

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 15/00072/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 **27th January 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of storage building

at : 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 following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

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

**Dated 3rd April 2015
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


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Head of Planning and Regulatory Services

APPLICATION REFERENCE : 15/00072/FUL
Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
7260A/13	Site Plan	Approved
7260A/02	Elevations	Approved
WALL PANELS	Specifications	Approved
ROOF PANELS	Specifications	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the proposed development will accord with Adopted Scottish Borders Local Plan Policies ED1, G2, H3 and Inf4; and with respect to its impacts upon the residential amenity of every residential property within the surrounding area other than No 3 The Avenue, will also accord with Adopted Scottish Borders Local Plan Policies G1 and H2. However, with respect to the residential amenity of No 3 The Avenue, the proposed development will have a highly detrimental impact upon the residential amenity (and specifically outlook) of No 3 The Avenue as this would be liable to be experienced by the occupiers of that same property. However, significant weight has been given to the consideration that the Applicants as the owners of No 3 The Avenue, are in a position to take full account of the impacts of their own proposal upon the amenity of their own property at No 3 The Avenue.

SCHEDULE OF CONDITIONS

- Approval is granted for a limited period of three calendar months from the date of this consent, unless a further application is made and consent is granted for its continuation for any greater period of time. Further, it shall not be implemented by any party other than the Applicant (Border Embroideries Ltd).

Reason: In order that the Council can monitor the effect of the development, particularly in relation to impacts on No.3 The Avenue, which is within the ownership of the Applicant. This is in the interests of ensuring that the development is only implemented by the Applicant and is implemented before any potential onward sale or transfer of the residential property at No 3 The Avenue from the Applicant's ownership to that of any third party in advance of the impacts of the development becoming apparent.
- Unless an application for planning permission to change its use has first been submitted to, and approved in writing by, the Planning Authority, the use of the storage building hereby approved, shall be restricted to storage use only; that is, to uses only within Class 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended).

Reason: To retain effective control over the use of the premises in the interests of avoiding any as yet unassessed noise and/or air quality impacts that might otherwise affect the amenity of surrounding land and properties (including residential) as a consequence of either a permitted change of use of the building hereby consented, or as a consequence of the accommodation within the same building, of a use that is capable of characterisation as ancillary.

- 3 Approved Drawing 7260A/02 describes two gable elevations that have both been annotated "North Elevation". Unless otherwise agreed in writing, the upper of the two drawings shall serve as the description of the South Elevation of the storage building hereby consented, and the development shall be implemented in full accordance with this interpretation.
Reason: For the avoidance of doubt and to retain effective control of the development because this aspect of the development has been ambiguously described within the Proposals Drawings submitted in support of the planning application.
- 4 Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, the finishes of the external surfaces of the extension hereby approved, shall match in every respect those of the existing buildings within the same business premises, which lie to the immediate west of the site.
Reason: To ensure a satisfactory form of development that contributes appropriately to its setting.
- 5 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). Please see Informative Note 2 for additional advice with regard to the operation of this planning condition.
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.
- 6 Notwithstanding the details shown on the Approved Site Plan, the development hereby consented shall not become operational until the arrangements required to accommodate the movement, parking, turning and loading/unloading of vehicles operating in relation to it, have first been completed in accordance with a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
(i) a revised site plan showing the detailed arrangements that would be implemented to accommodate the above noted vehicular requirements; and
(ii) details of the proposed road construction materials.
The layout so approved shall retain the vehicular link through the existing business premises to the undeveloped land to the north and east of the site in accordance with the layout described on the Approved Site Plan Drawing.
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.

- 7 Notwithstanding the details shown on the Approved Site Plan, the development hereby consented shall not become operational until a scheme of details describing landscape proposals sufficient to address the concerns of Informative Note 4, has first been submitted to, and approved in writing by, the Planning Authority. These details shall include:
- (i) the details of the boundary treatments along the eastern and northern boundaries of the expanded business premises;
 - (ii) the locations of new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants relating to point ii., above; and
 - (iv) a programme for completion and subsequent maintenance.
- Thereafter, the landscaping shall be implemented and thereafter maintained in accordance with the approved details.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings; to ensure that there are no unacceptable impacts upon the residential amenity (principally outlook) of No 2 The Avenue; and to help conserve as high a level as possible of residential amenity for the residential property at No 3 The Avenue.
- 8 Excepting only the consented fire exit doorway shown on the Approved Drawings, and notwithstanding The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no windows, rooflights or other openings shall be made in the South Elevation of the storage building hereby approved (that is, the elevation facing directly towards No 3 The Avenue, Greenlaw) unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.
- Reason: To safeguard the privacy and amenity of the occupiers of an adjacent residential property.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 The site is in an area which was previously within a builders yard. 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.
- The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the owner/occupier wish to discuss these duties their enquiry should be directed to Environmental Health.
- 2 For the purposes of Planning Condition 5, 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).
- 3 The Planning Authority considers that the development hereby approved, would have a highly detrimental impact upon the residential amenity (and specifically outlook) of No 3 The Avenue as this would be liable to be experienced by the occupiers of that same property.

Within the assessment of the current proposal, it has been reasonable to take account of the Applicants' control over both properties (that is, the site and No 3 The Avenue). It has also been reasonable to anticipate that the Applicants have themselves been in a position to take account of the impacts of their own proposal upon the amenity of their own property at No 3 The Avenue.

However, while account has been taken of this circumstance within the planning decision reached, the potential for impacts upon the amenity of No 3 The Avenue remains, and mitigation in the form of screen planting along the shared boundary is sought to conserve as much amenity as possible for No 3, which may at some future point in time end up within a separate ownership from the business premises.

- 4 Screen planting comprising new trees, but also possibly reinforced by some shrubs, bushes or hedging, is required within the area of land between the existing business premises and the residential property at No 2 The Avenue; and within the area of land between the storage building hereby consented and the residential property at No 3 The Avenue. This must be capable of achieving a height and density that is sufficient to screen views of the storage building hereby approved in views from the dwellinghouse at No 2 The Avenue, and must be capable of softening views of the storage building hereby approved, in views from the dwellinghouse at No 3 The Avenue.

There is not anticipated to be any requirement to provide any further screen planting in relation to the east boundary of the expanded business premises, which is adjoining safeguarded employment land. Tree planting along the northern boundary is however encouraged.

It is not anticipated that there would be any particular need to change substantially any existing ground levels outwith the immediate footprint of the storage building hereby consented. However, in the event that there is any proposal to build up or reduce existing levels, these must be described within the landscaping details required by Planning Condition No 7, and in such a way (most appropriately in relation to a fixed datum point or points) that any proposed variation to the levels is clearly indicated. Account would also need to be had to the implementation of any such works within the timetabling arrangements for the implementation on site, of the landscaping requirements.

Planting plans must provide sufficient information to be enforceable by detailing the following:

- i.) Plan is to an identified true scale (e.g. 1:200).
- ii.) Boundary of the application site is clearly marked.
- iii.) Site orientation is indicated by a North point or OS grid lines.
- iv.) All existing trees, shrubs and hedges to be retained are clearly marked.
- v.) 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.
- vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
- vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*)
- viii.) 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*)

ix.) 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.)

x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.

xi.) 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. Please also note that the programme for completion and subsequent maintenance must include action points describing actions that will be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times).

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, 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.

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 0SA.

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.