



**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: 21/00014/RREF

Planning Application Reference: 20/00809/FUL

Development Proposal:

Location: Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth

Applicant: Eyestore Limited

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 condition as set out below.

DEVELOPMENT PROPOSAL

The application relates to the change of use of site to business and industrial land with associated perimeter security fence at Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	PDK-20-136-002
Site Layout	PDK-20-136-001 Rev 2

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 16th August 2021.

After examining the review documentation at that meeting, which included a) Notice of Review (including Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultation Replies; d) General Comments; e) Objection Comments and f) List of Policies, the Review Body noted that the applicant had requested further procedure in the form of a hearing, written representations and a site visit but did not consider further procedure necessary in this instance and 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, PMD3, ED1, ED10, HD3, EP11, EP13, IS5 and IS7

Other Material Considerations

- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Designing Out Crime 2007
- SPP 2014
- PAN 65 Planning and Open Space
- Roads (Scotland) Act 1984
- SBC Landscape Guidance Note 2
- SBC Landscape Guidance Note 3

The Review Body noted that the proposal was for the change of use of site to business and industrial land with associated perimeter security fence at Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth.

Members firstly considered the change of use under Policy ED1. They noted that the current business was located on Acredale Industrial Estate which is an allocated District Safeguarded site in the Policy. Members welcomed the expansion of the existing Class 6 storage business and supported the additional areas of ground being incorporated into the yard space associated with that business. The Review Body accepted that the proposed use was in compliance with the supported uses in Policy ED1.

The Review Body then considered the proposed fencing, under the relevant criteria of Policies PMD2 and ED1. They noted that the fencing had partly been erected and that, whilst revisions had been proposed in the form of set-back of the fence line and paint treatment of the fencing during consideration of the planning application by the Appointed Officer, only the potential planting in front of the fence was now being suggested by the applicant. Members considered all aspects of the fencing and all potential amendments, including the original proposals without amendments. They recognised the need for security fencing and also had no objection in principle to the height or design of the fencing proposed.

Whilst recognising that there was an industrial context to the area, Members also noted there were rural and wooded boundary elements to The Loaning. Concern was expressed over the

visual impacts of the palisade fencing with regard to its proximity to The Loaning. The Review Body noted that the line of the fencing was proposed, and had partly been erected, along the full extent of the ownership boundary which had given the impression of narrowing The Loaning. Members were not concerned, however, that there was any impediment to access as they still noted that access was available past the fenceline. There was greater concern at the visual impacts of the fence as a result of the proximity.

Members considered methods of mitigating these impacts, including set-back, screen-planting and paint treatment. The Review Body considered that paint treatment would not be appropriate for the location and they also considered that screen planting would require an amount of set-back with potential impacts on the space required for both the business and The Loaning. Members concluded that a set-back of one metre from the current fence and ownership line alongside The Loaning would reduce the visual impact of the fence from The Loaning whilst not significantly impacting on the yard space for the business. A condition was requested to achieve the set-back whilst also ensuring that the unauthorised section of fence was either removed or relocated within six months.

The Review Body then considered other material issues relating to the proposal including the Greenspace Policy, types of access and potential impacts on a water main but were of the opinion that such issues did not influence their decision to support the proposal and that the recommended condition could also partly address the issues.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that consent for the development was consistent with Policies PMD2 and ED1 of the Local Development Plan. The change of use represented employment land and local business expansion on an allocated industrial estate. The palisade fencing was considered necessary for security reasons although the line of the fencing required to be set back from The Loaning, by planning condition, in order to reduce the visual impact. Consequently, the application was approved subject to the condition listed.

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. The proposed fence along the full length of the south-western boundary of the site bordering The Loaning Core Path to be set back in a north-easterly direction one metre from the ownership boundary (which is shown in blue on drawing PDK-20-136-001 Rev 2) and erected on the set-back line. The current fencing erected within the one metre zone shall be removed or relocated to the approved position within six months of the date of this consent.
Reason: To increase the separation of the fencing from The Loaning Core Path in order to safeguard the visual amenity of the 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, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

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

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

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

Date.....31 August 2021 ...

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