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**Please find attached the Public Minutes in respect Item  
6 on the agenda for the above meeting**

6.	<p><b>Committee Minutes</b> (Pages 1 - 92)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"><li>(a) Civic Government Licensing 17 March 2017</li><li>(b) Local Review Body 20 March 2017</li><li>(c) Teviot &amp; Liddesdale Area Forum 21 March 2017</li><li>(d) Scrutiny 23 March 2017</li><li>(e) Planning &amp; Building Standards 27 March 2017</li><li>(f) Local Review Body 17 April 2017</li><li>(g) Civic Government Licensing 21 April 2017</li><li>(h) Planning &amp; Building Standards 24 April 2017</li></ul>	5 mins
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|-----|--------------------------------|---------------|
| (a) | Civic Government Licensing     | 17 March 2017 |
| (b) | Local Review Body              | 20 March 2017 |
| (c) | Teviot & Liddesdale Area Forum | 21 March 2017 |
| (d) | Scrutiny                       | 23 March 2017 |
| (e) | Planning & Building Standards  | 27 March 2017 |
| (f) | Local Review Body              | 17 April 2017 |
| (g) | Civic Government Licensing     | 21 April 2017 |
| (h) | Planning & Building Standards  | 24 April 2017 |

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**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 17 March 2017 at  
11.00 a.m.

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Present:- Councillors W. Archibald (Chairman), J. Greenwell, B. Herd, G. Logan,  
D. Paterson, T. Weatherston, B. White.  
Apologies:- Councillors J. Campbell, R. Stewart, J. Torrance.  
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader,  
Licensing Standards and Enforcement Officers (Mr M. Wynne and Mr I.  
Tunnah), Democratic Services Officer (F Henderson), Inspector T. Hodges -  
Police Scotland.

1. **MINUTE**  
The Minute of the Meeting of 17 February 2017.

**DECISION**  
**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**  
There had been circulated copies of lists detailing the Civic Government and  
Miscellaneous Licences issued under delegated powers between 8 February 2017 and 7  
March 2017.

**DECISION**  
**NOTED the list.**

3. **PRIVATE BUSINESS**  
**DECISION**  
**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to  
exclude the public from the meeting during consideration of the business detailed  
in the Appendix to this Minute on the grounds that they involved the likely  
disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule  
7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

- 1.0 **GRANT OF METAL DEALER LICENCE – JOHN HUTCHISON**  
1.2 The Committee considered an application for the grant of a Metal Dealer Licence  
submitted by John Hutchison and agreed to grant for 6 months.
- 2.0 **GRANT OF TAXI DRIVER LICENCE – ROBERT PATTERSON**  
2.1 The Committee considered an application for the grant of a Taxi Driver Licence submitted  
by Robert Patterson and agreed to grant for 6 months.
- 3.0 **GRANT OF TAXI DRIVER LICENCE – BRIAN HOGG**  
3.1 The Committee considered an application for the grant of a Taxi Driver Licence submitted  
by Brian Hogg and agreed to suspend his licence pending submission of additional  
information in support of the application.

4.0 **GRANT OF TAXI DRIVER LICENCE – DAVID JEFFREY**

4.1 The Committee considered an application for the grant of a Taxi Driver Licence submitted by David Jeffrey and agreed not to grant.

5.0 **MINUTE**

5.1 The Private section of the Minute of 17 February 2017 was approved.

*The meeting concluded at 12.10 p.m.*

# 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, 20 March 2017 at 10.00 am

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Present:- Councillors R. Smith (Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

In Attendance:- Chief Planning Officer, Managing Solicitor – Property and Licensing, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **DECLARATIONS OF INTEREST.**

In terms of Section 5 of the Councillors Code of Conduct, Councillor Mountford declared an interest in Item 4 of the agenda (application 16/01425/PPP) and Councillor Gillespie declared an interest in Item 6 of the agenda (application 16/01536/PPP). The Councillors left the meeting during consideration of these respective reviews.

2. **REVIEW OF 16/01425/PPP**

There had been circulated copies of the request from Mr & Mrs Brian Soar, per Aitken Turnbull Architects Ltd, 9 Bridge Place, Galashiels, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land east of Keleden, Ednam. The supporting papers included the Decision Notice; Notice of Review; officer's report; papers referred to in the report; consultations; an objection; and a list of relevant policies. Members noted that the site proposed for development lay outside the settlement boundary of Ednam, as defined in the Local Development Plan. In recognising this, Members also referred to the fact that the Development Plan had been approved recently and had been subject to public consultation. They also made reference to the decision of a previous Local Review Body which determined that the two houses on the opposite side of the road from the development were clearly linked to the Cliftonhill building group. Members' ensuing discussion therefore explored whether or not there were any exceptional circumstances which would justify approval of the application. There was particular focus on the question as to whether there was any economic justification for the erection of a house on this site.

VOTE

*Councillor Campbell, seconded by Councillor White, moved that the decision to refuse the application be upheld.*

*Councillor Fullarton, seconded by Councillor Gillespie, moved as an amendment that consideration of the application be continued for further procedure in the form of a request for written submissions in respect of economic justification for the development.*

*Councillor Ballantyne moved as a further amendment that the decision to refuse the application be reversed and the application approved. However this amendment was not seconded.*

*On a show of hands Members voted as follows:-*

*Motion* - 4 votes

*Amendment* - 3 votes

*The motion was accordingly carried.*

#### **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 contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix I to this Minute.**

#### **3. REVIEW OF 16/01422/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of a cattle building with accommodation in Field No 0328, Kirkburn, Cardrona. Included in the supporting papers were the Decision Notice; Notice of Review; officer's report; papers referred to in the report; consultations; and a list of relevant policies. A business plan submitted by the applicant had also been circulated but Members were concerned at the lack of information it contained and did not believe it provided economic justification of a building of this scale in this location. In their discussion Members considered the potential impact of the development on the adjacent archaeological site, on the character and quality of the landscape and in particular the proximity of the proposed cattle shed to the existing approved application for holiday lodges. With reference to the planning history associated with this piece of land, Members emphasised again the need for an overall masterplan for the site.

#### **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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

#### **4. REVIEW OF 16/01536/PPP**

There had been circulated copies of the request from Miss Kerrie Johnston, of 47 Curror Street, Selkirk, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land east of Highland Brae, Lilliesleaf. The supporting papers included the Decision Notice; Notice of Review; officer's report; papers referred to

in the report; consultations; and a list of relevant policies. In their initial discussion of the proposed development site Members noted that this was outside the settlement boundary of Lilliesleaf and that a building group did not exist. Members agreed that the proposal would be contrary to the development plan but after further lengthy debate came to the conclusion that there were exceptional circumstances to justify the erection of a dwellinghouse at this site.

## **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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal was contrary to the Development Plan but that there were other material considerations that would justify departure from the Development Plan; and**
- (d) the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions and a legal agreement, for the reasons given in Appendix III to this Minute.**

*The meeting concluded at 11.55 am*

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**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:** 17/00001/RREF

**Planning Application Reference:** 16/01425/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Land East of Keleden, Ednam

**Applicant:** Mr & Mrs Brian Soar

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land East of Keleden, Ednam. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
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**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 20<sup>th</sup> March 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations ; e) Objection and f) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicant for further procedure in the form of a site visit.

**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 most relevant of the listed policies were:

- Local Development Plan policies: HD3, PMD4, ED10, HD2, IS2, IS5 and IS7

**Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Development Contributions 2015
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

The Local Review Body noted that the application site lay outwith, but adjoining, the settlement boundary of Ednam, as defined in the Local Development Plan. Members acknowledged that the boundary defined the extent a settlement should grow within a Local Plan period and that the proposed development could only be approved in the exceptional circumstances set out in Policy PMD4.

The Review Body then proceeded to test the proposal against the four qualifying criteria set out in Policy PMD4, namely: a) whether it was a job-generating development in the countryside that had an economic justification; b) whether it is for affordable housing; c) whether there is a shortfall identified in the housing land supply for this area; and d) whether it would offer significant community benefits that outweighed the need to protect the Development Boundary.

In respect of a), Members noted that the building of the new house would release the applicants existing residence "Oaklands" for holiday lets, expanding their existing tourism business in the village. After debating the matter, the Review Body came to the conclusion that, in the absence of a sufficiently persuasive business case, the

proposals did not meet the policy test and an economic justification had not been proven.

The Review Body concluded that no case had been made that the house would meet the terms of the Council's affordable housing policy. The development did not comply with policy criteria b) of Policy PMD4.

Members were satisfied that the current Housing Land Audit identified sufficient housing land for this Housing Market Area. There was no shortfall that would permit the release of the site. The proposal could not be justified under criteria c) of Policy PMD4.

Members considered the potential community benefits that may arise from the development, especially the enhancement of the tourism offer in the area, but again did not feel that a persuasive case had been met the policy test. The proposal could not be justified under criteria d) of Policy PMD4.

In coming to their conclusion on these matters, Members gave weight to the fact the Development Boundary had only been adopted relatively recently and had been subject to public consultation. They also noted that there was other land allocated and available for housing within the village, so there was no overriding need to release this site for development.

The Review Body acknowledged that the construction of the two houses to the western edge of the Cliftonhill building group had reduced the distance between it and the edge of the settlement. However, they agreed with the previous Review Body's assertion that it:

*"...would not result in coalescence with Ednam or constitute inappropriate ribbon form of development... the degree of separation from the village and the nature of the existing topography and vegetation, the development was clearly related to the Cliftonhall building group."*

In Members view, the erection of the proposed house would bridge this gap and result in coalescence.

The Local Review Body felt the future development potential of the area should be considered as part of the review of the Local Development Plan. This would allow consideration of the extent to which the village should expand in the future and would take into account the need for improvements such as road widening, footpath links and street lighting. This would also allow for full consultation and engagement with the local community in this decision.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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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 R Smith  
Chairman of the Local Review Body

**Date.....**23 March 2017



**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:** 17/00004/RREF

**Planning Application Reference:** 16/01422/FUL

**Development Proposal:** Erection of cattle building with welfare accommodation

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that

the building would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of a cattle building with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19670
General Arrangement	19671

## **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 20<sup>th</sup> March 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicant for further written submissions and one or more hearing session.

## **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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a large cattle building on an elevated site within the applicant's land holding at Kirkburn. They accepted that

existing roadside trees would afford a degree of screening of the site and the building from the B7062 road but they were concerned that it would be prominent from more distant views across the valley. In considering the extent of visual and landscape impact, Members gave great weight to the views of the landscape architect and they agreed that the impact of the new building was harmful and therefore unacceptable. They concluded that it would constitute a prominent feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The Review Body noted that the application for the cattle building was supported by a business plan but they were not convinced that it outlined a viable or sustainable economic justification for the building to set aside the strong landscape objections to the development.

The Review Body were conscious of the sensitivities in terms of the building's relationship to the archaeological site of Our Lady's Church and churchyard. Members did not feel that this had been adequately taken into account or resolved by the applicant.

There is an extensive planning history associated with the landholding and a number of applications have been considered for the application site itself. Members were concerned about how the proposal would relate to all of those, how compatible they would be with one another and whether there would be conflict between the uses on such a limited area of land. In particular, they were concerned about how the cattle shed and the business would relate to the holiday development approved on this and the adjoining plot.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding.

Members noted the comments of the Roads Planning officer and agreed that the application was deficient in term of the required traffic study to enable a full assessment of the road safety implications of the development to be undertaken.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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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 R. Smith  
Chairman of the Local Review Body

**Date.....**30 March 2017



**APPENDIX III**

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY INTENTIONS 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:** 17/00006/RREF

**Planning Application Reference:** 16/01536/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Land East of Highland Brae, Lilliesleaf

**Applicant:** Miss Kerrie Johnston

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**DECISION**

The Local Review Body (LRB) reverses the decision of the appointed officer and indicates that it intends to grant planning permission for the reasons set out in this decision notice subject to conditions and the conclusion of a legal agreement as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land east of Highland Brae, Lilliesleaf. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	OS EXTRACT

**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 20<sup>th</sup> March 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and

e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider 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 most relevant of the listed policies were:

- Local Development Plan policies: HD3, PMD1, PMD2, IS2, IS3, HD2, IS7, EP13 and IS9

### Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Development Contributions 2015
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Local Review Body noted that, as the site lay out with the settlement boundary of Lilliesleaf, the application fell to be determined within the terms of the Council's Housing in the Countryside policies.

After considering the evidence before them and the slide presentation, the Review Body concluded that a building group, as defined in Policy HD2 of the Local Development Plan, did not exist at the locus. There was only one house, Highland Brae, and the existing barn associated with the house was neither capable nor suitable for conversion to residential use. In any event, to count towards a building group, the conversion of the barn to residential use would have had to have been granted and implemented. No such permission had been sought and granted. There was therefore, no realistic prospect of three residential units being formed at the site. Members agreed that the development was contrary to Part A of Policy HD2.

The Review Body then debated whether, in terms of Part (F) of Policy HD2, a direct operational need or requirement for a new house could be substantiated on economic grounds. After debating the issue, Members concluded that no such case had been made and that there was no economic justification for a new house. The development was therefore contrary to Part F of Policy HD2.

The Review Body came to the conclusion that the proposal was contrary to Policy HD2 of the development plan.

Members then considered whether, within the terms of the Section 25 of the Act, there were material considerations that they should take into account that would override the presumption to determine the case in accordance with the Development

Plan. In this regard, Members gave weight to the personal circumstances of the applicant and in particular, the need for her to live near her parents to provide for their care and health needs and also the lack of availability of alternative affordable housing in the locality to enable her to do this. They also took into account the recent decision for a new house at Easter Lilliesleaf House (13/00104/PPP) where the health requirements of the applicant's family were material to the granting of planning permission. In their view, there were exceptional circumstances in this case to justify granting consent.

Members were content that this decision would not set a precedent for further houses at the locality, as the erection of the new house would not trigger the formation of a building group at the site that could be added to.

In terms of the development of the site, Members wanted to ensure a satisfactory relationship between the new house and Highland Brae. In their view, the new house should be located to the north eastern side of the application site to allow for a degree of separation between the properties and they asked that a condition be imposed to that effect. This would also allow for sufficient landscaping between the properties. They requested that the access arrangements for the site also be designed to ensure this separation between the properties.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that whilst the development was contrary to the Development Plan there were exceptional circumstances that were material to justify a departure from the Development Plan. Consequently, the application was approved.

## **DIRECTIONS**

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of three years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## **CONDITIONS**

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and

the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. measures to protect existing trees and hedgerows along the northern and western boundaries of the site during the construction phase and to ensure their retention thereafter and, in the case of damage, restored
- iii. details of a substantial shelter belt to be planted to the eastern boundary of the site
- iv. location and design, including materials, of walls, fences and gates
- v. soft and hard landscaping works
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. other artefacts and structures such as street furniture, play equipment
- viii. A programme for the implementation and completion of the scheme of landscape works and subsequent maintenance thereof.

Reason: To ensure the satisfactory form, layout and assimilation of the development into the landscape and to ensure a degree of separation between the new dwelling house and the property known as Highland Brae.

5. The proposed new dwellinghouse to be located to the north eastern side of the application site.

Reason: To ensure the satisfactory form, layout and assimilation of the development into the landscape and to ensure a degree of separation between the new dwelling house and the property known as Highland Brae.

6. Prior to the occupation of the dwellinghouse, hereby approved, details of the new access to the site and the parking and turning for a minimum of two vehicles, excluding any garages, within the application site shall be submitted to and approved by the Planning Authority. The new access shall be designed in a manner to allow separation from the access into

Highland Brae. The parking and turning area should be retained for this use thereafter.

Reason: In the interests of road safety to ensure the satisfactory access, off road parking and turning for vehicles is provided at the site. In addition, so that the form and layout of the access road assists in ensuring a degree of separation between the new dwelling house and the property known as Highland Brae.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards education provision in the locality and the Borders Railway.

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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 R. Smith  
Chairman of the Local Review Body

**Date.....**23 March 2017

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# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA FORUM

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA FORUM held in Lesser Hall, Town Hall, Hawick on Tuesday, 21 March 2017 at 6.30 pm

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Present:- Councillors: G. Turnbull (Chairman), W. McAteer, D. Paterson, R. Smith.  
Community Councillors: Mr C Griffiths (Hobkirk), Mr P Kerr (Southdean), Mr W Roberts (Denholm), Mr I Robson (Upper Teviotdale & Borthwick Water), Mrs M Short (Hawick).

Apologies Councillors A Cranston and S Marshall.

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Inspector Carol Wood (Police Scotland), Mr Russell Bell (Scottish Fire & Rescue Service) Democratic Services Officer (J Turnbull).

Members of the Public 7

## 1. **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Turnbull, welcomed Members, officers, community councillor representative and the public to the Forum. He thanked them for attending and for their support over the past five years.

## 2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 21 February 2017. Denholm Community Councillor, Mr W Roberts, asked for two additional sentences to be included under paragraph 11.2 – ‘Community Council Spotlight’. Members agreed that the Minute of 21 February be amended to include the additional wording and be republished.

### **DECISION**

**AGREED to approve the Minute, as amended.**

## 3. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 6 of the Minute of 21 February, the Chairman advised that there would be a presentation from the Chief Officer for Health and Social Care Integration at the June Forum. NHS representatives would also attend that meeting to update on Hawick Community Hospital and NHS Borders’ performance monitoring and comparison with national targets.

### **DECISION**

**NOTED.**

## 4. **GOLDEN EAGLE PROJECT**

- 4.1 The Chairman welcomed Dr Cat Barlow, Project Officer, South of Scotland Golden Eagle Project who was present at the meeting to give a presentation on the South of Scotland Golden Eagle Project. Dr Barlow began by advising that the aim of the Project was to reinforce the population of Golden Eagles in the South of Scotland, she emphasised that this was a reinforcement to boost the existing population of Golden Eagles. There were a number of stakeholders involved in the Project including: Scottish Land and Estates, Scottish National Heritage, Forestry Commission, Visit Scotland, National Farmers’ Union and private landowners. Dr Barlow explained the background to the Project. In 2008, Scottish Natural Heritage and the Royal Society for the Protection of Birds (RSPB) set out

to discover why the Golden Eagle population in the South of Scotland was low and to determine if the population could be reinforced. Fielding and Harding published a report in 2014 (*Golden eagles in the south of Scotland – an overview*) which detailed the active breeding habitat of the Golden Eagle and highlighted factors to consider such as food availability, current placements, active range and which areas could support 14 - 16 pairs of Golden Eagles. The South of Scotland was identified as a suitable location for reintroduction, as there was little movement of the birds across the central belt. Dr Barlow advised that the Project followed the Scottish Code for Conservation Translocation and worked with experts who had a wealth of experience in translocation. The Project had also learnt from other similar projects such as the translocation of Ospreys and Red Kites and followed their best practice.

- 4.2 Dr Barlow went on to explain the process for translocation. One chick would be taken from a nest of twins in core areas of the Golden Eagle ranges in Scotland; the donor nest would not be affected by the removal of the chick. It was proposed to transfer five to ten chicks each year for a five year period. The chicks would be kept in aviaries and fed until they were ready to fledge. All the birds would have a satellite tracker to monitor their progress on release into the Moffat hills. When released, as they were learning to hunt, food would be made available to them.
- 4.3 Dr Barlow further advised that community engagement had been an important part of the Project. There had been a public consultation including meetings across the release area, stakeholder engagement and an online questionnaire. In general the project had been received positively. Last August, the first phase of the Project had been launched when the Heritage Lottery Fund (HLF) had awarded a development grant. The Project was awaiting a decision on further HL funding and seeking other match funding. Once funding was in place, recruitment of staff would begin, six new jobs would be created in the Langholm area, and building of the aviaries would commence. Dr Barlow concluded her presentation by informing that further information on the Project was available at [www.goldeneaglessouthofscotland.co.uk](http://www.goldeneaglessouthofscotland.co.uk)
- 4.4 In response to questions, Dr Barlow advised that they did not envisage Golden Eagles removing lambs. However, they would keep conversations with farmers open in case problems arose. The shooting fraternity had welcomed the project. There was no history of any deaths from Golden Eagles colliding with wind turbines. It was hoped that the Golden Eagles would remain in the South of Scotland but they could potentially move from the area. Presently there were no breeding Golden Eagles in Cumbria or North Northumberland. In response to a question regarding a possible detrimental effect on Hen Harriers, Dr Barlow advised that Hen Harriers tended to move away from Golden Eagle territories. The Project had also liaised with the Osprey Project who had considered that there would be no impact on the Osprey population. The only predator of Golden Eagles was humans, whether by accidental strikes or persecution. The project was in contact with Police Scotland regarding the area of release. The Chairman thanked Dr Barlow for attending the meeting and for the interesting presentation.

## **DECISION**

**NOTED the presentation.**

## **5. HAWICK FLOOD PROTECTION SCHEME**

- 5.1 Ewan Doyle, Project Manager, Hawick Flood Protection Scheme was present at the Forum to update on the Hawick Flood Protection Scheme. Mr Doyle advised that in 2013 the Project Team had obtained Council approval to develop the Scheme through the Outline Design stage. He highlighted that the objectives of the Scheme included: protection of Hawick against flooding from the River Teviot; protection against flooding from the Slitrig Water between Drumlanrig Bridge and where it joined the Teviot; provision of a uniform level of protection of 1 in 75 year flood event; provision of new flood gates and embankments. Mr Doyle explained that the Scheme would protect 930 residential and commercial properties against the risk of flooding. The Project Team

were also considering opportunities to maximise cultural, heritage, educational, and tourism opportunities. For example by the provision of glass panels in walls to retain a visual connection with the Teviot. Mr Doyle added that the Scheme had also received £10k funding from Sustrans to investigate the feasibility of cycleways through the town.

- 5.2 Consultation on the Scheme had taken place with stakeholders and the community over the past two years, to alleviate concerns and to take action on any issues raised. Mr Doyle explained that 2017 was a critical year for the Project; in April the Final Outline Design would be published, there would be a 28 day consultation period for the public to comment on the Scheme. To facilitate the consultation, the Project Team were currently in the process of land referencing which involved 4,000 letters being sent to owners and occupiers throughout the town. If at this stage, there were any objections to the Scheme, this could result in an Inquiry situation which could add months to the Project and even jeopardise the Scheme. However, if there were no objections, a final report to Council would be presented in September. This would allow Scottish Government to release the funding for the Scheme. Mr Doyle concluded his presentation by advising that if anyone had any comments or concerns regarding the Scheme, they should speak to the Project Team. The Chairman thanked Mr Doyle for the informative update.
- 5.3 In response to a question regarding the disruption to the town and traffic management issues, Mr Doyle stated that the recent works at Commercial Road showed the types of disruption that might occur; parts of the road could be closed from time to time with up to six months work required in this area. The contractor would be required to maintain access at all times to properties and businesses with appropriate signage and diversion routes. He further advised that the structure would be of thick steel which would be installed in the river bedrock and not be affected by tree roots. It was noted that the Liddesdale Road concerns, although not included in the Scheme, would be addressed elsewhere. Finally, Mr Doyle reassured that the flood works would not negatively affect villages upstream or downstream from Hawick.

## **DECISION**

**NOTED the presentation.**

## **6. STRATEGIC ASSESSMENT 2016**

- 6.1 The final presentation of the evening was by Erin Murray, Research and Policy Officer, Scottish Borders Council (SBC). Ms Murray began her presentation by showing the 2015 Population Statistics for all Wards in the Scottish Borders. The statistics identified that in the Scottish Borders there were more women than men and slightly more pensioners than within Scotland as a whole, which raised questions for sustainability in the future and growth of the economy. Within the Teviot and Liddesdale area, Ms Murray advised that there were less children than in the rest of the Scottish Borders, and also differences within the area; for example, Denholm's population had 32% pensioners and 13.6% children, whereas in Burnfoot North the percentage was 7.4% and 32.2% respectively.
- 6.2 Ms Murray explained the five themes identified within the Strategic Assessment as being Economy and Income; Education and Learning; Public Services; Community and Environment; and Health and Wellbeing. There were 16 National Outcome Descriptions relating to these themes which identified that people in the Scottish Borders tended to live longer, healthier lives, safer from crime disorder and danger. They also had strong, resilient communities and valued their natural environment.
- 6.3 Ms Murray referred to the Scottish Index of Multiple Deprivation (SIMD). This Index used 28 indicators across seven domains – Employment, Income, Education, Health, Access, Crime and Housing. Of the 143 areas in the Scottish Borders, that were used to measure the SIMD, 1.4% were in the most deprived 10% of Scotland. Within the Teviot and Liddesdale area Burnfoot Central was within the 10% most deprived of Scotland and Burnfoot North, Burnfoot South, Burnfoot West and Wellogate were areas within the 20% most deprived of all Scotland. Showing that the Teviot and Liddesdale area had a greater

concentration of people living in areas experiencing multiple deprivation. It was noted that the SIMD was a tool to help understand areas but did not show aspects of community cohesion or identity.

- 6.4 Ms Murray went on to summarise other findings from the Assessment: Between 2010 and 2015 economic turnover had increased by £313m, a 10.9% increase above the 1.3% increase for Scotland. Scottish Borders had also more small to medium sized enterprises and those contributed to turnover relative to Scotland. The average weekly footfall in Hawick was the lowest in the Scottish Borders. However, since 2016 this had increased. With regard to workplace based wages, these were consistently lower than residence based wages. Regarding Curriculum for Excellence, in 2015/16 the Scottish Borders had higher levels of achievement in reading, writing, listening, talking and numeracy. Ms Murray also advised that the proportion of school leavers going to an initial positive destination (higher education) had increased, from 88% in 2005/06 to 95.3% in 2014/15; this trend reflected the changes nationally. With regard to health and wellbeing, life expectancy in the Scottish Borders was higher than the rest of Scotland. The findings also identified that Type 2 Diabetes was more prevalent in the Scottish Borders. Ms Murray further advised that the Scottish Borders consistently had a higher proportion of people rating their neighbourhood as a Very Good or Fairly Good place to live. With regard to community safety, the Scottish Borders was a safe place to live with low levels of crime and anti-social behaviour and a low number of fire casualties compared to Scotland. However, more people were killed or seriously injured resulting from road traffic accidents compared to the Scottish average.
- 6.5 Ms Murray concluded by advising that her presentation had included a small extract from the Strategic Assessment, the full Strategic Assessment was available on the Council's website at [www.scotborders.gov.uk/downloads/download/211/strategic\\_assessment](http://www.scotborders.gov.uk/downloads/download/211/strategic_assessment) The presentation would also be published with the Minute of the meeting on SBC's website. The Chairman thanked Ms Murray for the comprehensive presentation.

#### **DECISION**

**NOTED the presentation.**

#### **7. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

With reference to paragraph 7 of the Minute of 21 February 2017, there had been circulated a report by Service Director Neighbourhood Services seeking approval of a contribution of £2,000 towards road repairs at Wellogate Cemetery, Hawick from Neighbourhood Small Schemes. Mr Dunlop clarified that the total cost of the Scheme would be £31,604. Hawick Pay Parking budget had contributed £3,000 towards the repairs, with the remainder financed from the Neighbourhood Services and Property Maintenance budgets. Mr Dunlop confirmed that the works would be completed by the end of March.

#### **DECISION**

- (a) **AGREED contribution towards road repair work at Wellogate Cemetery, Hawick** **£2,000**
- (b) **NOTED:-**
- (i) **the updates on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report;**
- (ii) **the updates on previously approved Quality of Life Schemes as detailed in Appendix B to the report; and**

#### **8. POLICE SCOTLAND**

- 8.1 There had been circulated a report from Inspector Carol Wood, Police Scotland, updating the Teviot and Liddesdale Area Forum on performance activities and issues in the area.

The Ward Plan priorities for Teviot and Liddesdale were highlighted as Drug Dealing and Misuse, Road Safety, Violent Crime and Antisocial Behaviour. In summary, with regard to the Drug Dealing and Misuse priority, Inspector Wood advised that officers had searched a house in Galalaw Road and recovered class A drugs. The householder had subsequently been charged with possession and being concerned in the supply of drugs. He has also been charged with contravention of the new air weapon legislation after officers found a gas powered air weapon during the search. A male had also been charged with obstruction within Hawick Police Station after being arrested for separate offences. Class A drugs were recovered from his possession and he was charged with this.

- 8.2 In terms of the Road Safety priority, Community Officers continued to give attention to areas where they had received complaints of speeding and inconsiderate driving. Officers patrolled in identified locations to carry out periodic checks to positively influence driving behaviour. In certain circumstances, motor vehicles could be seized by Police where there was evidence that the vehicle was being driven carelessly or off road. It was essential that complaints about driving behaviour were notified to the police via 101 at the time. Vehicles continued to receive parking tickets and drivers were warned for parking longer than they should or breaching yellow line restrictions throughout the town. A male had been arrested and charged with various driving offences including taking a vehicle without the owner's consent and being unfit to drive whilst under the influence of drink or drugs. Inspector Wood further advised that motorists had contacted the Policy regarding the action of a dangerous driver. Officers traced the vehicle and the driver was charged with driving under the influence of drink or drugs and with dangerous driving. Another driver had been stopped when officers were carrying out road checks in Commercial Road, Hawick. The driver was found to be without an appropriate driving licence or insurance. Officers on patrol had also followed a vehicle into Guthrie Drive; the vehicle failed to stop and was later found abandoned, the driver had not been traced. However, a positive line of enquiry was being progressed. During the period a number of road checks were carried out resulting in two fixed penalty tickets being issued for speeding and a number of warnings administered for the anti-social use of a vehicle.
- 8.3 In respect of the Violent Crime priority, there was one serious assault reported in Hawick during February. This was as the result of an argument between a number of males within the Station Bar. One male required medical attention to a wound on his forehead, enquiries were ongoing into this incident.
- 8.4 With regard to the Antisocial Behaviour priority, there were five recorded police warnings and one fixed penalty ticket given for antisocial behaviour. Community Officers had also issued two dog fouling tickets in the town. A multi-agency meeting was planned the following day to target those who persistently behaved in an antisocial manner.
- 8.5 With regard to other issues within the period, Inspector Wood advised that with regard to Rural Crime, red diesel was stolen from an old tractor parked at a farm near to Newcastleton. This appeared an isolated incident. She also reported that a number of cars had been entered in Hawick and property stolen from them. Following enquiries a male had been charged with five offences.
- 8.6 Inspector Wood went on to advise that on 27 March 2017, Police Scotland would launch Hate Crime Awareness Week. The aim of the campaign was to communicate the impact of hate crime on peoples' lives and encourage reporting from both victims and bystanders; information was available on Police Scotland's website. Police Scotland were also consulting on the Police Scotland 2026 Project. The 2026 strategy was available on the Police Scotland website, where there was a consultation page. Inspector Wood encouraged the public to take part in the consultation and also to contribute to the Your View Counts consultation.

- 8.7 To conclude the report, Inspector Wood referred to the recent antisocial behaviour at the new Wilton Lodge Park, inquiries were ongoing into the incidents; Police would continue to patrol the area. The Forum asked if CCTV could be installed at the Park, Inspector Wood responded that Police Scotland would be consulting with Safer Communities to consider the options available.

**DECISION**

**NOTED the report.**

9. **SCOTTISH FIRE & RESCUE SERVICE**

- 9.1 There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting service delivery activity in the Teviot and Liddesdale Area for the month of February 2017. In summary, the report detailed that during the period of the report there had been one accidental house fire; three other fires (two vehicles and one refuse), two special service occurrences (one suicide, one animal rescue) and nine unwanted fire alarms signals. Mr Bell advised that Hawick Wholetime crews had completed their water based, swift water rescue training and all staff were trained to enter the water, a proportional number were also trained as boat operators. Hawick Station now had 'live status' which meant the crew could be mobilised to any part of the country, or over the Border if requested. The high volume pump was still located at Hawick, as training had not yet been completed at Dundee, its final destination. The extended trial period for the 'out of hour's cardiac arrest service' had now been completed. A report had been passed to the Strategic Leadership Team recommending that trial stations continued to offer the service and that it was rolled out to all stations in Scotland via a three year delivery plan.

- 9.2 Mr Bell further advised that in April 2017, a 5 watch duty system would be introduced at Hawick Fire Station, staff numbers would reduce from a total of 28 to 25 with 5 watches of 5, replacing 4 watches of 7. The new system would provide a more flexible and effective use of staff and would not affect the number of staff who day to day attended operational incidents on the fire engine or as part of a water rescue team. In response to a question regarding retention of staff at Hawick Fire Station, Mr Bell advised that one staff member would be relocated. With regard to unwanted fire signals, Mr Bell stated that the Fire Service would always attend an alarm. However, guidance could be given and adjustments made to the alarm.

**DECISION**

**NOTED.**

10. **OPEN QUESTIONS**

Community Councillor Mrs Short advised that at the new Wilton Lodge Park the public were allowing their dogs into the children's play area. Mrs Short asked if the griddling could be reinstated which would prevent dogs from accessing the area. Provision should also be made for dogs to be secured outside the children's area. Councillor Turnbull advised that he would raise at the Stakeholder meeting the next evening. Mr Dunlop advised that officers were investigating retrieving the griddling from the old site and reinstating. 'No dogs allowed' posters would also be displayed in the area.

**DECISION**

**NOTED.**

11. **COMMUNITY COUNCIL SPOTLIGHT**

- 11.1 Mr I Robson, Upper Teviotdale and Borthwick Water, advised that a Police Officer had attended their last Community Council meeting and was pleased to advise that there had only been one incident of theft in the community council area during the period. The Police Officer had also reported on the Forest Watch scheme set up to protect farm machinery overnight. Mr Robson further advised that many of the road maintenance schemes had been completed. Unfortunately, damage was still occurring and it was

hoped that the funding from the Scottish Government could be used to maintain the roads in both Hawick Wards. The Chairman advised that the Timber Transport Group had been informed of suitable schemes.

- 11.2 Mr Griffiths, Hobkirk Community Council, advised that wagons were travelling up to 16 hours a day to and from the quarry works. The vehicles were causing consistent damage to the roads and walls and there appeared to be a lack of control. Members advised that the issue has also been raised at the meeting of Upper Liddesdale and Hermitage Community Council. The matter had been referred to SBC's roads and planning departments, and the Chairman would advise the Community Council when a response had been received. Mr Griffiths, further advised that another issue was the cost of burial plots at Hobkirk Churchyard. The charge for the plots had been increased without notification; there was also a question of who owned the land. The Chairman advised that the increase in charges for all burial plots was in line with Council policy. The increase was also for the cost of ground maintenance. With regard to windfarm applications, the Community Council were coordinating their response relating to the Pine Burns' wind farm application.
- 11.3 Mr Roberts, Denholm Community Council advised that the Community Council had been actively involved in the Borders Broadband Community Project and signs were positive for the future provision of high speed broadband in the area. Mr Roberts further advised that the Community Council had been consulted on a planning application to build five new homes at Craigard, Canongate in Denholm. A site visit had taken place that day and a number of concerns had been raised including the impact on the surroundings the development would have and the inadequate access from the Canongate. The Community Council had also been consulted on a new phone mast proposal; they were arranging a site visit with the developer to discuss. Mr Roberts also referred to the increase in fly tipping - a considerable amount of waste had been dumped along the A698 and it was also noted that builders' rubble had been dumped into the recycling skip. Mr Roberts went on to discuss a briefing the community council had received on Community Empowerment. They had been disappointed in the proposals and considered transference of responsibilities a retrograde step without the provision of adequate funding. Finally, Mr Roberts thanked Councillors Marshall, McAteer and Cranston for their support during their term of office.
- 11.4 Community Councillor Philip Kerr advised that sadly Ruben Baker had passed away. Mr Baker had been the ex-chairman of Southdean Community Council. Mr Kerr further advised that the speeding issue at the crossroads at Chester's needed addressed as well as the ongoing problem with timber transport. With regard to wind farms; they were awaiting decisions on Barrel Law, Pines Burn and Highlee. The National Park proposers would be attending their next meeting and giving a presentation. Finally, they were participating in the consultation regarding the former Hobkirk Primary School building.
- 11.5 Mrs Short, Hawick Community Council advised that with regard to dog fouling, the Community Council, with the assistance of outside agencies were promoting the provision of free bags. Council officers had also been contacted regarding the installation of mental dispensers for the bags. Mr Dunlop advised that the Council would be providing warning posters and displaying in the hot spot areas of the town. Mrs Short further advised that their proposal for their windfarm allocation had been submitted and was acceptable. Hawick Community Council had also received a presentation on community empowerment and shared the concerns of Denholm Community Council. The community council members were volunteers and did not want devolved powers. Mrs Short concluded by advising that Morrisons Supermarket had made a donation of £1500 towards the Christmas Lights appeal.

12. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**  
The next meeting of the Teviot and Liddesdale Area Forum was scheduled for Tuesday, 20 June 2017 at 6.30 pm in the Lesser Hall.

**DECISION  
NOTED.**

*The meeting concluded at 8.35 pm.*

# Public Document Pack

## SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY  
COMMITTEE held in COUNCIL CHAMBER,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Thursday, 23 March 2017  
at 10.00 am

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Present:- Councillors G. Turnbull (Chairman), W. Archibald, K. Cockburn, I. Gillespie,  
A. J. Nicol and J. Torrance.  
Apologies:- Councillors B Herd and W. McAteer.  
In Attendance:- Clerk to the Council, Democratic Services Officer (P. Bolson).

### 1. **MINUTE**

There had been circulated copies of the Minute of 16 February 2017.

### **DECISION**

**AGREED the Minute.**

### 2. **SCOTTISH BORDERS HEALTH AND SOCIAL CARE PARTNERSHIP**

2.1 The Chairman welcomed Ms Elaine Torrance, Interim Chief Officer Health and Social Care Integration, to the meeting to provide Members with an update of progress made with the Health and Social Care Integration Programme. Ms Torrance began by summarising the reasons for integrating health and social care services and explained that the Public Bodies (Joint Working) (Scotland) Act 2014 had set the framework for integration to take place. Integration would provide planned health and social care services in a seamless way, both from the perspective of the service user and carer, and would ensure greater focus on prevention, early intervention, resilient communities and a locality-based approach. Progress to date included: the designing of the Strategic Plan comprising nine local objectives; the Commissioning and Implementation Plan which indicated how those objectives would be met through a planned programme of change and redesign; the establishment of a Joint Learning Disability Team and a Joint Mental Health Team; and use of the Integrated Care Fund (ICF) to fund eighteen projects so far, including Stress and Distress training. ICF funding had been guaranteed for three years by the Scottish Government and Ms Torrance went on to explain the principles supporting the Tiered Model of Partnership Projects and how this was applied to a range of projects such as the Community Transport Hub, Borders Ability Equipment Store and Men's Sheds.

2.2 With reference to new models of health and social care, the configuration of services and the person-centred model, Ms Torrance explained that there were a number of shared principles which would be applied across all services, whilst always ensuring that the individual was at the centre of what was being put into practice. ICF funding had been agreed to take forward Community Led Support (CLS) projects intended to make health and social care more visible within local communities via Community Hubs staffed by individuals specifically trained to advise and support service users. Two pilot Hubs were currently being developed in Burnfoot and Ettrick Valley and would be operational in May 2017. Community Led Support would build on the skills of individuals and community assets and would invest in early intervention and prevention thus simplifying the way in which people could access support. This approach also made best use of professional workers' time by decreasing the hours that they spent travelling between appointments and therefore increasing the number of clients who could be seen in a day from perhaps two to five. Service users who were unable to travel to a Hub would continue to receive a home visit when necessary. In order to maintain the person-centred approach, staff, service users, carers and members of the public were involved in the planning groups for the various CLS projects.

- 2.3 Ms Torrance explained that Buurtzorg was a nursing model of care with its main focus on prevention. It had originated in the Netherlands and had been well-received by the Scottish Government. Buurtzorg involved close, collaborative working relationships with GPs and health and social care professionals. Test sites for this project were being discussed and a programme of public information events was being planned to inform communities about Buurtzorg. In terms of locality working, Ms Torrance advised that there were three Health and Social Care Locality Co-ordinators employed with responsibility - in conjunction with a number of established Locality Working Groups - for developing a Locality Plan for each of the five localities in the Scottish Borders.
- 2.4 With regard to Performance Monitoring, Ms Torrance informed Members that there had been some slippage in the planned timescales and that this was being addressed going forward. The Health and Social Care Delivery Plan had been published in December 2016 and included information on integration and gave a clear indication of the key areas for action. Ms Torrance advised Members of the role of the Ministerial Strategic Group in measuring performance in areas such as unplanned admissions; occupied bed days for unscheduled care; Accident and Emergency performance; delayed discharges; end of life care; and balance of spend across institutional and community services. Performance reports were presented to the Integration Joint Board, the most recent being in February 2017. Ms Torrance explained that re-categorisation of some services could potentially improve SBC performance levels, eg the Margaret Kerr Unit at the Borders General Hospital was currently classed as “end of life choice” rather than “hospice”. Ms Torrance indicated that in order to progress Health and Social Care Integration, continued communication, engagement and involvement within communities would be key to ensuring that local opinions and suggestions were considered throughout the process. Challenges facing the Integration Joint Board included reaching agreement on budget contributions by NHS Borders and SBC for future years. There were also opportunities in terms of developing a joint transformation and efficiencies programme and work was ongoing in this area.
- 2.5 Discussion followed and Members requested clarification on a number of issues. Ms Torrance confirmed that the recent contracts agreed with GP practices were using a cluster-based approach which offered opportunities for further engagement with GPs, service users and the local communities. With regard to “changing goalposts”, Ms Torrance was asked how this might affect the Health and Social Care Integration programme in terms of available budget, training for staff, etc. In response, Members were advised that the direction of travel remained the same and that the Strategic Integration Plan covered a three year period and was flexible and capable of responding to new initiatives and changing pressures. Further work was ongoing to look at how training was delivered currently and ways in which this might be redesigned and shared across localities. Ms Torrance also confirmed that options for how home care would be delivered in the future were being considered in terms of focussing on clients’ needs rather than purely on 15 minute time blocks. She went on to explain that there were electronic tools currently available which identified what care was provided and the length of each home care visit. This information could be used to assist managers when considering the future design and delivery of home care. Other factors to be taken into account included self-directed support; demand for home care visits at specific times throughout the day; increased demand for complex home care packages; recruitment; and the need to increase the number of providers on the framework for the home care service. Members were advised that substantial work was ongoing to address issues such as options for community nurses and social workers to share work space/buildings; ensuring that resources such as Occupational Therapy were located most effectively to assist in hospital discharge; and collection of data relating to post-discharge experiences. The Chairman thanked Ms Torrance for her attendance and it was agreed that a further report on the progress of the Health and Social Care Integration Plan be presented to the Scrutiny Committee in 12 months.

## **DECISION**

(a) **NOTED the presentation.**

(b) **AGREED to receive a further progress report on the Health and Social Care Integration programme in 12 months.**

## **3. SCRUTINY REVIEWS**

3.1 With reference to paragraph 4 of the Minute of 16 February 2017, there had been circulated copies of the updated list of subjects which Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. Members noted that all subjects which had been included in the programme of reviews had now been presented to the Scrutiny Committee and were advised that update Reviews would be presented to the Committee during 2017/18 as previously agreed by Members.

3.2 There had also been circulated copies of the Action Tracker for Reviews undertaken by the Scrutiny Committee between May 2012 and February 2017, indicating the decisions and outcomes following each Review. With reference to the item on Protection of Private Water Supplies presented to the Committee on 18 February 2016, it was noted that no further information had been received from Mr Taylor and it was agreed that the Clerk to the Council would progress this matter and update the Action Tracker in due course. The List of Reviews would be amended to reflect that the Review on Non-Schooling and Home Schooling presented to the Scrutiny Committee on 20 August 2015 had been requested by Councillor Gillespie. Discussion then took place on the role of the Scrutiny Committee and on the use of the Call-in procedure for the examination of decisions by the Executive. Further discussion was deferred until after the Local Government elections in May 2017 when the new Committee members would be in place.

## **DECISION**

### **NOTED:-**

(a) **the list of subjects reviewed by the Scrutiny Committee between 2016 and March 2017 and those scheduled for update review in 2017/18 as appended to this Minute at Appendix 1; and**

(b) **the Scrutiny Committee Action Tracker for May 2012 to February 2017, subject to the above amendment, as appended to this Minute at Appendix 2.**

## **4. DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday, 8 June 2017.

## **DECISION**

### **NOTED.**

## **5. CHAIRMAN'S REMARKS**

The Chairman noted that this was the final meeting of the Committee prior to the Local Government Elections in May 2017. He took the opportunity to thank Members and Officers for their contribution to the work of the Scrutiny Committee since its establishment in 2015.

## **6. PRIVATE BUSINESS**

### **DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.**

## SUMMARY OF PRIVATE BUSINESS

7. **Minute**  
The Scrutiny Committee noted the Private Minute of the meeting of 16 February 2017.

*The meeting concluded at 11.35 am*

## Scrutiny Committee – Review Subjects 2016/17

### Reviews Completed

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(c)	Scrutiny Committee Action Tracker	Jenny Wilkinson, Clerk to the Council	23 March 2017 Completed
2(c)	Health and Social Care Integrated Joint Board – to include: a general update with emphasis on how the Board had progressed its business programmes to date; and information relating to key issues that the Health and Social Care Integration Joint Board had identified.	Elaine Torrance.	23 March 2017 Completed.
3(c)	Police, Fire & Rescue and Safer Communities Board – a general update with emphasis on how the Board had progressed its business programmes to date; and details of key decisions made by the Board.	Douglas Scott	16 February 2017 Completed.
4(c) Councillor Archibald	Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use costs, benefits and issues of these facilities.	Presentation from Ben Lamb, Head of Live Borders.	16 February 2017 Completed.
5(c)	Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary secondary school education. me Schooling	Private briefing from Donna Manson, Service Director Children and Young People	16 February 2017 Completed.
6(c) Lib Dem Group	Implications of the Community Empowerment Act on the Council – <i>“there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision of allotments etc.”</i>	Presentation from Shona Smith, Communities & Partnership Manager.	26 January 2017 Completed.

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting date</b>
7(c) Scrutiny	The impact of third party use on the Local Authority's road network, e.g. timber transportation and wind turbine transportation.	Brian Young, Network Manager, David Richardson, Asset Manager, Derek Inglis, Lead Roads Planning Officer and James England, South of Scotland Timber Transport Officer.	26 January 2017 Completed.
8(c)	Drugs and Alcohol Strategy	Elaine Torrance, Chief Social Worker; Tim Patterson, Joint Director of Public Health, Fiona Doig.	24 November 2016 Completed.
9(c)	Policies and Procedures for Protective Marking of Documents and Management of Information.	Information Governance Board to make presentation.	24 November 2016 Completed.
10(c) Councillor Nicol	Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance	Presentation by Martin Joyce, Service Director Assets & Infrastructure	27 October 2016. Completed.
11(c) Councillor Torrance	Social Work Duty Hub	Graeme Dobson, Project Manager, Les Grant, Customer Services Manager	27 October 2016. Completed.
12(c) Councillor Nicol	Recycling Centres. Update on remarketing of goods for recycling at Community Recycling Centres, including how other authorities approached this.	Presentation by Jenni Craig, Service Director Neighbourhood Services and Ross Sharp-Dent, Waste Manager.	22 September 2016. Completed.
13(c) Councillor Cockburn	Asymmetric Week	Presentation by Donna Manson, Service Director Children & Young People, Ms M Strong, Chief Officer Education & Lifelong Learning; Mr P Fagan & Ms A M Bready, Headteachers.	22 September 2016. Completed.

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting Date</b>
14(c) Ettrick and Yarrow Community Council	Great Tapestry of Scotland Working Group – Report	Report by Scrutiny Committee Working Group, presented by Councillor Mountford	18 August 2016. Completed.
15(c) Greenlaw and Hume Community Council	To consider outsourcing success stories from this Council and elsewhere in Scotland in particular where the service has been outsourced to a third sector organisation	Presentation by Kathryn Dickson, Procurement & Payment Services Manager.	18 August 2016. Completed.
16(c) Royal Burgh of Peebles & District Community Council	This issue relates to how (and under what circumstances) community consultation is designed, planned and managed and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon. In particular, use the example of the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch.	Presentation from Rob Dickson, Corporate Transformation and Services Director.	Removed. (Paragraph 2.2 of the minute of 18 August 2016 refers).
17(c) Councillor Torrance	School Transport and Escorts	Presentation by Dona Manson, Service Director Children and Young People.	28 April 2016 Completed.
18(c) Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager.	28 April 2016. Completed.
19(c) Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Donna Manson, Service Director Children & Young People.	28 April 2016. Completed.

Issue	Source/Description	Stage	Scrutiny Meeting Date
20(c) Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels – to include subsidy arrangements and departure charges.	None	24 March 2016. Completed.
21(c) Councillor Archibald	Equalities Legislation. Consideration on the Council's up to date grant application form and information on how legislation is applied to local festivals, in particular where the Council awards grants.	None.	24 March 2016. Completed.
22(c) Councillor Bhatia	Protection of Private Water Supplies – “in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications.”	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016. Completed. Follow up by Clerk to the Council to contact Mr Taylor re sharing of the information he had gathered and consider any lessons learned during his research.
23(c) Ettrick and Yarrow CC Allocation of budgets for rural maintenance and repairs.	To review extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for rural roads is arrived and whether more should be allocated.	Recommendation considered by Executive Committee on 8 March 2016 – accepted.	28 January 2016. Completed.
24(c) Graeme Donald	Religious Observance } Policy } These were } presented together at	None – briefing session	29 October 2015. Completed.
25(c) Scrutiny Committee	Faith Schools } } the same meeting.	None – briefing session.	29 October 2015. Completed.
25(c) Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information emailed to Cllr Turnbull from Licensing Team Leader on 5/10/15. Cllr Turnbull does to wish to pursue further.	14 October 2015. Completed.
27(c) Scrutiny Committee	Attainment levels in Schools in Deprived Areas.	None – briefing session.	24 September 2015. Completed.

<b>Issue</b>	<b>Source/Description</b>	<b>Stage</b>	<b>Scrutiny Meeting Date</b>
28(c) Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session.	24 September 2015. Completed.
29(c) Scrutiny Committee	Funding available to Community Councils	Presentation from Clare Malster, Strategic Community Engagement Officer	11 June 2015. Completed.
30(c) Scrutiny Committee	Presentations on Planning Enforcement and Building Inspection Regime.	Presentation from Alan Gueldner, Lead Enforcement and Mr James Whiteford, Lead Building Standards Surveyor.	11 June 2015. Completed.
31 (c) Scrutiny Committee	Procurement Control of contractors policy/repairs & maintenance framework agreement procurement project.	Presentation by Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health & Safety Manager; Ray Cherry, Senior Architect; Stuart Mawson, Property Manager.	28 May 2015. Completed.
32(c) Scrutiny Committee	Use of Small Schemes and Quality of Life Funding by Area Fora.	Report by Jenni Craig, Service Director Neighbourhood Services.	26 March 2015. Completed.

Reviews Completed 2014/2015

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting Date</b>
1(d) Scrutiny Committee	Funding Available to Community Council	Clare Malster, Strategic Community Engagement Officer. Jean Robertson, Funding and Project Officer.	11 June 2015. Completed.
2(d)	Presentation on Planning Enforcement and the Building Inspection Regime	Alan Gueldner, Lead Officer Enforcement and James Whitford, Lead Building Standards Surveyor	11 June 2015 Completed.
3(d)	Use of Small Scheme and Quality of Life Funding by Area Fora	Report from Jenni Craig, Service Director Neighbourhood Services. Craig Blackie Neighbourhood Area Manager(Eildon)	26 March 2015 Completed.
4(d)	Procurement – Control of Contractors Policy/Repairs & Maintenance Framework Agreement Procurement Project	Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health and Safety Manager, Ray Cherry, Senior Architect, Stuart Mawson.	28 May 2016 Completed

Reviews Completed 2012/2013

<b>Source</b>	<b>Issue/Description</b>	<b>Stage</b>	<b>Scrutiny Committee Meeting Date.</b>
1(e)	The Scrutinising Function within the new Scheme of Administration	Councillor Parker	Completed.
2(e)	Food Safety	Brian Frater, Head of Planning & Regulatory Services; Gwen Robertson, Principal Officer Food/Health and Safety, and Anne Dalziel, Enforcement Officer, Anne Dalziel.	4 October 2012. Completed.
3(e)	Procurement	David Robertson, Chief Financial Officer, Sandra Blacklock; Category Manager – Construction, Transport and Environment, Ewan Forrest, Category Manager – Corporate Indirects, Ewan Forrest and Charles Revolta, Solicitor.	4 October 2012. Completed.
4(e)	The Scrutinising Function within the new Scheme of Administration	Councillor Parker	4 October 2012 Completed.
5(e)	The Welfare Reform Act and Its Impact	Presentation from Jenni Craig, Head of Customer Services and David Cressey, Head of Housing & Community Justice	13 September 2012 Completed.
6(e)	Tourism Development in the Scottish Borders Area	Paula McDonald, Regional Director – VisitScotland, Vicki Miller, Head of Local marketing, VisitScotland, Ms Catherine Maxwell-Stewart, Chairman Scottish Borders Tourism Partnership, Richard Sweetnam, Economic Development Manager.	22 March 2012 Completed.

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**SCOTTISH BORDERS COUNCIL**  
**ACTION TRACKER**

**SCRUTINY COMMITTEE – MAY 2012 to FEBRUARY 2017**

**OUTCOMES**

<b>16 February 2017</b>			<b>OUTCOME</b>
Artificial Sports Pitches	<b>DECISION</b> AGREED that an update report be presented to the Scrutiny Committee in 18 months providing a review of 2D and 3G artificial pitch provision in the Scottish Borders.	Head of Operations with Live Borders.	Report to be presented to Scrutiny Committee in June 2018.
Home Schooling	<b>DECISION</b> AGREED to review home schooling on an annual basis and make recommendations to Council and the Executive as appropriate.	Service Director Children and Young People	Report to be presented to Scrutiny Committee in February 2018.
<b>26 January 2017</b>			<b>OUTCOME</b>
The Impact of third party use on the local authority's road network	<b>DECISION</b> AGREED TO RECOMMEND to the Executive Committee: (a) the Leader write to the Scottish Government pressing for more funding for the road infrastructure from both Scottish Government and the Forestry Industry to both prepare the public road network for timber extraction and also rectify any resultant damage caused by timber extraction; (b) The Leader write to the Scottish Government to request that the current review of 'the Future of Forestry in Scotland' should include the impact and cost of timber extraction on the road network and rural communities; and (c) the impact of 3 <sup>rd</sup> party use of the public road network – in the form of larger HGV vehicles – be kept under review on an annual basis by the appropriate Committee in the new Council following the election in May 2017.	Clerk to the Council	Executive Committee of 14 February AGREED (a) and (c) and Agreed (b) with the following additions.  (b) ...and in granting permission for new afforestation, due regard must be given to the capacity of rural roads to accommodate the pressures at a time of extraction in the future; and  

Implications of the Community Empowerment Act on the Council	<b>DECISION</b> AGREED (b) A pack on Community Empowerment be sent out to all Members with links to further information which Members could distribute to local community bodies; and (c) that further briefings be made to all Members in due course as the remaining sections of the Community Empowerment Act were enacted.	Community & Partnerships Manager	(b) Links emailed to Scrutiny Members on 06.02.17 All Members on 15.02.17  (c) This will be picked up by Shona Smith in the new Council.
<b>27 October 2016</b>			<b>OUTCOME</b>
Review of Bridges	<b>DECISION</b> 4(b) AGREED to RECOMMEND to the EXECUTIVE COMMITTEE that: (i) the current Roads Review should take account of the need to inspect bridges within the Code of Practice for Management of Highway Structures recommendations and that, if possible, some additional resources be identified to allow this work to be carried out in line with the priorities within the Roads Asset Management Plan; (ii) once the inspection of bridges has been carried out, that the condition of all bridges be categorised and incorporated into the regular performance monitoring reports to the Executive Committee; and (iii) when considering future repairs to historic and iconic Borders bridges, officers continue to assess on a case by case basis any opportunities for external funding.	Clerk to the Council	Executive Committee on 15 November 2016:AGREED (i) and (ii) and amended (iii) to: once the inspection of bridges had been carried out, the condition of all bridges be categorised and incorporated into an annual report to the Executive Committee as part of the Roads Asset Management Plan process.  This amended was accepted at the Scrutiny Committee meeting of 24 November 2016. 
<b>22 September 2016</b>			<b>OUTCOME</b>
Community Recycling Centres – Update on re-use/re-marketing of Goods.	<b>DECISION</b> 4.10 AGREED to RECOMMEND that the Waste Management Member Officer Working Group be asked to investigate initiatives to facilitate Arm's Length Organisations continuing and expanding the valuable re-use and remarketing facility at the Council's Community Recycling Centres, as part of their consideration of the new Waste Management Plan.		Ross-Sharp Dent confirmed this will be raised at the next meeting of the Waste Management WG due to be held end March/beginning April 2017 (No meeting of the WG has taken place since September 2016). 
<b>18 August 2016</b>			<b>OUTCOME</b>
Great Tapestry of Scotland: A Review of the Process in	<b>DECISION</b> AGREED that the amended report by the Great Tapestry of Scotland Working Group, including its 6 recommendations, be presented to the Executive Committee at its next meeting on 6 September 2016:	Clerk to the Council	Executive AGREED on 6 September 2016 to endorse the recommendations from the Scrutiny

respect of decision-making.	<p>(a) Where potential projects, such as the Great Tapestry, are at the stage of evolving from a conversation into a concept/idea, before proceeding to the project stage and into the capital plan, it would be helpful if all material conversations involving Officers and Members could be summarised and noted. This would aid transparency and help to establish a more complete project record.</p> <p>(b) When officers are producing the first formal report to be considered by Members on a major project, they should include all appropriate information on the origin of all options which have been considered and any which have subsequently been dismissed. This is as much for a retrospective record as it is to inform the decision-making at the time.</p> <p>(c) Relevant analysis/research should be considered for inclusion as appendices in reports for projects like this or, if confidential, made available to Members privately for further scrutiny.</p> <p>(d) For any major project – to ensure good communications – regular informal briefing for all Members, along with the provision of electronic bulletins, would assist in keeping Members updated on progress and allow them to ask questions and also pass this information on to stakeholders, community groups, and members of the public.</p> <p>(e) Within the project management processes, the Council’s reputational risk should be included as a matter of routine in the Risk Register and the risk and mitigations section of committee reports should always take reputational risk into account and provide a commentary on that issue.</p> <p>(f) When considering locations as part of a major project, criteria being used to assess them should be put in order or priority (starting with the highest) and/or weighed. Once a site had failed to meet one of the criterial, that site will normally no longer be assessed against the remaining criteria, and an explanation will be given to Members.</p>		<p>Committee.</p> 
Commissioning Arrangements with the Voluntary and Third Sector	<p><b>DECISON</b>  <b>AGREED THAT:</b></p> <p>(i) a link to the report “Purchasing from the Third Sector” would be forwarded to Greenlaw and Hume Community Council for their information and advise them that the Committee was not inclined to pursue a full review of outsourcing success stories elsewhere in Scotland at the moment, given the current level of outsourcing to the Third Sector; and</p>	Clerk to the Council	<p>Claire Veitch  Manager – Local Area Co-ordination Team (Learning Disability &amp; Mental Health)  Scottish Borders Learning Disability Service  Church Street</p>

	(ii) further information relating to the Green Team and supported businesses in general be presented at a future meeting of the Scrutiny Committee.		EARLSTON TD4 6HR 01896 840 200 07816 156 659  Information on the Green Team to be presented in the new Council term. 
<b>28 April 2016</b>		<b>OUTCOME</b>	
School Transport and Escorts	<b>DECISION</b> NOTED (b) that information on transport received from parents would be included in the School Estates review; and (c) that there would be an incremental review of school transport linked to the Schools Estates review carried out over the next 12 to 24 months.		Confirmation requested that this has been included in the Schools Estate Review. 
<b>24 March 2016</b>		<b>OUTCOME</b>	
Re-Trunking parts of A7 and trunking of A72	<b>DECISION</b> AGREED that the Asset Manager and Clerk to the Council liaise regarding a further report to Scrutiny Committee identifying the revenue and capital costs of works to individual roads infrastructure.	Asset Manager and Clerk to the Council	Briefing note on 'Roads Re-trunking and Roads Capital Spend presented on 28 April 2016 
<b>18 February 2016</b>		<b>OUTCOME</b>	
Protection of Private Water Supplies	<b>DECISION</b> (b) AGREED that officers from Regulatory Services meet with Mr Taylor to share information he had gathered and consider any lessons learned during his research.  (c) AGREED to RECOMMEND to the Executive Committee that: (i) Officers from Regulatory Services work with the Council's Communication Team to progress a public awareness campaign - <ul style="list-style-type: none"> <li>giving information about grants/conditions available for the improvement of private water supplies;</li> <li>encouraging people with private water supplies not on the Private Water Supplies Register to send in their details to allow a more complete mapping of properties/source locations not currently on the Register;</li> </ul>		Mr Taylor's information was provided and reviewed but the matter has still to be concluded. Further information to be provided by Mr Taylor as at 20 January 2017.  Executive Committee on 22 March 2016 agreed the recommendations. 

	<ul style="list-style-type: none"> <li>placing information on the Council's website;</li> <li>attending Area Fora meetings; and</li> <li>involving Community Councils asking for their assistance by providing a map of known properties/sources within their area and requesting them to populate these maps further using local knowledge; and</li> </ul> <p>(ii) the Director of Regulatory Services continue to ensure sufficient staff resources were available to meet the Council's statutory needs for private water supplies.</p>		
Scrutiny Reviews – Update on Subjects included in the future Scrutiny Review Programme	<p><b>DECISION</b> AGREED that:-</p> <p>(i) The Council's Communications Team would issue a press release explaining the role of Scrutiny and how the public could contribute to the work of the Committee by suggesting areas for review.</p> <p>(ii) The list of subjects for review would be revised and would group the subjects together under headings (a) completed topics; (b) those where the reviews were "in progress" and (c) subjects where Scrutiny had yet to decide any action, to easily identify the current status of any topic and that this would be available for the next meeting of the Committee.</p>		<p>Details on website.</p> <p><a href="http://www.scotborders.gov.uk/info/20058/councillors_and_committees/351/scrutiny">www.scotborders.gov.uk/info/20058/councillors_and_committees/351/scrutiny</a></p> <p></p>
<b>28 January 2016</b>			<b>OUTCOME</b>
Maintenance of Roads	<p><b>DECISION</b></p> <p>(a) AGREED to RECOMMEND that the Executive Committee continue to consider ways of further increasing investment in roads and related infrastructure; and</p> <p>(b) AGREED to request that the Service Director Commercial Services bring back a report to the March 2016 meeting of Scrutiny on the potential implications for the capital and revenue budgets of the re-trunking of the A72 and A7, along with potential impact on the capital programme and SBc Contracts.</p>		<p>Executive AGREED on 8 March 2016:- to accept the recommendation from the Scrutiny Committee to consider ways of further increasing investment in roads and related infrastructure' and to thank the Committee for the work carried out.</p> <p>Further report presented to Scrutiny on March 2016 Meeting.</p> <p></p>
<b>29 October 2015</b>			<b>OUTCOME</b>
Great Tapestry of Scotland	<p><b>DECISION</b> AGREED to form a Scrutiny Working Group to examine the decision</p>	Clerk to the Council	Working Group concluded with report to Scrutiny Committee 18 August

	making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects.		2016. 
<b>24 September 2015</b>			<b>OUTCOME</b>
Minute of the meeting of 20 August 2015 (Home Schooling)	<b>NOTED</b> The amount of maintenance allowance payable to parents who were home educating their child/children would be provided to Members by end of September.	Service Director Children and Young People	Information issued on 12.10.15 
<b>20 August 2015</b>			<b>OUTCOME</b>
Non Schooling and Home Schooling	<b>DECISION</b> AGREED TO RECOMMEND that the Scottish Borders Council write to Scottish Government requesting that the 1980 Scotland Education Act be amended to give local authorities the power to enforce Section 37 of the Act in order to ensure that children who were being home schooled received a satisfactory education appropriate to their age and aptitude.		Council AGREED on 7 October 2015 that a report be submitted to the Executive (Education Theme) in advance of any letter to the Scottish Government regarding Home Schooling. Due to changes in legislation this action was superseded. A Private Briefing was given to Scrutiny Committee on 16.02.17 
Scrutiny Reviews	<b>DECISION</b> AGREED that guidance would be made available to anyone submitting a request for a Scrutiny Review to ensure that the request contained sufficient information to enable the Committee to make its decision.		No further requests received.
<b>11 June 2015</b>			<b>OUTCOME</b>
Funding Available to Community Councils	<b>DECISION</b> AGREED: (a) to add a paragraph to the Briefing note stating that advice on other funding sources was available from the Council's Funding and Project Officer; (b) To circulate the Briefing Note to all Community Councils via email; and (c) That the Democratic Services Officers distribute copies of the	Clare Malster  Louise McGeoch	Completed 18 June 2015  Completed.  Completed 30 June 2015

	Briefing Note to Community Council representatives at the Area Forum meetings.	DSOs	
<b>28 May 2015</b>			<b>OUTCOME</b>
Notice of Concern Process	<b>DECISION</b> AGREED to: (b) Notify the Executive Committee of the decision to approve the Notice of Concern process.		All Councillors receive electronic copies of Scrutiny Minute but this will also be picked up in the new Council. 
<b>29 January 2015</b>			<b>OUTCOME</b>
Performance Monitoring Role of Scrutiny and Code of Practice	<b>DECISION</b> (c) AGREED that:- (i) RAG (red, Amber, Green) status be include in reports presented to Scrutiny Committee in its monitoring role; and (ii) Training on how officer used Covalent in performance monitoring be delivered to Members of Scrutiny Committee.		This will be picked up in the new Council. 
Scrutiny Reviews	<b>DECISION</b> <b>AGREED:</b> (b) to request the Clerk to the Council amend the Scrutiny Review Requests text, last paragraph, to read 'will' be pleased to hear from you, not 'would'; (c) to request the Clerk to the Council amend the website proposed text as follows:- (i) first paragraph, delete 'to residents'; (ii) to insert, on first page, paragraph 3, numbered point 4, an asterisk at "call-in" and on page two, last paragraph, an asterisk at 'Checking on Executive Decisions – the call in' process'; (iii) last paragraph – Scrutiny Committee Membership, amend to: Councillor Simon Mountford'; and (d) that the Clerk to the Council circulate a draft 'Notice of Concern' process to Members prior to the next meeting of the Committee and to include this as an item on the next agenda of the Scrutiny Committee.		Completed 18 March 2015  Presented to 26 March 2015 meeting for consideration. 
Scrutiny Committee	<b>DECISION</b> AGREED the following methods of public engagement be progresses:-		Completed 18 March 2015

	<ul style="list-style-type: none"> <li>(i) An item placed on each Area Forum agenda requesting suggestions for considerations for Scrutiny reviews;</li> <li>(ii) officers draft a letter – for prior approval by members of the Scrutiny Committee – to Community Councils asking for ideas for Scrutiny Reviews and giving details of the context of such reviews; and</li> <li>(iii) further information be provided in terms of using the Council website to submit suggestions for reviews.</li> </ul>		
<b>4 October 2012</b>			<b>OUTCOME</b>
The Scrutinising Function within the new Scheme of Administration	<b>DECISION</b> AGREED TO RECOMMEND to Council that Standing Order 26 be amended in that the number of Councillor signatures required on the notice of motion or amendment be reduced from ten to seven.		Council AGREED on 25 October 2012 to approve the recommendation of Scrutiny that Standing Order 26 be amended in that the number of Councillor signatures required on the Notice of Motion or amendment be reduced from ten to seven. 
Procurement	<b>DECISION</b> AGREED TO RECOMMEND to the Council that the Head of Property and Facilities Management be requested to ensure that all Framework Agreements were properly reviewed after the first 2 year period and not automatically extended for a further period of up to 2 years to allow local firms regular opportunities to be included in such agreements.		Council AGREED on 25 October 2012 to approve the recommendation of Scrutiny. 
<b>13 September 2012</b>			<b>OUTCOME</b>
3. The Welfare Reform Act and Its Impact	<b>DECISION</b> AGREED TO RECOMMEND to COUNCIL that the Communications Plan, set up part of 'The Strategic Partnership Against Poverty' programme, should include updates to all Councillors.		Council AGREED the recommendations on 27 September 2012. 
	Overdue		

 A	Pending
 G	Complete

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**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 27 March 2017 at 10.00 a.m.  
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Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.  
In Attendance:- Chief Planning Officer, Lead Planning Officer, Principal Roads Planning Officer, Principal Officer Enforcement, Democratic Services Team Leader, Democratic Services Officer (F Henderson).

**1.0 MINUTE**

- 1.1 There had been circulated copies of the Minute of the Meeting held on 6 March 2017. February 2017.

**DECISION**

**APPROVED for signature by the Chairman.**

**2.0 APPLICATIONS**

- 2.1 There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

**DECISION**

**DEALT with the application as detailed in the Appendix to this Minute.**

**3.0 SUPPLEMENTARY PLANNING GUIDANCE: LANGTON EDGE, DUNS – PLANNING BRIEF**

- 3.1 There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of Supplementary Planning Guidance in the form of a Planning Brief for Langton Edge, Duns. The report explained that the Langton Edge site at Hardens Road in Duns was allocated in the adopted Local Development Plan 2016 for housing (BD200). The site was allocated under policy PMD3 - Land Use Allocations. The Council had prepared the brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offers, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief would provide guidance to any developer or any other interested party and would be a material consideration when determining planning applications. The planning brief was set out in Appendix A to the report.
- 3.2 The report brought forward the revised planning brief following the public consultation and a summary of the consultation responses were set out in Appendix B along with the Council's responses and recommended amendments to the brief, where considered appropriate. One key point to note was that a Section 50 Legal Agreement was put in place on the land as part of the granting of planning consent for housing associated with an extension to the Duns Golf Club in 1994. Part of the lengthy delay in referring the brief back to the Planning and Building Standards Committee was due to implications the Legal Agreement had on the implementation of the development. This was explained further in part 4 of the report, although fundamentally the Legal Agreement would require to be amended to allow development of the land. The amendment to the Legal Agreement would be subject to a separate formal application to the Council. The Chairman thanked Mr Johnston and his team for all their hard work.

**DECISION**

**AGREED** to approve the planning brief as **Supplementary Planning Guidance** to be used as a material consideration to any proposal for the development of the site.

**4.0 APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

(a) enforcement Appeals had been received in respect of:-

- (i) Erection of fence at 12 Merse View, Paxton – 16/00126/UNDEV; and
- (ii) Erection of Boundary fence and summerhouse in front garden of 1 Borthwick View, Robertson, Hawick – 16/00146/UNDEV

(b) there remained four appeals outstanding in respect of:-

• Land North West of Whitmuir Hall, Selkirk	• Broadmeadows Farm, Hutton
• Office, 80 High Street, Innerleithen	• 1 Borthwick View, Robertson, Hawick (Murphy-McHugh)

(c) review requests had been received in respect of the following :-

- (i) Erection of agricultural storage building with welfare accommodation in Field No 0328 Kirkburn, Cardrona – 16/01464/FUL;
- (ii) Erection of straw storage building in Field No. 0328 Kirkburn, Cardrona – 16/01506/FUL;
- (iii) Erection of machinery storage building in Field No. 0328 Kirkburn, Cardrona – 16/01507/FUL;
- (iv) Erection of machinery storage building in Field No. 0328 Kirkburn, Cardrona – 16/01513/FUL and
- (v) Erection of dwellinghouse on land East of Highland Brae, Lilliesleaf – 16/01536/PPP

(d) there remained two reviews outstanding in respect of:-

- Land East of Keleden, Ednam
- Field No 0328 Kirkburn, Cardrona

(e) that there remained three S36 Public Local Inquiry outstanding in respect of the following:-

- Whitelaw Brae Wind Farm), South East of Glenbreck House, Tweedsmuir.
- Variation of condition 2 to extend operational life of wind farm by additional 5 years at Fallago Rig 1, Longformacus

- **Erection of 12 additional turbines at Fallago Rig 2, Lonformacus.**

5. **PRIVATE BUSINESS  
DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

6. **MINUTE**

The Committee considered the private section of the Minute of 6 March 2017.

7. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members.

8. **DEFECTIVE ROOF COVERING, RAINWATER GOODS AND DRY ROT AT 2 HIGH STREET AND 12 MARKET PLACE, JEDBURGH**

The Committee received an update by the Principal Officer – Enforcement.

9. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS, ROSETTA, PEEBLES**

The Committee considered and approved a report by the Service Director Regulatory Services.

*The meeting concluded at 1.25 p.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00980/FUL	Wind Farm development comprising of 8 no turbines 100m height to tip and Associated works, infrastructure, compounds, buildings and meteorological mast	Land North of Howpark Farmhouse, Grantshouse

Decision: Continued to the next available meeting of the Planning and Building Standards Committee to receive detailed noise assessment information..

#### NOTE

Councillor Cook and Neil Simpson, Cockburnspath & Cove Community Council spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01360/PPP	Residential development comprising 38 dwelling units with associated access, landscaping and open space	Poultry Farm, Marchmont Road Greenlaw

Decision: Refused for the following reason:

The proposed development is contrary to Policy PMD4 (Development Outwith Development Boundaries) of the Scottish Borders Council Local Development Plan 2016 in that:

- (i) the application site lies outwith the Development Boundary at Greenlaw;
- (ii) the application site is not an existing allocated housing site; and
- (iii) there are no strong reasons substantiating any view that it should be made the subject of any exceptional approval.

The identification and release of additional housing land to respond to any housing land shortfall in the Borders is specifically addressed in Policy HD4 (Meeting the Housing Land Requirement/Further Housing land Safeguarding) and therefore the release of unallocated land for housing development on the scale proposed would undermine the Council's planned approach to housing development set out in its Local Development Plan and would result in an unjustified and piecemeal development at a Local Planning Authority level.

#### NOTE

Mr Colin Smith, Turley on behalf of Applicant and Mr Gerry McCann, Chairman Greenlaw Community Council spoke in favour of the application.

#### VOTE

*Councillor Brown, seconded by Councillor Fullarton moved that the application be refused as per the Officer's recommendation.*

*Councillor Moffat, seconded by Councillor Ballantyne moved as an amendment that the application be approved, subject to it only be for residential development with there being no specific number of units specified.*

*On a show of hands Members voted as follows:-*

*Motion - 6 votes*

*Amendment - 3 votes*

*The Motion was accordingly carried.*

**Reference**

17/00236/MOD75

**Nature of Development**Discharge of planning obligation  
pursuant to planning permission  
T199-88**Location**Land South West and  
South East of Bowbank  
Cottages, Bellfield Road  
Eddleston

Decision: Continued to the next available meeting of the Planning and Building Standards Committee to allow the legal aspects of the Section 50 Agreement to be fully investigated.

**NOTE**

Mr Richard Spray, No1. Bowbank Cottages, Bellfield Road, Eddleston spoke against the application.

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# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 17 April 2017 at 10.00 am

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- Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, S. Mountford and B White
- Apologies:- Councillor D. Moffat
- In Attendance:- Chief Planning Officer, Managing Solicitor – Property and Licensing, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

### 1. **REVIEW OF 16/01513/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of a storage building for agricultural machinery in Field No 0328, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. In considering the application Members focused in particular on the elevated site of the building and its potential impact on the landscape when viewed from across the valley. It was noted that the application did not include the required information on traffic movements to be able to assess road safety implications and Members were also concerned at the lack of information to provide economic justification for a machinery storage shed on this scale.

#### **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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix I to this Minute.**

### 2. **REVIEW OF 16/01506/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of a straw storage building in Field No 0328, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Although Members accepted that a small holding may require a building in which to store straw they were concerned that no information had been presented to

explain the activities carried out on the site and specifically whether any livestock was kept on the site. Further concern was expressed that, due to the height of the proposed building and its position on an elevated site, there would be a detrimental impact of the development on the surrounding landscape.

#### **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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

#### **3. REVIEW OF 16/01507/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of a machinery storage building in Field No 0328, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Member discussed the application and noted that the proposed machinery storage building would project 2.5m above the ridgeline of the buildings to which it was attached. They were concerned about the impact of the proposed development on views from the surrounding area. It was accepted that the height proposed for the building was necessary if the intention was to store tipping trailers and telescopic handlers but noted that there was no evidence presented to justify the requirement for such a building. Members were also concerned that there was insufficient information to be able to undertake an assessment of road safety implications of the development and requested that an additional reason be added to the refusal notice on road safety grounds.

#### **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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be varied for the reasons detailed in Appendix III to this Minute.**

#### **4. REVIEW OF 16/01464/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation in Field

No 0328, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. In considering this application Members accepted that the visual impact of the proposed building should be limited due to screening to the north of the holding and the siting of the building at a lower level. However concern was expressed about the close proximity of the proposed building with the consented holiday development. Although the owner wished to maintain a small 'nest' of buildings for storage use by other agricultural businesses on the site there was no evidence presented to support this proposal. Members reiterated their request for a business case for the development and asked for evidence of how the applicant's activities fell within the definition of a smallholding.

#### **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 be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix IV to this Minute.**

*The meeting concluded at 11.00 am*

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**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:** 17/00007/RREF

**Planning Application Reference:** 16/01513/FUL

**Development Proposal:** Erection of machinery storage building

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that

any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of a machinery storage building at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19683
General Arrangement	19684

## **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 17<sup>th</sup> April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider 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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a machinery storage building directly to the south of the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which has a footprint of 6m x 24m, would be placed on the upper yard on elevated ground and would project by a minimum of 2.5m above the ridgeline of the existing buildings.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the holding. However, Members were concerned that due to its elevation the building would be prominent from more distant views across the valley and would extend above the tree cover to the northern boundary of the landholding. Members agreed with the view of the landscape architect that this was

harmful on visual and landscape grounds and therefore unacceptable. They concluded that it would constitute a prominent feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The Review Body noted that the application was not supported by a business plan or any statement that set out the development strategy for the landholding. They had no evidence before them as to the activities carried out at the site or why the new building was needed. In their view, no credible or sustainable economic justification had been made for the building on this size of landholding to set aside the strong landscape objections to the development.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the Council.

Members noted the comments of the Roads Planning officer and agreed that the application was deficient in term of the required traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to enable a full assessment of the road safety implications of the development to be undertaken.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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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 R Smith  
Chairman of the Local Review Body

**Date** 24 April 2017

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**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**

---

**Local Review Reference:** 17/00008/RREF

**Planning Application Reference:** 16/01506/FUL

**Development Proposal:** Erection of straw storage building

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that

any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of a straw storage building at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19685
General Arrangement	19686

## **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 17<sup>th</sup> April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider 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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a straw storage building to the south of the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which had a footprint of 8m x 18m, would be placed on the upper yard on elevated ground and would project by a minimum of 2.5m above the ridgeline of the existing buildings in the main yard.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the holding. However, whilst Members accepted that this was a building of a modest scale, they were still concerned that, due to its elevation, the building would be prominent from more distant views across the valley and would extend above the tree cover to the northern boundary of the landholding. Members agreed with the view of the landscape architect that this was harmful on

visual and landscape grounds and therefore unacceptable. They concluded that it would constitute a prominent feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The Review Body accepted that a small holding may need to store straw. However, the application was not supported by a business plan or any statement that set out the development strategy for the landholding or the activities carried out at the site. In the circumstances, they had no evidence before them as why the new straw building was needed for this small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the strong landscape objections to the development or overturn the decision.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the Council.

Members noted the comments of the Roads Planning officer and agreed that the application was deficient in term of the required traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to enable a full assessment of the road safety implications of the development to be undertaken.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

---

## **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.

**Signed.....**Councillor R Smith  
Chairman of the Local Review Body

**Date.....**24 April 2017

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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**

---

**Local Review Reference:** 17/00009/RREF

**Planning Application Reference:** 16/01507/FUL

**Development Proposal:** Erection of machinery storage building

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

---

**DECISION**

The Local Review Body (LRB) varies the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that

any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of a machinery storage building at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19681
General Arrangement	19680

## **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 17<sup>th</sup> April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider 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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a machinery storage building to the west of the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which has a footprint of 7m x 10m, would be placed on the lower yard and at 7m in height it would project 2.5m above the ridgeline of the existing buildings which it was to be attached to.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the holding. However, Members did not agree with the applicant that the building was of "limited height" and that he had demonstrated that "... the building would be hidden from view for the A72". They were concerned that, due to the height of the building, it would be prominent from more distant views

across the valley and would extend above the tree cover to the northern boundary of the landholding. Members agreed with the view of the landscape architect that this was harmful on visual and landscape grounds and therefore unacceptable. They concluded that it would constitute a prominent feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The Review Body accepted that, if the building was required for the storage and maintenance of tipping trailers and telescopic handlers, the internal height proposed would be necessary. However, the application was not supported by a business plan or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, they had no evidence before them as why the new building was needed for this small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the strong landscape objections to the development and overturn the decision.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the planning authority.

Members were concerned that the application was deficient in term of the traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) and, in their view, it had not been possible to undertake a full assessment of the road safety implications of the development. In the circumstances, the Review Body varied the terms of the decision and added an additional reason for refusal on road safety grounds.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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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 R Smith  
Chairman of the Local Review Body

**Date.....**24 April 2017



**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:** 17/00010/RREF

**Planning Application Reference:** 16/01464/FUL

**Development Proposal:** Erection of agricultural storage building with welfare accommodation

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of an agricultural storage building with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19673
General Arrangement	19672

## **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 17<sup>th</sup> April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider 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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, has a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the main yard at the applicant's land holding at Kirkburn.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. Members accepted the conclusion of the appointed officer that due to the location of the proposed building and the screening to the north of the landholding, in this instance, the wider visual impacts on the landscape from the A72 were not so significant as to warrant refusal of the application. However, they were concerned that there would be localised visual impacts due to the bulk and scale of the building and that these would be harmful.

The application proposes the creation of provision for small "nest" agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, the Review Body had no evidence before them about the need and suitability of this development on the small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they

had no reason to set aside the visual and landscape objections to the development and overturn the decision.

The Local Review Body expressed concern that there would be a potential conflict in relationship between the consented holiday development and the scale and proximity of the agricultural and other proposals on land adjoining. Members were concerned about how the proposal would relate to all of those, how compatible they would be with one another and whether there would be conflict between the uses on such a limited area of land. Whilst uncomfortable with the potential conflict they accepted the appointed officer's conclusion that it did not form a reason to oppose the application in this instance.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the planning authority.

The Review Body noted the applicant's comments about upgrading the access bellmouth and the assertion that the development would lessen the traffic generated at the site. However, they were not convinced and Members concluded that the application was deficient in term of the traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) and, in their view, it had not been possible to undertake a full assessment of the road safety implications of the development.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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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 R Smith  
Chairman of the Local Review Body

**Date.....**24 April 2017

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**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 21 April 2017 at  
12.30 p.m.

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Present:- Councillors W. Archibald (Chairman), J. Campbell, J. Greenwell, B. Herd, G. Logan, D. Paterson, J. Torrance, T. Weatherston, B. White.  
Apologies:- Councillor R. Stewart,  
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr M. Wynne and Mr I. Tunnah), Democratic Services Officer (F Henderson), Inspector T. Hodges - Police Scotland.

1. **MINUTE**  
The Minute of the Meeting of 17 March 2017.

**DECISION**  
**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**  
There had been circulated copies of lists detailing the Civic Government and Miscellaneous Licences issued under delegated powers between 8 March 2017 and 12 April 2017.

**DECISION**  
**NOTED the list.**

3. **PRIVATE BUSINESS**  
**DECISION**  
**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

- 4.0 **GRANT OF TAXI DRIVER LICENCE – CHARLOTTE COLQUHOUN**  
4.1 The Committee considered an application for the grant of a Taxi Driver Licence submitted by Charlotte Colquhoun and agreed to grant for six months.
- 5.0 **RENEWAL OF TAXI DRIVER LICENCE – CHRISTOPHER SPAIN**  
5.1 The Committee noted that information in support of Mr Spain’s application had now been received and the matter could be dealt with under delegated powers.
- 6.0 **MINUTE**  
6.1 The Private section of the Minute of 17 March 2017 was approved.

*The meeting concluded at 1 p.m.*

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**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 24 April 2017 at 10.00 a.m.  
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Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.  
In Attendance:- Chief Planning Officer, Development Planning Manager, Principal Roads Planning Officer, Principal Officer Enforcement, Democratic Services Team Leader, Democratic Services Officers (F Henderson & F Walling for part of the meeting each).  
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1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 27 March 2017.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

**DECISION**

**DEALT with the application as detailed in the Appendix to this Minute.**

**DECLARATIONS OF INTEREST**

Councillors Campbell and Mountford declared an interest in Application 16/01417/FUL and Councillor Gillespie declared an interest in Application 17/00299/FUL in terms of Section 5 of the Councillors Code of Conduct. They left the Chamber during the consideration of the respective applications.

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

- (a) **an appeal had been received in respect of part change of use of dwellinghouse and garden ground to wedding venue and erection of marquees at Hartree House, Kilbucho – 16/00865/FUL;**
- (b) **an appeal against enforcement had been received in respect of a boundary fence and summerhouse erected in front garden at 1 Borthwick view, Roberton, Hawick – 16/00105/UNDEV;**
- (c) **there remained six appeals outstanding in respect of:-**

• <b>Land North West of Whitmuir Hall, Selkirk</b>	• <b>Broadmeadows Farm, Hutton</b>
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<ul style="list-style-type: none"> <li>Office, 80 High Street, Innerleithen</li> </ul>	<ul style="list-style-type: none"> <li>1 Borthwick View, Robertson, Hawick (Murphy-McHugh)</li> </ul>
<ul style="list-style-type: none"> <li>12 Merse View, Paxton</li> </ul>	<ul style="list-style-type: none"> <li>1 Borthwick View, Robertson, Hawick (Ramsay – 16/00146)</li> </ul>

(d) review requests had been received in respect of the following :-

- (i) Erection of vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw Farm, Lamancha – 16/01174/PPP;
- (ii) Erection of detached garage with first floor studio, alterations and extension to dwellinghouse at Danderhall Cottage, St Boswells – 17/00011/FUL;
- (iii) Erection of agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church Kirkburn, Cardona – 17/00027/FUL;
- (iv) Erection of agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church Kirkburn, Cardona – 17/00028/FUL; and

(e) the decision of the appointed officer had been upheld by the Local Review Body in respect of:-

- (i) erection of cattle building with welfare accommodation at Kirkburn, Cardrona – 16/01422/FUL;
- (ii) erection of dwellinghouse on land east of Keleden, Ednam – 16/01425/PPP;

(f) the decision of the appointed officer had been overturned by the Local Review Body in respect of erection of dwellinghouse on land east of Highland Brae, Lilliesleaf – 16/01536/PPP;

(g) There remained four reviews outstanding relating to sites at:-

<ul style="list-style-type: none"> <li>Field No 0328 Kirkburn, Cardrona (16/01464/FUL)</li> </ul>	<ul style="list-style-type: none"> <li>Field No 0328 Kirkburn, Cardrona (16/01506/FUL)</li> </ul>
<ul style="list-style-type: none"> <li>Field No 0328 Kirkburn, Cardrona (16/01507/FUL)</li> </ul>	<ul style="list-style-type: none"> <li>Field No 0328 Kirkburn, Cardrona (16/01513/FUL)</li> </ul>

(h) There remained three S36 Public Local Inquiries outstanding in respect of the following:-

<ul style="list-style-type: none"> <li>(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir</li> </ul>	<ul style="list-style-type: none"> <li>Fallago Rig 1, Longformacus</li> </ul>
<ul style="list-style-type: none"> <li>Fallago Rig 2, Longformacus</li> </ul>	

#### 4. PRIVATE BUSINESS DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in

**the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.**

### **SUMMARY OF PRIVATE BUSINESS**

5. **MINUTE**

The Committee considered the private section of the Minute of 27 March 2017.

6. **PROPER MAINTENANCE OF LAND AT THE FORMER NORTH TRINITY CHURCH, EAST BOWMONT STREET, KELSO**

The Committee considered and approved a report by the Chief Planning Officer.

7. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members.

8. **DEFECTIVE ROOF COVERING, RAINWATER GOODS AND DRY ROT AT 2 HIGH STREET AND 12 MARKET PLACE, JEDBURGH**

The Committee received an update by the Principal Officer – Enforcement.

9. **CHAIRMAN**

In noting that the meeting of the Committee was the last before the Local Government Election, the Chairman asked for his thanks to be recorded to all the officers, past and present, who worked within Planning and Building Standards, to the Democratic Services team who supported the Committee and to all the background support staff. He also expressed his thanks to the Vice Chairman Councillor Brown and all the Members of the Committee for their support and co-operation. On behalf of the Committee and the Council, Councillor Ballantyne thanked Councillor Smith for his time as Executive Member for Planning and Environment and complimented him on the quality of his chairmanship of the Planning and Building Standards Committee. The Chief Planning Officer reciprocated thanks to Councillor Smith on behalf Officers.

*The meeting concluded at 4.25 pm*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00980/FUL	Wind Farm development comprising of 8 no turbines 100m height to tip and Associated works, infrastructure, compounds, buildings and meteorological mast	Land North of Howpark Farmhouse, Grantshouse

Decision: Refused contrary to officer's recommendation for the following reason:

The proposed development is contrary to policy ED9 of the Scottish Borders Local Development Plan 2016, the provisions of the Supplementary Planning Guidance on Windfarms 2011 and the study on Landscape Capacity and Cumulative Impact 2013 (Ironsides Farrar) in that the development would have significant adverse cumulative visual impacts on residential and other receptors and that the landscape is incapable of accommodating the scale of turbines proposed. In addition, the identified economic benefits are not sufficient to outweigh the significant visual and landscape objections to the development.

A covering letter was to accompany the decision stating:

The Planning & Building Standards Committee in considering the application debated the potential noise impact on local residents at some length. Whilst ultimately coming to the conclusion that, on the basis of the evidence before them, a reason for refusal could not be sustained they remained concerned about the cumulative noise impact on the identified residential receptors, particularly those in closest proximity to the application site.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00236/MOD75	Discharge of planning obligation pursuant to planning permission T199-88	Land South West and South East of Bowbank Cottages, Bellfield Road, Eddleston

Decision: Approved as per recommendation.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01417/FUL	Formation of waste transfer station and Associated works	Land South of Easter Langlee Recycling Centre

Decision: Refused contrary to officer's recommendation for the following reason:

The proposed development is contrary to policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the C77 road, from the site access to the B6374 Melrose Road, is inadequate and is not able to cope with the traffic generated from the development. In addition, the C77 is not capable of improvement to an acceptable standard to serve the development. The development, if approved, would be detrimental to road safety for pedestrians, residents living in the locality and other road users.

#### NOTE

Mr Young on behalf of Mr and Mrs Scougal, Aislill Cottage, Galashiels and Mr Stisi and Mr John Birnie, Chairman of Cooperknowes Residents Assoc spoke against the application.

## VOTE

*Councillor Smith, seconded by Councillor Moffat moved approval of the application.*

*Councillor White, seconded by Councillor Ballantyne moved as an amendment that the application be refused on the grounds of the inadequacy of the road for the proposed development and road safety.*

*On a show of hands Members voted as follows:-*

*Motion - 2 votes*

*Amendment - 5 votes*

*The amendment was accordingly carried.*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00187/FUL	Revised design pertaining to planning permission 09/01542/FUL to replace public bar/restaurant/function suite with 3 No. dwellinghouses and 4 No. flats	Land West of and including Golfer's Rest Former Station, Cardrona, Peebles

Decision: Approved subject to the following conditions and a Legal Agreement covering the adjustment to the development proposal and additional play area contributions:

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. The finished floor levels of all the buildings hereby approved shall have a minimum finished floor level of 152.9m AOD.  
Reason: To ensure that there is no impact on the existing floodplain and that the occupants of the buildings are protected from flooding.
3. Prior to the commencement of development a scheme for the integrated provision of suitable motorcycle and bicycle parking and storage and bin storage facilities shall be submitted to and approved by the Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the occupation of the development and thereafter permanently retained.  
Reason: To ensure that an integrated range of storage and on-site vehicle parking facilities are made available to users of the development.
4. In accordance with the agreed Written Scheme of Investigation outlining the Watching Brief, access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.  
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
5. Further details shall be submitted in writing and approved by the local planning authority, following consultation with Historic Scotland for the following:

- an interpretive plan for the Cardrona Standing Stone
- a design for screening, planting and landscaping to preserve the setting of the monument
- measures for the positive management and enhancement of the field containing the scheduled monument

The approved details shall be implemented prior to the occupation of the buildings.

Reason: To safeguard a site of archaeological interest and to enhance its setting.

6. Prior to, and during the construction phase, temporary fencing shall be placed around the Standing Stone, details of which shall to be agreed in advance with the local planning authority in consultation with Historic Scotland.

Reason: To safeguard a site of archaeological interest.

7. No development shall take place except in strict accordance with a revised scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features, trees and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

9. None of the trees identified for retention on the agreed Landscaping Plan (as per Condition 7) shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

10. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

11. No work shall be carried out during the bird breeding season (March-August) without the written consent of the local planning authority.  
Reason: to protect any breeding birds on the site.
12. A Species Protection Plan for otter, incorporating a pre-development checking survey and measures to be undertaken for the protection of otter, (including those outlined in the Ecological Assessment of December 2015), shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved Plan.  
Reason: In order to protect any protected species found within the site.
13. Prior to commencement of work, the updated Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Planning Authority. This plan will also include a 10m riparian buffer strip of native woodland (willow, alder) using stock of local provenance or alternatively a planting scheme complimentary to the existing Cardrona designed landscape. Any works shall, thereafter, be carried out in accordance with the approved scheme.  
Reason: In order to protect any protected species found within the site.
14. Directional lighting will be required to ensure that the river and river bank are not significantly illuminated by lighting associated with the development.  
Reason: In order to protect any protected species found within the site.
15. Any development should be kept back from the watercourse edge to a minimum of 20m, to minimise any impact on the site features from the construction and prevent any need for bank protection work, preserve natural bank vegetation etc. The banks of the river Tweed shall be fenced off to a minimum of 10m prior to the commencement of any development operations, separating the river and its banks from the building operations etc and providing an undeveloped buffer strip which retains the existing natural vegetation. For the avoidance of doubt this buffer strip shall also include the area of land between the cart track and the river, with access provided to the 18th tee.  
Reason: In order to protect any protected species found within the site.
16. No intervention works shall be carried out on the water course itself.  
Reason: In order to protect the River Tweed SAC
17. A scheme for a clearly marked cycle way shall be submitted to and agreed in writing by the local authority before the development is commenced (including temporary diversion proposals) and the said scheme shall be implemented prior to the occupation of any of the new buildings on the site. The route must start where the old railway bridge meets the proposed development area then going eastwards on a line to be agreed to meet Cardrona Way  
Reason. To ensure the safe passage of cyclists through the site.
18. The area noted for parking on the submitted plan to the south of the development shall be properly consolidated, surfaced and drained before the buildings are occupied to the engineering details submitted and agreed as per the approval 09/01542/FUL. Parking bays to have minimum dimensions of 2.5 by 5 metres with a 1 metre hard-strip around the outer extremities of the parking area. Parking area to include 2 disabled bays which conform to current Building Regulations. All parking spaces within this area must remain unallocated to any particular property and should be available at all times for use by all users  
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.
19. The proposed roads, lay-by parking, footpaths and turning spaces indicated on the approved drawing, to an extent agreed with the Planning Authority, shall be constructed to adoptable standards and shall be subject to Roads Construction Consent.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic.

20. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

21. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

22. No development to be commenced until details are submitted to, and approved by, the Planning Authority, relating to the roadside crash barrier at the junction of the access road and the public road and how it will be altered to allow for the visibility splays to be formed.

Reason: In the interests of road safety.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure or enclosure placed on the site unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.

Reason: The Planning Authority considers that any further development would prejudice a satisfactory layout and would have a harmful effect upon the amenity of the area.

24. No development to be commenced until full details are submitted to, and approved by, the Planning Authority relating to compensatory floodplain storage within the site. Once approved, the works to be completed before the development is commenced.

Reason: To safeguard existing and proposed properties from any increase in flood risk as a result of the development.

25. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and any accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.

#### Informatives

It should be noted that:

- 1 Roads Planning advise the following:  
It should be borne in mind that all work within the public road boundary, and prospective public road boundary, must be undertaken by a contractor first approved by the Council.
- 2 The Council's Flood Protection Officer recommends that, to receive flood warnings from SEPA, residents sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. SEPA also advise that the residents' car parking area and road access to it are at a significant risk of flooding from the River Tweed. They would recommend that some signage or information boards are used to display this risk to residents and visitors to the car park area. They would also recommend that residents are encouraged to sign up to

receive flood warnings for the River Tweed in this area so that vehicles can be safely moved from the car park area before the onset of flooding.

**NOTE**

Mr Brian McCrow, on behalf of Cardrona Residents spoke against the application.

Mr Justin Lamb, Agent spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/01583/FUL	Change of use from offices and alterations and extension to form gym/spa	Office, West Grove Waverley Road, Melrose

Decision: Approved subject to the following conditions and informative notes:

1. The development shall operate only the uses and layout specified on the approved floor plan. There shall be no other uses permitted to operate as part of the approved development, and nor shall any other use within Class 11 of the Use Classes (Scotland) Order 1997 be permitted to operate without a further planning application having first been submitted to and approved by the Planning Authority. In the event that the approved use ceases to operate (whether by the applicant or a different owner/occupier), the lawful use of the property shall revert to a use falling within Class 4 of the Order. This limitation applies notwithstanding the meaning of 'development' within the Town and Country Planning (Scotland) Act 1997 (as amended), or any permitted change of use granted by Development Order.  
Reason: To maintain neighbouring amenity (including limiting noise impacts) and road and pedestrian safety
2. No development shall commence until a management scheme for its operation has been submitted to and approved by the Planning Authority. The development shall only operate in accordance with the approved management scheme  
Reason: In order to manage occupancy of the building to a level commensurate with the parking provision available to it, in the interests of maintaining road and pedestrian safety
3. The development shall not commence operation until the following measures have been implemented, and shall only operate with the approved measures fully maintained in place:
  - a) The junction onto Tweedmount Road has been lowered over the first 1 metre on either side of the access in accordance with a specification first agreed in writing with the Planning Authority
  - b) Directional signage has been provided within the site to maintain the one-way system in accordance with a specification first agreed in writing with the Planning Authority. The use shall only operate in accordance with the one-way system
  - c) All parking spaces within the site and within the land identified within the applicant's ownership on the approved location plan have been lined all in accordance with the approved plans. The parking area to the south of the building (including the application site and land within the ownership of the applicant) shall not be subdivided, notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended) or any revised or replacement Order
  - d) Cycle stands have been provided in accordance with the approved site plan  
Reason: To maintain road and pedestrian safety and ensure adequate parking provision within the site
4. The development shall only operate in accordance with the Noise Impact Assessment RMP Technical Report No R-7707-EP-RGM 8<sup>th</sup> March 2017. All identified mitigation measures shall be fully implemented prior to operation of the use and shall be maintained throughout its operation. The development shall only operate between the hours of 6am and 10pm, with exercise/dance classes run only between 8am and 8pm and ventilation units shall only operate during the approved operating hours. Amplified music or speech shall only be transmitted within the dance studio between the hours of 8am and 8pm and only using a

sound system that is in compliance with the noise level setting exercise required by the assessment. There shall be no amplified music or speech anywhere else within the building. Any television or similar device also transmitting sound within the building shall be operated and maintained in accordance with a level setting exercise the specification for which has been approved by the Planning Authority prior to its operation.

Reason: To limit potential noise impacts on neighbouring property.

5. The external surfaces of the development hereby permitted shall be completed in the materials shown on the approved drawings, and no other materials shall be used without the prior written consent of the Planning Authority. The roofing material shall be dark grey or black in colour and matt surfaced, unless otherwise agreed with the Planning Authority

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

6. Roof ventilation units shall not be higher than the existing roof parapet level unless otherwise agreed in writing with the Planning Authority

Reason: To minimise the visual impact of the roof ventilation units.

7. The windows in the northern elevation of the building shall be permanently fixed shut unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the potential for disturbance to adjoining residential occupiers

#### Informatives

1. Advertisements specified on the approved drawings do not require Advertisement Consent provided they are non-illuminated. Any changes to the signage will require Advertisement Consent unless exempt under the Control of Advertisements (Scotland) Regulations 1984 (as amended).
2. External lighting is not approved under this consent. Lighting will require Planning Permission where it constitutes development and is not exempt under the General Permitted Development (Scotland) Order 1992 (as amended)
3. The purpose of Condition 2 is to manage activity in a manner which limits the potential for the number of persons within the property at any one time to exceed 40.

#### NOTE

Mrs Katie Hunter spoke against the application.

Mr Michael Crawford, Owner spoke in support of the application.

#### Reference

17/00299/FUL

#### Nature of Development

Erection of Dwellinghouse

#### Location

Land South of Sunnybank,  
Forebrae Park, Galashiels

Decision: Continued to allow further investigation of legal implications of the proposed road link on the private ownership of Forebrae Park and to enable a site visit to be undertaken by the new Committee.

#### NOTE

Mr A H McVitie, spoke in support of the application.

#### VOTE

*Councillor Brown, seconded by Councillor Mountford moved that the application be approved.  
Councillor White, seconded by Councillor Moffat, moved as an amendment that the application be continued to investigate the legal implications of the roads proposal and to allow members to visit the site.*

*On a show of hands Members voted as follows:-*

*Motion - 2  
Amendment - 6*

*The Amendment was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00163/FUL	Formation of Access	Land West Of Glendouglas Lodge, Jedburgh

Decision: Approved subject to the following conditions;

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

2. Visibility splays shown on the plans hereby approved shall be provided on each side of the new access prior to any vehicular use of the junction. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Thereafter, visibility splays shall be maintained on each side of the new access to this specification in perpetuity, and at the expressed request of Transport Scotland, the Roads Authority.

Reason: To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.

3. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 10 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

4. No development may commence until plans (which detail design of a suitable turning area provided within the curtilage of the site) have been submitted and approved in writing by the Planning Authority, after consulting Transport Scotland. Thereafter, no development shall take place except in strict accordance with the drawings so approved and the turning area shall be provided before any forestry extraction takes place from the site.

Reason: To ensure that vehicles may enter and leave the site in a forward gear.

#### INFORMATION FOR THE APPLICANT

Transport Scotland Advise:

Granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

**NOTE**

Mrs Moira Land, Langlee Park, Jedburgh and Mr Peter Hincks, West Paddock, Langlee, Jedburgh spoke against the application. Mr Hugh Garrett, applicant spoke in support of the application.

**VOTE**

*Councillor Fullarton, seconded by Councillor Gillespie moved that the application be approved.  
Councillor Mountford, seconded by Councillor Brown, moved as an amendment that the application be refused on the grounds of road safety.*

*On a show of hands Members voted as follows:-*

*Motion - 6*

*Amendment - 2*

*The Motion was accordingly carried.*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00277/FUL	Erection of telecommunications tower and associated equipment within fenced compound	Land West of Ovenshank Farm Cottage, Newcastleton

Decision: Approved subject to the following conditions:

1. Within no more than 6 months of the date at which the development hereby consented ceases to be required for the purpose of telecommunications infrastructure provision:
  - (a) the telecommunications mast hereby consented, and all ancillary equipment and installations (including fencing, the cabinets and platform in hard standing) shall all be removed from the site; and
  - (b) the land at the site shall be restored to its former condition, unless, an application is first made and consent granted for the development's retention on site to serve an alternative purpose.

Reason: Retention of the mast, and all ancillary installations on site, beyond the point in time at which it has become redundant, would not be sympathetic to the character of the site or the visual amenities of the surrounding area.

**NOTE**

Mr James H T Hibbert-Hingston and Mr Leese, Woodlands, Newcastleton spoke against the application.