

# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 18 March 2019 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, C. Ramage and E. Small

Apologies:- Councillors S. Mountford

Also present:- Councillor S. Marshall

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Principal Officer (Plans & Research) (for review 18/00001/RREF), Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

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 OF 18/00728/PPP**

There had been circulated copies of the request from Mr Raymond Keddie, Hillhouse, 2 Damside, Innerleithen, to review refusal of the planning application for erection of a dwellinghouse on land east of Rose Cottage, Maxwell Street, Innerleithen. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in Officer's Report; Consultations; Objections; a further representation; and a list of policies. Members noted the planning history of the proposed site with regard to refusal of previous applications, that the green space on which the proposed development was sited was fenced off from public access and that the right of way which, according to some representations, had previously diagonally crossed the green space was located adjacent to the boundary of the site. In noting that this was not identified as a 'key green space' under Policy EP11, Members considered the function and value of the green space in the context of the Innerleithen Conservation Area and surrounding townscape. They concluded that they did not have sufficient information about this aspect to be able to make a determination. The review was therefore continued for further procedure in the form of written submissions. Members asked for further information from the applicant, officers and interested parties about the current usage and function of the greenspace in respect of:-

- (a) the environmental, social or economic value of the greenspace;
- (b) the function of the greenspace; and
- (c) confirmation as to why and when the right of way which previously ran through the site was re-routed.

**DECISION**

**AGREED that:-**

- (a) **the request for a 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 further procedure in the form of written submissions;**
- (c) **that the applicant and interested parties be requested to provide information about the current usage and function of the greenspace which formed the application site in respect of:-**
  - i) **the environmental, social or economic value of the greenspace;**
  - ii) **the function of the greenspace; and**
  - iii) **confirmation as to why and when the right of way which previously ran through the site was re-routed.**
- (d) **consideration of the review be continued on a date to be arranged.**

### 3. **REVIEW OF 18/01330/FUL**

There had been circulated copies of the request from Mr Brian Lee, per Aitken Turnbull Architects Ltd, 9 Bridge Place, Galashiels, to review the refusal of the planning application for change of use from public bar and alterations to form residential flat at Mansfield Bar, 16 Mansfield Road, Hawick. Included in the supporting papers were the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations; and a list of policies. The Local Review Body applied the Section 43B test to a letter from a Ward Councillor submitted with the Review documents and concluded that the letter met the test and could be considered as part of the review. Members noted that attempts made to market the property as a business had been unsuccessful. They accepted that the property was identified to be at risk from a 1 in 200 year flood event but in their discussion balanced this against the risk of the property remaining empty and being boarded up. Members also took into account mitigation measures that were available against flood risk including membership of a relevant flood warning scheme.

#### **DECISION**

##### **AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the letter submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be taken into consideration;**
- (c) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) **the proposal would be in keeping with the Development Plan; and**
- (e) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions for the reasons detailed in Appendix I to this Minute**

### 4. **REVIEW OF 18/01462/FUL**

There had been circulated copies of the request from Mrs Joan McKay, per R. Mitchell Glass Ltd, Currie Road Industrial Estate, Galashiels, for review of refusal of the planning application for replacement windows at Sunnybrae, Midlem. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in Officer's Report; and list of policies. Included in the submissions with the Notice of Review was a sample of the woodgrain effect uPVC which was available to Members to

examine at the meeting. Members noted that the property was located within the Midlem Conservation Area and that the southern elevation was within the Prime Frontage of that Conservation Area. After lengthy discussion of the proposals in terms of window pattern and materials Members' opinion remained divided as to whether the specific uPVC finish was acceptable as a replacement material for the existing windows which were constructed in timber.

### VOTE

*Councillor Ramage, seconded by Councillor Miers, moved that the decision to refuse the application be reversed subject to the astragal pattern within the front dormers replicating the existing.*

*Councillor Fullarton, seconded by Councillor Laing, moved as an amendment that the officer's decision be upheld and the application refused.*

*On a show of hands, Councillors voted as follows:-*

*Motion - 5  
Amendment - 3*

*The motion was accordingly carried and the application was approved.*

### **DECISION**

#### **DECIDED that:-**

- (a) the request for a 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 would be in keeping with the Development Plan; and**
- (d) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions for the reasons detailed in Appendix II to this Minute**

#### **5. REVIEW OF 18/00723/FUL**

There had been circulated copies of the request from Mr D. Howard, Kilknowe Park, Wood Street, Galashiels, for review of refusal of the retrospective planning application for change of use to joiner's workshop and showroom; caravan repairs and sales; car valet; and siting of catering unit at Redburn Garage, Peebles Road, Galashiels. The supporting papers included the Notice of Review, Decision Notice, Officer's Report; papers referred to in the Officer's Report; Consultations; and a list of policies. Members noted that this site had previously been used for car sales and repairs and accepted therefore that business use of this site had been established. They also noted that the proposals included five different uses of the site and considered that these business elements could be dependent on and mutually beneficial to each other. It was surmised that refusing one or two of these uses could affect the viability of the overall mix. In accepting this, Members went on to discuss the roadside location, the retail element, the layout and in particular the visual impact of the range of structures currently on the site.

### **DECISION**

#### **AGREED:-**

- (a) **the request for a 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 would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions for the reasons detailed in Appendix III to this Minute**

#### **MEMBERS**

Having not been present at the site visit for the following review, Councillors Laing and Mountford did not take part in the determination. Councillor Fullarton had not been present when this review was first considered so did not take part in the site visit nor the determination. These Councillors left the Chamber prior to its consideration.

#### **6. CONTINUATION OF REVIEW OF 18/01229/FUL**

With reference to paragraph 3 of the Minute of 18 February, 2019 and following a site visit, there had been re-circulated copies of the request from Wilson G Jamieson Ltd, per Gain Planning Services, 122, Scott Street, Galashiels, for review of refusal of the planning application for 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 Storage Units, Farknowes, Langshaw Road, Galashiels. Taking into account their deliberations when this review was first considered Members discussed the proposals in the light of the site visit which they agreed had been useful. In considering the visual impact of the proposals they had noted the size and appearance of existing buildings on the site and the amount of development in the wider vicinity. In particular they discussed the visual impact of the proposed two storey element of the extension in the context of the site.

#### **DECISION AGREED**

- (b) **the review could be considered without the need for any further procedure on the basis of the site visit and the papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions, for the reasons detailed in Appendix IV to this Minute**

*The meeting concluded at 1.10 pm*



**APPENDIX I**

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

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**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**

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**Local Review Reference:** 19/00002/RREF

**Planning Application Reference:** 18/01330/FUL

**Development Proposal:** Change of use from public bar and alterations to form residential flat

**Location:** Mansfield Bar, 16 Mansfield Road, Hawick

**Applicant:** Mr Brian Lee

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**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 as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the change of use of a public bar and alterations to form a residential flat. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	AT3122 loc
Elevations/Floor Plan	AT3122 SK01

**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 March 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; and f) List of Policies, the Review Body considered whether a letter from the Ward Councillor 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 support for the proposal and included information on the attempts to market the property and mitigation of flood risk. Members considered that the information did meet the Section 43B test, was material to their consideration and could be considered. The Review Body then proceeded to consider and determine the Review.

## **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, PMD5, HD3, IS1, IS2, IS7 and IS8

### Other Material Considerations

- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Waste Management 2015
- Scottish Planning Policy

The Review Body noted that the proposal was for planning permission to change the use of a public bar and alterations to form a residential flat at the Mansfield Bar, Mansfield Road, Hawick.

The Review Body firstly considered the proposal against local service provision under Policy IS1 and noted that there had been genuine attempts to market the property and that the proposed use was both a viable alternative and preferable to the property remaining vacant and boarded up. They accepted the Review submissions from the applicant and Ward Councillor in this respect and noted that other public houses existed in the vicinity to compensate for the loss of the facility.

The Review Body then considered flood risk under Policy IS8. They noted that the property was identified to be at risk from a 1 in 200 year event but that it was a change of use, not new-build, and that there would already be a use at risk. They also considered that there were other ground floor residential properties adjoining at risk, that there appeared to be a rear escape route possible, that there was an established flood early warning scheme available to the occupants and that more frequent, albeit lesser flood risk, was being addressed through the implementation of the Hawick Flood Protection Scheme. Members did feel that further mitigation was advisable utilising flood resilient measures but that this could be secured through planning condition, together with membership of any relevant flood warning scheme.

The Review Body finally considered the impact of the proposal against Policy PMD2 and considered that, subject to conditions on the external doors and patio surface and boundaries, the use would be compatible with other uses, would enhance the area and that it was better to have the property in use rather than vacant.

## **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 further details of the proposed external doors are submitted to, and approved in writing by, the Planning Authority. Once approved, the doors then to be installed in accordance with the approved details.  
Reason: To preserve the character of the property and the visual amenity of the area.
2. No development to be commenced until further details of the proposed patio garden surface and boundary markers are submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to be completed in accordance with the approved details.  
Reason: To preserve the character of the property and the visual amenity of the area.
3. No development to be commenced until a scheme of flood mitigation measures is submitted to, and approved in writing by, the Planning Authority. This should include use of flood resilient materials and membership of any relevant flood warning scheme. Once approved, the development then to be implemented in accordance with the approved scheme.  
Reason: To minimise the impacts of flood risk on the property and occupants.

## **INFORMATIVES**

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, 4<sup>th</sup> 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.

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## **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.

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

**Date...**25 March 2019





**APPENDIX II**

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

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**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**

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**Local Review Reference:** 19/00003/RREF

**Planning Application Reference:** 18/01462/FUL

**Development Proposal:** Replacement windows

**Location:** Sunnybrae, Midlem

**Applicant:** Mrs Joan McKay

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**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 as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to replacement windows to a dwellinghouse. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	
Elevations	27205 PL01
Window Schedule	
Window Section	
Photographs X 5	

**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 March 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 and e) List of Policies,

the Review Body noted the applicant's suggestion for a site visit but did not consider this necessary after viewing photographs and plans of the property and surroundings. They proceeded to consider and determine the Review.

## **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 and EP9

Other Material Considerations

- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

The Review Body noted that the proposal was for planning permission to replace windows to a dwellinghouse at Sunnybrae, Midlem. Members noted that the property was located within Midlem Conservation Area and the southern elevation was within the Prime Frontage part of the Conservation Area, as defined in the Replacement Windows and Doors SPG. Members considered that whilst there should be full regard to the prevailing window types and materials in this part of the Conservation Area and that the normal expectation would be for timber, they noted that the SPG did not prohibit the use of uPVC provided the design of the replacement units was closely matching and there was justification in terms of surrounding window types. They also considered that the use of modern window materials in general would be of benefit in terms of energy efficiency and maintenance.

After considering the information submitted with the Review, including a sample of the woodgrain effect uPVC, Members felt that the proposals were a close match for the existing timber sash and case and that there was sufficient variety in surrounding window types, pattern and materials, to enable them to consider that the specific uPVC finish was acceptable in this instance, subject to agreement on the actual design detail of the windows.

The Review Body went on to discuss the design details and noted, in particular, that the proposed dormer window pattern did not replicate the existing two over two pattern and that there was insufficient information on the frame or astragal thickness and profile of all windows. However, they considered these matters could be agreed by condition to ensure that the finished windows were as close a match as possible to the timber units they were replacing. They had no issue with the replacement casement units to the rear kitchen window, given the concealed nature of the location.

## **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 further details of the window frames, externally visible frame thickness and external astragals are submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details.  
Reason: To protect the character of the property and the visual amenity of Midlem Conservation Area.
2. Notwithstanding what is shown on the approved Window Schedule, no development to be commenced until further details of the astragal pattern within the front dormers, which should replicate the existing, are submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details.  
Reason: To protect the character of the property and the visual amenity of Midlem Conservation Area.

## **INFORMATIVES**

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, 4<sup>th</sup> 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.

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**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.

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

**Date.....**25 March 2019

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**APPENDIX III**

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

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**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**

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**Local Review Reference:** 19/00004/RREF

**Planning Application Reference:** 18/00723/FUL

**Development Proposal:** Change of use to joiner's workshop and showroom, caravan repairs and sales, car valet, retail and siting of catering unit

**Location:** Bruce Motors, Redburn Garage, Peebles Road, Galashiels

**Applicant:** D Howard

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**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 change of use to joiner's workshop and showroom, caravan repairs and sales, car valet, retail and siting of catering unit. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Block Plan	1
Block Plan	2
Designation of Units	

**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 March 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; and f) List of Policies, the Review Body proceeded to consider the Review. They noted the applicant's suggestion for further written submissions, a hearing and site visit but did not consider these necessary after viewing photographs and plans of the site and surroundings.

## **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, PMD4, PMD5, ED2, ED3, ED7, HD3, EP6, EP16, IS7, IS9 and IS13 and EP9

### Other Material Considerations

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2011
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Countryside Around Towns 2011
- Snack Bar Operations Guidance Booklet

The Review Body noted that the proposal was for planning permission for change of use to joiner's workshop and showroom, caravan repairs and sales, car valet, retail and siting of catering unit. Members noted that all works had been carried out and that the application was retrospective.

Members attached weight to the previous car sales and repair use of the site and felt that the business use of the site had been established. They noted that there were five different uses occupying the site and were of the opinion that the uses were dependent upon, and mutually beneficial to, each other. The Review Body felt that refusing one or two of the uses could affect the viability of the overall mix and balance of uses on the site.

They noted that the uses were in a prominent roadside location whereby passing trade was attracted and that the mix of businesses were not inappropriate in this location, within the settlement boundary of Galashiels. They ultimately considered that there was little significant difference between the previous business use of the site and the current business uses and that it would have been challenging to have found a more suitable location for the mix of uses within existing industrial areas. They also felt that the retailing element was providing sales of bulkier items which were more suitable to be displayed and sold from such premises than in town centres or High Street locations.

The Review Body did express concerns over the visual impact of the disparate uses under Policy PMD2 and, in particular, the retailing and car wash uses, given the position of the site upon the entrance into Galashiels. They noted the impacts of the various sales items and the apparent diverse range of containers and structures required for the car wash element of the business. Whilst they accepted that screening of such uses was not realistic and, indeed, would be counter-productive to the operation of the uses, they still considered that some rationalisation and consolidation of structures and areas for sales items would need to be controlled using appropriate conditions, both to minimise visual impact but also to ensure clarity of forecourt and parking use.

The Review Body considered other issues raised by consultees but concluded that suitable planning conditions could control these matters, including road signage. Given the current operation of the uses and the retrospective nature of the application, Members agreed that a six month time period be generally included for satisfactory conclusion of all conditions requiring agreement of further details, in order to secure the necessary requirements.

## 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.

## CONDITIONS

1. Unless otherwise agreed in writing by the Planning Authority, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. All uses shall then operate in accordance with the mitigation identified in the scheme, following approval of the scheme in writing by the Planning Authority and implementation of the mitigation measures, no later than six months from the date of the consent.

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) 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 Planning Authority 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 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 the satisfaction of the Planning Authority.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Planning Authority for such time period as is considered appropriate by the Authority.

Written confirmation from the Planning Authority, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer within six months of the date of this consent. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

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.

2. Full details of all water and drainage provision, including demonstration of compliance with relevant SEPA Guidance on car wash drainage, to be submitted to, and approved in writing by, the Planning Authority and then implemented in accordance with the approved details, all within six months of the date of this consent.

Reason: To ensure that the site is adequately serviced and to protect the water environment.

3. A directional sign for visitors entering the premises at the easternmost access to be submitted to, and approved in writing by, the Planning Authority, and then erected in accordance with the approved details, all within six months of the date of this consent. The sign then to be retained in perpetuity.  
Reason: To ensure that vehicles associated with the development hereby approved do not interfere with the free flow of traffic on the adjacent A72.
4. A plan detailing the area set aside for car parking in association with the catering unit, retail sales and car wash uses to be submitted to, and approved in writing by, the Planning Authority and the area then made available for car parking, all within six months of the date of this consent. The car parking area then to be maintained obstruction-free and available for car parking in perpetuity.  
Reason: To ensure that vehicles associated with the development hereby approved can be adequately accommodated on site and do not interfere with the free flow of traffic on the adjacent A72.
5. A plan detailing the containers/structures and area set aside for retail sales to be submitted to, and approved in writing by, the Planning Authority, all within six months of the date of this consent. All sales items then restricted to the approved containers/structures and area in perpetuity following approval.  
Reason: To safeguard the visual amenity of the area.
6. A plan detailing waste storage provision for all uses to be submitted to, and approved in writing by, the Planning Authority, and then implemented in accordance with the approved details, all within six months of the date of this consent.  
Reason: To safeguard the visual amenity of the area.
7. A plan detailing all structures and storage containers for all uses, including how such structures and storage containers will be rationalised or reduced in numbers, to be submitted to, and approved in writing by, the Planning Authority, all within six months of the date of this consent. All structures and storage containers then to be sited in accordance with the approved details within six months of the date of the consent and retained thereafter for the duration of the consent.  
Reason: To safeguard the visual amenity of the area.
8. Permission is hereby granted for a period of three years for all containers and storage structures on the site (including the catering unit) and, unless permission is sought and obtained for the retention of the containers and structures, all to be removed from the site upon expiry of the three year period.  
Reason: To safeguard the visual amenity of the area.
9. A scheme for ventilation and odour control in respect of the catering unit shall be submitted to and approved in writing by the Planning Authority, and the use of the premises for catering purposes shall then operate fully in accordance with the provisions of the approved scheme, all within six months of the date of this consent. Thereafter, the ventilation and odour control equipment so required shall be maintained in accordance with the approved scheme throughout the duration of the consented use.  
Reason: To ensure that the proposed ventilation/extraction system is of a specification that protects neighbouring amenity and is capable of being implemented and maintained during the period of the consented use.
10. The external colour of the catering unit to be changed in accordance with a colour agreed by the Planning Authority within six months of the date of this consent and then maintained in the agreed colour for the duration of the consent for the catering unit.  
Reason: To safeguard the visual amenity of the area.



11. Full details of the hours and days of operation of the catering unit to be submitted to, and approved in writing by, the Planning Authority within six months of the date of this consent and then operated in accordance with the agreed details for the duration of the consent of the catering unit.  
Reason: To safeguard the residential and visual amenity of the area.
12. Any noise emitted by plant and machinery used in connection with the development shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason: To protect the residential amenity of nearby occupiers.
13. A scheme of air quality preservation and dust emission control for the joiner's workshop to be submitted to, and approved in writing by, the Planning Authority within six months of the date of this consent and then operated in accordance with the agreed details for the duration of the use of the premises.  
Reason: To safeguard the residential amenity of the area.
14. The joiner's workshop shown as Number 3 on the Designation of Units approved plan to be operated within Use Class 5 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent Amendment Order, any retailing element remaining ancillary to the main use at all times.  
Reason: To ensure that the use is operated in accordance with the approval.

## INFORMATIVES

### 1. Ventilation and Odour Control

In order to discharge Condition 9 the applicant will need to provide information as specified in DEFRA Guide: *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*, January 2005 schedule B. If you have any questions in relation to this please contact an Environmental Health Officer.

#### Flue Height

The discharge stack shall discharge the extracted air not less than 1 metre above the roof ridge, or at chimney height, of any building within 20 metres of the building housing the commercial kitchen.

If 1 cannot be complied with (e.g. due to ownership or structural constraints), then the extracted air shall be discharged not less than 1 metre above the roof eaves or any skylight/dormer windows of the building housing the commercial kitchen. If this is the case, then additional odour control measures may be required.

If 1 or 2 cannot be complied with, then a high level of odour control will be required.

The stack should also be positioned as far as possible from the nearest residential accommodation, and a stack discharging into a semi-enclosed area, such as a courtyard or the area between back additions, should always try to be avoided.

### 2. Food Premises Registration

The premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements

the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing [PLACEhealth@scotborders.gov.uk](mailto:PLACEhealth@scotborders.gov.uk)

3. In relation to Condition 14, ancillary retail would be restricted to any retailing use directly linked to the existing joiner's workshop use and comprising of no more than 10% of the total floor area.

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, 4<sup>th</sup> 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.

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

**Date.....**25 March 2019

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**APPENDIX IV**

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

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**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**

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**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

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**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:

<b>Plan Type</b>	<b>Plan Reference No.</b>
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](http://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/](http://sgn.co.uk/) for safety information and links to [linesearchbeforeudig.co.uk/](http://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

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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, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD

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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 T Miers  
Chairman of the Local Review Body

**Date...**25 March 2019

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