

Archived: 07 November 2023 13:27:16

From: [Calvert, Euan](#)

Sent: Tue, 7 Nov 2023 10:29:25 +0000Authentication

To: [localreview](#)

Subject: FW: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

Sensitivity: Normal

Good morning,

Sorry for the delay in replying,

I have considered the Supporting Statement, specifically the Updated Floor Plan, and have consulted Forward Planning. I undertook a site visit on Monday 30 October.

The Forward Planning response;

“ Thank you for the opportunity to provide further comments following the submission of additional information.

Having read the Supporting Statement, it is not felt that the updated floorplan accurately reflects the current use of floor space of Units 8-2 and 8-3 at Spylaw Road Industrial Estate, Kelso. It is considered that the predominate use of the floorspace is retail (Use Class 1A) with a smaller separate room used for training and workshops (Use Class 10). The area identified as craft room/education is identified correctly and falls within Use Class 10 (approx. 30%) however the remainder of the unit (approx.. 70%) is currently in use as Use Class 1A (retail). The retail area remains unchanged from the original submission, the areas coloured pink, blue, grey and orange all fall within Use Class 1A (retail) with the remaining uses of kitchen/office being ancillary to this use.

The existing planning land use map submitted by the applicant identifies the existing use classes located at Spylaw Road Industrial Estate. It is acknowledged there are existing retail units within the Industrial Estate however, these units sell large bulky items including animal feeds, car parts and agricultural equipment. These are items which would be difficult to accommodate within a town centre retail unit and therefore their location at Spylaw Road is considered appropriate. It should be noted that there are a number of haberdashery businesses similar to the ‘Wonky Giraffe’ which are located within Kelso town centre and are operating in accordance with planning policy.

It is noted that the applicant also provides examples of similar businesses located within industrial estates within other larger Council areas including Newcastle, Manchester and Carlisle, these are much larger cities/towns which have established out of town retail uses unlike Kelso. Policy ED3 of the Scottish Borders Local Development Plan aims to protect and enhance the retail vitality and viability of town centres by focusing retail uses within town centres rather than out of town locations in accordance with the ‘Town Centre First Principle’. It is not felt that the information submitted changes the policy position and therefore the comments contained within the original response submitted by the Forward Planning Team remain unchanged as the location of a Class 1A use at this location sets an unwanted precedent and the application cannot be supported.

“

Having viewed the site and the operation it is considered that the extent of Retail (Class 1A) remains unchanged from the submission in that 70% of the floor space is being used as contiguous retail floor area. No meaningful distinction can be made between retail use and the other uses identified; “Communal/ Meeting Area; Storage; class preparation area; online orders and

postage area; office”.

The predominant use must therefore be considered Retail (in terms of floor print occupied) and, contrary to the Supporting Statement, no operational requirement is identified in the retail offering. The goods could be *accommodated within a town centre retail unit*. The planning Authority disagree with the conclusion that no suitable places within the town centre or on the edge of town centre were available. (Policy 27 of NPF4 does require development proposals to be consistent with the town centre first approach.) The Supporting Statement does not demonstrate that all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; or that the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre.

The Supporting Statement does not change the conclusions reached in the Report of Handling and recommend the appeal be dismissed.

Euan Calvert

Assistant Planning Officer (Development Management)

Planning, Housing & Related Services

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Tel: 01835 826513 | ecalvert@scotborders.gov.uk

From: localreview <localreview@scotborders.gov.uk>

Sent: Monday, November 6, 2023 5:13 PM

To: Calvert, Euan <ECalvert@scotborders.gov.uk>

Cc: Fotheringham, Barry <bfotheringham@scotborders.gov.uk>

Subject: FW: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

Importance: High

Good Afternoon Euan

I refer to my e-mail below which I sent on 23 October 2023 and note that I have not yet received a response.

I would be obliged if you could deal with this as a matter of urgency.

Regards

Fiona Henderson

Democratic Services Officer

Democratic Services

Resources

Council Headquarters

NEWTOWN ST BOSWELLS TD6 0SA

 DDI : 01835 826502

✉ fhenderson@scotborders.gov.uk

From: localreview

Sent: Monday, October 23, 2023 4:04 PM

To: Calvert, Euan <ECalvert@scotborders.gov.uk>

Subject: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN - 23/00325/FUL and 23/00034/RREF

Importance: High

Good Afternoon

Further to the Local Review Body held today, Monday, 23 October 2023, the Review Body have requested that the Planning Officer and anyone you may wish to consult with, comment on the information listed below which was submitted with the Review but was not before the appointed officer at the time of determination.

LIST OF MATTERS

- updated floor plan which provided further clarity on the use of the floor space and how this was divided between; craft room, meeting area, storage, office and retail areas. The updated plan advised that the retail area was significantly lower than understood during the course of the planning application (occupying 11% of the floor area instead of up to 70%).

Please send any comments to the above email address by **Monday, 6 November 2023 at the latest.**

Thanks Fiona

Democratic Services

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