

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 15/00327/FUL

**To : Bayhill Farming Ltd per Aitken Turnbull Architects Ltd Per Alistair Whitson 9 Bridge Place
Galashiels Scottish Borders TD1 1SN**

With reference to your application validated on **25th March 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 3 No industrial units and siting of 12 No storage containers

at : Land West Of Store J And R Elliot Ltd Commercial Road Hawick Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 18th June 2015
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 15/00327/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
AT2539 PL-01	Site Plan	Approved
AT2539 PL-02A	Existing Layout	Approved
AT2539 PL-03A	Site Plan	Approved
AT2539 PL-04	Elevations	Approved

REASON FOR DECISION

The proposals are considered an acceptable form of infill commercial development, of acceptable impacts subject to conditions, and acceptable in terms of design standards, flooding risk and impact, contaminated land, impact on trees, neighbouring amenity and road safety impacts. Subject to the undernoted schedule of conditions and informatives the proposed workshop and storage containers are considered to comply with policies G1, G2, G4, G7, BE2, H2, H3, ED2 and Inf4 of the Consolidated Scottish Borders Local Plan (2011), with Scottish Planning Policy and with adopted Supplementary Planning Guidance on Trees and Development, Householder Development, The Commercial Road Development Framework, and the Scottish Borders Council Contaminated Land Inspection Strategy.

SCHEDULE OF CONDITIONS

- 1 Other than where varied by the conditions of this consent, or where agreed in writing by the Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 A scheme of works for the provision of car parking spaces 8, 9 and 10 within the Root Protection Area of the chestnut tree to be submitted to and approved in writing by the Planning Authority before the development commences. The scheme is to include a method statement for the works within the Root Protection Area and the design of the parking bay is to be revised to make reference to BS5837:2012, using porous material (such as 'grasscrete' type paving infilled with gravel) and to minimising excavation within the RPA by lifting the surface as high as possible. Thereafter the parking spaces then to be formed in accordance with the approved scheme before the workshops or storage containers are brought in to use.
Reason: To protect the tree within the site that is worthy of retention.

- 4 The gates at the site entrance are to be hung so as to not open onto the public highway. The doors of the workshop building hereby approved are to be hung so as to open into the building.
Reason: To ensure safety for users of the site, on the adjoining lane serving Tewi Cottage, and on the A7.
- 5 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.

The scheme shall be undertaken by a competent person or persons in accordance 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:-

- 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.

and thereafter

- 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.

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.

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.

- 6 Prior to the commencement of development an operational plan for the development is to be submitted to and approved in writing by the Planning Authority. The plan must address the following:
- a) Hours of operation
 - b) Delivery times
 - c) Waste management and pest control
 - d) Noise mitigation and equipment maintenance
 - e) Odour including mitigation and management of ventilation systems etc
 - f) Lighting including details of the prevention of nuisance
 - g) Air quality, including details covering the idling of delivery vehicles and other emissions from development.

Thereafter the approved document will form the operational parameters under which the development will be operated and managed.

Reason: To protect the amenity of nearby residential properties.

- 7 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. provision of 3 fastigate hornbeams to be planted along the north west side of the storage units.
 - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 8 Prior to the siting of any container hereby approved, a maintenance schedule for the containers, including a schedule for repainting of the containers, is to be submitted to and approved in writing by the Planning Authority. Thereafter, maintenance and re-painting of the containers is to be completed in accordance with the agreed details, for the duration of the containers presence on the site.

Reason: In the interests of visual amenity of the wider area, and to ensure the containers are maintained in a suitable condition for the duration of their presence on the site.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Attention is drawn to the consultation response from Economic Development.
- 2 Attention is drawn to the consultation responses from SEPA and the Flood Protection Officer. Specifically:
 - that materials that could potentially cause pollution if washed into the watercourse should not be stored on site.
 - an interceptor gully should not be constructed as any material within it will be washed out during a flood.

- any users of the site sign up for SEPA's Flood Warning for Hawick in order that they can evacuate the site and remove any equipment that could be damaged in the event of flooding. Any equipment likely to be damaged by flood water should also be stored above the predicted flood level.
- Access and egress to the development may also be affected by flood waters. To receive flood warnings from SEPA, the applicant and any occupants of the premises should sign up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.
- It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

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.

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. A form is enclosed with this decision notice for this purpose.

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.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00327/FUL

APPLICANT : Bayhill Farming Ltd

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Erection of 3 No industrial units and siting of 12 No storage containers

LOCATION: Land West Of Store J And R Elliot Ltd
Commercial Road
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Flooding Issues

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status	
AT2539 PL-01	Topographical survey	Site Plan	Approved
AT2539 PL-02A	Existing Layout	Approved	
AT2539 PL-03A	Proposed site plan	Site Plan	Approved
AT2539 PL-04	Elevations	Approved	

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

ROADS PLANNING SERVICE:

As the road serving this site is a trunk road, the comments of Transport Scotland must be sought. With regards the proposed internal layout of the site, the RPS had some concerns:

1. Current guidance indicates that the level of parking for this size of development should be a minimum of 9 parking spaces.
2. Without knowing the full details of vehicles associated with this proposal, the RPS was unable to confirm if the turning facility will be sufficient. The size indicated will cater for large vans; however it may not be suitable for refuse vehicles or other large rigid lorries. The main issue is that while a vehicle entering the site will be able to turn round in the turning circle indicated, it may not then be able to turn back out the site without multiple manoeuvres. Larger vehicles may have to utilise the area to the front and side of Unit 3 or to the front and side of Unit 1 as a turning head and this is not so ideal in terms of safe working practices.
3. The application form indicates that a waste collection area will be included. This is not indicated on the site plan.

Clarification on the above points and on the intended type of storage proposed would be helpful in assisting a more informed response.

Following clarification from the agent, the RPS advises that the updated plan and details seems agreeable and comments that a condition confirming that the gates have always to open inwards is required.

TRANSPORT SCOTLAND:

Do not advise against.

HAWICK COMMUNITY COUNCIL:

No response received.

ECONOMIC DEVELOPMENT SECTION:

The planned erection of a new industrial building within generally an industrial area does not raise any specific issues as it is modern looking and will have no visual impact, due to it being set back within the site and partly screened by existing trees in one direction and other existing buildings. It is assumed the investment will allow increased business activity and hopefully offer the opportunity for additional employment. Seek clarification on the proposed purpose of the building being for Class 5 use. The application states that the building is for 3 industrial units and it is assumed these may be for lease. The building layout has 3 loading and personnel doors; normal for Class 5, but unit 2 has no toilet provision therefore it is assumed it is purely for storage (Class 6). Class 5 premises need to comply with the Health & Safety at Work etc Act 1974 for employers and employees therefore toilet provision should be created. Also make comments with regards fire separation, and yard layout.

ENVIRONMENTAL HEALTH:

- Contamination: Planning permission should be granted on condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.
- Amenity and Pollution (Noise): Agree in principle, subject to condition on an operating plan.

FLOOD PROTECTION OFFICER:

Notes the flooding position of the site. Comments that he would object unless the applicant can demonstrate the application would not reduce the functional flood storage area. Notes that there is no proposed use outlined within the information provided, this would be beneficial, as there may be products which could be washed into the river and provide blockages downstream during flood events. As access and egress to the development may also be affected by flood waters, should approval be given, recommends that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. Recommends that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

LANDSCAPE ARCHITECT:

Confirms following submission of revised plans, a site visit and discussions with the Council's Tree Officer, that although this revised layout does still impact on the RPA of the TPO chestnut, it is a much less intrusive impact, subject to confirmation that the levels also work. Confirms the application can be approved on the basis that the applicant provides a method statement for the works within the RPA (as undertaken at a site at Deanfield) i.e. they should design the parking bay, referring to BS5837:2012, using porous material (such as 'grasscrete' type paving infilled with gravel) and avoiding / minimising excavation within the RPA by lifting the surface as high as possible. The Tree Officer has also requested 3 fastigiate hornbeams to be planted along the NW side of the storage units.

ARCHAEOLOGY OFFICER:

Advises that there are no known implications for this proposal, and no mitigation is proposed.

SEPA HQ:

Initially objected to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. An initial review of the topographical survey provided in support of this application indicated that during a flood event the site could be flooded to depths in excess of 1.5 metres. Sought clarification on the following points:

- The proposed use of the storage containers and industrial units and any mitigation measures for ensuring the proposals are resilient to flooding.
- Information was required which demonstrates that the proposed use of the site will not result in contamination of the watercourse.

Following submission of additional information by the agent, SEPA were reconsulted, and subsequently advise that on the basis of the information provided by the agent, they are able to withdraw the objection. SEPA went on to provide detailed advice:

- That materials that could potentially cause pollution if washed into the watercourse should not be stored on site.
- An interceptor gulley should not be constructed as any material within it will be washed out during a flood.
- Any users of the site sign up for SEPA's Flood Warning for Hawick in order that they can evacuate the site and remove any equipment that could be damaged in the event of flooding.
- Any equipment likely to be damaged by flood water should also be stored above the predicted flood level.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of 6 neighbouring premises, an advert in the Hawick News and a notice on the national planning notification website.

One letter of objection was received. This can be viewed in full on the online system. In summary, the neighbour has had trees cut on the neighbouring side of the boundary fence between their property at 23 Princes Street and the site at 30 Commercial Road. The neighbour had not previously objected to this planning application because their property was screened from this development. The objector points out that the felling undertaken went beyond what was possible legally with a neighbour being entitled to cut away overhanging branches where they overhang the fence, but not extending onto the other side of the fence i.e. extending beyond the other property's boundary. Also the trees have been cut way and above the height of any container units that may be installed.

PLANNING CONSIDERATIONS AND POLICIES:

CONSOLIDATED SCOTTISH BORDERS LOCAL PLAN (2011)
G1, G2, G4, G7, BE2, H2, H3, ED2, Inf4

Other

SPP

SPGs

- Trees and Development
- Householder Development
- Commercial Road Development Framework (Feb 2009)
- Scottish Borders Council Contaminated Land Inspection Strategy

Recommendation by - Andrew Evans (Planning Officer) on 17th June 2015

SITE

The application site is located off Commercial Road in Hawick. The site is a former builder's yard located to the north of 30 Commercial Road. To the North East is the Wilton Mills Site. To the South West is located the Filling station and car park of the Sainsbury's Supermarket. South of the site is located the Bruce Motors Peugeot Dealership. At the eastern end of the site is located 30 Commercial Road, a traditional stone and slate 2 storey building, which recently obtained consent for a change of use to residential.

PROCESSING AGREEMENT

A processing agreement was concluded with the agent on this application, as revised plans and reconsultation were required.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of 3 industrial units, and for the siting of 12 storage containers. The three units would take the form of a single subdivided building. The proposed building would have overall dimensions of 31.24m x 9.84m, with a ridge height of 4.795m and a shallow pitched roof. It is proposed to site storage containers within the yard. Parking and turning would be formed.

POLICY PRINCIPLE

The site is located within the Hawick Development Boundary set out in the Consolidated Scottish Borders Local Plan (2011). The site is allocated as a "Redevelopment Opportunity" in the plan. The site remains within the reduced redevelopment allocation in the emerging Local Development Plan of 2013. The wider Commercial Road redevelopment site was subject to a development brief. This sets out options for the redevelopment of the wider area. The adjacent central part of commercial road has since been developed as a Sainsbury's store and petrol station. The north eastern part of Commercial Road contains what remains of Wilton Mills.

In terms of policy ED2 of the CSBLP, on Employment Uses outwith Employment Land, is relevant. Whilst such uses are generally limited to specifically designated land, these uses are also possible on sites such as this one, allocated as redevelopment opportunities. The Economic Development Service of the Council confirms the planned erection of a new industrial building within generally an industrial area such as this one, does not raise any specific issues. The development of the proposed units and siting of the containers for storage is acceptable in principle.

DESIGN AND MATERIALS

Policy G1 of the CSBLP seeks to ensure that suitable materials are used. The proposed design is functional. The proposed building would have a concrete block work base course, suitable for painting. The upper walls would be constructed in a dark grey coloured cladding. A condition on agreement of materials and finished would be appropriate, to ensure compliance with the materials requirements of policy G1.

FLOOD RISK

The site is located on low lying land, and a consultation with the Council Flood Protection team and SEPA was triggered at registration of the application. The site is adjacent to the Teviot, and is known to be at risk of flooding. Policy G4 of the CSBLP sets out that in cases such as this, involving redevelopment of previously developed land known to be at risk of flooding, must account for and manage flood risk. SEPA initially objected to the application on the basis of flood risk. The Flood Prevention Officer was consulted and, whilst advising he would object that the degree of flood storage to be used in the development could not be mitigated, went on to advise that informatives would be appropriate to the proposals.

The agent has provided further clarification on the intended storage to be undertaken. This is agreeable in planning terms and to SEPA. An informative note would be appropriate, to advise against the storing of any materials that could cause pollution.

ROAD SAFETY

The site is accessed off of the A7, a trunk road at this location. Transport Scotland confirms that they do not advise against the application. A revised parking layout was provided, to accommodate the trees at the edge of the site. The RPS was reconsulted on the revised plan. The revised plan shows the provision of 10 parking spaces (1 of the bays is disabled). Bays have had to be relocated to avoid / minimise impacts on protected tree roots. A wheelie bin pick up point for the units is shown at the junction with Commercial Road. The bins are now shown at the entrance doors for the 3 units on the site plan. The agent also confirmed with SEPA that the storage containers and industrial units will be leased from the applicant to local tradesman for storing materials, tools etc. (light industrial). The RPS comment that the application now seems acceptable, subject to a condition on the access gates.

Having considered the proposals, I am satisfied that no issues arise in terms of the available parking space. I am satisfied the proposals would comply with policy Inf4 of the CSBLP. There will be a need for logical use of the storage areas, and the movement of vehicles. This is an issue the operator can resolve themselves, without the need for an overly proscriptive planning condition. Similar self store units operate in Kelso in a similar fashion, without conflict of use, through the proper management of the site.

LANDSCAPE

- Tree Protections

Policy NE4 of the CSBLP seek to protect existing trees from inappropriate development. The comments raised in objection to the application are noted. The neighbour is most upset with felling work carried out on trees on her part of the embankment (and strictly speaking, outside the planning application site). With regards works to trees, the Landscape Architect was consulted on the application, reconsulted on the revised plans and carried out a subsequent site visit with the Tree Officer on being made aware of the works that were being undertaken to trees on this embankment. The Landscape Architect advises in his final response that although this revised layout does still impact on the RPA of the TPO chestnut, it is a much less intrusive impact, subject to confirmation that the levels work. The Landscape Architect confirms that this can be approved on the basis that the applicant provides a method statement for the works within the RPA. I am satisfied that subject to this condition, the application can be approved.

- Planting and Landscaping

The Tree Officer has indicated that additional planting is necessary. The Tree Officer requires planting of hornbeam to the embankment boundary side of the site. A suitable planning condition will ensure that this is undertaken. This will ensure compliance with the relevant criteria (no.6) of policy G1 of the CSBLP, requiring suitable landscaping provisions be made within developments.

ARCHAEOLOGY

The Archaeology Officer was consulted due to the proximity of the site to a Heritage Record in the HER constraint layer in GIS. He however advises that there are no known implications for this proposal, and no mitigation is proposed. As such, I am satisfied that the proposals comply with policy BE2 (Archaeological Sites and Ancient Monuments) of the CSBLP.

AMENITY

Policy H2 of the Consolidated Local Plan seeks to protect residential amenity. The Council has also adopted Supplementary Planning Guidance on Householder Development which sets out privacy and amenity standards. In this case, the nearest dwellings Tewi Cottage, at the front of the site, and the adjoining building which was subject to a change of use application. There are residential dwellings at the top of the embankment at the north east of the site, up on Princes Street. The proposals are sufficiently sited relative to adjoining residential dwellings that no amenity issues arise. The proposals are considered to comply with policy H2 of the CSBLP, and with the policy guidance contained within the adopted SPG on Householder Development.

Comments were also made in terms of amenity and pollution by the Council EHO. A condition was proposed by the EHO requiring that at least 6 weeks prior to the development commencing operations, the applicant must prepare and submit an operational plan for approval by the Planning Authority. The "6 weeks" cannot be justified in planning terms. A suspensive element to the condition will however meet the

requirements of the EHO. I have also reworded the proposed condition, so that it passes the tests for the use of planning conditions. Subject to such a condition I am satisfied that the proposed development will comply with policy H2 of the CSBLP, and that the amenity of nearby residential properties will be suitably protected.

CONTAMINATED LAND

Policy G2 of the CSBLP seeks to ensure that contaminated land is appropriately identified and remediated. The Contaminated Land Officer confirmed that this is a brown field site, that it is known previously housed buildings believed to be associated with a Woollen Mill. This land uses are potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is therefore recommended that planning permission should be granted on condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. A planning condition is proposed below, and I am satisfied that subject to such a condition, the application can be considered to comply with policy G2 of the CSBLP, and with the contaminated land inspection strategy adopted by the Council. The condition proposed will 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.

PERMANENCE OF APPROVAL

Care has to be exercised when approving the siting of containers on any site. Temporary consents or maintenance schedules are often appropriate. In this case, a degree of partial screening is provided by existing buildings, not on all sides, but from the main road, the A7 as it passes the site. I am content that the siting of the containers can be accepted on a longer term basis, so long as arrangements are in place for the maintenance of the containers. A condition in this regard is proposed, also including a requirement for a schedule for repainting of the containers. This will ensure that the containers are maintained in a suitable condition for the duration of their presence on the site.

REASON FOR DECISION :

The proposals are considered an acceptable form of infill commercial development, of acceptable impacts subject to conditions, and acceptable in terms of design standards, flooding risk and impact, contaminated land, impact on trees, neighbouring amenity and road safety impacts. Subject to the undernoted schedule of conditions and informatives the proposed workshop and storage containers are considered to comply with policies G1, G2, G4, G7, BE2, H2, H3, ED2 and Inf4 of the Consolidated Scottish Borders Local Plan (2011), with Scottish Planning Policy and with adopted Supplementary Planning Guidance on Trees and Development, Householder Development, The Commercial Road Development Framework, and the Scottish Borders Council Contaminated Land Inspection Strategy.

Recommendation: Approved - conditions & informatives

- 1 Other than where varied by the conditions of this consent, or where agreed in writing by the Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 A scheme of works for the provision of car parking spaces 8, 9 and 10 within the Root Protection Area of the chestnut tree to be submitted to and approved in writing by the Planning Authority before the development commences. The scheme is to include a method statement for the works within

the Root Protection Area and the design of the parking bay is to be revised to make reference to BS5837:2012, using porous material (such as 'grasscrete' type paving infilled with gravel) and to minimising excavation within the RPA by lifting the surface as high as possible. Thereafter the parking spaces then to be formed in accordance with the approved scheme before the workshops or storage containers are brought in to use.

Reason: To protect the tree within the site that is worthy of retention.

- 4 The gates at the site entrance are to be hung so as to not open onto the public highway. The doors of the workshop building hereby approved are to be hung so as to open into the building.

Reason: To ensure safety for users of the site, on the adjoining lane serving Tewi Cottage, and on the A7.

- 5 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.

The scheme shall be undertaken by a competent person or persons in accordance 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:-

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.

and thereafter

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.

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.

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.

- 6 Prior to the commencement of development an operational plan for the development is to be submitted to and approved in writing by the Planning Authority. The plan must address the following:

- a) Hours of operation
- b) Delivery times
- c) Waste management and pest control
- d) Noise mitigation and equipment maintenance

- e) Odour including mitigation and management of ventilation systems etc
- f) Lighting including details of the prevention of nuisance
- g) Air quality, including details covering the idling of delivery vehicles and other emissions from development.

Thereafter the approved document will form the operational parameters under which the development will be operated and managed.

Reason: To protect the amenity of nearby residential properties.

- 7 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. provision of 3 fastigate hornbeams to be planted along the north west side of the storage units.
 - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 8 Prior to the siting of any container hereby approved, a maintenance schedule for the containers, including a schedule for repainting of the containers, is to be submitted to and approved in writing by the Planning Authority. Thereafter, maintenance and re-painting of the containers is to be completed in accordance with the agreed details, for the duration of the containers presence on the site.

Reason: In the interests of visual amenity of the wider area, and to ensure the containers are maintained in a suitable condition for the duration of their presence on the site.

Informatives

It should be noted that:

- 1 Attention is drawn to the consultation response from Economic Development.
- 2 Attention is drawn to the consultation responses from SEPA and the Flood Protection Officer. Specifically:
 - that materials that could potentially cause pollution if washed into the watercourse should not be stored on site.
 - an interceptor gulley should not be constructed as any material within it will be washed out during a flood.
 - any users of the site sign up for SEPA's Flood Warning for Hawick in order that they can evacuate the site and remove any equipment that could be damaged in the event of flooding. Any equipment likely to be damaged by flood water should also be stored above the predicted flood level.
 - Access and egress to the development may also be affected by flood waters. To receive flood warnings from SEPA, the applicant and any occupants of the premises should sign up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.
 - It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

