

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

**Application for Planning Permission**

**Reference : 11/01612/FUL**

**To : Border Embroideries Ltd per John Thorburn & Sons (Construction) Ltd Station Works  
Station Road Duns Scottish Borders TD11 3EJ**

With reference to your application validated on **2nd December 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Extension to provide storage area**

**at : Border Embroideries Ltd Unit 1 Industrial Estate Duns Road Greenlaw Duns Scottish  
Borders TD10 6XJ**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

**subject to the conditions on the attached schedule imposed by the Council for the reasons stated**

**Dated 14th February 2012  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

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**Head of Planning and Regulatory Services**

**APPLICATION REFERENCE : 11/01612/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
6048/2	Location Plan	Approved
6048/2	Site Plan	Approved
6048/1	Elevations	Approved
Ks1000rw Roof Panel	Brochures	Approved
Ks1000rw Wall Panel	Brochures	Approved

**REASON FOR DECISION**

Subject to compliance with the schedule of conditions, the proposed development will accord with the above named policies of the statutory development plan.

**SCHEDULE OF CONDITIONS**

- 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.
- 2 Noise levels emitted by any plant and/or machinery used on the premises in connection with the operation of the storage use hereby approved shall not exceed Noise Rating Curve NR 20 between the hours of 23:00 and 07:00 hours, and shall not exceed Noise Rating Curve NR 30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation).  
Reason: To prevent noise generated by any plant and/or machinery used on the premises in connection with the operation of the storage use hereby approved, from causing noise annoyance to the occupiers of any neighbouring premises.
- 3 Notwithstanding the details shown on the approved site plan (version received on 09 February 2012), no development shall commence until a drawing (or drawings) of the finished site layout has been submitted to, and approved in writing by, the Planning Authority, which shows:

  - (i) the location of the permanent parking provision to serve the site (please see Informative Note 3);
  - (ii) details of the treatment of the northern boundary of the site, including the appearance (height; material; finish) of any fence or enclosure erected along this boundary; and
  - (iii) details of any new planting along or within the vicinity of the northern boundary, including details sufficient to address the requirements of the Council's 'Landscape Guidance Note on Submitting a Planting Plan' (please see Informative Note 3).

Thereafter, the development shall be implemented in accordance with the approved details and the agreed parking spaces shall be maintained in perpetuity and shall not be used for any other purpose other than for the parking of vehicles in connection with the business/employment use of the site. Furthermore, and unless otherwise agreed in writing and in advance of the commencement of development by the Planning Authority, the extension hereby approved shall not be occupied or become operational until the car parking provision and access have been completed in accordance with the specifications detailed on the approved site plan (which for the avoidance of doubt is the version of the site plan received on 09 February 2012).

Reason: To ensure a satisfactory form of development that contributes appropriately to its setting, and has no unacceptable impact upon the amenity of any neighbouring residential properties; and to ensure that there would be no loss of parking or access at the site as a consequence of the realisation of the development hereby consented.

- 4 Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, the materials and finishes of the external surfaces of the extension hereby approved, shall match in every respect those of the existing building.  
Reason: To ensure a satisfactory form of development that contributes appropriately to its setting.

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

The Environmental Health Authority has advised that there appears to be a possible historic use of the land as a builders yard within the vicinity of the site. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/occupier may have. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. However, the historic use of the site as a builders yard is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.

For the purposes of Condition 2, noise emanating from any plant and/or machinery used on the premises in connection with the operation of the storage use hereby approved should not contain any discernible tonal component. (For the purposes of assessment, tonality shall be determined with reference to BS 74445-2).

Planning Condition Number 4 has been imposed because there is a need to consider how the permanent/formal vehicle parking provision can be accommodated without this having any unacceptable impact upon the amenity of the neighbouring residential property at 'Claydub' and/or upon the appearance of the site from the public realm. It is considered that an appropriate accommodation can be achieved in one of two ways. Firstly, the three parking spaces to the immediate south of 'Claydub' could simply be deleted. (the Roads Authority has confirmed that the deletion of these spaces would not have any adverse impact upon the achievement of appropriate on-site parking to serve the development hereby approved). Secondly, and in the event that the aforementioned three spaces were to be maintained, a landscaping treatment would be sought between the parking spaces and the boundary with 'Claydub' to establish an appropriate degree of setback of these spaces from the boundary in conjunction with planting that would appropriately screen, or at least soften, views of parked vehicles. In this eventuality, screening to the west of the westernmost space would also be sought to screen, or at least soften, views of parked vehicles from the public road.

**The Landscape Guidance Note on Submitting a Planting Plan, provides the following advice:**

**"Approved planting plans will provide sufficient information to be enforceable by detailing the following:**

- 1) Plan is to an identified true scale. (e.g. 1:200)**
- 2) Boundary of the application site is clearly marked.**
- 3) Site orientation is indicated by a North point or OS grid lines.**
- 4) All existing trees, shrubs and hedges to be retained are clearly marked.**
- 5) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.**

- 6) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
  - 7) All species of plants identified using their full botanical name (e.g. oak – *Quercus robur*)
  - 8) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*)
  - 9) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)
  - 10) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.
  - 11) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons. (e.g. November to end March each year for bare rooted plants).
- N.B. Planting conditions are only discharged following an inspection of the completed work".

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.

#### **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. A form is enclosed with this decision notice for this purpose.

#### **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.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.