

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Environmental Health Fraser Smith		fraser.smith@scotborders.gov.uk	
Date of reply	08/07/2021		Consultee reference: 21/01647/PLANCO	
Planning Application Reference	21/00965/FUL		Case Officer: Paul Duncan	
Applicant	Waterloo Arms			
Agent	David Richard Amos Ltd			
Proposed Development	Erection of glazed covered pergola to existing outside seating area (part retrospective)			
Site Location	Waterloo Arms Chirnside Duns Scottish Borders TD11 3XH			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description	The location of this development is within 2 metres of the outside wall of an adjacent domestic property.			
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Potential noise impacts arising from development deemed to give rise to considerable loss of amenity • Development would be contrary to smoking legislation if intended to be used as smoking shelter 			
Assessment	<p>The proposed development is contrary to Policy HD3 of the Scottish Borders Local Development Plan 2016 in that the application will generate noise and have a substantial adverse impact on the amenity of the adjacent residential property Waterloo Cottage. The development will give rise to patron noise from both customers of the pub and hotel whilst drinking during licensed hours and smoking after hours due to the very close proximity of the site to openable windows and garden space of Waterloo Cottage.</p> <p>If the development was completed as intended it would fall under the definition of “substantially enclosed” under <i>The Smoking, Health and Social Care (Scotland) Act 2005</i> and <i>The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006</i> thus rendering it an offence for both the customer and business manager should the space be used for smoking.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

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Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Keith Patterson Roads Planning Officer	kpatterson@scotborders.gov.uk 01835 826637		
Date of reply	9 th July 2021	Consultee reference:		
Planning Application Reference	21/00965/FUL	Case Officer: Paul Duncan		
Applicant	Waterloo Arms			
Agent	David Richard Amos Ltd			
Proposed Development	Erection of glazed covered pergola to existing outside seating area (part retrospective)			
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Background and Site description				
Key Issues (Bullet points)				
Assessment	I have no objections to this proposal.			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

Signed; DJI