



KELSO COMMUNITY COUNCIL

***Pinnaclehill Lodge
Sprouston Road
KELSO,
TD5 8ES***

***E-Mail :
kelsocommunityconcil@gmail.com***

18 April 2023

Planning Office
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose TD6 0SA

Dear Sirs

The following plan has been considered by the Kelso Community Council -

Planning 23/00325/FUL - Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN. The Kelso Community Council supports the change of use of class 10 and class 1.

Yours sincerely

**Mrs S A Redgrave
KCC Councillor**

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 20th March 2023

Contact: Euan Calvert ☎ 01835 826513

Ref: 23/00325/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2023, 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 10th April 2023, 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: U-Store Business Units Ltd

Agent: Ray Cherry

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

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

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:		
	EVH - Contaminated Land Officer			
Date of reply	24 th March 2023	Consultee reference: 23/00502/PLANCO		
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert		
Applicant	U-Store Business Units Ltd			
Agent	Ray Cherry			
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10			
Site Location	U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN			
<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>				
Background and Site description	The above application appears to be proposing the redevelopment of land which was previously operated as a saw mill and a depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	<p>It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.</p> <p>Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	<p>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance</p>			

	<p>with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan). d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council. e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.</p>
<p>Recommended Informatives</p>	

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 20th March 2023

Contact: Euan Calvert ☎ 01835 826513

Ref: 23/00325/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2023, 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 10th April 2023, 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: U-Store Business Units Ltd

Agent: Ray Cherry

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

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

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Laura Bell (Planning Officer) Forward Planning Section	Laura.Bell@scotborders.gov.uk 01835 825064
Date of reply	28/03/2023	Consultee reference:
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert
Applicant	U-Store Business Units Ltd	
Agent	Ray Cherry	
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10	
Site Location	U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN	
<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	<ul style="list-style-type: none"> • The proposal is on an allocated business and industrial safeguarded site located within the Kelso development boundary • The site is classed as a 'local' site within Policy ED1 of the adopted Local Development Plan 2016 • The unit subject to this planning application is currently operating from the site and therefore this is a retrospective application 	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Compliance with adopted LDP (2016) Policy ED1 – 'Protection of Business and Industrial Land' • Consideration of Proposed LDP (2020) Policy ED1 'Protection of Business and Industrial Land' • National Planning Framework 4 (NPF4) Policy 26 • Other material considerations 	
Assessment	<p>This application is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205) within the Local Development Plan 2016 and is protected by Policy ED1 - Protection of Business and Industrial Land.</p> <p>This allocation has been carried forward into the Proposed Local Development Plan 2020 along with an updated version of Policy ED1. However there are a number of unresolved issues relating to Policy ED1 therefore the updated policy is not a material consideration at this stage consequently this application will be assessed against Policy ED1 contained within the adopted Local Development Plan 2016.</p> <p>In relation to the classification of this site, Policy ED1 states that '<i>development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites</i>' and '<i>retail may be acceptable on local sites where they are located within or adjacent to town centres</i>'.</p> <p>Units 8-2 and 8-3 subject to this application are located on the ground floor and form part of a larger 'U-Stor' unit which has been subdivided over two floors to create a number of smaller individual units. It appears that there are a number of non-confirming uses within the building which do not appear to have planning consent including a beautician, sports massage therapist and various other office</p>	

	<p>accommodation.</p> <p>It should be noted that this is a retrospective planning application and the business is currently operating from these premises.</p> <p>This application proposes a change of use to class 1 and use class 10 uses. However the main use of the unit is retail with almost 70% of the total floor space being used for retail purposes. Whilst it is acknowledged some of the building is used for class 10 use, it is considered that overall the predominant use of the unit is use class 1.</p> <p>It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.</p> <p>Although it is not yet a material consideration, the updated version of Policy ED1 within the Proposed Local Development Plan 2020 strengthens the argument that retail uses should not be located on industrial estates. The policy states that <i>'Shops and outright retail activities which are not considered to be complementary nor ancillary uses to the estate will not be allowed'</i>. As previously mentioned, this policy is subject to Examination with a decision expected in late spring/early summer however it does indicate the direction of travel that the Council are taking to not allow retail uses within allocated business and industrial sites.</p> <p>Policy 26 within National Planning Framework 4 (NPF4) supports development proposals for business and industry uses on sites allocated for those uses in the LDP. It is therefore important that such allocations are safeguarded for such uses as it would be most undesirable if future class 4, 5 and 6 businesses wished to locate and invest at Spylaw Road/Station Road and were unable to do so due to there being insufficient space to accommodate them.</p> <p>It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site (zEL205).</p> <p>As the location of this proposal is within a safeguarded business and industrial site which is not located within or adjacent to the town centre of Kelso it is contrary to Policy ED1.</p> <p>Consequently as the proposal does not comply with Policy ED1 of the adopted Local Development Plan, the Forward Planning Team cannot support the proposal.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	15 th March 2023	Consultee reference:	
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert	
Applicant	U-Store Business Units Ltd		
Agent	Ray Cherry		
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10		
Site Location	Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN		
<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>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	I have no objections to this proposal.		
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: AJS