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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTES of Meeting of the LOCAL REVIEW BODY held in Council Chamber, Council, Headquarters, Newtown St Boswells - Blended on Monday, 17 October 2022 at 10.00 am

- Present:- Councillors S Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, V. Thomson, N. Richards, S. Scott, E. Small.
- Apologies:- Councillor N. Richards, S. Scott.
- In Attendance:- Principal Planning Officer, Solicitors (R. Kirk para 1 only and F. Rankine from para 2), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. **REVIEW 22/00188/PPP**

There had been circulated copies of a request from Mr Kevin Stewart c/o Ferguson Planning, Shiel House, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse on the woodland strip, North of Springhall Farm, Kelso. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information; Consultation Replies and list of policies. Members noted that the application had not been refused in relation to the Housing in the Countryside Policy. However, they did consider the issue as part of their overall consideration of the Review, the relationship with the Development Plan and all other material issues. It was also noted that the applicant had addressed compliance with Policy HD2 in the submitted Planning Statement. Members accepted that there was a building group present at Springhall Farm to the south of the site but did not consider that the application site was well-related or within the group. Whilst Members expressed some sympathy towards the retirement case, they were not persuaded there was sufficient justification. After discussion, and given the fact that Springhall Farm was not in the ownership of the applicant and could lead to difficulties securing the vacated farmhouse with the landholding. Members also considered that the proposed site was too detached from the farm grouping and may have been more appropriate within, or adjoining, the farm grouping. Members were particularly concerned about the proposed new access onto the 'A' Class road in terms of speed, overtaking and the potential for cross traffic between the site and the farm. The access to the minor road to the north was also considered as an alternative proposal, but Members noted this involved the use of land outwith the ownership of the applicant and there was no assurance that the access could be achieved. Members concluded that the site could not be accessed safely under Policy PMD2. The Members went onto consider the potential impact on the woodland and landscape and were concerned at the prominence of the site and the potential breaching of the rear wall required to access from the North and the loss of further trees.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;
- (c) The proposal was contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the principle of a new vehicular access onto this derestricted 'A' class road (A698) in this rural area would be detrimental to the safety of users of the road. The economic case presented does not outweigh these road safety concerns. The proposal was contrary to Policy EP13 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss and harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset. The proposal was contrary to Policy EP10 of the Scottish Borders Local Development Plan 2016, in that it would result in further loss and damage to the quality and integrity of the Designed Landscape and it has not been demonstrated that development would safeguard or enhance the landscape features, character or setting of Hendersyde Park.
- (d) the officer's decision to refuse the application be upheld and the application refused, for the reasons detailed in Appendix I to this Minute.

3. **CONTINUATION OF REVIEW 22/00127/FUL**

With reference to paragraph 3 of the Minute of 15 August, the Local Review Body continued their consideration of the request from Daina McFarlane, Leitvale, Eden Road, Gordon to review the decision to refuse the planning application for the change of Use from Industrial (Class 4,5,6) to Fitness Studio (Class 11)(retrospective) at Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; support letters, list of policies and submission by Planning Officer and Economic Development and Applicant response. Members noted that the unit had previously been within industrial use but that the gymnasium had now been implemented within the unit. The application at Review was, therefore, noted to be retrospective and Members acknowledged the reasons given by the applicant for this. Members further noted that the unit lay within an area allocated as a District industrial and employment site and that, whilst Class 4-6 uses were preferred, other uses could be considered, provided three out of four criteria set down in the Policy were met. Members then considered these criteria and were of the opinion that three of the criteria were met by the proposal. The Review Body noted the submissions from the Appointed Officer and applicant which conflicted over the potential impacts of the loss of the unit on industrial land supply. However, Members welcomed the re-use of the unit and noted that a number of gyms had been approved in the locality, including the adjoining unit, and in other industrial estate settings. The Review Body also noted and welcomed the fact that the future use of such units had been safeguarded by conditions seeking reversion to industrial use should the approved gym uses cease. Subject to the same condition being applied to the current proposal, Members were content that approval would not be prejudicial to the long term requirements of industrial land and buildings in the area. The review body also noted the employment and community benefits to allowing a gym use within the unit.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure;**
- (c) the officer's decision to refuse the application be overturned and the application approved, for the reasons detailed in Appendix II to this Minute, subject to conditions.**

4. REVIEW 21/01905/FUL

There had been circulated copies of a request from Mr Nigel Carey c/o James O'Rourke, Pro-found, Berwick Workspace, Boarding School Yard, Berwick Upon Tweed to review the decision to refuse the planning application for the erection of a dwellinghouse on Garden Ground of Cheviot View, Eden Road, Gordon. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; general comments; additional information; consultation replies; objection comments and list of policies. Members noted that the Applicant had requested further procedure in the form of written representations, a hearing and a site inspection. The Review Body noted that the Planning Officer accepted that a house would be in keeping with the surrounding residential land use but was opposed to the development as he viewed it as backland development out of character with the existing form of Gordon in the vicinity. The Review Body noted the distinction between the Review site and the immediately adjoining site which had consent for a small dwellinghouse which was to replace a previous derelict residential property. The Review Body went onto consider the design of the house, using Policies PMD2, PMD5, HD3 and the Placemaking and Householder SPGs and the access. After discussion, Members considered it necessary to seek further procedure in the form of an unaccompanied site inspection, in order to view the proposals in relation to the setting, adjoining site and other examples of development highlighted by the applicant in the village.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could not be considered without the need for further procedure in the form of an unaccompanied visit to the site;**
- (c) consideration of the review be continued to a future meeting on a date to be confirmed.**

5. REVIEW OF 22/00081/FUL

There had been circulated copies of a request from C & V Developments c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of two dwellinghouses on Land West of Wellnage Station Road, Duns. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies and list of policies. Members noted that the proposed development failed to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The site was initially part of an application for six houses in 2016 but this was then reduced to four houses on the other side of the access road – and these houses had now been fully developed. The current Review site was omitted from the amended plans submitted with the 2016 application, due to concerns over the setting of the listed building. Members noted from the Decision Notice that the proposed dwellinghouses, in the location identified, was considered to

isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which formed part of its primary setting. Furthermore, the Decision Notice stated that the proposal would result in the loss of a further section of historic boundary wall to create a vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate. After discussion, Members considered it necessary to seek further procedure in the form of an unaccompanied site inspection, in order to view the proposals in relation to the setting of the listed building and the impacts of the existing houses on the site.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could not be considered without the need for further procedure in the form of an unaccompanied visit to the site;**
- (c) consideration of the review be continued to a future meeting on a date to be confirmed.**

6. REVIEW OF 22/00296/FUL

There had been circulated copies of a request from Mr Robin Purdie c/o Aitken Turnbull Architects, 9 Bridge Place, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse on Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objection comments and list of policies. The Planning Advisor drew attention to information, in the form of a Daylight Analysis Diagram and information contained in the Review Supporting Statement, which had been submitted with the Notice of Review documentation but which had not been before the Appointed Planning Officer at the time of determination. Members agreed that the information was new but considered that it met Town and Country Planning (Scotland) Act 1997 Section 43B test in that the new information contained material considerations that it was required to take into account and that the new information was deemed to be material to the determination of the Review and could therefore be considered. Although, Members also agreed that the new information could not be considered without first affording the Planning Officer, the opportunity of commenting on the new information and agreed that the application be continued for further procedure and an unaccompanied site visit.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) new evidence submitted with the Notice of Review in the form of a Daylight Analysis Diagram containing a floor plan of the neighbouring property together with the supporting review statement which referred to the impact on the neighbouring property submitted by the Applicant, met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could not be considered without the need for further procedure in the form of written submissions and an unaccompanied site visit;**

- (a) The Planning Officer be given the opportunity to comment on the new information contained in the Daylight Analysis Diagram and supporting review statement; and**
- (b) consideration of the review be continued to a future meeting on a date to be confirmed.**

The meeting concluded at 1.00 pm

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**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 22/00027/RREF

Planning Application Reference: 21/00188/PPP

Development Proposal: Erection of dwellinghouse

Location: Woodland Strip, North of Springhall Farm, Kelso

Applicant: Mr Kevin Stewart

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the principle of a new vehicular access onto this derestricted 'A' class road (A698) in this rural area would be detrimental to the safety of users of the road. The economic case presented does not outweigh these road safety concerns.
2. The proposal is contrary to Policy EP13 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss and harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset.
3. The proposal is contrary to Policy EP10 of the Scottish Borders Local Development Plan 2016, in that it would result in further loss and damage to the quality and integrity of the Designed Landscape and it has not been demonstrated that development would safeguard or enhance the landscape features, character or setting of Hendersyde Park.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on the Woodland Strip, North of Springhall Farm, Kelso. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	3.01 Rev A
Location Plan	3.01 Rev C
Site Plan	3.02
Visualisation 1	3.03

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th October 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including Officer's Report and Decision Notice); b) Items referred to in Officer's Report; c) Additional Information; d) Consultation Replies; and e) List of Policies, the Review Body proceeded to determine the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, HD4, EP1, EP2, EP3, EP5, EP7, EP8, EP10, EP13, IS2, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- "Control of Woodland Removal" Scottish Government 2019
- SPP 2014
- Draft NPF4

The Review Body noted that the application was for the erection of a dwellinghouse on the Woodland Strip, North of Springhall Farm, Kelso

Members noted that the application had not been refused in relation to the principle of a house under Policy HD2 of the Local Development Plan and the New Housing in the Borders

Countryside Supplementary Planning Guidance. However, they did consider the issue as part of their overall consideration of the Review, the relationship with the Development Plan and all other material issues. It was also noted that the applicant had addressed compliance with Policy HD2 in the submitted Planning Statement. Members accepted that there was a building group present at Springhall Farm to the south of the site but did not consider that the application site was well-related or within that group under Clause A of Policy HD2.

The Review Body noted that the proposal was intended for occupation by a farmer who would then retire, releasing the existing farmhouse for continued occupation. After discussion, and whilst Members expressed some sympathy towards the retirement case, they were not persuaded there was sufficient justification under Clause F of Policy HD2, given the fact that Springhall Farm was not in the ownership of the applicant and could lead to difficulties securing the vacated farmhouse with the landholding. Members also considered that the proposed site was too detached from the farm grouping and may have been more appropriate within, or adjoining, the farm grouping.

The Review Body were particularly concerned over the proposed access onto the "A" Class Road and noted that the Roads Officer had objected on grounds including the principle of a new access in this location, the fast overtaking stretch of road affected and the potential for cross traffic between the site and the farm. Members were in agreement with the objections of the Roads Officer and did not consider that the proposal was able to be accessed safely onto the "A" Class Road, therefore being contrary to Policy PMD2. The access to the minor road to the north was also considered as an alternative proposal, but Members noted this involved the use of land outwith the ownership of the applicant. As there was no assurance that the access could be achieved nor any condition imposed that would comply with the tests required by the relevant Government Circular on the use of conditions, the Review Body concluded that the site could not be accessed safely under Policy PMD2.

Members then considered the issues of woodland and landscape impact, noting the location of the site within Hendersyde Park Designed Landscape and the comments of consultees including Historic Environment Scotland and the Council Landscape Officer. Assessing the proposals against Policies EP10, EP13 and the relevant parts of Policies PMD2 and HD2, the Review Body were concerned at the landscape prominence of the site, also noting how prominent the rebuilt East Lodge was to the north of the site. Members were also concerned over potential breaching of the rear wall required for access from the north. In terms of the impacts of the development on the woodland within and around the site, the Review Body noted the applicant's claims that the site would be in a clearing but still considered further tree loss would be likely if the house was to be developed and occupied. Members concluded that the impact on the landscape and trees would be contrary to Policies EP10 and EP13.

The Review Body finally considered other material issues relating to the proposal including water, drainage, ecology, Government support for rural and sustainable development, and the need for compliance with developer contributions towards Kelso High School. As Members did not consider that the proposal was acceptable for access, trees and designed landscape reasons, they agreed that these issues did not influence their final decision.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed.....
Councillor S Mountford
Chairman of the Local Review Body

Date 20 October 2022

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**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 22/00019/RREF

Planning Application Reference: 22/00127/FUL

Development Proposal: Change of use from Industrial (Class 4, 5, 6) to Fitness Studio
(Class 11) (retrospective)

Location: Unit C Whinstone Mill, Netherdale Industrial Estate, Galashiels

Applicant: Ms Daina McFarlane

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice, subject to conditions as set out below.

DEVELOPMENT PROPOSAL

The application relates to change of use from Industrial (Class 4, 5, 6) to a Fitness Studio (Class 11) (retrospective) at Unit C Whinstone Mill, Netherdale Industrial Estate, Galashiels. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	UK Planning Maps
Photograph	Elevation

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 15th August 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report;

c) Additional Information; d) Consultation Replies; e) Support Letters; and f) Policy List, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to a list of claimed vacant industrial premises within local industrial areas. After consideration, Members agreed that this information was new, met the Section 43B test and that it could be considered, given it was material to the applicant's case and, therefore, to the determination of the Review.

However, Members decided that there was a requirement for further procedure in the form of written submissions to enable the Appointed Officer to respond to the details of the industrial premises list provided by the applicant. The Review was, therefore, continued to the Local Review Body meeting on 17th October 2022 where the Review Body considered all matters, including the response from the Appointed Officer and the applicant's reply to that response. Members did not consider there was any requirement under Section 43B of the Act to test the further list of shop premises provided by the applicant and the Review Body then proceeded to determine the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD2, PMD3, ED1, ED3, HD3, IS7, IS8, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on Waste Management 2015
- Draft National Planning Framework 4
- SBC Employment Land Audit 2020
- Proposed Local Development Plan
- SESPlan 2013

The Review Body noted that the proposal was for change of use from Industrial (Class 4, 5, 6) to a Fitness Studio (Class 11) (retrospective) at Unit C Whinstone Mill, Netherdale Industrial Estate, Galashiels.

Members firstly considered the principle of the development under Policy ED1. They noted that the unit had previously been within industrial use but that the gymnasium had now been implemented within the unit. The application at Review was, therefore, noted to be retrospective and Members acknowledged the reasons given by the applicant for this.

Members noted that the unit lay within an area allocated as a District industrial and employment site in Policy ED1 in the Local Development Plan and that, whilst Class 4-6 uses were preferred, other uses could be considered, provided three out of four criteria set down in the Policy were met. Members then considered these criteria and were of the opinion that three of the criteria were met by the proposal.

Firstly, the Review Body noted the submissions from the Appointed Officer and applicant which revealed disagreements over the potential impacts of the loss of the unit on industrial land supply. However, Members welcomed the re-use of the unit and noted that a number of gyms had been approved in the locality, including the adjoining unit, and in other industrial estate settings. The Review Body also noted and welcomed the fact that the future use of such units had been safeguarded by conditions seeking reversion to industrial use should the approved gym uses cease. Subject to the same condition being applied to the current proposal, Members were content that approval would not be prejudicial to the long term requirements of industrial land and buildings in the area

The Review Body also recognised that there were employment and community benefits to allowing a gym use within the unit, noting that the operator was well established with a growing local staff and clientele base. Members noted that the gym provided additional facilities in the Netherdale area and, with the additional benefits of improvements to community health and specialist services meeting with Government aims, Members welcomed the proposal and considered that it met the second criterion of Policy ED1, representing significant community benefits which outweighed the necessity of keeping the unit in industrial use.

The Review Body then considered the remaining criteria within Policy ED1 and noted that there was no evidence to suggest the building was constrained in providing accommodation for industrial uses, Members also accepting that industrial uses could occupy other premises as listed by the applicant. In terms of the final criterion relating to a changing land use pattern of more mixed uses, the Review Body noted the different examples of gym uses allowed in the vicinity and in other industrial settings in the Borders. Members considered that precedents had already been set for allowing a more mixed use in such locations, to allow specifically for gym uses. Subject to the use being limited by condition to gym usage only and not any other use within Use Class 11, the Review Body were satisfied that a context of more mixed usage had occurred, partly as a result of previous exceptions granted to Policy ED1.

The Review Body finally considered other material issues relating to the proposal including visual and residential amenity, access, parking, waste, flooding and potential contamination. Members did not consider these issues to be material in their determination of the application and concluded the gym to be a complimentary use to its surrounding uses without any identified detrimental impacts nor being a deterrent to attracting further industrial operators.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD3 and ED1 of the Local Development Plan. The development was considered to be a justified exception within an industrial area with increasingly mixed use, providing gym facilities for which there was a proven demand. Subject to conditions ensuring gym use only and a reversion to industrial uses should the gym use cease, the application was approved.

CONDITIONS

1. The approved use shall be limited to a gymnasium and there shall be no permitted change to any other use within Class 11 of the Use Classes (Scotland) Order 1997 (as amended) unless a planning application for the same has been submitted to and approved by the Planning Authority.
Reason: The development has been considered specifically with respect to the merits of the gym against Policy ED1 of the Local Development Plan 2016 and no other uses within Class 11.

2. In the event that the approved gym use ceases, the lawful use of the unit (Unit B) shall revert to its previous lawful use (Classes 4-6) under the Use Classes (Scotland) Order 1997 (as amended).

Reason: The development has been considered specifically with respect to the merits of the gym against Policy ED1 of the Local Development Plan 2016 and no other uses within Class 11.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed...Councillor S Mountford
Chairman of the Local Review Body

Date 20th October 2022

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