

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01149/FUL	Formation of Waste Transfer Station and associated work	Land South of Easter Langlee Recycling Centre

Decision:- Approved subject to the following conditions

1. The development shall be carried out in accordance with site plan 101-D6 and all other plans and drawings approved under this consent unless where required to be amended to suit any other condition in this schedule and unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development is completed as approved and to overcome any apparent inconsistencies between plans and drawings

2. No development shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

- i. Risk assessment of potentially damaging construction activities,
- ii. Identification of any "biodiversity protection zones".
- iii. Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
- iv. A Drainage Management Plan
- v. A Site Waste Management Plan
- vi. An Accident Management Plan
- vii. Responsible persons and lines of communication.
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or equivalent

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise potential adverse effects on ecological interests and in order to ensure all practicable measures are taken to reduce the production of waste during the construction phase

3. No development shall commence until a Species Protection Plan (SPP) for badger and breeding birds has been submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. The SPP shall include provision of pre-development supplementary surveys and a mitigation plan for badgers and birds, including mitigation for any works that may be carried out during the breeding bird season (March-August, though this is extended for some species including barn owl, barn swallow and pigeon) There shall be no development works during the bird breeding season unless specified within the SPP which has first been approved by the Planning Authority.

Reason: To minimise potential adverse effects on ecological interests

4. No development shall commence until a ground investigation report has been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site (in accordance with

PAN 33 (2000) and BS10175:2001) and shall include (as applicable) a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority and the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.

Reason: To ensure that the potential for health risk arising from any identified land contamination has been adequately addressed.

5. No development shall commence until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- i. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- ii. If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- iii. Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- iv. If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- v. Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- vi. The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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.

6. No development shall commence until a detailed scheme, including plans, drawings and specifications, for those improvements referred to in Appendix 3 (drawing no. 720) and Appendix 4 (drawing no. AT-04A) of the Transport Statement (Goodson Associates August 2017) in addition to street lighting of the C77 have been submitted to and approved in writing by the Planning Authority. The approved scheme of improvements and street lighting shall all be completed in accordance with the approved scheme before any development commences, including the implementation of any works that may be associated with the development that would otherwise be Permitted Development, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended, or any subsequent amendment or revised Order. All site access roads, yard and parking areas shall all be complete before the development becomes operational.

Reason: To maintain road and pedestrian safety

7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. The construction traffic within the control of the applicant shall be operated in accordance with the approved CTMP
Reason: To maintain road and pedestrian safety
8. No development shall commence until a full schedule of external materials has been submitted to and approved in writing by the Planning Authority. The schedule shall include finishes and colours, and samples where required by the Planning Authority, for the waste transfer station (including stacks), sprinkler tank, pump house, office and kiosk, notwithstanding the specifications given on any approved plan or drawing. The development shall be completed using the approved schedule
Reason: To limit the visual impact of the development
9. No development shall commence until evidence has been submitted to the Planning Authority that a public water supply will be available to service the development, or details of a private water supply have been submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved details.
Reason: To ensure the development can be adequately serviced
10. The offices shall not become operational until a foul drainage scheme is implemented in accordance with the Drainage Strategy Plan and Flood Statement 13078 Rev B July 2017 Goodson Associates and the offices shall only operate with the foul drainage system in operation. A plan and drawings of the proposed scheme shall be submitted for the approval of the Planning Authority before installation and the works shall be installed in accordance with the approval
Reason: To ensure the offices are capable of being adequately serviced in a visually and environmentally acceptable manner
11. Notwithstanding the layout on plan 6944-LD-001C a revised landscape layout shall be submitted to and approved in writing by the Planning Authority before development commences that concurs with approved site plan 101-D6, and specifies a timescale for implementation of landscaping. The landscaping shall be implemented and maintained in accordance with the approved site layout plan and approved planting and maintenance schedule (accounting for any adjustments to the schedule to accommodate the revised site layout)
Reason: To mitigate the visual and landscape impacts of the development
12. Notwithstanding the layout on plan 590C a revised layout plan for site levels shall be submitted to and approved in writing by the Planning Authority before development commences that concurs with the approved site plan 101-D6. The development shall be completed in accordance with the approved levels plan (accounting for any required adjustments to sectional drawings to concur with the revised layout)
Reason: To visually integrate the approved development with proposed site level changes
13. The construction works shall be carried out in compliance with the Odour Management Plan (SLR-Final V2 July 2017)
Reason: To minimise, as far as practicable, potentially adverse effects arising from the construction on surrounding properties
14. The development shall not become operational until the surface water drainage scheme has been implemented in accordance with the approved plan 520 (adjusted to suit the approved site layout) and Drainage Strategy Plan and Flood Statement July 2017 13078

Rev B (Goodson Associates). The scheme shall maintain run-off from the site at pre-development levels in a 1:200 (plus climate change) event and shall be maintained throughout the operation of the development.

Reason: To ensure surface water is treated in a sustainable manner without risk of run-off to neighbouring properties

15. The development shall not become operational until a phasing programme and timescale for the closure of the waste disposal operations of the landfill site have been submitted to and approved by the Planning Authority. The development shall only operate in accordance with the implementation of the approved phasing programme and timescale.

Reason: To ensure that the closure of the existing operations occurs in a timely manner and does not result in a duplication of vehicle movements or amenity impacts.

Information for the applicant

1. Should any part of the development require amendment to satisfy Waste Management Licensing requirements, these will require a fresh planning application where they are deemed by the Planning Authority to materially amend the approved development. Once the outcome of the WML is known, the applicant should discuss any such amendments with the Planning Authority to establish the required course of action as early as possible.
2. The extension referred to on the approved plans is not consented under this planning approval.

NOTE 1

Mr J. Birnie, Chairman of Coopersknowe Residents Assoc. and Mr Norman Young spoke against the application.

Councillor Gordon Edgar and Mr Martin Joyce, Service Director Assets and Infrastructure spoke in support of the application.

NOTE 2

Councillor Anderson moved that the application be refused due to inadequate access along the C77, particularly from Melrose Road. However, as there was no seconder the motion fell.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00010/FUL	Construction of Wind Farm comprising 7 No turbines up to 149.9m high to tip, 5 No Turbines up to 130m high to tip and associated infrastructure	Land South West of Lurgiescleuch (Pines Burn), Hawick

Decision:- Refused, contrary to the Officer recommendation for the following reasons:

1. The proposal is contrary to Policy ED9 of the adopted Scottish Borders Local Development Plan in that it would have unacceptable significant adverse impacts that cannot be mitigated and that are not outweighed by the wider economic, environmental and other benefits that would be derived from its operation. In particular:
 - The scale, form and location of the development would represent a significant and harmful change to the existing landscape character and visual amenity of the immediate locality and the wider area; and

- The development would give rise to an unacceptable and dominating impact upon the residential properties at Langburnshiels.
2. The proposal is contrary to Policies ED9 and EP8 of the adopted Scottish Borders Local Development Plan in that the development would give rise to significant and unacceptable impacts upon the setting and appreciation of known archaeological assets, including the Scheduled Monuments of Penchrise Pen fort and earthwork, as well as to other designated and undesignated sites of archaeological importance in the area. The wind farm would also introduce large-scale industrial structures on the fringes of an historic landscape.

NOTE 1

Councillor Watson McAteer, spoke against the application.

Mr Philip Kerr on Behalf of Hobkirk, Southdean and Denholm CC spoke against the application.

Mr Duncan Taylor, Energiekontor UK Ltd. and Mr Andy Maybury spoke in support of the application.

NOTE 2

Councillor Aitchison, seconded by Councillor Ramage moved that the application be refused as it was contrary to Policies ED9 and EP8 of the adopted Scottish Borders Local Development Plan and this was unanimously approved.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00623/FUL	Erection of poultry building and associated works	Hutton Hall Barns Hutton

Decision: Refused contrary to Officer recommendation for the following reasons:-

1. The development would be contrary to Policy ED7 – Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would not respect the amenity and character of the surrounding area. In addition impact of the expansion and intensification of uses as well as the scale of the development would be inappropriate to the rural character of the site.
2. The development would be contrary to Policy ED10 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit will result in the permanent loss of prime quality agricultural land.
3. The development would be contrary to Policy HD3 – Protection of Residential Amenity of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would have an unacceptable adverse visual impact on the existing residential properties and the surrounding area generally.
4. The development would be contrary to Policy EP1 – International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan in that no evidence has been provided to demonstrate the proposed development will not give rise to unacceptable pollution of the adjoining watercourse. Furthermore the proposed development would be contrary to Policy EP15 – Development Affecting the water Environment and Policy EP3 – Local Biodiversity of the Scottish Borders Local Development Plan 2016 in that further evidence is required to ensure that there would be no adverse impacts on the water environment and local biodiversity.

NOTE

Councillor Fullarton, seconded by Councillor Mountford moved that the application be refused on the grounds that the application would be contrary to Policies ED7 &, ED10, HD3 and EP1 of the Scottish Borders Local Development Plan and this was unanimously approved. Councillor Mountford suggested that it might be helpful if the developer produced a plan for the long term future of the Business.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00228/FUL	Erection of five dwellinghouses	Land South East of Craigard, Canongate Denholm

Decision: Approved, subject to conclusion of the required legal agreement with regards development contributions, and subject to the undernoted conditions.

- 1 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To maintain effective control over the development.

- 2 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Limited intervention of features, or expansion of trenches will only take place if approved in writing by the Council's Archaeology Officer
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended

WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

- The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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.

- 3 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.

Reason: To maintain effective control over the development.

- 4 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the elevations of the building hereby approved on Plot 2 unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

NOTE

Mr Will Roberts on behalf of Denholm and District Community Council spoke against the application.

Mr John Riddell on behalf of the Developer spoke in support of the application.

NOTE 2

Councillor Ramage moved that the application be continued to allow for a site visit. However, as there was no seconder the Motion fell.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00652/FUL	Change of Use from Joiner's Workshop and alterations to form dwellinghouse	Former Joiner's Workshop The Row Allanton

Decision: Approved subject to the aforementioned Section 75 legal agreement and the following conditions and informatives:

Conditions

1. No development shall commence until a Traffic Management Plan for the construction work is first submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved plan.
Reason: In the interests of road safety and to ensure that the development proceeds in an orderly manner.
2. No development shall commence until precise details of refuse storage has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved details and the refuse storage area shall be made available for use before the dwellinghouse is occupied. The refuse storage area shall be retained in perpetuity.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse.
3. This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of a new dwelling nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling.
Reason: Permission has been granted for the conversion of an existing building to habitable accommodation.
4. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials and finishes to be used in the alteration of the building, including details of new windows and doors, 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.
5. No solar panels shall be fixed to the building until precise details have been submitted to and approved in writing by the Planning Authority, and thereafter no such panels shall be fixed to the building except in strict accordance with those details.
Reason: The proposed solar panels require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. The area shown for parking on the Location Plan shall be used parking of vehicles associated with the dwellinghouse hereby approved and must be properly consolidated prior to the occupation of the dwellinghouse. The parking area shall thereafter be retained and maintained in perpetuity for parking of vehicles ancillary to the use of the property as a dwellinghouse.
Reason: To ensure satisfactory provision of parking.
7. No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
8. Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.

9. No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

10. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority confirmation that the development shall be carried out in strict accordance with all the measures outlined in the Species Protection Plan for breeding birds as provided in the Bat and Breeding Bird Survey report (Findlay Ecology Services, August 2017). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the SPP.

Reason: in the interests of biodiversity and the mitigation of the impacts of development on protected species.

Informatives

1. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf

2. Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems:

- The location of the flue should take into account other properties that may be downwind.
- The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.
- The flue should be terminated with a cap that encourages a high gas efflux velocity.
- The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance and the fuel that is approved for use in it:

<http://smokecontrol.defra.gov.uk/appliances.php?country=s>

<http://smokecontrol.defra.gov.uk/fuels.php?country=s>.

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at:

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.