

APPENDIX IV

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: 18/00040/RREF

Planning Application Reference: 18/01229/FUL

Development Proposal: Extension to provide an additional 7 no workshop units (Class 5/6),
1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area

Location: Storage Units, Farknowes, Langshaw Road, Galashiels

Applicant: Wilson G Jamieson

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 the conditions and informatives as set out below.

DEVELOPMENT PROPOSAL

The application relates to an extension to provide an additional 7 no workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	
Elevations/Floor Plan	01 E

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 18 February 2019.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report e) Consultations; f) Objection; and g) List of Policies, the Review Body considered the Review. After discussion, Members felt that as this was a complex site, they would wish to carry out an unaccompanied site visit before reaching a decision. They noted that the applicant had also suggested further procedure in the form of a site visit.

The Review Body reconvened to consider the Review, following the site visit, at its meeting on 18 March 2019. After re-examining the review documentation at that meeting 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, ED2, ED7, EP1, EP6, EP16, HD3, IS7, IS9 and IS12

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Countryside Around Towns 2011

The Review Body noted that the proposal was for planning permission to construct an extension to provide an additional 7 no workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area, at Farknowes, Langshaw Road, Galashiels.

The Review Body noted that there was already an established business at the site and that there was a demonstrated demand for small storage and industrial units in this location. Whilst they accepted that the site was outside the Galashiels settlement boundary and within countryside, compliance with Policies ED7 and EP6 had to be assessed in relation to the significantly changing nature of the location where new housing development and the Council recycling facilities were nearby and had changed the rural character of the location. Given this and the fact that the site was still close to Galashiels, Members felt that the relevant policies were complied with and that the units could meet a proven demand for small workshop and storage uses, thereby expanding an existing successful business. The Review Body also noted the demand for the dog daycare facility and considered the site suitable for such a use, being away from residential properties but still close to the town for access.

The location of the site on the edge of Galashiels and the amount of development in the vicinity also influenced Members' consideration of the visual impact of the proposals. Whilst they noted the location and views, protected by Policy EP6 in particular and highlighted during the site visit, they also felt that the design of the extension was in keeping with the steel clad

agricultural buildings in the vicinity and that conditions could control the visible impact further, including planting, fencing and materials. There was some concern over the two storey element of the building extension but, ultimately and with reference to their observations on the site visit, Members considered that reducing it to single storey would cause difficulties with the roof alignment and was not wholly justified in any case, given that this element was of a similar height to the main existing building to the north of the site.

The Review Body then considered the issue of Policy PMD1 and the questions of sustainability of the units in the proposed location. However, they concluded that due to the location close to Galashiels, the existing traffic usage of the road leading to the site and subject to adequate parking being controlled by condition, there was no reason to oppose the proposals on sustainability grounds. They questioned the issue of toilet facilities on site but noted that this would be a matter for the building regulations to address.

The Review Body finally considered other matters, including waste storage, servicing and management of the dog daycare facility, but felt that these could be adequately addressed by appropriate conditions.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

DIRECTIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

1. No development to be commenced until a plan detailing an area for staff and visitor parking for the development is submitted to, and approved in writing by, the Planning Authority. The approved parking area then to be provided in accordance with the approved details before the first unit is occupied and maintained for parking thereafter in perpetuity.
Reason: In the interests of road safety.
2. No development to be commenced until a plan detailing fencing for the dog exercise area and boundary screen planting for the whole development is submitted to, and approved in writing by, the Planning Authority. The approved fencing then to be completed in accordance with the approved details before first use of the dog exercise area, and the planting either concurrently with the development or no later than the next available planting season following occupation of the first unit. The planting and fencing then to be maintained thereafter in perpetuity.
Reason: To safeguard the visual amenity of the area and in the interests of public safety.
3. No development to be commenced until all external materials for the building extension are submitted to, and approved in writing by, the Planning Authority. The extension then to be constructed in accordance with the approved materials.
Reason: To safeguard the visual amenity of the area.

4. No development to be commenced until further details of waste storage provision for the development are submitted to, and approved in writing by, the Planning Authority. Waste storage then to be provided in accordance with the approved details before the first unit is occupied and maintained on the site thereafter in perpetuity.
Reason: To ensure the site is provided with adequate waste storage facilities and to safeguard the amenity of the area.
5. No development to be commenced until further details of the water supply and foul/surface water drainage are submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved details before the first unit is occupied.
Reason: To ensure the site is adequately serviced and to protect the water environment.
6. A plan for the management, control and operation of the dog daycare facility (including relationship with other uses on site and mitigation of potential nuisances such as noise, odour, flies, waste and other pests) should be submitted to and approved in writing by the Planning Authority. Thereafter the approved management plan shall be implemented and fully complied with as part of the development.
Reason: To ensure that the operation of the dog daycare facility has no unacceptable impacts upon the amenity of adjoining uses, the surrounding area or upon the amenity of any neighbouring residential properties.

INFORMATIVES

1. Please note that the development may be within the vicinity of a gas pipeline and the following advice is given from Scotland Gas Networks

Our gas pipe locations are now available online at linesearchbeforeudig.co.uk. Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies' assets at the same time. All requests for maps and plant location information must now be submitted through this online service, and your email has not been processed.

Please visit sgn.co.uk/ for safety information and links to linesearchbeforeudig.co.uk/, where you can register for our online service and view our gas pipe locations. Our online service is not currently available in Northern Ireland. If you have emailed us about plant location or maps for Northern Ireland, we will respond to your email within 15 working days.

If you have any questions about our new plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact Linesearch on 0845 437 7365

2. Under the Animal Boarding Establishments Act 1963, anyone wanting to board animals commercially must obtain a licence from their local council. The Act requires councils to ensure the business observes certain conditions regarding the suitability of the accommodation provided and the welfare of the animals boarded. At the present time, dog day care facilities within Scottish Borders Council area are not required to hold a licence under the Animal Boarding Establishments Act 1963. However Environmental Health advises the applicant to have regard for guidance issued by the Royal Institute of Environmental Health on dog day boarding to ensure minimum standards of welfare facilities are provided.

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 Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

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.

Signed.....Councillor T Miers
Chairman of the Local Review Body

Date...25 March 2019

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