

# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING  
AND BUILDING STANDARDS  
COMMITTEE held in Scottish Borders  
Council, Council Headquarters, Newtown  
St Boswells TD6 0SA on Monday, 26  
March 2018 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, J. A. Fullarton, H. Laing,  
S. Mountford, C. Ramage and E. Small.  
Apologies:- Councillors A. Anderson, S. Hamilton  
In Depute Chief Planning Officer, Lead Planning Officer (Development Management  
Attendance:- and Enforcement), Lead Planning Officer, Lead Roads Planning Officer, Senior  
Roads Planning Officer (Alan Scott), Managing Solicitor (Ron Kirk), Democratic  
Services Team Leader, Democratic Services Officer (F. Henderson).

## 1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 5 February 2018.

### 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 applications as detailed in Appendix I to this Minute.**

### MEMBERS

Councillor Mountford left the meeting following consideration of application 17/00767/PPP and returned to the meeting for consideration of applications 17/01709/FUL and 17/01757/MOD75. Councillor Fullarton left the meeting following consideration of application 17/01709/FUL.

## 3. APPEALS AND REVIEWS

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

### DECISION

**NOTED that:-**

(a) there remained nine appeals outstanding in respect of:-

- Land North of Howpark Farmhouse, Grantshouse
- Poultry Farm, Marchmont Road, Greenlaw
- Land South West of Easter Happlew Farmhouse, Peebles
- Hutton Hall Barns, Hutton
- Land East of Knapdale, 54 Edinburgh Road, Peebles
- Land North West of Gilston Farm, Heriot
- Land South West of Lurgiescleuch (Pines Burn) Hawick
- 13 St Eilla's Place, Eyemouth
- Land North West of Kirkburn Church, Peebles

- (b) review requests had been received in respect of the following:-
- (i) Erection of dwellinghouse on Land East of Keleden, Ednam, Kelso – 17/01613/PPP;
  - (ii) Extension to form new living room at 16 Craig Brown Avenue, Selkirk – 17/01409/FUL;
  - (iii) Extension to dwellinghouse on Land South East of Beckhope, Kailzie, Peebles – 17/01572/PPP;
- (c) The Local Review Body had upheld the Appointed Officers decision in respect of:-
- (i) the Erection of a dwellinghouse on Land North East of an incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston – 17/00479/FUL;
  - (ii) of the Erection of a temple on Land South West of Kirkburn Parish Church , Cardrona – 17/01039/FUL;
- (d) The Local Review Body had overturned the Appointed Officers decision in respect of:-
- (i) the erection of boundary fence and formation of parking area (retrospective) (subject to conditions and informatives) at 1 Eildon Terrace, Newtown St Boswells – 17/01230/FUL
  - (ii) the erection of dwellinghouse with attached garage on Land North West of Alderbank, Macbiehill, West Linton – 17/01406/FUL
- (g) there remained two reviews outstanding in respect of:-
- Derelict Dwelling on Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords and
  - The Erection of a dwellinghouse on land East of Keleden, Ednam, Kelso

*The meeting concluded at 2.40 p.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01625/FUL	Improvement and construction of mountain bike trails, extension to existing car parking facilities, demolition of buildings and associated works	Glentress Peebles

Decision - 17/01625/FUL – Approved application subject to the following conditions and informatives.

#### Conditions

1. No development to be commenced in relation to the bike skills area until further details of extent, ground levels, surface treatment and any structures are submitted to, and approved by, the Planning Authority. Once approved, the skills area to be completed in accordance with the approved details and before the closure of the existing bike skills area to public use.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development to be commenced until a scheme for improvements to the existing crossing arrangement of the multi-use path with the A72 is submitted to, and approved by, the Planning Authority. The scheme should include proposed measures and a timescale for implementation. Once approved, the scheme to be completed in accordance with the approval and agreed timescale.  
Reason: In the interests of road, pedestrian and cyclist safety.
3. No development to be commenced until further details of the main entrance barrier (indicated in Drawing DB4001.036 3 of 6), including method of operation and maintenance) are submitted to, and approved by, the Planning Authority. Once approved, the barrier and related roadway section to be completed and operated thereafter in accordance with the approved details.  
Reason: In the interests of road, pedestrian and cyclist safety and to ensure efficient operation of the Glentress facility.
4. The upgrading of the upper and lower overflow car parks to be completed in accordance with the approved drawings before the Buzzard's Nest car park is closed to public use.  
Reason: In the interests of road safety and to ensure that sufficient off street parking space is retained for operation of the Glentress facility.
5. The proposals shall not involve any closed culverting of watercourses nor shall there be any alterations that would reduce the flow conveyance. Suitable bridging solutions, bottomless or arched culverts should be used where watercourse crossings are required.  
Reason: To safeguard against detrimental impacts on the water environment.
6. All surface water from the development, including during construction, to be treated in accordance with SUDS principles and any run-off from hard surfaces to be attenuated to at least existing greenfield run-off rates.  
Reason: To safeguard against detrimental impacts on the water environment and downstream receptors.
7. All planting shown on approved Drawing DB4001.036 (6 of 6) shall be carried out in the first planting and seeding seasons concurrently with the development of the bike skills area and new trails, or in the next available planting season thereto and maintained thereafter in accordance with the approved details.

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

8. The emergency vehicle rendezvous point shown on Drawing DB4001.036 (5 of 6) to be provided before the multi-user path, trails and skills area are operational.

Reason: To ensure appropriate and safe access for emergency vehicles.

9. No development to be commenced until a Construction Environmental Management Plan has been submitted to, and approved by, the Planning Authority. Once approved, the development to proceed fully in accordance with the Plan.

Reason: To safeguard ecological interests at the site.

10. Prior to commencement of development, detailed Species Protection Plans for bats, red squirrels, pine marten, amphibians and reptiles, breeding birds and raptors and badgers, shall be submitted to and approved by the Planning Authority. The SPPs shall incorporate measures outlined in the provisional species protection plans provided by Solway Ecology (Consulting) Ltd, (2017) and shall include provision for pre-development supplementary surveys (including squirrel drey surveys) as well as mitigation, and enhancements for protected species, where possible. Development shall be undertaken in strict accordance with the approved SPPs.

Reason: To safeguard ecological interests at the site.

11. No development shall commence during the breeding bird season, unless wholly in accordance with a Species Protection Plan for breeding birds that has been submitted to and approved by the Planning Authority.

Reason: To safeguard ecological interests at the site.

12. In relation to bats in buildings, prior to the commencement of development, the applicant shall provide to the Planning Authority:

- a copy of the relevant European Protected Species licence, or,
- a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To safeguard European Protected Species interests at the site

13. No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, agreed by Scottish Borders Council Archaeology Service, and approved by the Planning Authority. 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. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results is undertaken to the satisfaction of the Planning Authority in agreement with Scottish Borders Council Archaeology Service.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

14. No development to be commenced until a Heritage Access Interpretation and Management Plan is submitted to, and approved by, the Planning Authority in liaison with Historic Environment Scotland.. The Plan should provide for suitable interpretative materials in relation to Horsburgh Castle Farm, Horsburgh Castle and Eshiels Roman camps archaeological sites and also include measures to limit impacts on Castle Hill. Interpretative material should also be provided for the "Howff" building if removed. Once approved, the Plan to be implemented in accordance with the approved details.

Reason: To safeguard scheduled monuments in the vicinity of the site.

15. The "Howff" building within the upper overflow car park shall not be removed until a full archaeological record is made of the building and its history, the findings then submitted to, and approved by, the Planning Authority.  
Reason: The building is of archaeological interest and to provide adequate recording of it and its history.
16. No development to be commenced until a scheme is submitted to, and approved by the Planning Authority, in liaison with Historic Environment Scotland, indicating the demarcation by temporary fencing (or equivalent) of the extent of the scheduled monument Eshiels, Roman camps within an appropriate buffer zone. Once approved, the scheme to be implemented in accordance with the approved details and retained until the development is completed.  
Reason: To safeguard scheduled monuments in the vicinity of the site.
17. No development to be commenced until a Construction Management Plan is submitted to, and approved by, the Planning Authority. Once approved, the development to be implemented in accordance with the Plan.  
Reason: To safeguard the amenity of adjoining residents.

### Informatives

1. Please note that permission may be required from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 for any engineering activities in, or in the vicinity of, inland watercourses. This would include any watercourse crossings, bank reinforcements, boreholes and general water management across the site.
2. The above application appears to involve the alteration and improvement of existing mountain bike trails and associated infrastructure. An area of the land proposed for car parking expansion appears to house commercial/ industrial buildings of unknown use alongside existing parking. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have.

The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents.

The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note.

The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.

3. The developer is reminded that a licence will be required from Scottish Natural Heritage in the case of:
  - Any works within 30m of a badger sett;
  - Any works which destroys or disturbs the drey of a red squirrel, or which injure, or kill a red squirrel, or which disturb a red squirrel whilst it occupies its drey;
  - in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 (as amended)
4. The SBC Access Officer seeks mitigating instructions to encourage respect for all users of the multi-use trail and to ensure that the entrance barrier allows pedestrian, cyclist and horse rider access.
- 5.

## NOTE

Mr Alan Stevenson, Head of Communities, Recreation and Tourism Forest Enterprise, Scotland spoke in support of the application

**17/01633/FUL** - Approved subject to the following conditions and informatives :

### Conditions

1. The occupation of the 56 holiday cabins shall be restricted to genuine holidaymakers, any person staying for a maximum of 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.  
Reason: Permanent residential use in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until further details of the main entrance barrier (adjoining the Go Ape facility), including method of operation and maintenance, are submitted to, and approved by, the Planning Authority. Once approved, the barrier to be completed and operated thereafter in accordance with the approved details.  
Reason: To ensure that access to the development and facilities is limited to occupants, their visitors and associated trades and staff.
3. The three staff accommodation units shall only occupied be by persons employed in the holiday cabin development at the site, including partners and dependants of such employees.  
Reason: Permanent residential use unrelated to the holiday development in this location would conflict with the established planning policy for this rural area.
4. No development to be commenced until samples of all external materials to be used on all buildings, structures and deckings throughout the site are submitted to, and approved by, the Planning Authority. The development then to proceed in accordance with the approved samples.  
Reason: To safeguard the visual amenity of the area and the character of the designated landscape.
5. No development to be commenced until a scheme for improvements to the existing crossing arrangement of the multi-use path with the A72 is submitted to, and approved by, the Planning Authority. The scheme should include proposed measures and a timescale for implementation. Once approved, the scheme to be completed in accordance with the approval and agreed timescale.  
Reason: In the interests of road, pedestrian and cyclist safety.
6. The upgrading of the upper and lower overflow car parks to be completed in accordance with the approved drawings under application 17/01625/FUL before the Buzzard's Nest car park is closed to public use.  
Reason: In the interests of road safety and to ensure that sufficient off road parking space is retained for operation of the Glentress facility.
7. No development to be commenced until full engineering details, including construction and gradient information, are submitted to, and approved by, the Planning Authority for all roads and parking areas within the development. Once approved, roads and parking areas to be implemented in accordance with the approved details.  
Reason: In the interests of road and pedestrian safety.
8. No development to be commenced until further details of the foul drainage system are submitted to, and approved by, the Planning Authority. The drainage should be connected to the public system unless an acceptable and appropriate private system can be satisfactorily

demonstrated to, and subsequently approved by, the Planning Authority in consultation with SEPA. Once approved, the development then to be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure that the site is adequately serviced and to protect the water environment.

9. All surface water from the development, including during construction, to be treated in accordance with SUDS principles and any run-off from hard surfaces to be attenuated to at least existing greenfield run-off rates.

Reason: To safeguard against detrimental impacts on the water environment and downstream receptors.

10. All exterior lighting on buildings and throughout the site and the design of cabins to be fully in accordance with the details submitted in the Lighting Management Strategy.

Reason: To safeguard the visual amenity of the area and the character of the designated landscape.

11. Trees to be retained within the site, any removals being in accordance with the Tree Survey/Arboricultural Method Statement and Woodland Management Plan. The trees within the site to be managed in perpetuity in accordance with the Woodland Management Plan.

Reason: To ensure that adequate tree cover remains within the site to ensure the development is suitably screened and visual impact is minimised.

12. No development to be commenced until further details of the new planting and restoration works shown on 35-23, 35-24 and 35-25 Rev A are submitted to, and approved by, the Planning Authority. This should include timing of planting and a maintenance regime. Once approved, the planting and restoration works then to be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development is suitably screened and visual impact is minimised.

13. All water extraction and provision for the development to be fully in accordance with the Borehole Feasibility Review and subsequent information submitted with the application.

Reason: To ensure adequate water supply for the development and address impact on existing private supplies.

14. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the applicant (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.
- and thereafter
- Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

- Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the applicant before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

15. The proposals shall not involve any closed culverting of watercourses nor shall there be any alterations that would reduce the flow conveyance. Suitable bridging solutions, bottomless or arched culverts should be used where watercourse crossings are required.  
Reason: To safeguard against detrimental impacts on the water environment.
16. The development shall proceed in accordance with the Construction Management Plan submitted with the application.  
Reason: To ensure environmental effects are minimised during construction of the development.
17. Operational management within the site, including access, signage and waste management shall be in accordance with the Operational Management Plan submitted with the application.  
Reason: To ensure environmental effects are minimised during operation of the development.
18. Prior to commencement of development, detailed Species Protection Plans for bats, red squirrels, pine marten, amphibians and reptiles, breeding birds and raptors and badgers, shall be submitted to and approved by the Planning Authority. The SPPs shall incorporate measures outlined in the provisional species protection plans provided by Solway Ecology (Consulting) Ltd, (2017) and shall include provision for pre-development supplementary surveys (including squirrel drey surveys) as well as mitigation, and enhancements for protected species, where possible. Development shall be undertaken in strict accordance with the approved SPPs.  
Reason: To safeguard ecological interests at the site.
19. No development shall commence during the breeding bird season, unless wholly in accordance with a Species Protection Plan for breeding birds that has been submitted to and approved by the Planning Authority.  
Reason: To safeguard ecological interests at the site.
20. No development to be commenced until a Heritage Access Interpretation and Management Plan is submitted to, and approved by, the Planning Authority in liaison with Historic Environment Scotland. The Plan should also provide for measures to limit impacts on hill forts in the area, including Cardie Hill. Once approved, the Plan to be implemented in accordance with the approved details.  
Reason: To safeguard archaeological sites in the vicinity of the development.
21. No development shall take place within the development site until the applicant has secured



the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, agreed by Scottish Borders Council Archaeology Service, and approved by the Planning Authority. 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. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results is undertaken to the satisfaction of the Planning Authority in agreement with Scottish Borders Council Archaeology Service.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

### Informatives

1. In construction of the development through the Construction Management Plan, SEPA pollution control guidelines should also be adhered to.

Please note that permission may be required from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 for any engineering activities in, or in the vicinity of, inland watercourses. This would include any watercourse crossings, bank reinforcements, boreholes and general water management across the site.

2. The developer is reminded that a licence will be required from Scottish Natural Heritage in the case of:
  - Any works within 30m of a badger sett;
  - Any works which destroys or disturbs the drey of a red squirrel, or which injure, or kill a red squirrel, or which disturb a red squirrel whilst it occupies its drey;
  - in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 (as amended)
3. In relation to bats, prior to the commencement of development, the applicant shall provide to the Planning Authority:
  - a copy of the relevant European Protected Species licence, or,
  - a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
4. The SBC Access Officer seeks mitigating instructions to encourage the use of Janet's Brae connecting to the site primarily as a walking route and also traffic calming measures where the link to Peebles in the SW corner crosses the main track.
5. The development should be implemented in accordance with the Energy Efficiency, BREEAM and Utilities Statement submitted with the application.

### NOTE

Mrs Dorothy Thomson, resident spoke against the application

Mr Andrew Brook spoke on behalf of Forest Holidays in support of the application.

### Reference

17/00695/FUL

### Nature of Development

Residential development comprising of 34 no flats with associated parking and retaining wall works

### Location

Workshop and Yard for Caravan Storage, Huddersfield Street Galashiels

Decision: Approved subject to clearance from Scottish Ministers, a legal agreement addressing playspace contributions and the following conditions and informatives:

1. All approved residential units shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 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 prior to development commencing.  
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 and the reinstatement of the Borders Railway.
2. The development shall be carried out wholly in accordance with the plans and drawings approved under this consent, including finished ground, road/parking and floor levels, unless otherwise agreed with the Planning Authority or amended by any other condition in this schedule  
Reason: To ensure the development is completed in accordance with the approved plans, principally to ensure it has an acceptable visual impact, incorporates flood mitigation and safeguards road and pedestrian safety
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services shall be made available to serve the development. All services shall be operational prior to the occupancy of any residential unit  
Reason: To ensure the development can be adequately serviced
4. No development shall commence until a surface water drainage scheme, including maintenance measures, based on the approved site layout, has been submitted to and approved by the Planning Authority. The approved scheme shall be operational prior to occupancy of any residential unit and maintained in accordance with the approved measures  
Reason: To ensure the development can be adequately serviced with a sustainable urban drainage scheme
5. No development shall commence until a Construction Method Statement has been submitted to and approved by the Planning Authority which specifies measures to minimise adverse effects on neighbouring properties from construction activities. The development shall be implemented in accordance with the approved statement  
Reason: To minimise adverse effects on neighbouring amenity during construction of the development
6. No development shall commence until the following ecological mitigation measures have been submitted to and approved by the Planning Authority:
  - a) Construction Method Statement containing mitigation measures designed to safeguard the Gala Water (River Tweed Special Area of Conservation) during construction of the development
  - b) Species Protection Plan for birds, including mitigation/enhancement for lost habitat
  - c) Species Protection Plan for ottersThe development shall be carried out in accordance with the approved measures  
Reason: To limit potential risk to the Special Area of Conservation, breeding bird and otter habitat and account for loss of bird habitat as a result of the development
7. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

8. No development shall commence until further details of soft landscaping specified on drawing 8291.1.02C which includes planting specifications, implementation timescale and future maintenance have been submitted to and approved by the Planning Authority. The landscaping shall be implemented and maintained in accordance with the approved plan and details

Reason: To assist with visually integrating the development sympathetically with its context

9. No development shall commence until further details (and samples where required by the Planning Authority) of all external materials (including colours) for all hardstandings within the site; building materials (including all wall finishes, roof, windows/doors/railings and fascias); and site wall materials have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved specifications and samples. The walls identified in natural stone on the approved site plan shall be finished to match existing natural stone walls to the south-east or north-west of the site.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting

10. No development shall commence until dimensioned or scaled elevation drawings have been submitted of all walls, including riverside wall (and its material specification), boundary, retaining and bin enclosure walls, and including any tie ins to the existing path and bridge to the north-west, have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved drawings

Reason: Further information is required of these details in the interests of ensuring a satisfactory form of development, which contributes appropriately to its setting

11. No development shall commence until further details of the undercroft arrangement (including size of opening and application of grilles or louvres) have been submitted to and approved by the Planning Authority, notwithstanding references on the approved drawings. The details shall include a maintenance scheme for keeping the undercroft clear of all obstructions to flood water. The development shall be carried out and maintained in accordance with the approved details

Reason: The elevational treatment of the undercroft requires further consideration to ensure it has a sympathetic visual impact and to ensure the undercroft provides sufficient flood water conveyance

12. No residential unit shall be occupied until the access and parking layout, paths, bike storage and bin enclosure have been completed in accordance with the plans and drawings approved under this consent. No works shall commence on the access until construction details have been submitted to and approved by the Planning Authority, and all works alongside Huddersfield Street (including path and parking spaces 1-4) shall be carried out in accordance with the Council's adoptable standards. All works shall thereafter be retained free from obstruction for their approved purpose

Reason: To ensure the development will be adequately serviced by road, parking, bike and bin storage provision.

13. No residential unit shall be occupied until a flood warning and evacuation procedure has been submitted to and approved by the Planning Authority. The units shall only be occupied while the approved procedure is in operation

Reason: To manage any potential flood risk to the site

14. No site lighting shall be installed unless the details of the lighting (location, height, design, specification and light spread) have been submitted to and approved by the Planning Authority. The lighting shall only be installed in accordance with the approved scheme  
Reason: To minimise the potential visual impact of lighting and to safeguard neighbouring amenity and road safety.

#### Informatives

1. Roads Construction Consent will be required for works forming part of the adoptable road network on Huddersfield Street.
2. Amendments to existing public street lighting should be agreed with the Council's street lighting section
3. The adjacent proprietor (HR Motors) has expressed concerns regarding potential risk to the integrity of the boundary wall. This matter is for the applicant and is outside the scope of this application
4. Site lighting may require a separate Planning Application, in addition to satisfying Condition 14 of the above schedule
5. Condition 9 requires that final material specifications be agreed. The condition provides opportunity to consider in further detail the distribution of block colours within the building's elevations, with the aim of ensuring the building fits its context, is welcoming and that different colours are used to break up the massing of the building, and so complement its form and design.

#### NOTE

Mr Gavin Yuill, Agent spoke in favour of the application.

**Reference**

16/01403/FUL

**Nature of Development**

Erection of dwellinghouse

**Location**Land South of Abbotsbank  
Gattonside

Decision: Approved subject to a legal agreement and the following conditions and informatives:

1. The development shall only be implemented in accordance with the approved Method Statement for Traffic Management Plan (27/02/18) and Swept Path Analysis and Traffic Management Plan (9275.1.10B) as regards management of construction traffic within and entering and leaving the application site. Access to the site during construction shall only be permitted from the southern access and there shall be no access to the site of any kind (vehicle or pedestrian) permitted from the northern access.  
Reason: To limit potential impacts on road and pedestrian safety
2. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme  
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
3. No development shall commence until a surface water drainage scheme has been submitted to and approved by the Planning Authority which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and occupancy of the dwellinghouse  
Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off
4. No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include
  - a) location and design, including materials (and detailed specifications), of all boundary treatments and driveway retaining walls
  - b) soft and hard landscaping works, including tree, shrub and hedge planting and any additional areas of hard surfacing not specified on the approved site plan
  - c) bin storage measures
  - d) A programme for completion and subsequent maintenance.Reason: To safeguard the character and appearance of the Conservation Area
5. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development. Mains services shall be operational prior to occupancy of the dwellinghouse.  
Reason: To ensure the development can be adequately serviced.
6. No development shall commence until a protective fence (compliant with BS5837:12) has been erected along the root protection areas for adjacent trees and hedging, as specified on the approved site plan 9275.1.03D. No works shall be permitted within the fenced area unless agreed with the Planning Authority as being compliant with BS5837:12 and there shall be no excavation for the house beyond the area specified on the approved plan 9275.1.02C  
Reason: To limit potential risk to adjacent trees and hedging which contribute to the character and appearance of the Conservation Area

7. The dwellinghouse shall not be occupied until the treatment of the northern boundary (specified as the 'extent of house plot' on the approved site plan 9275.1.03D) has been approved by the Planning Authority under Condition 4 and until the approved treatment has been implemented in accordance with a timescale agreed with the Planning Authority. This boundary shall provide no means of access of any kind (vehicle or pedestrian) from the north.  
Reason: To safeguard road and pedestrian safety and the character and appearance of the Conservation Area
8. External materials and colours shall accord with the approved drawings, unless otherwise agreed with the Planning Authority. No development shall commence until a schedule (including samples where required by the Planning Authority) providing a detailed specification of all external materials, finishes and colours of the house, retaining walls/planters and hard surfacing has been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours. There shall be no bargeboards or fascias applied to the main roofs of the dwellinghouse (excepting only where specified on the approved drawings for the dormers), and window glazing pattern shall accord with the approved drawings (incorporating sash windows on the front elevation upper floor).  
Reason: To safeguard the character and appearance of the Conservation Area
9. The area allocated for parking and turning on the approved site plan 9275.1.03D shall be completed in accordance with the approved plan before the dwellinghouse is occupied, and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.  
Reason: To ensure there is adequate space within the site for the parking and turning of vehicles.
10. The development shall be implemented wholly in accordance with the plans and drawings approved under this consent, including the site, house and driveway/parking levels, and the southern patio area shall be finished to the same level as the parking area, all unless otherwise agreed in writing with the Planning Authority  
Reason: To safeguard the character and appearance of the Conservation Area, neighbouring amenity and road safety

#### Informatives

1. Site clearance works within the bird breeding season should be avoided unless the site is first checked for nesting birds. The applicant has the responsibility to ensure no breach of habitat regulations.
2. If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions.
3. Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does 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 Planning Permission. It is recommended, therefore, that:
  - 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 ([www.smokecontrol.defra.gov.uk](http://www.smokecontrol.defra.gov.uk)) and the fuel that is approved for use in it

- in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on [www.forestry.gov.uk](http://www.forestry.gov.uk)
  - 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.
4. There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01602/PPP	Erection of dwellinghouse	Land South of Rossleigh, Horndean

Decision: continued to next available meeting.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00767/PPP	Residential Development	Land South West and South East of Bowbank Cottages, Bellfield Road, Eddleston

Decision: Approved subject to the following conditions and informatives and the completion of a legal agreement for development contributions:

- 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 including two parking spaces (excluding garages) per house, refuse and recycling bin storage 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.
- 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.
- 3 The subsequent application for the approval of matters specified in conditions application shall be accompanied by:
  - i. a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
  - ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
  - iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
  - iv. details of any proposed phasing of the development;
  - vi. details of existing and finished ground level, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.

vii. a design statement setting out the rationale for the proposed design and layout.

Reason: To ensure a satisfactory form of development.

4 No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) location and design, including materials and detailed specifications, of all boundary treatments;
- b) indication of existing trees, shrubs and hedges to be retained, those to be removed and, in the case of damage, proposals for their restoration;
- c) location of new trees, shrubs, hedges and grassed areas;
- d) schedule of plants to comprise species, plant sizes and proposed numbers/density;
- c) a programme for completion and subsequent maintenance;
- d) bin storage measures;

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

5 No development shall commence until the existing private road is upgraded to adoptable standards from a point where the private road meets the D19-1 Bellfield Road adjacent to the church.

Reason: To achieve a satisfactory form of development and in the interest of road safety.

6 No development shall commence until a scheme of details has been submitted to and approved by the planning authority, showing the improvement works to the junction of the A703 and the D19-1 Bellfield Road. The scheme of details shall include engineering details of the altered kerbing and any associated alterations to the roadside drainage, along with the required visibility splays. All works to be carried out prior to works commencing on site by a contractor first approved by the council. Thereafter, they shall be retained in perpetuity.

Reason: In the interest of road safety.

7 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 proceed only in accordance with the WSI.

The requirements of this are:

- a) 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;
- b) 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;
- c) limited intervention of features, or expansion of trenches will only take place if approved by the council's Archaeology Officer;
- d) 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;
- e) 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;
- f) development should aim to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan;
- g) 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.

- 8 No development shall commence until a scheme has been submitted by the developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to and approved by the planning authority and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of and/or supplement(s) to, these documents. That scheme should contain details of proposals to investigate and remediate potential contamination and must include:

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the planning authority prior to addressing parts b, c, d and, e of this condition and thereafter;
- b) where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents;
- c) remedial strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works and proposed validation plan);
- d) submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works;
- e) submission, if necessary, of monitoring statements at periods to be agreed with the planning authority;

Written confirmation from the planning authority that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the developer before any development commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

Reason: To ensure that the potential risks to human health, the water environment, property and ecological systems arising from any identified land contamination have been adequately addressed.

- 9 No development shall commence until precise details of water supply and a surface water and foul drainage scheme have been submitted to and approved by the planning authority which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and subsequent occupancy. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.

- 10 A detailed drawing to be submitted with the first approval of matters specified in conditions application for the site showing the position, species and root protection area of the trees and hedges within the site and overhanging the site, those to be retained, those to be felled and replanting proposals. Once approved in writing by the planning authority, the development then to be completed in accordance with the approved details.

Reason: In the interest of protecting the trees on site which are worthy of retention and contribute to the visual amenity of the area.

- 11 No development shall commence until the trees to be retained on the site shall be protected by means of protective fence (compliant with BS5837:12) which shall be erected along the root protection areas for trees. No works shall be permitted within the fenced area unless agreed with the planning authority as being compliant with BS5837:12. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered. No trees or hedges within the application site or on the site boundary shall be felled, removed, lopped, lifted or disturbed in any way without the prior consent of the planning authority.  
Reason: In the interest of preserving the trees which contribute to the visual amenity of the area.
- 12 No development shall be carried out during the breeding bird season (March-August) unless the development is implemented wholly in accordance with a Species Protection Plan for breeding birds, which shall be submitted to and approved by the planning authority. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan.  
Reason: In order to give full consideration to those details yet to be submitted, in the interest of protecting wildlife.
- 13 The proposed development shall include provision for additional parking within the application site to compensate for the loss of existing parking provision on Bellfield Road outside the church.  
Reason: The current parking outside the church extends over the carriageway of Bellfield Road and the road improvements required to improve the vehicular access to the site are likely to result in the loss of that existing provision which would otherwise be displaced onto the public road to the detriment of road safety.

#### Informatives

It should be noted that:

- 1 The illustrative layout plan submitted is not approved as part of this permission and significant changes to the proposed design and layout will be required as the basis for any detailed application(s). The layout will be expected to accord with the Council's supplementary planning guidance, "Placemaking & Design" and with national guidance, "Designing Streets". It is recommended that the first application for approval of matters specified in conditions should be accompanied by a design statement to support the design rationale for the development.
- 2 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](http://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/bats_and_buildings.html)  
[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)  
[http://www.bats.org.uk/publications\\_download.php/1404/Bats\\_Trees.pdf](http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf)
- 3 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website or from the local SEPA office at: Burnbrae, Mossilee Road, Galashiels, TD1 1NF. Tel: 01896 754797.
- 4 Notwithstanding the detail indicated on the submitted drawing, the Council considers that the number of houses indicated represents an overdevelopment of the site; this is likely to give rise to road safety issues arising from the number of vehicle movements associated with the

development on a road network with limited scope for additional capacity. As such, the number of houses shown will not be supported and any detailed application should indicate a reduced number of houses and be supported by an assessment to demonstrate how vehicle movements will be accommodated within the surrounding road network.

#### NOTE

Councillor Kris Chapman spoke against the application.

Ms Kirsty Peebles, on behalf of Eddleston Community Council, and Ms Amy Barlett, resident, both spoke against the application.

Mr Angus Dodds, Agent spoke in support of the application.

#### VOTE

*Councillor Mountford, seconded by Councillor Miers moved that the application be approved subject to the inclusion of an informative advising that the indicative number of 15 houses was overdevelopment and a condition requiring the provision of replacement parking for the church.*

*Councillor Aitchison, seconded by Councillor Laing moved as an amendment that the application be refused on the grounds of road safety on the basis of the information before the committee and the scale of the development.*

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

*Motion - 4 votes*

*Amendment - 3 votes*

*The Motion was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01348/FUL	Erection of 2 No wind turbines 11.8m to tip	Land South West of 6 Lamberton Holding Lamberton

Decision: Approved subject to the following conditions:

#### Conditions:

1. Noise from the installation must not exceed 35dBA L90,10 min up to wind speeds of 10 metres per second measured at 10m height, when assessed in free field conditions outside any noise sensitive premises where the occupier of the property has no financial interest in the development and having Planning Consent at the time of determining this Application.  
Reason: To protect the amenity of other Occupiers.
2. There will be no tonal character to the noise from the installation, audible within any noise sensitive premises. Tonality shall be determined with reference to BS 7445.  
Reason: To protect the amenity of other Occupiers.
3. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise from the wind turbines, the wind turbine operator shall shut down the turbine/s not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority. Such mitigation as is required to overcome any identified nuisance shall thereafter be agreed with the Council and put in place before the turbine/s is/are brought back into operation.

Reason: To protect the amenity of other Occupiers.

4. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

5. The turbine(s) hereby consented and any ancillary equipment or structures associated with them (including any foundations) shall be removed from the site, and the site restored to its former condition, within 25 years of the date of this planning permission unless a further planning permission is achieved that allows for the retention of the turbine(s) on the site beyond this period.

Reason: In the interests of the amenity of the area so that the turbine(s) hereby consented will be removed to avoid any unnecessary environmental impact resulting from the retention of turbine on the site beyond 25 years.

6. When either or both of the wind turbines hereby consented cease(s) to be required for the purposes of electricity generation, the wind turbine(s) concerned, and any ancillary equipment or structures no longer required for the purposes of electricity generation, shall be dismantled and removed from the site, and the site, or that part of the site no longer in use for electricity generation, shall then be restored to its former condition within 12 months of the cessation of operation of the turbine(s) concerned.

Reason: In the interests of the amenity of the area so that in the event of the turbines reaching the end of their operational life, these will be removed within a reasonable period of time to avoid any unnecessary environmental impact resulting from the retention of non-operational turbines on the site.

7. Unless otherwise agreed in writing by the Planning Authority and in advance of installation, the wind turbines shall match in all respects the finished appearance (including finished colour) of the approved drawings hereby consented. Further, and unless otherwise agreed in writing by the Planning Authority, there shall be no symbols, signs, logos or other lettering displayed on any part of the turbines other than those required for health and safety reasons, and the rotors of both turbines shall only rotate in the same direction.

Reason: In the interests of ensuring that the finished and operational appearance of the wind turbines has landscape and visual impacts which are sympathetic to the amenity of the site and surrounding area.

8. No development shall commence until the Developer has first provided the Planning Authority with documentary evidence that the Ministry of Defence has received, and confirmed its acceptance of, appropriate notification of the following details:
- i) the date(s) of commencement of the construction of the turbine(s);
  - ii) the date(s) of completion of the construction of the turbine(s);
  - iii) the maximum height (including extension height) of the construction equipment to be used to erect the turbine(s); and
  - iv) the latitude and longitude of the turbine(s) when completed.

Reason: To ensure that appropriate notification is given to the Ministry of Defence to address the latter's concern that accurate information about the delivery and location of the

development hereby consented, should be supplied to allow the Defence Estates Safeguarding to update its records.

9. Fields 7 and 8 on the land ownership plan submitted by the applicant on 5 December 2017 shall be retained in permanent pasture for a minimum period of five years from the date of the first turbine hereby approved being erected.  
Reason: to ensure the surrounding habitat does not attract corn buntings to the site once the turbines are in operation, in the interests of biodiversity.

**NOTE**

Mr John Trotter spoke against the application

Mr William Mykura, Applicant spoke in favour of the application

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/01709/FUL	Erection of four dwellinghouses	Land East of Craigpark Court, Galashiels

Decision: Approved subject to a legal agreement and the following conditions and informatives:

1. All approved residential units shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 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 prior to development commencing.  
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 and the reinstatement of the Borders Railway.
2. No development shall commence until a protective fence is erected in accordance with BS5837:12 alongside the tree to the east of Plot 4, as identified on the approved site plan, and the fence shall not be removed until all construction activities on site are fully complete. The existing fence along the northern boundary of Plot 5A shall be retained (or reinstated before works commence) until after construction works are complete. There shall be no construction works, including storage of plant or machinery or provision of retaining walls/boundary treatments (notwithstanding the approved site plan) within the protected areas unless construction details of such works have been submitted to and approved by the Planning Authority, and there shall be no services installed unless compliant with National Joint Utilities Group Guidelines.  
Reason: To safeguard trees of value adjoining the site, including trees subject to Tree Preservation Order
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services shall be made available to serve the development, and until a surface water drainage connection to the mains has been approved, and the means of maintenance of the surface water drainage scheme have been submitted to and agreed with the Planning Authority. The development shall be serviced by a surface water drainage scheme based on the indicative proposals on drawing 9307 L(52)001 B and existing pre-development run-off rates from the site during and after construction shall be maintained. All services shall be operational prior to the occupancy of any dwellinghouse hereby approved.  
Reason: To ensure the development can be adequately serviced, without flood risk to other properties

4. No development shall commence until specifications (and samples where required by the Planning Authority) of all materials for the parking spaces, paths, house roofs, external walls, basecourses and retaining walls have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved specifications.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. No development shall commence unless in accordance with a scheme of ground, house and road/parking area levels that has been submitted to and approved by the Planning Authority. The scheme shall be related to an off-site datum and shall include existing and proposed levels throughout the application site. The development shall be carried out in accordance with the approved scheme.  
Reason: Further information is required regarding finished house and site levels to ensure the development is visually sympathetic and acceptable as regards road safety
6. No development shall take place except in strict accordance with a scheme of landscaping works, which shall first be submitted to and approved in writing by the planning authority. The scheme of works shall include:
  - a) details of new fences/walls, their route, height, design and materials (notwithstanding references on the approved site plan)
  - b) schedule of planting, including screen planting for the easterly boundary, to comprise location, species, plant sizes and proposed numbers/density
  - c) programme for completion (including timescale for fencing alongside parking spaces and all planting) and subsequent maintenanceReason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings and to mitigate effects of the development on the privacy of adjacent properties.
7. No dwellinghouse shall be occupied until the road serving the development leading from Craigpark Gardens and the road and parking layout approved under this consent have been completed in accordance with the Council's adoptable standards and until bin stances specified on the approved site plan have been provided. The layout shall accord with the approved site plan and the development shall only be implemented and occupied where the development of Plot 3 has been implemented in accordance with the same site plan  
Reason: To ensure each dwellinghouse can be adequately serviced by road, parking and bin storage provision, and that parking arrangements relate sympathetically to the adjacent approved development
8. Notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011 or any subsequent revision or replacement of the Order) there shall be no development involving excavations to finished ground levels within the hatched area identified on the approved plan, and there shall be no extension, enlargement or other external alteration of the dwellinghouses, and no outbuilding, deck or other raised platform erected within the curtilage of any dwellinghouse without a planning application having first been submitted to and approved by the Planning Authority  
Reason: To minimise risk of damage to the roots of a protected tree and minimise risk to the amenity of neighbouring properties
9. All rooflights identified on the plans and elevational drawings approved under this consent located on the easterly-facing (rear) roof slopes shall be set a minimum of 1.8 metres above the internal floor level to which they relate  
Reason: To safeguard the privacy of adjacent properties

#### Informatives

The Council's Technical Approval (Roads Planning Service) shall be required for all retaining walls adjacent to the public road

An amended Road Construction Consent will be required for the site. This must include amendments to the lighting, drainage and road layouts and details.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/01757/MOD75	Modification of planning obligation Pursuant to planning permissions 12/00811/FUL, 13/01109/FUL, 14/00412/FUL 14/01227/FUL	Land Adjacent to Craigpark Gardens Galashiels

Decision: Approved subject to a clause requiring that the units be owned and managed by the applicants, or other Registered Social Landlord, as affordable housing, with the exception of Plot 1 which shall remain bound by the original contributions (pro rata).