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Application for Planning Permission for change of
use for units 9-1 to 9-8 to mixed use including
Classes 1A

at
U-Stor Business Units
Splylaw Road
Kelso

on behalf of

U-Stor Business Units Ltd

March 2024



Background

This application is for Planning Permission for the change of use of the first floor units within a wider group of buildings owned and operated by U-Stor Business Units Ltd at Spylaw Road, Kelso. The application is for Units 9-1 to 9-8 to become mixed use including Classes 1A.

The building group has a long history of uses and changes of formal Planning Consent provision. It was known previously as Ancroft Tractors which provided a workshop and sales outlet for agricultural machinery and equipment.

Previous Consents have been granted: veterinary practice (11/00028/FUL); storage and meeting area (14/00712/FUL); furniture manufacturing unit (14/01047/FUL). It should be noted here that 14/00712/FUL refers to Unit 9-7 as Class 6 – it is not proposed that this use will change at this time, but that flexibility be created to allow mixed use of the whole facility.

The most recent application, 23/00325/FUL & 23/00034/RREF, approved the change of use of two of the ground floor units.

The Applicant's main building on the site is sub-divided into various units providing opportunities for a number of businesses. There are also other businesses within the Applicant's site.

The Applicant's business model has been to renovate a building that was in deteriorating condition and create a number of units of varying sizes to allow different business demands and needs to be met. This process of redevelopment and fabric improvement has been on-going, as can be demonstrated by the Applicant's own statement that accompanied the submission for application 23/00034/RREF. It is evident that U-Stor Business Units Ltd is a conscientious property owner and landlord who has sought to create opportunities for local economic development within Kelso.

Business demands in the town are changing regularly, especially during and after the Covid-19 pandemic. U-Stor Business Units Ltd has sought to respond to this need by adjusting its business model & support. During the past decade of operation, a number of start-up businesses have benefited from the opportunity of available premises. Some of these businesses have succeeded and expanded within the development; some have succeeded and moved on to larger premises, and others have ceased trading. This period has seen a significant change in economic development requirements and opportunities and all businesses require to adapt to survive. This is self-evident from the variety of use types across the wider industrial estate.

The current group of businesses is varied, some related to industrial / commercial activities; others to more traditional category 1A. These businesses are replicated across the town and it is evident that there isn't a shortage of competition.

Planning Application

An extract from the Local Development Plan (Kelso) is appended to this document, as is a street plan showing the Spylaw Road / Station Road area as defined in the LDP as zEL205. This plan has been overlaid with the Planning categories to demonstrate the existing mixed use of the estate. A further appendix includes a list of these businesses by name and type. It is key to note that the U-Stor Business Units are located within a "local safeguarded and industrial site" and not a strategic one. As such, the Planning Authority possesses greater flexibility in its determination of the occupancy categories permitted and, as is noted below, has already chosen to do so for a number of existing businesses on the estate.

zEL205	Spylaw Road/ Station Road	8.5	N/A
Site Requirements			
<ul style="list-style-type: none"> This is a local safeguarded business and industrial site as defined in Policy ED1. 			

National, as well as local, planning policies are relevant to this application and are noted below.

National Planning Framework 4 Policy 26 – Policy intent states “to encourage, promote, and facilitate business and industry uses to alternative ways of working such as home working, live-work units and micro-businesses”. Policy 26, section b, specifically states that “Development proposals for home working, live-work units and micro-businesses will be supported where it can be demonstrated that the scale and nature of the proposed business and building is compatible with the surrounding area and does not impact on amenity or neighbouring uses”.

- o The mixed use of this building has been operating for a number of years on this mixed-use street and has not had any negative impact on the surrounding areas or businesses.
- o In 2019, rooms within the former dairy directly opposite U-Stor Business Units were advertised by Edwin Thompson LLP as Offices/Workspace/Storage/Studios and it was claimed that they ‘provide considerable flexibility for a range of office, workshop, storage, work rooms, beauty/treatment rooms, artisan studios or similar’. In 2019 a dog groomer took on one of the rooms and two years later (in June 2021) a bakery took another. This required a change of use (21/01006/FUL). The application was successful and permitted a change to the storeroom to form a bakery shop (Room 3) and a new storage area from workshop (Room 4). The timeframe between advertising and tenants taking on these leases demonstrates that these properties have remained empty for a significant period of time, and therefore supports the premise that allowing the mixed use of the U-Stor building will not have a detrimental impact on local demand or prevent other businesses from existing. There is evidence therefore that sufficient space does exist (and has done) on the estate & that this has traditionally exceeded market demand.
- o The Foundry, Station Road, Kelso (RKELS001) (which is approx. 350 metres from the U-Stor business units) was advertised by Edwin Thompson in 2019. Noted within the sale information it stated it was a site zoned for re-development within the Scottish Borders Local Development Plan 2016. It also stated that ‘it is in a mixed-use area’. This site remains undeveloped, which again would suggest that there is not a high demand for either industrial or mixed-use buildings/development in this particular area. It is noted that an application is currently being considered (23/01886/FUL) for use as a coffee shop and drive-through facility.
- o Whilst Spylaw Road is noted within the Local Development Plan as industrial use only, over the years it has clearly been allowed to develop into a mixed-use area. Alongside housing there are retail businesses, garage workshops, car sales, hot food takeaways, a nursery, a gymnasium, a dog groomers, a raw food company and a removal/storage business. The precedent for this street has already been set with the current range of businesses that operate there and supported by the recent decision for the ground floor of the U-Stor premises. If it is not currently recognised as a mixed-use site, then it seems

reasonable that a full review of all business operating there should be undertaken, and the classification of this street amended. It is contended that, if the units along Spylaw Road were to be vacated as a result of such a review, and reverted back to Industrial only, the street would be filled with redundant buildings that would fall into disrepair which, in turn, would contravene **Policy 9** – Brownfield, vacant and derelict land and empty buildings. This states “to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings”. **Policy 25** – Community Wealth building, which is to support improving community resilience, increase spending within communities and local job creation would also be contravened.

The aim of the Policy ED1 is to rigorously protect strategic business and industrial sites for employment uses. Kelso is fortunate to have various sites allocated for strategic business and industrial uses: Pinnaclehill Industrial Estate (BKELS005), Pinnaclehill Industrial Estate extension (zEL206), Wooden Linn Phase 1 and Wooden Linn Phase 2 (BKELS003), as well as the vacant Foundry site on Station Road (RKELS001). At the moment there are vacant premises within the Pinnaclehill Industrial sites. These have been vacant for several years. The building of the sites at Wooden Linn has not yet started. It is suggested that, between the empty premises and yet-to-be-built premises, there is adequate provision for any industrial businesses that may wish to establish themselves within Kelso in the future. Policy ED1 also states that ‘Local sites’ allocated for business and industrial use, are considered to have a lower priority and therefore alternative uses are likely to be supported. Retail may also be acceptable on local sites where they are located within or adjacent to the town. Spylaw Road and Station Road are on a Local site (zEL205). Over the years this site (zEL205) has developed into a mixed-use area as per Policy ED1 Section 2d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed-use pattern is now considered acceptable by the Council. As mentioned in the above, the precedent for this street has already been set with the variety of businesses operating there.

Spylaw Road / Station Road (zEL205) sit within the lowest classification of industrial land defined in the Council’s Local Development Plan as “local” and, as such offers the greatest flexibility of choice regarding use classification and the capacity of the Planning Authority to support such.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

Conclusion

Planning Policy, and the Local Development Plan in particular, are formulated to provide a framework in the interests of the Scottish Borders Council. They seek to establish frameworks that allow consistency of approach across the region; however, they are limited in their capacity simply because the built environment is not a homogenous entity that can respond to a binary approach in decision making.

This submission, and its appendices, has set out why this is the case. A redundant manufacturing building within an industrial estate (classified as the lowest safeguarding category of Local) has been renovated by the applicant. In doing so he has extended the life of this building in a sustainable manner that responds to one of the Council's stated goals. He has also created the opportunity for economic development at a scale that suits a variety of micro and small businesses that is not readily / widely available elsewhere in the town. A number of the Applicant's tenants have thrived in this location. All of this during and after a global pandemic at a time when many businesses were closing and others were seeking to diversify in order to survive.

U-Stor Business Units Ltd and its tenants are examples of successful Borders businesses that require to be supported in their ventures in order to continue the economic benefit that they bring to Kelso, and the wider, Scottish Borders economy. A decision to allow the whole building to be considered suitable for mixed use, i.e. Planning Use Classes 1A, 4, 5 and 6 would offer considerable future flexibility to the site and, more importantly, open significant opportunities for continued and future economic development within the town. This is something that will support even more emerging local businesses in the future.

APPENDICES














APPENDIX 1

Kelso Local Development Plan Map

Scottish Borders Council
 Local Development Plan 2016
 as modified by Supplementary
 Guidance on Housing 2017



Kelso

-  Development Boundary
-  Town Centre Boundary
-  Conservation Area
-  Key Greenspace
-  Housing
-  Longer Term Housing
-  Redevelopment
-  Business and Industrial
-  Business and Industrial Safeguarding
-  School
-  Wetland
-  Structure Planting /Landscaping
-  Core Activity Areas

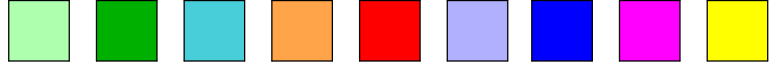
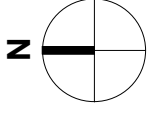


Town Centre Inset

APPENDIX 2

Street Plan of Current Use Category Within zEL205

Health & Safety Information
 There are no issues associated with this drawing - information is generally "as-built"

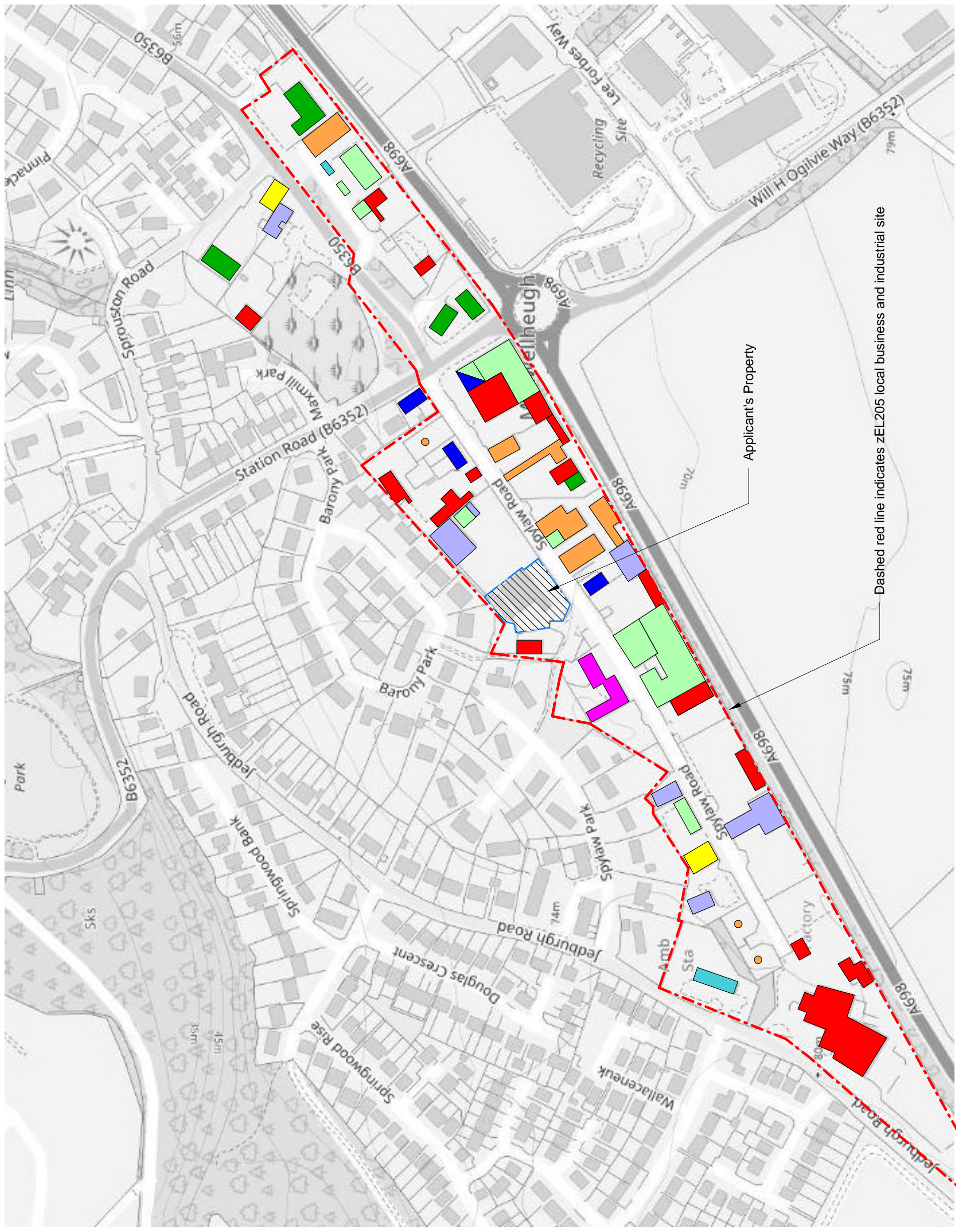


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Project:
 U-stor Business Units Ltd
 Spylaw Road, Kelso

Existing Planning Land Use

Scale (@A3)	As indicated
Date:	March 2024
Project No.:	23-012
Drg. No.:	303
Rev.:	D1



Map extract from SBC Website for underlay purposes

APPENDIX 3

List of Businesses Within zEL205

Businesses in Zone zEL205

Motor Sales & Repairs

- | | |
|--------------------------------|-------------------------|
| 1. Maxwell Motors | Car Sales & Service |
| 2. Complete Auto Repairs | Motor Repairs |
| 3. Ken Hope | Car Sales & Service |
| 4. Bernie Murray | Motor Repairs |
| 5. Tweedside Light Commercials | Van Sales & Service |
| 6. James Hume | Motor Repairs |
| 7. C & R Tyres | Tyre Supplies & Fitting |
| 8. SAB Services | Motor Repairs |

Manufacturing

- | | |
|--------------------------------|------------------------|
| 9. Kyle Engineering | Steel Fabrication |
| 10. ICOM Scottech | Electronics |
| 11. DH Design & Print | Signage |
| 12. Bheula Framing | Picture Framing/Retail |
| 13. Border Concrete | Concrete Products |
| 14. Border Ornamental Ironwork | Gates & Railings |
| 15. Food Factory | Bakery/Retail |
| 16. Kelso Powder Coating | Painting |

Contractors

- | | |
|--------------------|---------------------------------|
| 17. A R Transport | Haulage |
| 18. Crop Services | Crop Spraying |
| 19. CSS | Pressure Washer Sales & Service |
| 20. Scott Mckenzie | Joiner |
| 21. James Nairn | Electrician |
| 22. Cockburns | Ware & Drainage Services |
| 23. Derek Welsh | Plasterer |
| 24. Borderloo | Toilet Hire |
| 25. Grant Morrison | Landscape |
| 26. T. L. Joinery | Joinery |
| 27. Darren Paxton | Plumber |

Gymnasium

- 28. K.D. Fitness
- 29. The Muscle Factory

Retail

- | | |
|------------------------|-------------------------|
| 30. T.M.S Motor Spares | Motor Spares |
| 31. Car Parts for U | Motor Spares |
| 32. Country Corner | Country Stores |
| 33. Border Row Petfood | Pet Food |
| 34. Agri Parts | Agricultural Spares etc |
| 35. The Wonky Giraffe | Haberdashery/Education |

Residential

- | | |
|--------------------|---------------------|
| 36. Ashville | Semi Detached House |
| 37. Holmwood | “ “ “ |
| 38. Helensville | Bungalow |
| 39. Country Corner | Flat |

Miscellaneous

- | | |
|-----------------------------|--------------------------|
| 40. SBC | Council Yard |
| 41. Kyles Funeral Directors | Depot |
| 42. R.I. Wilson | Furniture Store |
| 43. Castlegate | Nursery |
| 44. Noon Entertainments | Events Equipment |
| 45. EOSE | Sports Planning |
| 46. Vicki Patterson | Nail Bar |
| 47. Andrew McLean | Water Services Design |
| 48. Tanya Davidson | Skin Care |
| 49. K.A.O.S | Costume Store & Hire |
| 50. D. H. & Co | Document Store |
| 51. U.B.U.L. | Store |
| 52. Travis Perkins | Builders Merchant/Retail |
| 53. Wessex North | Storage |
| 54. Streets Ahead | Store |