

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01368/FUL

To : Mark Deans per R Bannerman 28 High Street Hawick TD9 9BY

With reference to your application validated on **10th October 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

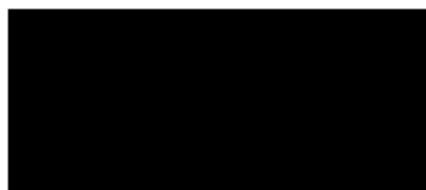
Proposal : Variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no windows in lieu of air conditioning units

At : Deans Bar 3 Orrock Place Hawick Scottish Borders TD9 0HQ

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 10th December 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01368/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
WINDOWS	Location Plan	Refused
	Floor Plans	Refused
	Specifications	Refused
	Photos	Refused

REASON FOR REFUSAL

- 1 The proposal does not comply with Adopted Local Development Plan Policy HD3 in that:
 - (a) where the proposed windows are both openable and required to be open for the purposes of ventilation; and
 - (b) where the function room were capable of being used to accommodate the public bar's customers and entertainment without there being any approved alternative ventilation system in operation to avoid the need to open the windows (or fire exit) when the function room is occupied by customers (that is, were the function room to be occupied contrary to the explicit requirements of Planning Condition No 4 attached to Planning Consent 17/01368/FUL);
 then this would give rise to a set of circumstances in which the amenity of existing neighbouring residential properties would be liable to be subject to adverse impacts; specifically in terms of them being liable to be subject to disturbance from unacceptable noise nuisance impacts emanating from within the function room. Further, the Applicant's Noise Impact Assessment has neither provided any substantive evidence to the contrary nor has it identified any effective alternative scheme of mitigation, which might reasonably be employed to address these impacts appropriately.

FOR THE INFORMATION OF THE APPLICANT

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.