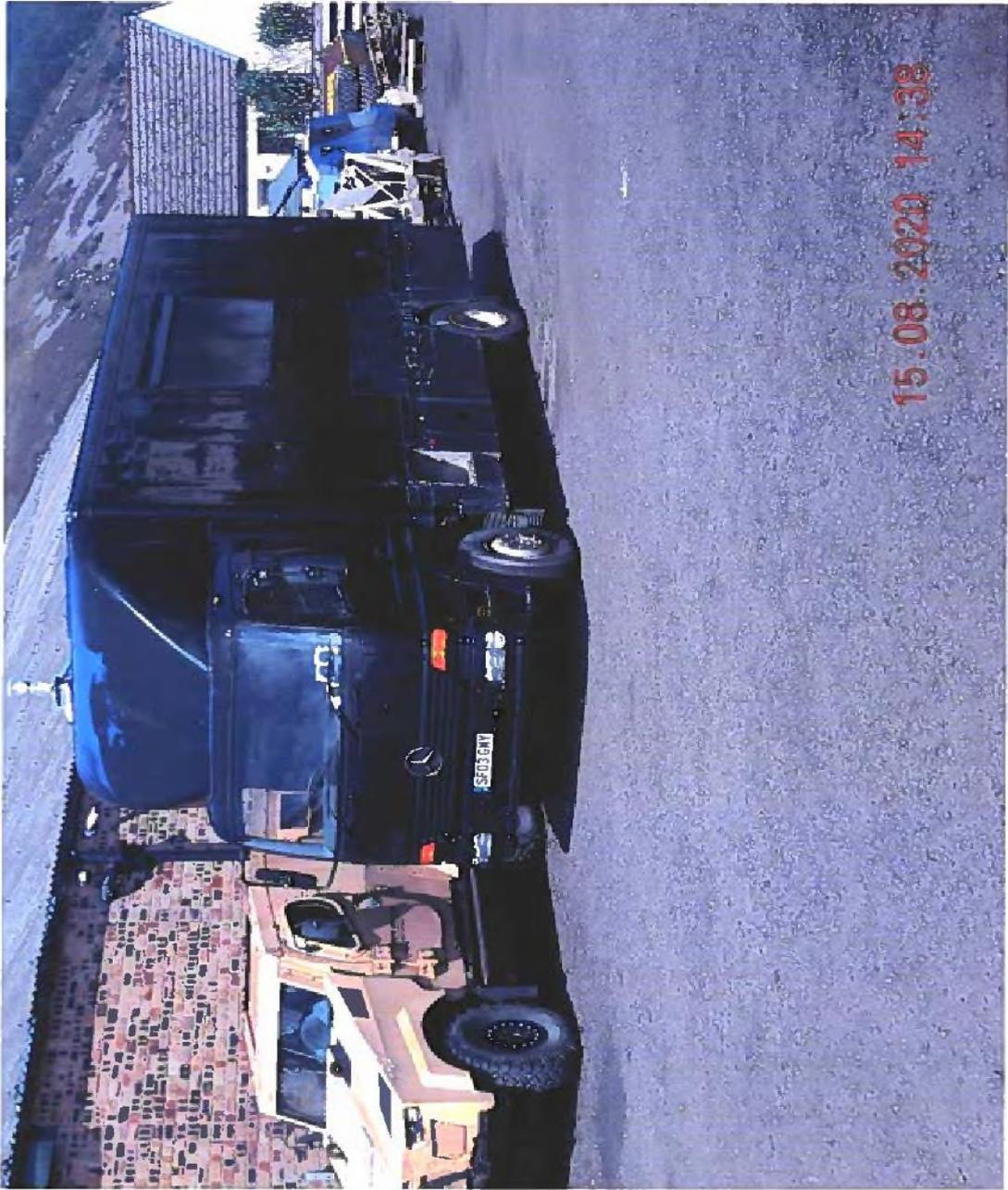
OBJECTION 3(c)



OBJECTION 3(d)



OBJECTION 3(e)



OBJECTION 4

We have grave concerns regarding the proposed plans to allow a catering business to run from Unit C Traquair Road, Innerleithen as our property overlooks this site.

1. The Smell – is a massive concern due to the proximity of our property. We fear our property will continually smell of unpleasant odours and we will be unable to hang out our washing or enjoy our back garden.
2. The Noise – This type of business has the potential to attract a lot of people. A lot of people produce a lot of noise. The catering van itself may be continually running generators or have its engine running. This will not only produce a lot of noise it is an environmental concern and will also have a negative impact on home life. We purchased our property purposely in this village due to its peaceful location and lifestyle.
3. Be catastrophic to this area. These take away businesses are renowned for producing a lot of throw away litter which is environmentally unfriendly, such as plastic and polystyrene which is devastating to the environment and will impact the local wild life, rivers, livestock and the residents of the village. This village already has an issued with people visiting the area and not taking away their litter which local residents of the village then have to clean up. There is also the concern that this type of business will attract Vermin.
4. A business like this has the potential to de-value our property. Who wants to buy a property with a great big noisy stinking snack van behind them!!
5. The proposed trading hours are preposterous 7.00am to 10.00pm is completely unacceptable.
6. This catering van may impact other local eateries. Innerleithen is already well serviced with local cafes and restaurants and a catering van is not required in the area. It is vulgar and not in keeping with the rest of the environment.
7. All of the able will impact our quality of life and mental well being, how we live in our home and will negatively impact this village.

OBJECTION 5

1. Cooking smells from van
2. Noise from customers and possibly a generator
3. Parking congestion along Traquair Road making the right hand turn into the road from Tweedbank Ley potentially dangerous
4. Lack of toileting facilities
5. General access to a site not normally open to the public with attendant security issues and concerns
6. Environmental concerns where food is prepared and probably eaten

OBJECTION 6

It has come to our notice that the above named are applying for a street trader licence with what we are believed an intention of setting up a fast food out-let. These premises back directly onto our property and I have several issues with this project going ahead. We understand that the time stated are from 7.00am – 10.00pm. A large van has appeared complete with serving hatch chimney etc which points to either hamburgers/fish and chips. This above would cause constant smell of cooking. Also not to mention a constant stream of customers till 10.00pm at night. Furthermore, a chance of litter being left behind and as the darker evenings a probability of extra lighting. These people have had no consideration for the houses next to them and have a yard collecting several items that are fast rotting on sight. I therefore strongly object to any form of food being available on this site either now or in the future.

I trust this objection will be duly noted.

OBJECTION 7

1. Noise
2. Smell
3. Increased Volume of Traffic

OBJECTION 8

Where I presume the food will be cooked it is only 8 metres away from our back dividing fence so when cooking takes place our back garden with washing lines etc won't be the most pleasant place to be.

The fact that the hours are 7.00am – 10.00pm makes it a long day to put up with smelling food and continual noise.

Don't know all details but if used mainly by bikers, we don't want their bikes leaning on our fences as I don't think they would stand up to that.

We will have to keep our windows doors shut to keep smell and noise out.

OBJECTION 9

We the undersigned have the following objections regarding the above named application:

1. Increased noise pollution – This will be added to if a generator is used in food preparation and ventilation. Having surmised that the vehicle currently parked outside the location is extensive in size the proprietor is envisaging a large number of users. The target market would most likely be local and visiting mountain bikers who gather in groups and would congregate on or near the site adding to the noise levels.
2. Traffic – The food outlet would encourage passing traffic to stop and park on an already busy route. It is directly opposite the location of our town graveyard. We feel this is not appropriate. As Tweedbank Ley is a quiet “no through” road this would result in numerous 3 point turns and use of cul de sacs for manoeuvres. The noise from traffic would also be an issue.
3. Smell – The nature of the food to be sold and the proposed opening hours (a maximum of 15 hours) would result in constant unwanted smells.
4. Litter – This would greatly increase the potential for litter to blow and become deposited onto our street and into ours and adjoining properties, all of which have well kept grounds. There is a likelihood of vermin due to litter and food waste.
5. Suitability of Site Proposed – The site proposed has extensive grounds some of which could be out of site of the vendor. This would result in the overspill of consumers using grassy areas for consumption of food. This will further increase the risk of the issues raised in our previous points.
6. The existing site is on industrial land and we feel that this being a commercial venture – a “change of use” should be considered.

UPDATED OBJECTION 9

Further to our original objections, we would like to submit some additional concerns regarding the above application.

- 1.) We have yet to receive a plan detailing access to, as well as, the positioning of the proposed food outlet.
- 2.) Has a site visit been undertaken in order to clarify the position and capacity of the vehicle?
- 3.) The applicant has failed to provide the information asked for in point 8 on the application form.
- 4.) It has been recently highlighted in the local press that there is a distinct shortage of public WC facilities in Innerleithen. Is there any requirement for the applicant to provide such amenities?
- 5.) Will consideration be given to the potential traffic management issues (road and pedestrian) resulting from likely increased congestion?
- 6.) We are concerned that the entire site will be accessible to customers for the consumption of their food and drink. If this is the case this will undoubtedly have significant detrimental impact on the adjoining residential properties.

We hope the attached photos help to highlight our concerns in relation to some of the above points.

OBJECTION 9(a)



OBJECTION 9(b)



OBJECTION 10

Objection to increase of noise level so near to residential properties. Example: Engines, generator, customers (bikers etc).

Object to 7.00am – 10.00pm licence application

Object to selling of food and cooking from large catering van – producing smells – air pollution and encouraging increase of vermin near houses.

Object to increase of customers cars and vans parking on Traquair Road opposite Innerleithen cemetery. This would be very dangerous when funerals are being held. Also a hazard to drivers entering and leaving Tweedbank Ley as their vision would obstructed by parked vehicles on main road.

This used to be a quiet street with most of the houses occupied by retired couples who look forward to a quiet life in their retirement

OBJECTION 11

Too near the back of my house;
No privacy and noise;
And main entrances to close together

OBJECTION 12

Location - not ideal as surrounded by residential homes;
Entrance - off a very busy road
Hours of Trading – Totally unacceptable
Noise Factor
Smell

OBJECTION 13

Dear Sirs,

Please see our objections below to the Street Licence application from Tweed Valley Foods, Traquair Road, Innerleithen:

1) Health & Safety

Traffic congestion already being experienced in the area as a consequence of the opening of the walking/cycling track and the increase in mountain biking generally; the likely increase in that traffic by the creation of a "hub" around a catering outlet would exacerbate the situation.

The Covid Health Crisis is another consideration at this time. The provision of a new social area where people congregate/queue increases the risk of transmission of the virus to the community. Restrictions will be with us for some time even when they are relaxed so we see this as a valid point. The proposed access would not enable people to socially distance by 2 metres entering or leaving the site.

2) Environmental

The proposed site of the unit is adjacent to two properties and is directly overlooked by the house opposite. The unit/seating area will be in full view from the resident's sitting rooms not to mention gardens. The loss of amenities and the enjoyment of the residential properties would be adversely affected by lack of privacy. Litter is also a further concern - the trader is obliged to remove refuse from the unit but that doesn't address the problem of customers being inconsiderate with litter – would the Council be providing more litter bins etc?

3) Social

Our local cemetery is located in very close proximity to the proposed site. Indeed, this is where people congregate before entering the cemetery in times of funerals. Would the bereaved wish to compete for space/parking with customers socialising/congregating at catering hub?

After further information received from one of the local residents and from the Licencing Officer who have been in discussions with the trader and were informed of the proposed site of the unit; the new access to site and plans to provide seating/tables, we would like to raise further objection as follows:

4) Site Layout/Plan

The vendor is planning to open up this secure site which is currently used by XMOD which trades in military equipment to enable customers access to the unit. If the site is not secured after the closure of the facility there is an increased opportunity for antisocial behaviour as it could be used as a social place for youths to gather at night especially if seating is available. We believe the trading unit would be better sited away from residential properties and Cemetery to a more appropriate area i.e. Official Car Park for the MTB cyclists further south on the B709 which wouldnt have a detrimental effect on the local community and would service the cycling community at a place they congregate.

Please take into consideration that the cycling community are already well served by the town with numerous café's and the Traquair Arms Hotel sited in Traquair Road. There was a mobile catering unit owned by one of the Innerleithen café's situated in the Toll Wood last summer serving coffee and offering snacks which we presume will operate this Summer. The question therefore has to be asked what would this unit bring to the local community?

If the Licencing Board Committee disregard all the resident's objections and approve the Street Licence in this instance we request if restrictions could be imposed to minimise the impact on the local residential community.

1. The site is secured so no access can be made at night to minimise the risk of anti-social behaviour.
2. No seating – to minimise loitering, reduce noise, reduce litter.
3. Daily hours of operation to be fixed. Application is from 7am-10pm which is considered too long.
4. Application states they trade on major events only. Who determines what a major event is? Suggest events approved by Scottish Cycling.
5. Confirm the unit is only a trailer and not a Catering Lorry as previously stated on application.

We respectfully ask that all these objections be considered before making your decision as it will have a significant impact on the residents living in the area which you can appreciate by the number of objections that have been lodged.

We are attaching photos from our property to give you an idea how close we are to the proposed site and new access.

Yours Respectfully



OBJECTION 13(a)



OBJECTION 13(b)



OBJECTION 13(c)



Sent: 02 September 2020 11:37

To: Watson, Christine <CBWatson@scotborders.gov.uk>

Subject: RE: Licence Application Shed C Traquair Road Innerleithen

CAUTION: External Email

Hello

Thanks for getting back to me.

From the information I have received I would object on the following grounds:

Noise - potential for people and vehicles to be using the facility over a 15 hour period

Parking - the potential for an increase in parking on an already very busy road especially at weekends and when biking events are on.

If the proposal is to operate from a mobile catering unit there is potential for vehicle fumes and pollution on top of the potential fumes/pollution from cooking.

Also if it is a mobile unit I would reason that it should operate where the main target users are based ie at the bike park across the river.

Thanks

OBJECTION 14 - UPDATED

I made an objection to the above application when it was first made.

I would like to expand on this objection as we have now received more details about the application albeit these details have been subject to various changes over this period. Communication has been extremely poor so the following is based on my current understanding of the application.

1. Location of the mobile unit

The audience for this facility is mountain bikers and their supporters. I would therefore suggest the best location for any mobile food outlet is alongside the target audience at the bike park beside the river, where toilets are provided.

The proposed site is on a busy road side which is part of a multi-use path between Peebles and Walkerburn and a popular walking route for many residents of Innerleithen.

2. Entrance to the Site

I understand it is proposed to make a new entrance to the site, immediately adjacent to our property and directly opposite our neighbours property. There is an existing entrance to the site which is located south of the sheds and would not impact on any residential property which, if the application is approved, I would suggest would be more suitable.

It is likely that the entrance will become congested with pedestrians, bikers (with their bikes) and increased traffic. This road is already well used at weekends and siting a food outlet here will only add to this

3. Safety

I understand the Application is for 28 days per year to coincide with the major biking events, both national and international.

We are being advised that the corona virus will continue to pose a threat for the foreseeable future with warnings that the virus could continue to mutate for many years.

I would suggest it would be safer to keep the facilities centralised to help to prevent spread within the local population.

I have attached 2 photographs to show the existing entrance to the site and to show the boundary between the site and our property. The current fence is a narrow slatted metal fence which means we would have no privacy for 14 weekends a year. I would therefore ask you to put a condition that the applicant erect a wooden fence around our property if the application is granted.

OBJECTION 14(a)



OBJECTION 14(b)

