

# Comments for Planning Application 23/00325/FUL

## Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

## Customer Details

Name: Brenda Forder

Address: 27 Eschiehaugh, Kelso, Scottish Borders TD5 7SJ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: The proposed retrospective planning application will have a detrimental impact to Kelso Town centre and other towns further down the line.

Retail businesses pay a premium to operate from a high street than from an industrial unit. There are currently two established businesses within the town centre who are at a disadvantage if this application is granted.

All retail business small or large should all be playing to the same rules why should one benefit over others.

Do we want Kelso high street to go the way of other borders town I sure don't.

Having retail trading out of industrial brings in less monies to the council is that what we want.

If all industrial unit owners started to follow the same path of this application

- 1 - new industries will have nowhere to trade from
- 2 - The high streets will become ghost towns
- 3 - SBC will have less monies.

A lose,lose,lose.

Carol Brydon  
17 Redpath Crescent  
Galashiels  
TD1 2QG

23 April 2023

Reference:

A. 23/00325/FUL | Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10 | U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

I wish to object to the above planning permission on the following grounds:

To permit the planning permission to go ahead would be in contradiction to the SBC Local Development Plan, Policy ED1 – Protection of Business and Industrial Land. The use of industrial estate is not acceptable use for retail and the application does not demonstrate how it is appropriate within the local category classification. In addition to permit this planning permission would appear to be contradictory to Policy ED3 which aims to protect and enhance the vitality and viability of town centres.

The application states “There has been no physical change to the premises relating to this proposed change of use; this relates to a current tenant of two specified units and their business operations. Originally the business began operation as an online store in the second half of 2020 and therefore the use of the premises may have been aligned to the permitted use of the unit e.g. Class 6 which I believe can only be changed to class 4. By December 2020 as evidenced by their website they acknowledged themselves as a “non essential shop” and would be closed as per the Government COVID requirements and have since expanded to include facilities for training, classes and group sessions. Clearly defining them as a Class 1 business.

Kelso is one of the few thriving town centres within the Borders. With many high streets offering more than adequate high street retail facilities in which businesses can be operating from should the council not be encouraging them to set up in the town centres?

I understand that the Kelso Community Council is moving to support this application on the basis that there has been a great deal of support for the application. Since when did points make prizes over local policy? On that basis I would encourage each business in the Kelso Town Centre to draft a form for their loyal customers to complete in objection of this planning request to even the playing field.

It's important that local policy is complied with to ensure that our local businesses and town centres thrive on a fair and level playing field. Allowing businesses who have not complied with planning permission, whether by design or ignorance (which is no defence), retrospective planning permission on the basis of having traded for a period of time should not be permitted.

By permitting this planning permission to proceed, SBC are encouraging current businesses and new businesses to leave the high street and move to cheaper industrial facilities. I overheard the owner of one businesses owner currently trading in the industrial estate, state this as the very reason for them leaving their facility in Kelso Town Centre. Businesses in the town centres who play by the rules and incur higher operating costs are being penalised for playing by the rules.

For each argument in support of this application the same can be said of many businesses not just in Kelso Town Centre but in all our town centres. Each town centre business owner supports the local people and those from surrounding areas. Many town centre business owners provide education and stimulation and support mental health and wellbeing for young and old. What about the mental health and wellbeing of the town centre business who have managed to survive COVID and are struggling like everyone else to continue to operate in such a difficult financial climate? Town centres have accessible parking for all.

I would argue that given the out-of-town location, it isn't a given that the wider town centre benefits. The tenant referred to in the application provides refreshments for those attending classes therefore it could be argued negating a need for its customers from visiting the town centre, rather than encouraging it. In addition, one would question if there is adequate public transport between this site and the town centre to ensure a symbiotic relationship exists for the whole community.

I understand that support has been given on the basis that there are other retail businesses operating from this site, thereby setting a precedent. I would advise that it would be prudent of SBC to carry out its due diligence on these "retail" business to ensure they are compliant with the ED1 Policy.

Carol Brydon



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Case Officer: Euan Calvert

## Customer Details

Name: Mr C R Jamieson

Address: 25 Queens Acre, Kelso, Scottish Borders TD5 7UN

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: This is a retail outlet out with the town centre within an industrial environment, it does not have the infrastructure of public transport and amenities available to its end users. It fails to even have a sole user toilet facility for the general public. Trade businesses within this area do not relate to the retail change of use the premises owner is applying for. It is on these basis that I strongly oppose this planning application. When do we stop damaging our high streets and start protecting them?

Wasn't this the site also former saw mill which means it comes under contaminated land??... I'm sure there was a furniture maker that came up against this issue.

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## Customer Details

Name: Mrs Eileen Gilchrist

Address: 2 Mellerstain Mill Cottages, Kelso, Scottish Borders TD5 7SB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: This would be a retail facility in an area whose purpose is to be used for industrial facilities therefore the expectation would be that the general public would not be in and around the area on a regular basis. There are no toilet facilities for the public nor even a cafe. That's what the high street shops are for. To allow a retail business to trade here would open the floodgates to other retail businesses leaving the high street for larger cheaper premises leaving the town centre like so many others in the borders a ghost town. Let's keep the town centre for retail as it should be and the industrial sites as just that.

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## Customer Details

Name: Ms Lynne Wotherspoon

Address: Unit 1 Ground Floor, 36 - 40 Horsemarket, Kelso, Scottish Borders TD5 7HD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Health Issues
- Increased traffic
- Land affected
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety

Comment: I object to this application for change of use to mixed retail; the area of Spylaw Road is not within the strategic plan of the town centre of Kelso which is where the town's retail shops are situated. Unit 8-2, which is the larger of the two units, measuring 153.8m<sup>2</sup>, is predominantly retail and has been operating since 2020 with a smaller unit of 68.96m<sup>2</sup>, that has been rented since last year to be used for classes. The trading of this business from these premises has already had a knock on effect for the Towns Abbey Row Centre as it used to host some of the classes that are now held at the U-Stor premises. Sadly this has an impact on the ongoing viability of community led hubs such as the Abbey Row Centre and other village halls that have been/could have housed community groups that use such amenities for group learning purposes, whereas this learning area is being run as a business for personal gain and it is attached to non-compliant retail premises thus leaving the viability of the community hubs in limbo.

If Mr Beveridge is successful with this application to change the two areas of this building, where does he stop applying for retail status on the multiple remaining units he owns and rents in the same building/street creating an out of town shopping centre. It is not the current tenant that has retail rights it the owner, this then means that any subsequent tenants may also trade as retail from these premises. A quick look on the Scottish Assessors Website shows that Mr Beveridge owns a total of 18 Units within these premises and those are only the units listed under his business name of U-Stor Business Units. Mr Beveridge also owns multiple sites where he has

sited storage containers but when does he decide to apply for planning permission to build on these plots of land.

The businesses with existing mixed retail status on this same street are as follows:

Travis Perkins- Builders merchants to the trade, this has a small retail trade counter area dedicated to b2b sales

ABL Agriparts Borders Ltd- Agricultural Tools and Welding Supplies to trade services

Crop Services/ Country Corner- Agricultural feed suppliers, Horsewear suppliers and outdoor wear

Some of the other businesses on this same street which are unable to trade from retail premises on the high street are :

Tweedside Light Commercials Ltd - Commercial Vehicle Sales / Commercial Garage Services

Spylaw Motors - Vehicle Sales and Garage services

Bordaloo Ltd - Commercial Portable Toilet Rental

Border Mouldings Ltd - Trade B 2 B Business

Day Nursey - Child Care

The Muscle Factory - Gym

Borders Ornamental Iron - wrought iron metal works

Other businesses within the U-Stor Premises

George W Cockburn Ltd - Water & Sewerage Ground workers

Michael Noon - Noon Entertainment Hire (Bouncy Castles, DJ)

Darren Paxton - Plumbing and Heating Supplies

Nurture Landscapers Ltd - Landscaping services

Douglas Home & Co - Accountants

Not one of these trade businesses relate to the tenants proposed retail use, who's customer demographic is completely the opposite of tradespeople/Agricultural workers or Service orientated businesses. Instead, their customer demographic is predominantly elderly/retired people. On viewing this street on Google Earth, an agricultural Fertiliser trailer/container attached to a tractor is parked opposite the Crop Services/Country Corner entrance and a large Green agricultural farming vehicle parked within their car parking area so this business is clearly not geared up for the general public but rather to those who deal with agricultural/livestock/ Horses and Working Animals even although they have a small area dedicated to retail it has a trade counter operating and its retail area outdoor wear/ wellingtons. Businesses on Spylaw Road are grossly different to those of the Market Town centre of Kelso, which has conservation status and is a place brimming with diverse shops and cafes, views of the river and Floors Castle , The Kelso Abbey, stunning architecture and of course the largest cobbled market square in Scotland. The hotels and B&B's are all within the town centre. There are no notable places for the general public on or near Spylaw Road, no cafes (the one that was in Sainsbury's has since closed down), no public toilets, Gift Shops, Shoe Shops, Cookware/ homeware shops, Art Galleries, Butchers, men and women's wear clothing shops, florists, hairdressers, Toy Shops, Furniture Shops, Charity shops. Does Kelso and the people of Kelso want visitors lasting memories to be that of an industrial estate? The premises are also quite a distance up the hill from the town centre and as such with its customers being primarily elderly and/or retired, for those that don't drive it is quite a trek and once they get there, there are no facilities like cafes or other businesses that would compliment this

businesses and its customer demographic. There is certainly no seated covered bus shelters to wait for a bus or taxi.

I also do not believe that the premises are wholly suitable either to accommodate classes or large groups in that there is no dedicated toilet facility within either of these units 8-2 & 8-3. As per the plans attached to this application, to make use of the toilet facilities you need to leave the unit premises and walk outside into another part of the building, in order to access the shared mix use toilets with the 18 other unit tenants. Are there not planning regulations in force that determine the required number of toilets based on the numbers of people visiting these premises? Photographs from the current business tenants' and the major driving force for this application, Facebook and Instagram page, clearly show more than 40 women in one photo alone, all of whom are eating and drinking. Therefore, I do not believe the toilet facilities meet the current planning regulations, taking into account the numbers of other users within the remaining units as well as the large numbers this business has over its threshold at any one time. There is also no provision for disabled users should they need to use the toilet as it is up 4 steps according to the plans include in this application.

The previous occupant of both these units was Tom Butler Furniture maker, who had constraints imposed on his planning application as the property has previously been listed on the Contaminated Land Register, surely it would require soil and core testing to be carried out to ensure the safety of the multiple people this business may have over its doors. Tom Butlers application to turn it into furniture manufacturing is available for the general public to see as is the notification of it being listed on the contaminated land registry via this portal. There is currently land that has lain derelict for years on the Station road side of the junction and has been like this for sometime due to it also being on the Contaminated Land Register.

The existing business clearly shows on it's Social Media page, that they have two dedicated car parking spaces for their patronage within the U-Stor car park, with the only other alternative parking being on street. There are some laybys on the side of the road for parking as there are often large articulated vehicles going to the stone/concrete works at the very end of this street and it therefore allows safe passage. However bringing more vehicles into this street will only add to the congested parking bays outside Tweedside Commercials and the full parking bays outside the dog groomers and the other industrial units within the old Scotmas premises. This in turn compromises the safety of the users of other businesses within the environs and more so that of the children's nursery as it is bringing more vehicular traffic and creating issues with congestion due to extra vehicles being brought into the area, bearing in mind a daytime class may mean all day parking required for anywhere from 12-50 people. (I am sure they are not arriving in just two vehicles). Not to mention the additional people visiting the shop/ retail aspect of this business at the same time classes are on. There are also private residences on this street, it is not always easy as a property owner to voice views on planning as they are then potentially targeted as being difficult, these homeowners will be impacted when large numbers of patrons park up to get on a bus trip and leave their vehicles there all day or come along to a class/ group meet. There are also evening classes as well which means the parking issue and noise does not simply disappear at 5pm when most of these businesses close their doors.

Had this business opened its doors within the town centre it would have access to the many car



parking facilities within the town centre and also many disabled spaces for its disabled patronage just the same for any other business trading locally. The shops patronage would shop within the existing thriving town centre shops and cafes etc, as its patrons would be passing by multiple businesses open to the general public to get from parking areas to their shop premises. However this is not the case.

The area of Kelso has always had the Retail element of businesses serving the general public within the Strategic plan for Kelso, which has always been within the conservation town centre area, keeping the industrial zoned areas as predominantly Spylaw Road, Pinnaclehill Industrial estate and the area behind the old Pinnaclehill Industrial Estate forming the new industrial units where Tim Burton Wines has their warehouse. This planning application is detrimental to this structure, one that has served Kelso so well, stopping our town becoming like many of the others, Galashiels, Hawick and Duns. Kelso is a historic town with many diverse shops within its town centre, to allow this application to go ahead jeopardises the stability and structure of the town centre moving forward for years to come. People come to Kelso because it's high street has survived but for how long if we allow planning applications such as this to go ahead. Not only that, it is removing valuable smaller industrial spaces for industrial/trade businesses that cannot operate from a retail unit or a massive industrial site. I believe that John Lamont has already been involved with another party that had shown interest in these premises prior to the current tenant and that their business was of a B2B nature. The current premises owner IS aware that planning permission must be sought for change of use as he has supported other businesses in the past in seeking change of use applications, which can also be downloaded read on the Scottish Borders Planning Portal. So one has to ask the question why is this planning is being sought retrospectively and nearly 2.5 years after this tenant initially moved in and started trading?

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## Customer Details

Name: Mrs MELANIE BURTON

Address: Paddington, Cliftonhill, Ednam Kelso, Scottish Borders TD5 7QE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a retail premises in an industrial area. It has gained financial advantages over those similar retail ventures within the town by operating illegally. All businesses should be entitled to a level playing field.

As a customer of these types of shops I would say that the shop does not offer anything that is not available in the town itself.

As a cafe owner in the town I appreciate the town businesses bringing customers to my premises, which this business will not.