
Apologies:- Councillor J. Houston.

In Attendance:- Development Manager (Projects, Review & Performance), Development Manager (Applications), Assistant Road User Manager, Plans and Research Manager, Managing Solicitor – Commercial Services, Solicitor (S. Shaw), Committee and Elections Team Leader.

CHAIRMAN

1. In the absence of the Chairman the meeting was chaired by Councillor Jones.

ORDER OF BUSINESS

2. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

MINUTE

3. There had been circulated copies of the Minute of the Meeting of 9 August 2010.

DECISION

APPROVED for signature by the Chairman.

DRAFT PLANNING BRIEF – WILDCAT GATE SOUTH, JEDBURGH

4. There had been circulated copies of a report by the Head of Planning and Regulatory Services seeking approval for the draft planning brief for Wildcat Gate South in Jedburgh, to go out for 12 week public consultation. The report explained that Wildcat Gate South was a greenfield site, located on the eastern edge of Jedburgh, with new residential development to the west, the B-listed Head Keepers Cottage to the north and ancient woodland and open countryside/farm land to the south and east. The ancient woodland included within the site boundary was excluded from the developable area. The Plans and Research Manager showed slides of the site and highlighted the main points from the planning brief which was appended to the report. In response to a Member’s question he explained that the proposed linked design of the houses within the development vision was to reflect the design of buildings within the area and that the development should take maximum benefit of long views to the south.

DECISION

AGREED:-

(a) the draft planning brief for Wildcat Gate South, Jedburgh as a basis for a 12 week public consultation, and that if there were any substantive comments then they should be reported back to Committee; and

(b) that if there were no substantive comments arising from consultation that the planning brief should be delegated for approval to the Head of Planning and Regulatory Services.

DECLARATION OF INTEREST
Councillor Fullarton declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

**DRAFT MINI PLANNING BRIEF – MAIN STREET, ECCLES**

5. There had been circulated copies of a report by the Head of Planning and Regulatory Services seeking approval for the draft mini planning brief for the Main Street, Eccles, housing site to be used as a basis for public consultation for a 12 week period. The local plan had identified this site with an area of 0.2 hectares for housing and an indicative capacity of 5 units. The report explained that the site was currently an area of overgrown and unkempt ground. It was bounded by residential properties to the south, land which had planning permission for five dwelling houses to the east, by garden grounds to the east and arable land to the north. The Plans and Research Manager summarised the main points of the brief which was appended to the report. In the discussion that followed Members noted the benefits of developing this particular piece of land but that it was important that the design of the development would fit in with the neighbouring terraced properties on the street frontage.

**DECISION AGREED:-**

(a) the draft mini planning brief for the Main Street, Eccles housing site as a basis for a 12 week public consultation, and that if there were any substantive comments then they should be reported back to Committee; and

(b) that if there were no substantive comments arising from consultation that the mini planning brief should be delegated for approval to the Head of Planning and Regulatory Services.

**DRAFT MINI PLANNING BRIEF – WEST OF ST DUNSTANS, LILLIESLEAF**

6. There had been circulated copies of a report by the Head of Planning and Regulatory Services seeking approval for the draft mini planning brief for the West of St Dunstans, Lilliesleaf, housing site to be used as a basis for public consultation for a 12 week period. The report explained that the open site of 1.5 hectares, which was located at the extreme western edge of Lilliesleaf and fronted onto the B6400, had been allocated for housing in the Finalised Local Plan Amendment with an indicative figure of 15 units. It was currently grazing land with a general purpose agricultural shed positioned in the north eastern corner. With reference to slides and the mini planning brief, appended to the report, the Plans and Research Manager drew attention to the location of the site which would form an ‘entrance’ to the village and as such should have a minimal impact on views and the rural aspect. The brief described the Development vision to provide a high quality housing development that was responsive to the local context. Officers agreed to follow up the suggestion by a Member for the provision of a pedestrian link to the public road at the south eastern corner of the site.

**DECISION AGREED:-**

(a) the draft mini planning brief for the West of St Dunstans, Lilliesleaf, housing site as a basis for a 12 week public consultation, and that if there were any substantive comments then they should be reported back to Committee; and

(b) that if there were no substantive comments arising from consultation that the mini planning brief should be delegated for approval to the Head of Planning and Regulatory Services.

**MEMBER**

Councillor Calvert joined the meeting during consideration of planning application reference 10/00783/FUL below.

**APPLICATIONS**

7. There had been circulated copies of reports by the Head of Planning and Regulatory Services on applications for planning permission requiring consideration by the Committee.
DECISION
DEALT with the following planning applications as detailed in the Appendix to this Minute:
10/00469/MIN
10/00265/MIN
10/00783/FUL
10/00720/FUL and 10/00721/LBC

PROPOSED WIND FARM AT AIKENGALL II.

8. With reference to paragraph 3 of the Minute of 8 February 2010, there had been circulated copies of a report by the Head of Planning and Regulatory Services regarding the Scottish Government consultation, under Section 36 of the Electricity Act 1989, on the proposed wind farm at Aikengall II. The purpose of the report was to advise the Scottish Government of the response from Scottish Borders Council on the application by Community Windpower Ltd for consent under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country (Scotland) Act 1997 for a wind farm, comprising of 22 wind turbines and ancillary equipment at 'Aikengall II' (Wester Dod), in the Lammermuir Hills. The report explained that the development proposal had been revised since Scottish Borders Council submitted its objection to the Scottish Government in respect of a 30-turbine scheme in February 2010. Eight Turbines within the Scottish Borders had been deleted from the proposal and the site now entirely lay within East Lothian. An addendum to the original Environmental Statement (ES) had been submitted. The consultation response required from Scottish Borders Council was therefore now one of a neighbouring authority rather than as a relevant authority. The report went on to give the planning officer’s assessment of the revised proposal. In outlining preliminary matters the Development Manager, Projects Review and Performance, reminded Members of their site visit and advised that the original application and addendum should be read together. Despite the fact that the development now lay outwith the Scottish Borders boundary Members should still consider the overall effect of the development and whether the reasons for the objection to the original 30 turbine proposal outlined in the report were still applicable. He went on to refer to additional material that had been circulated to Members, relating to the revised proposal, which included a copy of a letter from the Ministry of Defence and submissions from Abbey St Bathans, Bonkyl and Preston and Cockburnspath Community Councils all of which indicated no objection. Members were informed that, as Scottish Borders Council was not the planning authority, if they were minded to continue the objection to the application Scottish Ministers would not automatically be obliged to hold a Public Inquiry. However, they could ask for such an Inquiry to be held. Members discussed the revised proposal for the wind farm comprising 22 turbines and were divided in opinion as to whether the reasons for the objection to the original scheme for 30 turbines were still relevant.

VOTE

Councillor Moffat, seconded by Councillor Brown, moved that the recommendation not to object to the application be approved.

Councillor Fullarton, seconded by Councillor Watson, moved as an amendment that the Council’s original objection be continued on the revised grounds that the application was contrary to the following Structure and Local Plan policies for the reasons stated:-

The proposed development would be contrary to Policies I19, I20 and N11 Scottish Borders Structure Plan 2001- 2018 and Policies EP2 and D4 of the Scottish Borders Local Plan 2008 in that:

(i) it would have a significant adverse impact on the landscape character, integrity and countryside amenity of the Lammermuir Hills Area of Great Landscape Value;

(ii) the land form containment was very limited and the turbines would have a significantly harmful visual impact on high sensitivity receptors that included residential properties within
the 5km zone of the windfarm, public viewpoints and recreational users of the Lammermuir Hills;

(iii) the development would result in unacceptable cumulative landscape and visual impacts

On a show of hands Members voted as follows:-
Motion - 5 votes
Amendment - 7 votes
The Amendment was accordingly carried.

DECISION
DECIDED that Scottish Borders Council:-
(a) submit a formal objection to Scottish Ministers in respect of the application at Aikengall II in terms of the policies detailed above;
(b) respectfully ask Scottish Ministers to hold a Public Inquiry in relation to the application.

ADJOURNMENT
The Chairman adjourned the meeting at 12.45 p.m. for lunch. The meeting reconvened at 1.00 p.m.

APPLICATIONS
9. There had been circulated copies of reports by the Head of Planning and Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION
DEALT with the following planning applications as detailed in the Appendix to this Minute:
10/00703/AMC
09/00915/OUT
10/00772/FUL
10/00900/FUL
10/00801/FUL and 10/00800/LBC
10/00989/CON and 10/00990/FUL
10/00884/PPP
10/00908/FUL
09/00629/FUL, 09/00702/LBC and 09/00703/CON

DECLARATIONS OF INTEREST
Councillor Riddell-Carre declared an interest in application 10/00900/FUL and Councillor Moffat declared an interest in applications 10/00801/FUL and 10/00800/LBC in terms of Section 5 of the Councillors Code of Conduct. The Councillors left the Chamber during the discussion on those respective applications.

APPEALS AND REVIEWS
10. There had been circulated copies of a report by the Head of Planning and Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION
NOTED:-
(a) that the Scottish Ministers had sustained an appeal, subject to a condition, in respect of changes to approved house design, former Mill Buildings adjacent Dean Cottage, Old Manse Road, Eddleston.
(b) that the Scottish Ministers dismissed an appeal in respect of the erection of dwellinghouse, land north and east of Spindrift Cottage, Kaimflat, Kelso.
(c) that a request for a Review had been received in respect of the erection of timber deck with balustrade (retrospective), 76 Forest Road, Selkirk;

(d) that the Local Review Body had dismissed appeals in respect of:-
   (i) installation of 3 No solar panels at Harden Vale, Ancrum; and
   (ii) the erection of dwellinghouse, land south east of Eastfield Stables, Buxton, Selkirk (Varied terms of reason for refusal).

(e) that the Local Review Body had upheld the appeal in respect of the erection of log cabin, land south of Whitchester House, Duns.

The meeting concluded at 3.20 pm.
## Applications for Planning Permission

<table>
<thead>
<tr>
<th>Reference</th>
<th>Name and Address</th>
<th>Nature of Development</th>
<th>Location</th>
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<tbody>
<tr>
<td>10/00469/MIN</td>
<td>Alex Brewster &amp; Sons Partnership</td>
<td>Extraction of sand and gravel</td>
<td>Land Northwest of Rumbletonlaw Farmhouse</td>
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<td>AMS Associates</td>
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<td>Woodside</td>
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<td>Roxburghshire</td>
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Decision: Approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

   “Development at (Note 1)

   Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

   The development comprises (Note 5)

   Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting http://eplanning.scotborders.gov.uk/publicaccess, using the application reference (Note 6)"

   Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. The consented extraction works shall be permitted to operate for a maximum period of 15 years from the date of commencement of works on-site. Within 6 months of this date, or of the cessation of workings, whichever is the earlier, all buildings, structures and plant shall be removed from the site. Within 18 months of the cessation of workings, the site shall be fully restored to the satisfaction of the Planning Authority.
   Reason: To minimise the environmental effects of the proposed development in a manner that is consistent with its operational capacity.

4. No building, structure or plant which has not formed part of this approval, shall be erected on the site without the prior consent of the Planning Authority.
   Reason: To allow the Planning Authority to maintain reasonable control of the appearance of the site, and to minimise the impact of the development on its surroundings.

5. The consented development shall be carried out in accordance with the approved scheme of working which is detailed in Section 5.3.4. of the Supporting Statement and the phasing plans accompanying the application (Drawings 6861 C to 6874 C inclusive) unless explicit approval to vary this is provided in writing by the Planning Authority. All work shall be undertaken in accordance with a Method Statement based on the principles set out in the sample method.
statement provided in support of the application, which shall have been submitted to and approved in writing by the Planning Authority prior to the commencement of operations. Reason: To ensure the development of the site is carried out in the manner considered by the Planning Authority.

6. Deleted.

7. Notwithstanding the information shown in Drawings 6878 C and 6879 C with regard to the depth of excavations, excavations shall go no deeper than 5m below the existing ground level as identified in Drawings 6875 C, 6878 C and 6879 C, unless this has otherwise been agreed in writing by the Planning Authority. Reason: This represents the depth stated as part of the planning submissions, and is the depth upon which all considerations by the Planning Authority are based.

8. All works, including temporary buildings, plant, machinery and stockpiles, shall be contained within the approved compound area unless specifically used during the initial soil or overburden stripping, or during bunding formation or planting works. Reason: To minimise the visual impact of the development.

9. Notwithstanding the information submitted in support of the application, prior to their installation on site, precise details of the location and appearance of the immobile plant to be operated within the compound area shall be submitted to, and approved in writing by, the Planning Authority. Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes. Reason: To ensure that the Planning Authority retains effective control over the development.

10. The hours of operation for all working, with the exception of maintenance work necessary for site safety, shall be limited to the hours of 07:00 hours to 17:00 hours on Mondays to Fridays, and 07:00 hours to 14:00 hours on Saturdays. Operation outside these hours shall only take place after prior notification to, and approval in writing by, the Planning Authority. Reason: To safeguard the amenity of nearby residential properties and the rural amenity of the area.

11. Noise levels, when measured at the nearest noise sensitive dwelling in existence at the date of consent, shall not exceed the background LA90 10min level by more than 5dB inclusive of any tonal penalty. Reason: To safeguard the amenity of nearby residential properties and the rural amenity of the area.

12. Throughout the period of operation of the site, noise attenuation barriers shall be provided and maintained in accordance with a scheme of details agreed in writing by the Planning Authority. This scheme of details shall include the location(s), height(s) and profile(s) of the barriers, and shall first have been submitted to, and approved in writing by, the Planning Authority prior to the commencement of development. Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes. Reason: To safeguard the amenity of nearby residential properties and the rural amenity of the area and to minimise the visual impact of the development.

13. Prior to the commencement of the consented operations on site, a dust monitoring regime based on the measures identified within Section 9.8 of the Environmental Statement shall be submitted to, and approved in writing by, the Planning Authority. This dust monitoring regime shall (a) incorporate a reliable means of establishing wind speed and directional data so that the source of any dusts can be properly identified and appropriately addressed, and (b) identify how this wind speed and directional data will be used to inform the dust monitoring regime. Following the commencement of the consented development, the dust monitoring regime shall be implemented.
in accordance with the approved details, and shall be enforced throughout the period of
operation, with dust control measures being applied at all relevant times. Any subsequent
change or changes to the approved details shall first have been agreed in writing by the Planning
Authority, prior to the implementation of this change/these changes.
Reason: To ensure that the development remains compatible with nearby uses and occupiers by
having no unacceptable impacts upon local air quality.

14. Prior to the commencement of development, a topographical survey shall be undertaken by
qualified persons for the purposes of making a detailed record of the height and appearance of
the existing landscape within the boundaries of the site; and the results of this survey shall be
submitted to, and approved in writing by, the Planning Authority.
Reason: To ensure that a full and proper record of the height and appearance of the existing
landscape within the site is made prior to the commencement of works. It is necessary that this
information is available to inform the compilation and assessment of the Restoration Plan to allow
proper consideration to be given to both the appearance of the restored landscape and to the
impact of the restored landscape upon surface drainage.

15. Subsequent to the conclusion of the topographical survey required by Planning Condition 14 and
prior to the commencement of development, details of the contours, levels and gradients to which
reinstated land shall be made up during the period of operation shall be submitted to, and
approved in writing by, the Planning Authority in liaison with SEPA. Following approval, the
development shall be implemented in accordance with the approved details. Any subsequent
change or changes to the approved details shall first have been agreed in writing by the Planning
Authority, prior to the implementation of this change/these changes.
Reason: To prevent pollution of the water environment and minimise and prevent mineral waste
on site; to ensure the restoration of the site in the interests of landscape and visual amenity; and
to ensure that the development proceeds in a manner that is compatible with the local
environment and the amenity enjoyed by occupiers of nearby dwellings.

16. No trees within or on the boundary of the site shall be felled, lopped, lifted or disturbed in any way
without the prior consent of the Local Planning Authority.
Reason: The existing trees represent an important visual feature which the Planning Authority
considers should be substantially maintained.

17. Prior to the commencement of development, (a) details of the permanent amenity bank to be
formed to the east of the consented access road and compound area, and (b) details of the
advance tree planting to be undertaken either side of the access road, shall be submitted to and
approved in writing by the Planning Authority. These details shall make provision for tree
planting to occur on that part of Area 1a (that is, the area denoted as ‘1a’ on the approved
Phasing Plans, Drawings 6861 C to 6874 C inclusive) where tree planting would be required in
order to extend the woodland strip on the west side of the access road down to the perimeter of
the consented compound area. These details shall include:

i. a scale drawing/drawings indicating the location of the amenity bank and the extent of
tree planting, taking account of the need for the access road to be 7m in width;
ii. a scale drawing/drawings indicating the appearance (including height and profile) of the
amenity bank;
iii. a scale drawing/drawings indicating existing and proposed ground levels, to indicate the
change in appearance of the landscape as a consequence of the creation of the amenity
bank and any changes in level between the existing and restored ground levels within that
part of ‘Area 1a’ that would be used for tree planting;
iv. a full planting scheme indicating the locations, numbers and species of tree to be
planted; and
v. a schedule setting out the phasing of the planting, a programme for its implementation
and its subsequence maintenance, including appropriate provision for the need for tree
planting on land within ‘Area 1a’ to take place after this area has been properly reinstated.
Reason: To minimise the visual impact of the development throughout the period of operation of
the consented quarry.
18. Prior to the commencement of development, precise details of the enclosure of the site and the appearance of the entrance, including gates and any fencing or walls, shall be submitted to and approved in writing by the Planning Authority. Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.
Reason: This aspect of the development requires further consideration in the interests of ensuring that it has an acceptable visual impact when viewed from the public road.

19. Prior to the commencement of operations the site access and road junction shall first have been completed in accordance with the details shown on approved Drawings 6857 C, 6858 C, 6859 C and 6860 C, and shall thereafter be maintained in accordance with these details for the duration of the development. The access road shall be constructed and thereafter maintained at 7m in width for its entire length from the compound area up to a distance of 20m from its junction with the A697. Details of junction signage shall be submitted before the development commences for the approval of the planning authority and once agreed shall be implemented in accordance with the approved details.
Reason: In the interests of road safety both on the site access road and at the junction with the A697.

20. Visibility splays of a minimum of 4.5 by 215 metres in both directions onto the public road (A697) from the access track, shall be created prior to the commencement of works on site and shall thereafter be maintained free of obstruction in perpetuity (for the duration of the development). Reason: In the interests of road safety.

21. The approved vehicle wheel cleaning facilities shall be installed on-site prior to the commencement of operations, and shall thereafter be retained in good working order for the duration of the development hereby approved. The public road shall be kept free of debris/mud from the site for the duration of the development hereby approved.
Reason: To ensure material from the site is not deposited on the road network to the detriment of road safety.

22. No other access onto the public road shall be formed at any time other than the single access agreed as part of this planning permission.
Reason: In the interests of road safety.

23. Prior to the commencement of any works, a full site specific environmental management plan shall be submitted for the written approval of the Planning Authority in liaison with SEPA. Following approval, the development shall be implemented in accordance with the approved plan and shall be carried out at all times in strict accordance with the agreed details of the Plan. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.
Reason: To prevent pollution of the water environment and to minimise and prevent mineral waste on site.

24. Prior to the commencement of any works and notwithstanding the details shown in any information submitted as part of the approved application, details relating to the exact specification and location of the lagoon(s) and associated works/vegetation shall be submitted to and approved in writing by the Planning Authority, and shall thereafter be strictly adhered to.
Reason: To ensure that any issues relating to potential flood risk and contamination of the nearby water course (Eden Water) have been fully addressed.

25. Prior to the commencement of development, further surveys for protected species (otter, badger and breeding birds) shall be undertaken to the satisfaction of the Planning Authority. The surveys shall include schemes of mitigation where appropriate. The results of these surveys and mitigation plans where applicable, shall be submitted to, and approved in writing by, the Planning Authority. Any works identified within the approved mitigation plans shall thereafter be carried out in accordance with the approved scheme. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: Further information is required to ensure that the impact of the consented development upon protected species is properly understood and to ensure that the consented development does not have any unacceptable impacts upon these species.

26. No habitat clearance works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority.
Reason: To ensure that the consented development does not have any unacceptable impacts upon protected species.

27. Prior to the commencement of works a Landscape and Habitat Management and Enhancement Plan including restoration measures for breeding birds, woodland, hedgerow, wetland and grassland management and enhancements, shall be submitted to, and approved in writing by, the Planning Authority in consultation with SNH and taking cognisance of the consultation advice of RSPB and SWT. Any works shall thereafter be carried out in accordance with the approved scheme. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: To compensate for potential habitat loss associated with the realisation of the development and to ensure that the consented development does not have any unacceptable impacts upon local wildlife.

28. Prior to its installation, precise details of the floodlighting of the site, including all means of support, shall be subject to the prior written approval of the Planning Authority. Floodlighting shall be designed to minimise light spillage and focus on the working area(s). Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.
Reason: In the interests of safeguarding the visual amenity of the area and minimising disturbance to bats and badgers.

29. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining:
   i. An archaeological evaluation of the proposed quarry area and associated post-exavcation analysis;
   ii. An integrated strategy of small finds identification in the field and associated post-exavcation analysis;
   iii. An integrated strategy of palaeo-environmental sampling and associated post-exavcation analysis; and
   iv. Proper dissemination of all results through reporting to the Council and to other relevant heritage bodies.

This Written Scheme of Investigation shall be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Following approval, the archaeological investigation shall be undertaken by a contracted archaeologist or archaeologists, in accordance with the approved details. The developer shall allow the contracted archaeologist(s) to complete the approved programme of fieldwork prior to the commencement of development. In the event that significant archaeology is encountered during the course of the fieldwork, the Archaeology Officer shall be contacted for further consultation. In the event that the Archaeology Officer would seek to conserve any archaeological deposits and/or features in situ, no development shall take place until arrangements for the conservation of such deposits and/or features have been submitted to, and approved in writing by, the Planning Authority. The approved means/method of conservation shall thereafter be implemented and maintained in accordance with the approved details. The developer shall ensure that all data and finds gathered during the course of fieldwork undergo appropriate post-exavcation analysis, and that the results of this work are submitted to the Planning Authority for its review and record, and that appropriate arrangements are made for the curation of any finds.
Reason: The site is within an area where ground works may destroy or damage archaeological remains, and it is therefore desirable to afford a reasonable opportunity to preserve an appropriate record of these remains.
30. At least one year (12 months) prior to the cessation of mineral workings on site, a detailed restoration scheme, including an after-care and management plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. The aforementioned plan must include:
   a) information on any proposals for phased working and progressive restoration, as well as on the effect that any restoration will have on the water environment, including groundwater quality and quantity; and
   b) an assessment of the effect that any backfilling below the water table will have on groundwater.

The scheme shall additionally include:
   i. the proposed final restoration contours, levels and gradients;
   ii. means of landscaping and planting, wildlife habitat creation and an implementation programme and maintenance schedule; including planting schedules identifying the species, number, location of all planting and ground cover, and future maintenance; and
   iii. details of how the site access road, entrance, and site boundaries would be treated.

Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.

Reason: To prevent pollution of the water environment and minimise and prevent mineral waste on site; to ensure the restoration of the site in the interests of landscape and visual amenity; and to ensure that the development proceeds in a manner that is compatible with the local environment and the amenity enjoyed by occupiers of nearby dwellings.

31. Prior to the commencement of operations, car parking provision shall have been provided in accordance with details, including the number, location and surfacing of car parking spaces, which shall first have been submitted to, and approved in writing by, the Planning Authority.

Reason: In the interests of road and site safety by ensuring that appropriate provision is made for the parking of workers’ private vehicles within the site.

32. A bond, or other appropriate financial guarantee, of a value to be agreed with the Planning Authority shall be deposited before the development commences to secure provision for the restoration of the site.

Reason: To ensure that restoration of the site can be successfully implemented.

Informatives

The Notes above should be completed for Condition 2 as follows:

Note 1: Insert address or describe the location of the development
Note 2: Delete “subject to conditions” if the planning permission is not subject to any conditions
Note 3: Insert the name and address of the developer
Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
Note 5: Insert the description of the development.
Note 6: Insert the application reference number.

This planning permission does not purport to grant consent under any other legislation or Regulations operated by bodies other than the Planning Authority, including Scottish Natural Heritage, the Scottish Environmental Protection Agency, the Water Authority, Historic Scotland and any other Department of Scottish Borders Council (This list is not exhaustive).

All work within the public road must be undertaken by an approved contractor on the Council’s list (DC-8).

With regard to surface water management, it is recommended that prior to discharge into the lagoons, source control (silt traps etc.) should be used to control sediment runoff from the areas used for mineral processing activities, excavated surfaces, site compound and access roads as appropriate. The proposed wheel washing facility should be operated on a closed cycle system. If a closed cycle system is not employed, any overflow from the wheel wash system should discharge to the settlement lagoons. Each phase will require soil stripping and whilst good practice should be followed such as minimising
run-off and seeding soil storage mounds, significant runoff during heavy rain must be directed to the settlement lagoons.

It is advised that the final mitigation/species protection plan for badgers should include assessment of impacts on foraging habitat as per the Council’s Supplementary Planning Guidance for biodiversity (http://www.scotborders.gov.uk/life/planningandbuilding/plansandresearch/6003.html section 4.3.5, and, where relevant, it should also include provision for the following:

The use of noisy plant or machinery in the vicinity of the protection zone to cease at least 2 hours before sunset;
Security lighting to be directed away from setts;
Chemicals to be stored as far away as possible from setts and badger paths;
Any temporarily exposed open pipe system to be capped in such a way as to prevent badgers gaining access.

A consideration within the breeding birds survey is that net loss of biodiversity may potentially be incurred, and should be compensated for accordingly.

The semi-improved to improved grassland identified within the Environmental Statement potentially contains areas of poor semi-improved grassland (B6) and, therefore, has potential for restoration to semi-improved grassland. This should be built into restoration proposals.

The habitat restoration measures should include native woodland creation and enhancement contributing to the local Forest Habitat Network, reinforcement of the hedgerow and dyke framework, restoration of semi-improved grassland, enhancement of riparian habitats, creation and management of grass margins and areas of wild bird cover.

The nature of the development lends itself to the creation of a wetland feature which should be included in the restoration proposals within sand and gravel bunds retained to benefit breeding birds. The Borders Wetland Vision model identifies a potential ground water dependent wetland opportunity area in the field identified as containing “Area of gravel mineral resource used throughout phases 1 to 5” in Fig. 3.1 of the Environmental Statement.

The SEPA classification of the water body (Eden water: Source to Hume burn confluence) indicates that the water body is of Moderate status. Pressures on this water body include diffuse pollution from agriculture: http://apps.sepa.org.uk/rbmp/pdf/5216.pdf. The restoration proposals could help deliver multi-benefits by contributing to diffuse pollution control through habitat management measures.

10/00265/MIN Aggregate Industries UK Ltd Per J W H Ross & Co Ltd 242 West George Street Glasgow G2 4QY

Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

   Development at (Note 1)
Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council 1Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting http://eplanning.scotborders.gov.uk/publicaccess, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. The development shall be carried out in accordance with the approved scheme of working detailed in the amended phasing plans accompanying the application.
   Reason: To ensure the development of the site is carried out in the manner considered by the planning authority

4. This quarry shall be permitted to operate for a maximum period of 21 years beginning from the date of this consent. Within six months of this date, or of cessation of workings, whichever is the earlier, all buildings, structures and plant, shall be removed from the site.
   Reason: To minimise the environmental effects of the proposed development in a manner consistent with its operational capacity.

5. The means of fencing the site shall be subject to the prior written approval of the Planning Authority. No other fencing shall be permitted on the site.
   Reason: In the interests of safeguarding the visual amenity of the area

6. A restoration and aftercare plan to be submitted one year prior to operations ceasing. Information on the proposals for phased working and progressive restoration should be outlined. Consideration should also to be given to the effect that any restoration will have on the water environment, including groundwater quality and quantity, including an assessment of the effect that any backfilling below the water table would have on groundwater flow. Restoration proposals should be designed to maximise habitat creation. Various guidance in this regard and if water features proposed documents such as Ponds, Pools and Lochans, should be followed. The scheme shall be implemented in accordance with the approved details.
   Reason: To ensure the restoration of the site in the interests of landscape and visual amenity

7. A bond, or other appropriate financial security, shall be deposited before the development commences of a value to be agreed with the Planning Authority which secures provision for the restoration of the site.
   Reason: To ensure that restoration of the site can be successfully implemented

8. A detailed scheme of mitigation planting, identifying species, number, location of all planting, and ground cover and future maintenance including specified inspection dates by the planning authority, shall be submitted to and approved by the planning authority. Once approved, all planting shall be carried out on site in full prior to the commencement of mineral extraction under this consent.
   Reason: To minimise the visual impact of the development

9. A checking survey of badgers shall be carried out no earlier than one month before any work commences on site, and the scheme revised, where necessary, with the approval of the Planning Authority.
   Reason: To minimise the potential impact of the development on badgers

10. A checking survey for breeding birds shall be shall be carried out and submitted to and approved by the Planning Authority before development commences. The survey shall include a scheme of mitigation where necessary and, once approved, the measures shall be carried out in accordance with the approved scheme. Unless otherwise agreed in writing with the Planning Authority as part
of the scheme of mitigation, no works shall be carried out during the bird breeding season (March-
August)
Reason: To minimise the potential impact of the development on breeding birds

11. A Landscape and Habitat Management Plan shall be submitted to and approved in writing by the
Planning Authority before the development commences. Once approved, its requirements shall be
 carried out on site in full to a programme set out in the agreed plan.
Reason: To compensate for potential habitat loss associated with the development

12. No development shall take place until the applicant has secured the implementation of a
programme of archaeological work in accordance with a Written Scheme of Investigation outlining
an Archaeological Field Survey which has been formulated by, or on behalf of, the applicant and
submitted to and approved in writing by the Planning Authority. Access should be afforded to allow
archaeological investigation, at all reasonable times, by a person or persons nominated by the
developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s)
to conduct a systematic archaeological field survey that is likely to include the recording of
landscape features of archaeological interest, artefactual evidence or the non-invasive geophysical
survey of below ground features to determine the potential impacts of development. Results will be
submitted to the Planning Authority for review in the form of a Field Survey Report. If significant
archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for
further consultation. The developer will ensure that any significant data and finds undergo post-
excavation analysis, the results of which will be submitted to the Planning Authority.
Reason: The site is located in an area of archaeological potential.

13. Noise levels at the nearest noise sensitive properties noted below shall not exceed the
undernoted LAeq 1hour figures:

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>NOISE LIMIT (LAeq 1Hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crookston Cottage, Crookston Lodge, Cortleferry Cottages, The Bower, Ellem Cottage, Heronshaw Cottage</td>
<td>50dB</td>
</tr>
<tr>
<td>Hoppringle</td>
<td>45dB</td>
</tr>
</tbody>
</table>

Reason: To safeguard the amenity of nearby property occupiers

14. A programme of noise monitoring over the operational period of the development shall be agreed
with the Planning Authority prior to the development commencing
Reason: To ensure condition 13 is not being exceeded and to apply any necessary mitigation
measures

15. In respect of inhabited property, vibration levels measured at any sensitive property should not
exceed 6 mms$^{-1}$ peak particle velocity for 95% of blast events. No event should exceed 10 mms$^{-1}$
peak particle velocity.

As regards the telecommunications premises to the southeast of the development, Vibration levels
should not exceed 50 mms$^{-1}$ peak particle velocity for 95% of blast events.
Reason: To protect sensitive buildings and utilities from the effects of blasting

16. A programme of vibration monitoring over the operational period of the development shall be
agreed with the Planning Authority prior to the development commencing. The Council reserves the
right to require prior notification of blasting operations to enable independent monitoring to take
place.
Reason: To ensure condition 15 is not being exceeded and to apply any necessary mitigation
measures

17. The hours of operation for all working, with the exception of measures required in an emergency
situation, servicing, maintenance and testing of plant, shall be limited to the hours of 07:00 hours to
18:00 hours on Mondays to Fridays and 07:00 hours to 14.00 hours on Saturdays, unless with the prior agreement of the Planning Authority.
Reason: To safeguard the amenity of nearby property occupiers and the rural amenity of the area

18. The dust monitoring regime undertaken by the operators should incorporate a means of establishing wind speed and directional data so that the source of any dusts can be identified. Dust control measures shall include sheeting of all lorries prior to leaving the site.
Reason: To safeguard the amenity of nearby property occupiers and the rural amenity of the area

19. Vehicle wheel cleaning facilities shall be retained throughout the operation of the quarry, the siting and design of which shall be subject to the prior approval of the Planning Authority.
Reason: To ensure material from the site is not deposited on the A road to the detriment of road safety

20. The proposed alterations to the access including lining and the additional signage and a junction visibility improvement (to achieve a visibility splay of 4.5m x 160m on the south side) shall be implemented and approved by the planning authority, prior to any operations commencing on the site.
Reason: In the interests of road safety and to minimise the potential impact of the development on the existing public road.

21. A Transport Plan shall be submitted to and approved by the planning authority within three months of the start of any operations.
Reason: In the interests of road safety and to safeguard the amenity of nearby property occupiers and the rural amenity of the area

22. Prior to the commencement of any works on the site full details of the surface water drainage regime demonstrating, but not limited to, the structural integrity of the existing settlement pond, maintaining flow through the system to Greenfield run-off rates and an appropriate maintenance regime shall be submitted to and approved by the planning authority in consultation with SEPA and other relevant stakeholders.
The reason: To ensure the protection of the Gala Water and the River Tweed SAC

23. No development can commence until a full site specific environmental management plan (EMP) is submitted at least one month prior to commencement of development and approved by the planning authority, in consultation with SEPA and other agencies such as SNH, should this be desired. Full details of what should be included in the EMP are detailed on the SEPA website.
Reason: To ensure a satisfactory form of working

24. All soils shall be retained on the site and none shall be sold off or removed from the site.
Reason: To enable sound agricultural restoration; to minimise the movement of soils and to minimise traffic movements outwith the site.

25. Prior to its installation, precise details of the floodlighting of the site, including all means of support, shall be subject to the prior written approval of the Planning Authority. Floodlighting shall be designed to minimise light spillage and focus on the working area(s). Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.
Reason: In the interests of safeguarding the visual amenity of the area.

Information for the applicant

The Notes above should be completed for Condition 2 as follows:

Note 1: Insert address or describe the location of the development
Note 2: Delete “subject to conditions” if the planning permission is not subject to any conditions
Note 3: Insert the name and address of the developer
Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
Note 5: Insert the description of the development.
Note 6: Insert the application reference number.

Archaeology
During felling, the harvesters should be made aware of the possibility of encountering drystone structures, and these should be clearly marked and, if possible, avoided during the felling operation to preserve them for later recording.

This planning permission does not purport to grant consent under any other legislation or Regulations operated by bodies other than the Planning Authority, including Scottish Natural Heritage, the Scottish Environmental Protection Agency, the Water Authority, and any other Department of Scottish Borders Council (This list is not exhaustive).

10/00900/FUL  Vodafone Ltd  Replacement monopole supporting 6 no antennas and installation of 2 no street cabinets and ancillary equipment  Land South West of Galamoor House, Netherdale Industrial Estate, Galashiels
Lorna Kennedy  Tyco Electronics Ltd  300 Springhill Parkway  Glasgow Business Park  Baillieston  Glasgow

Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Notwithstanding the references to external colours on the approved drawings and specifications, an alternative colour for the external elevations of the proposed equipment cabinets shall be submitted to and approved by the Planning Authority and, once approved, the works shall be installed in accordance with the approved colour.
   Reason: It is considered that an alternative external colour, such as dark green, would reduce the potential visual clutter that may arise from the provision of the equipment cabinets

3. Any proposed pruning of trees which may be overhanging the development site shall be carried out by a competent arborist in accordance with BS3998.
   Reason: In order to ensure that works to remove overhanging branches is carried out in a manner which safeguards the visual integrity of the trees and therefore limits the visual impact of the development

Information for the applicant

Scottish Power advise that there are underground cables in the area and recommend contact with EnergyNetworks Data Management (North) 55 Fullarton Drive, Cambuslang G32 8FA

10/00720/FUL  The Abbotsford Trust  Erection of visitor reception and associated car parking and access, partial change of use to provide short term holiday letting, office accommodation and roof external store  Land east of Abbotsford House and Abbotsford House, Melrose
Per Mr Angel Morales-Aguilar  57-59 Bread Street  Edinburgh  EH39AH

10/00721/LBC  Erection of visitor reception and associated car parking and access, partial change of use to provide short term holiday letting, office accommodation and roof external store  Land east of Abbotsford House and Abbotsford House, Melrose
Internal and External alterations and refurbishments
10/00720/FUL Decision: Approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and to accord with the related Listed Building Consent

2. A sample of all materials to be used on all exterior surfaces of the Visitor Reception Building hereby permitted shall be submitted to and approved in writing by the Planning Authority before development commences, including roof and wall materials and external colours/finishes
   Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

3. The holiday letting accommodation shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by the Planning Authority at all reasonable times.
   Reason: In order to comply with development plan polices relating to the provision of residential accommodation

4. Before development commences, a tree protection plan, which identifies the Root Protection Areas (in accordance with BS5837) of all trees within fifteen metres of any part of the new-build development (Visitor Reception Building, car park and all paths and hard-surfaces), shall be submitted for the approval of the Planning Authority. The plan shall identify those trees proposed for removal and those proposed to be retained. It shall specify measures designed to safeguard the trees proposed for retention during the construction works. Once approved, the development shall only be carried out in accordance with the protection plan and only those trees and planting agreed for removal shall be so removed.
   Reason: Trees and planting within the site are important features which will help integrate the development with its context, and further information is required by way of clarification of the trees to be removed and the risks to those proposed to be retained.

5. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
   i. location of new trees, shrubs, hedges and grassed areas. This shall, in particular, include full specifications for the woodland planting alongside the car park and new planting alongside the Visitor Reception Building (including species appropriate to the Designed Landscape)
   ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
   iii. programme for completion and subsequent maintenance of all planting, including the woodland alongside the car park
   Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Strip, Map and Sampling strategy. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of monitored top-soil stripping, planning and sampling prior to development. This will include the below ground excavation and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will
ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

7. Further information shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority, before the development commences, including; dimensional information on roads, paths and car parking spaces; a revised road entrance alignment and internal road dimensions; constructional and surface treatment (including samples where required) of all roads, paths, car parking areas; external lighting; full visibility splay and car park ground levels. Once approved, the car park, access roads and paths and visibility splay shall be carried out in accordance with the approved details before the Visitor Reception Building becomes operational
Reason: Further information is required to ensure that the car park and all hard surfaces are both appropriate in terms of road safety and visual impact and that the works are carried out before the visitor reception building comes into operation

8. Further information shall be submitted for the approval of the Planning Authority before the development commences, including full elevational information on the bin store and deck and its level relative to the path link; and, means of enclosure and equipment proposed for the children’s play area
Reason: Further information is required to ensure these elements are visually appropriate to their setting

9. Prior to the commencement of any works, a scheme detailing one level of sustainable drainage (SUDS) surface water treatment shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS manual (C697) and shall be designed to ensure that surface-water run-off from the site does not exceed greenfield run-off.
Reason: To ensure adequate protection of the water environment from surface water run-off

10. The means of water supply and foul drainage for the Visitor Reception Building shall be submitted to and approved by the Planning Authority before development commences, and contain information that demonstrates the risk of any services to trees
Reason: To ensure the development can be adequately serviced in a manner which safeguard trees

11. A survey of bats within the application site, of a scope to be agreed with the Planning Authority in consultation with Scottish Natural Heritage, shall be carried out during the activity season prior to works commencing and shall include mitigation measures, where necessary. The survey and mitigation measures shall be submitted for the approval of the Planning Authority prior to development commencing and, once approved, the development shall proceed only in accordance with any approved mitigation measures
Reason: To minimise risk to habitats of a European Protected Species

12. A sample of the roofing material proposed for the stores shall be submitted for the approval of the Planning Authority before this part of the development commences. The height and profile of the replaced roof shall match that of the existing roof unless otherwise agreed in writing with the Planning Authority
Reason: To ensure this element of the development is appropriate to the setting of the Listed Building

13. The Visitor Reception Building shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with a scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact
Information for the applicant:

1. The Borders Abbey Way should not be obstructed during or subsequent to the development works at any time. The route is a Core Path protected in a similar way to a Public Right of Way and liaison with the Council's access team is recommended.

2. The Planning & Building Standards Committee is keen that The Abbotsford Trust investigates the possibility of providing a footpath link from the new visitor car park to tie in with existing pathways on the A6091. The Committee was keen to encourage sustainable travel methods and to increase the potential for visitors to reach the facility on foot, by bus and by train.

Vote

Councillor Watson, seconded by Councillor Fullarton, moved that the provision of a pedestrian link from the car park to existing pathways on the A6091 be added as a condition to the approval of the application.

Councillor Hume, seconded by Councillor Mitchell, moved as an amendment that the provision of a pedestrian link from the car park to existing pathways on the A6091 be added as an informative to the approval of the application.

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

Motion - 4 votes
Amendment - 8 votes

The amendment was accordingly carried.

10/00721/LBC Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
   Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

2. Details of, and the proposed locations of, all sprinkler systems, detection systems heads and alterations to lighting controls shall be agreed on site with the Planning Authority in consultation with Historic Scotland before work on these installations commences.
   Reason: To safeguard the special architectural and historic character of this Category A Listed Building

3. Details of all alterations to joinery, in particular the upgrading of fire doors, shall be submitted for the approval of the Planning Authority, in consultation with Historic Scotland, before work commences.
   Reason: To safeguard the special architectural and historic character of this Category A Listed Building

4. Full details of the proposed lift installation, including details of plans at each floor level shall be submitted for the approval of the Planning Authority, in consultation with Historic Scotland, before works commence with the installation.
   Reason: To safeguard the special architectural and historic character of this Category A Listed Building

5. Details of the proposed new access ramp in the service court and associated alterations to a window to form a door, shall be submitted for the approval of the Planning Authority, in consultation with Historic Scotland, before work commences.
   Reason: To safeguard the special architectural and historic character of this Category A Listed Building

6. Detailed proposals for alterations to F17 (bathroom) shall be submitted for the approval of the Planning Authority, in consultation with Historic Scotland before work commences
   Reason: To safeguard the special architectural and historic character of this Category A Listed Building
7. An internal and external decoration schedule shall be submitted for the approval of the Planning Authority, in consultation with Historic Scotland, before work commences.
Reason: To safeguard the special architectural and historic character of this Category A Listed Building

8. No external ventilation systems shall be installed in connection with any of the internal alterations without the approval of the Planning Authority in consultation with Historic Scotland
Reason: To safeguard the special architectural and historic character of this Category A Listed Building

9. A sample of the roofing material proposed for the stores shall be submitted for the approval of the Planning Authority before this part of the development commences. The height and profile of the replaced roof shall match that of the existing roof unless otherwise agreed in writing with the Planning Authority
Reason: To ensure this element of the development is appropriate to the character and setting of the Listed Building

Information for the applicant

1. It is recommended that a copy of the approved Building Warrant drawings be submitted to the Planning Authority and Historic Scotland for information before works commence, to ensure that any additional requirements are considered in the light of the Listed Building Consent and that works do not commence until confirmation is given that the approved drawings do not suggest any conflict with the scope of the Listed Building Consent. Any works carried out which are not compliant with the Listed Building Consent could constitute an offence under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

10/00703/AMC Dr Peter Campbell Per Border Architects Rowancourt Cavalry Park Peebles
Erection of dwellinghouse Land south of Borthwick Hall Lodge

Decision: Refused for the following reason:

1. The proposed development, by virtue of its scale, design and appearance, is considered incompatible with the site setting and would have an unacceptable impact upon the setting of the nearby Listed Building and Designed Landscape, contrary to the criteria contained within Policies G1, BE1 and BE2 of the Scottish Borders Local Plan 2008.

09/00915/OUT A Lubbock Edwin Thompson & Co (Galashiels) 76 Overhaugh Street Galashiels
Erection of two dwellinghouses for use as holiday accommodation Land south west of Harwood Mill Farmhouse, Bonchester Bridge

Decision: Approved subject to following conditions and informatives and subject to the satisfactory conclusion of a Legal Agreement to secure the use of the premises as holiday accommodation, and prevent any residential use taking place:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
   (a) the expiration of three years from the date of this permission, or
   (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. No development shall take place until a service lay-by and access from the public road have been completed in accordance with a scheme of details that has first been submitted to and agreed in writing by the planning authority. The submitted details are to include provision of:
   (a) A maximum gradient of 1 in 15 from the edge of the existing carriageway for a minimum distance of 6m into the site. Thereafter, a maximum gradient of 1 in 8.
   (b) Parking and turning for a minimum of two vehicles within the curtilage of each property. The maximum gradient of this area must be not greater than 1 in 15.
   (c) The initial 6m of the access to be constructed to the specification of the planning authority (attached).
   (d) Visibility of 2.4m x 120m must be provided in either direction at the access off the public road. The submitted detailed plan should show these splays and the areas they enclose.
   (e) Measures to deal adequately with the surface water from the existing public road to ensure it does not adversely effect the development.
Reason: To ensure that the site has satisfactory access arrangements, and in the interests of road safety on the minor road serving Harwood.

5. The subsequent application for the approval of reserved matters shall be accompanied by the following details:
   (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas, walls and fences and landscaping;
   (b) the plans are to demonstrate a single building to contain the two permitted units of accommodation
   (c) plans and elevations of each property showing their dimensions and type and colour of external materials;
   (d) a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
   (e) details of the phasing of development;
   (f) details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
   (g) Minimum offsets for ground disturbance from the existing hedgerow (min 3m from its centreline) and from existing trees (as per Trees and Development SPG).
Reason: To ensure a satisfactory form of development.

6. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.
Reason: To ensure that the site is adequately serviced.

7. The roof(s) of the development hereby approved shall be constructed natural slate on the roof. All external materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
8. No trees or hedgerow within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority. 
Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

9. Before any part of the permitted development is commenced, the hedge to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and 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. 
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.

10. The finished floor levels of the building hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. 
Reason: To maintain effective control over the development.

11. The occupation of the building shall be restricted to genuine holidaymakers for individual periods not exceeding 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: A permanent residential site in this location would conflict with the established planning policy for this rural area.

Applicant Informatives

For the information of the applicant:

1. The ownership of the hedge along the boundary of the application site has been disputed by a neighbouring landowner. Please note that this planning consent does not convey any right to access or alter neighbouring land, fencing, hedging or trees. You are advised to seek independent legal advice on this matter in advance of any development being carried out.

2. This consent conveys planning permission in principle only. Development cannot commence on site until such time as detailed approval has been secured.

3. With regards to condition 4, the required Access Specification is: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted
shall be submitted to and approved in writing by the Planning Authority before development commences. This shall include the roof, wall and window and door framing, and shall include external colours.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which protects the character and appearance of the Conservation Area

3. No trees shall be lopped, felled or otherwise disturbed to facilitate the development. No development shall commence until the applicant has submitted a tree protection plan for the approval of the Planning Authority which identifies full details of protective measures proposed to safeguard adjacent trees from damage during construction of the extension, as guided by BS5837. Once approved, development shall be carried out in accordance with the protective measures.
Reason: To ensure no risk to adjacent trees which contribute to the amenity of the area and character and appearance of the Conservation Area.

4. The means of water supply, surface water and foul drainage shall be submitted for the approval of the Planning Authority before the development commences.
Reason: Further information is required to ensure the development can be adequately serviced.

Information for the applicant

1. The property may be at risk of flooding and therefore it is recommended that water resilient materials be used, that an evacuation plan be devised and that the property be connected to a flood warning service. Further advice can be obtained from the Council’s emergency planning service 01835 825056

Decision: Approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Before development commences, a tree and planting protection plan, which identifies the Root Protection Areas (in accordance with BS5837) of all trees and planting within fifteen metres of any part of the development, shall be submitted for the approval of the Planning Authority. The plan shall identify those trees and planting proposed for removal and those proposed to be retained. It shall specify measures designed to safeguard the trees and planting proposed for retention during the construction works. Once approved, the development shall only be carried out in accordance with the protection plan and only those trees and planting agreed for removal shall be so removed.
Reason: Trees and planting within the site are important features which will help integrate the development with its context, and further information is required by way of clarification of the trees and planting to be removed and the risks to those proposed to be retained.

3. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development commences. This shall include all roofing, wall render, windows and doors and external cladding materials, and include external colours.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. The means of water supply, foul and surface water drainage shall be submitted for the approval of the Planning Authority before the development commences
Reason: Further information is required to ensure the development can be adequately serviced.

5. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
   i. location of new trees, shrubs, hedges and grassed areas, based on the landscaping scheme and master plan submitted with the application. This shall, in particular, include screen planting on the northern and eastern boundaries and planting designed to enhance local wildlife habitats
   ii. schedule of plants to comprise species, plant sizes and proposed numbers/density and, in particular, the planting on the northern and western boundaries shall be expected to be of the maximum size capable of being planted.
   iii. programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings, to reduce effects on neighbouring amenity and to improve local wildlife habitat networks

6. Prior to development commencing on the ‘gateway’ building, a revised floor level(s) shall be submitted for the approval of the Planning Authority and, once approved, the development shall be carried out only in accordance with the revised level(s)
Reason: To minimise the impact of the development on neighbouring amenity

7. Prior to development commencing on the ‘gateway’ building, the building’s footprint shall be pegged out on site in accordance with the approved plans for the on-site inspection of the Planning Authority. Unless evidence is produced that operational or technical constraints would prevent the building from being positioned any further south, the building shall be repositioned further south in accordance with the requirements of the Planning Authority to be confirmed during the on-site inspection. Development may then commence only with the written consent of the Planning Authority
Reason: To minimise the impact of the development on neighbouring amenity

8. Drawing 3655 G (PL) 100 B shall relate to parking layout/numbers only.
Reason: To ensure the development is carried out consistently in accordance with the approved drawings while providing for the additional parking spaces proposed in the revised drawing

9. Prior to development commencing, specifications for upgrading the roadway within the site; pathways, parking areas and cycle spaces; and, for off-site improvements to the public road/pathway network, and a phasing programme for the same, shall be submitted for the approval of the Planning Authority. Once approved, the works shall be carried out in accordance with the approved specifications and approved plans (including Drawing 3655 G(PL) 100 B for parking areas) and phasing scheme
Reason: To ensure the development is serviced in a manner which provides adequate car, pedestrian and cycle facilities and safeguards road safety

10. No development shall commence until evidence has been submitted to the Planning Authority proving that a European Protected Species licence has been granted by the Scottish Government for the disturbance/removal of the bat roost(s) within the site. Development shall be carried out in accordance with the terms of the Licence
Reason: To account for the effect of the development on a European Protected Species

11. No development shall be carried out on site during the bird breeding season (March – August) unless otherwise agreed in writing with the Planning Authority.
Reason: To safeguard potential bird breeding habitats
12. All lounge windows in the central entrance projection on the northern elevation of the ‘gateway’ building shall be fitted with obscure glazing to a specification first agreed in writing with the Planning Authority. The building shall not be occupied until the obscure glazing is fitted in accordance with the specification and, once fitted, it shall not be removed or altered without the prior written consent of the Planning Authority.
Reason: To minimise the impact of the development on neighbouring amenity

13. Details of all proposed means of enclosure, walls, fences and gates shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

14. Details of a survey and investigation of the ground conditions of the site, sufficient to identify the nature and extent of any contamination, together with a schedule of the methods by which it is proposed to neutralise, seal or remove the contamination substances, including any necessary validation and monitoring measures, shall be submitted to and approved in writing by the Planning Authority before development commences. Development shall only be carried out in accordance with the approved remediation, validation and monitoring measures, where required.
Reason: To ensure that the site is made safe before works commence.

15. No residential unit within the development shall be used as a person’s sole or main residence except where that person is registered as a full-time student throughout the period of their occupancy.
Reason: To comply with development plan policies related to the provision of developer contributions.

16. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with a scheme of details that shall first have been submitted to and approved in writing by the Planning Authority.
Reason: To ensure the development minimises any environmental impact

Information for the applicant

1. Provision for waste collection, segregation, storage and possibly treatment should be discussed with the Council’s waste recycling team.

2. A rechecking survey for badgers, should there be significant time lapse between the issuing of planning consent and works commencing on site, is recommended.

Vote
Councillor Moffat, seconded by Councillor Weatherston, moved that the application be approved.

Councillor Watson, seconded by Councillor Riddell-Carre, moved as an amendment that the application be refused on the grounds that the development was contrary to Local Plan policies G1(Parts 1 and 12) and H2 in that the scale, mass and height of the building was inappropriate for the residential surroundings.

On a show of hands Members voted as follows:-
Motion - 7 votes
Amendment - 3 votes

The motion was accordingly carried.
10/00801/FUL Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.
   Reason: To ensure that the development is carried out in accordance with the approved details.

2. The three CCTV cameras shall not be directed so that their fields of vision would extend beyond the lane or would include any private property not within the applicant’s control.
   Reason: to ensure that the private amenity of adjoining occupiers and users of property remains unprejudiced.

3. Within one month of their installation, the new gates shall be painted in a colour that shall first have been submitted to, and agreed in writing by the planning authority, and thereafter so retained unless further written consent is given by the planning authority for a colour change.
   Reason: to ensure that the gates are compatible with the local conservation setting.

Informative:

1. The applicant is advised that the Information Commissioner’s Office, or any body engaged to supersede that body by the UK Government, is the monitoring body in cases where the appropriateness of images recorded by CCTV may be considered. It is incumbent upon the applicant or any successor in title to the subject property to ensure that all requirements of any legislation, regulations or codes of conduct operated by that body are complied with.

10/00800/LBC Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.
   Reason: To ensure that the development is carried out in accordance with the approved details.

2. Within one month of their installation, the new gates shall be painted in a colour that shall first have been submitted to, and agreed in writing by the planning authority, and thereafter so retained unless further written consent is given by the planning authority for a colour change.
   Reason: to ensure that the gates are compatible with the local conservation setting.

Informative:

1. The developer’s attention is drawn to the separate, but related planning permission ref. 10/00801/FUL, which contains conditions relating to matters over and above those referred to in this decision notice. It is incumbent upon the developer to ensure that the requirements of any such conditions have been met.

10/00989/CON Decision: Approved subject to the following conditions and informative and subject to notification to Historic Scotland:
1. The development hereby permitted shall be carried out within three years of the date of this consent. 
   **Reason:** To comply with the provision of Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to show that contracts have been entered into by the developer to ensure that building work is commenced within a period of 6 months following commencement of demolition.
   **Reason:** To prevent premature demolition in the interests of the character of the Conservation Area.

3. No demolition should take place until an Historic Building Survey is submitted to the Planning Authority for approval, including architectural sketches of the buildings and photos showing internal and external external elevations and any historic features that may survive.
   **Reason:** The buildings are of archaeological interest.

**Informative**

It is advised that no demolitions should take place during the breeding bird season (March – August) unless with the written permission of the Planning Authority.

**10/00990/FUL Decision:** Approved subject to the following conditions and to a Legal Agreement (at a level to be agreed) in respect of affordable housing and education:

The application is recommended for approval subject to the following conditions and to a Legal Agreement (at a level to be agreed) in respect of affordable housing and education:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   **Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Further details of the external materials to be submitted for the approval of the Planning Authority before the development is commenced, including natural stone instead of artificial stone and wet dash render of a colour to be agreed.
   **Reason:** To safeguard the visual amenity and character of this part of Peebles Conservation Area.

3. Further details of the external materials to be submitted for the approval of the Planning Authority before the development is commenced, including natural stone instead of artificial stone and wet dash render of a colour to be agreed. The roof of the proposed buildings shall be constructed of natural slate.
   **Reason:** To safeguard the visual amenity and character of this part of Peebles Conservation Area.

4. The proposed link road and pavement extensions to be submitted for Roads Construction Consent before the development is commenced. Once approved, the works then to be completed as per the approved plans before the first dwellinghouse is occupied.
   **Reason:** In the interests of road safety.

5. Prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
a) A desk study and development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.

b) 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).

c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.

d) 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 Developer 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: The site is potentially contaminated.

10/00884/PPP Mr & Mrs M E Jackson  
8 Plumerknowe Gardens  
Cardrona  
EH45 9LH  
Erection of dwellinghouse and garage  
Land west of Spinney House, Lyne Station, Peebles.

**Decision:** Approved subject to the following conditions and informatives and subject to a Legal Agreement addressing contribution towards Kingsland Primary School and Peebles High School:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. A vehicle turning area and two parking spaces (excluding any garage) to be provided within the site.
Reason: In the interests of road safety
5. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority. If a private water supply is to be used, no development to be commenced until a report by a qualified person has been submitted to and approved by the Planning Authority, demonstrating the provision of water to the development in terms of the quantity, quality and impacts on other supplies in the vicinity.
Reason: To ensure that the site is adequately serviced.

6. The roofs of the dwellinghouse and garage to be clad in natural slate.
Reason: To safeguard the visual amenity and character of the area.

7. The number of dwellinghouses within the site to be permitted to a maximum of one.
Reason: Any additional development would conflict with the Council’s Policies on housing in the countryside and protection of residential amenity.

8. The dwellinghouse to be no higher than a 1 or 1 ½ storey design.
Reason: To safeguard the visual amenity and character of the area and protect residential amenity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or amendments or re-enactment or re-enactment thereof) no part of the proposed dwellinghouse or any extension or other outbuilding shall be carried out within the area marked in green on the approved plan without the prior written consent of the Council, to whom a planning application must be made.
Reason: The Planning Authority considers that any development within the highlighted area could cause detriment to the amenities of adjoining properties, and for this reason would wish to control any built development.

10. The access to the site should include a service lay-by designed to the Council’s specification and completed before the dwellinghouse is occupied.
Reason: In the interests of road safety,

11. No development shall take place until proposals have been submitted to and agreed in writing by the Planning Authority for a road widening of the public road on the south side of the former railway bridge and, once agreed, completed before the dwellinghouse is occupied.
Reason: In the interests of road safety.

12. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
   i. existing and finished ground levels in relation to a fixed datum preferably ordnance
   ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored – this includes the roadside dry stone wall.
   iii. location and design, including materials, of walls, fences and gates
   iv. soft and hard landscaping works, including proposals for a ten metre deep woodland planting belt within and on the western side of the plot.
   v. existing and proposed services such as cables, pipelines, sub-stations
   vi. other artefacts and structures such as street furniture, play equipment
   vii. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
Informative

1. The Council Flood Prevention Officer advises the need for the applicant to take into account the potential for flooding arising from other sources such as road drainage, overland surface water runoff and surcharged culverts.

Vote
Councillor Mitchell, seconded by Councillor Hume, moved that the application be approved.

Councillor Riddell-Carre, seconded by Councillor Weatherston moved as an amendment that the application be refused on the grounds that it was contrary to Local Plan Policy D2 (Housing in the Countryside) being an inappropriate development in an isolated field and not part of a building group.

On a show of hands Members voted as follows:
Motion - 7 votes
Amendment – 4 votes

The motion was accordingly carried.

10/00908/FUL  Dr John Chalmers and Dr Shelagh Neil
Per John R Harris and Partners
Palma Place
Melrose

Erection of dwellinghouse and detached double garage
Part of field No 1799 North of Chesterdene, Eildon

Decision: Approved subject to an appropriate Legal Agreement addressing contributions towards educational facilities in the locality and the Waverley Line project and subject to the following conditions and informative notes:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

3. The finish to the timber boarding to be to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be implemented in accordance with the approved scheme.
Reason: To safeguard the visual amenity of the area.

4. The roofing material to be natural slate.
Reason: To safeguard the visual amenity of the area.

5. Details of all proposed means of enclosure around the site shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be implemented in accordance with the approved scheme.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
6. No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
   i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
   ii. location of new trees, shrubs, hedges and grassed areas
   iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
   iv. programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

7. All existing hedgerows around the site, to be protected during construction and retained to the specification of the Planning Authority.
Reason: To safeguard the visual amenity of the area.

8. The vehicular access to the site to be completed to the specification of the Planning Authority before the dwellinghouse is occupied. This to include a service lay-by and the trimming back of the hedge in both directions to maximise visibility.
Reason: In the interests of road safety.

9. Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.

10. Details of the proposed surface water drainage to be submitted to and agreed in writing by the Planning Authority before the development is commenced. The disposal of surface water to comply with the “Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland” published by CIRA in 2000, unless otherwise agreed with the Planning Authority. The development then to be implemented in accordance with the approved scheme.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informative:
In respect of condition 8, any works within the public road boundary must be carried by a contractor on the council’s approved list (DC-8 attached). The specification for the access and lay-by is:

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

The lay by to be formed as per the detail DC-3 (attached).

09/00629/FUL Beaune Properties Ltd Erection of 24 flats Wilton Mill, Commercial Road, Hawick
09/00702/LBC Mr Gavin Stevenson Demolition of un-used industrial buildings
09/00703/CON Mr Gavin Stevenson Demolition of un-used industrial buildings
Per Aitken Turnbull
22 Buccleuch Street
Hawick

09/00629/FUL Decision: Approved subject to notification to the Scottish Ministers, an appropriate Legal Agreement addressing contributions towards the provision of affordable housing and educational facilities in the locality and subject to the following conditions and informative notes:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority. 
   Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.
   Reason: To preserve by record a building of historical interest.

4. Prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
   a) A desk study and development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.
   b) 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).
   c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
   d) 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 Developer 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 address any potential contamination of the site.

5. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external
walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details. 
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

6. A sample of the proposed stonework for the building to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved sample. 
Reason: The stonework requires further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

7. The roofing material to be natural slate. 
Reason: To safeguard the visual amenity of the area.

8. Details of the enclosure and glass bridge at the mill lade/wheel pit and an information board to be submitted and approved by in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details. 
Reason: The mill lade and wheel pits are of architectural and historical significance.

9. Details of the height, extent, materials and capping of the perimeter wall to the Commercial Road frontage to be submitted and approved by in writing by the Planning Authority before the development commences. The wall to be constructed of salvaged stone. The development then to be completed in accordance with the approved details. 
Reason: To safeguard the visual amenities of the area.

10. The colour of all external joinery, including the timber boarding, doors and windows, to be submitted to and approved by the Planning Authority before the development commences. The development then to be implemented in accordance with the approved scheme. 
Reason: To safeguard the visual amenities of the area.

11. Visibility splays shall be provided and maintained on each side of the access road. These splays are the triangles of ground bounded on 2 sides by the first 4.5m of the centreline of the access road (the setback dimension) and the nearside trunk road carriageway measured 90m (the Y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 0.26m and 1.05m anywhere along the Y dimension. 
Reason: To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the Trunk Road carriageway and join the traffic stream safely.

12. The proposed means of access to the trunk road shall be constructed to a layout and type (and method) of construction to be approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced. 
Reason: To minimise interference with the safety and free flow of traffic on the Trunk Road.

13. There shall be no drainage connections to the Trunk Road drainage system. 
Reason: To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the Trunk Road boundary.

14. A new bus stop to be provided to the specification of the Planning Authority on the north bound side of Commercial Road at a location to be agreed with the Planning Authority before the development commences. The bus stop to be provided to the agreed specification before the flats are occupied. 
Reason: In the interests of road safety.

15. All parking bays within the site must be a minimum of 2.5m x 5m in size. Where the bays are up against a boundary marker such as a wall, fence or hedge, the bay must be a minimum of 6m. The parking to be completed to the specification of the Planning Authority before the flats are occupied. 
Reason: In the interests of road safety.
16. The disposal of surface water to comply with the “Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland” published by CIRA in 2000, unless otherwise agreed with the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

17. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority.
Reason: To protect breeding birds within the site.

18. A development licence for bats is required from the Scottish Government. The developer must provide a copy of the licence to the Planning Authority before any works or demolition of the buildings within the site commence.
Reason: To safeguard natural heritage interests at the site.

19. The mitigation and enhancement measures outlined in Section 6 of Brindley Associates Bat Survey Report July 2010, to be carried out as part of the development and completed before the flats are occupied.
Reason: To protect bats within the site, which are protected under the Wildlife and Countryside Act 1981 as amended under the Nature Conservation (Scotland) Act 2004 and the Conservation (Natural Habitats) Regulations 1994.

20. Details of all proposed means of enclosure within and around the site shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be implemented in accordance with the approved scheme.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

21. The trees within the application site shall not be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

22. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
   (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
   (b) No fires shall be lit within the spread of the branches of the trees;
   (c) No materials or equipment shall be stored within the spread of the branches of the trees;
   (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
   (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

23. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in
   the case of damage, proposals for their restoration
ii. location of new trees, shrubs, hedges and grassed areas
iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
iv. programme for completion and subsequent maintenance.

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

24. No development shall take place except in strict accordance with a scheme of hard landscaping
works, which has first been submitted to and approved in writing by the planning authority.
Details of the scheme shall include:
   i. existing and finished ground levels in relation to a fixed datum preferably ordnance
   ii. location and design, including materials, of walls, fences and gates and treatment of
       existing walls
   iii. hard surfacing works and materials
   iv. existing and proposed services such as cables, pipelines, sub-stations
   v. A programme for completion and subsequent maintenance.

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

25. No development shall take place until a flood protection plan has been submitted to and
approved in writing by the Planning Authority, which demonstrates how occupiers of the
properties forming part of the development hereby approved can achieve satisfactory and safe
access and egress to and from the development in the event of flooding.
Reason: To ensure the safety of the occupiers of the proposed development.

Informatives:

The consultation response from the Council’s Flood Protection Officer is attached for the information of
the applicant.

In respect of condition 20, the consultation response from the Council’s Landscape Architect is attached
for the information of the applicant. The site plan should be amended to include the construction of
boundary walls to the rear of the flats and the Clock Tower Building to create enclosed courtyard style
gardens.

In respect of condition 23, a tree-lined avenue along the Commercial Road is required as per the
Supplementary Planning Guidance for Commercial Road. Opportunities exist to enhance the local
habitat network for bats and breeding birds through planting of native thorn species rich extended
hedgerows or small plots of semi-natural woodland. A pond or SUDS feature can also enhance the local
habitat network for bats.

This planning permission does not carry with it the right to carry out works within the trunk road
boundary. The applicant should consult with Transport Scotland Trunk Roads Network Management
Directorate through its Management Organisation, BEAR Scotland, on the terms and conditions, under
the Roads legislation, that require to be agreed to enable works within the trunk road boundary to be
approved.

Trunk Road modification works shall in all respects comply with the Design Manual for Roads and
Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a
certificate to that effect, signed by his design organisation. Any work within the trunk road will require a
Minute of Agreement with Transport Scotland. Trunk Road modifications will, in all respects, be expected to comply with the requirements of the Disability Discrimination Act (DDA) 2005.

Transport Scotland advises that it would appear likely that the level of development proposed for the site will require a full right turning lane designed to standard layout of TD41/95 of DMRB Volume 6 Section 2.

The internal roads shall require construction consent. The full extent of the works will be determined by the level of development proposed at the time of construction. The parking areas, excluding the 4 visitor bays for the flats, will not be included within the construction consent and shall not be adopted as public upon completion.

The reinstatement of the footway associated with the proposed closure of existing accesses onto Commercial Road must be to the satisfaction of Transport Scotland.

The water body which is in the vicinity of the development area to be protected by adopting SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), PPG 3, 4, 7, 13 (site drainage), PPG 2, 8 (oil storage) and PPG 6 (construction and demolition) as appropriate.

**09/00702/LBC Decision:** Approved subject to referral to Historic Scotland and subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to show that contracts have been entered into by the developer to ensure that building work is commenced within a period of 6 months following commencement of demolition.
   Reason: To prevent premature demolition in the interests of the character of the Conservation Area.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority.
   Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.
   Reason: To preserve by record a building of historical interest.
5. Sufficient stone to be set aside from the demolition to provide the proposed boundary wall along the Commercial Road frontage and a written schedule of materials to be salvaged must be submitted to and agreed with the Planning Authority before the demolition occurs. 
Reason: In the interests of the character of the Conservation Area.

6. Details of the enclosure and glass bridge at the mill lade/wheel pit and an information board to be submitted and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
Reason: The mill lade and wheel pits are of architectural and historical significance.

7. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority.
Reason: To protect breeding birds within the site.

8. A development licence for bats is required from the Scottish Government. The developer must provide a copy of the licence to the Planning Authority before any works or demolition of the buildings within the site commence.
Reason: To safeguard natural heritage interests at the site.

9. The mitigation and enhancement measures outlined in Section 6 of Brindley Associates Bat Survey Report July 2010, to be carried out as part of the development and completed before the flats are occupied.
Reason: To protect bats within the site, which are protected under the Wildlife and Countryside Act 1981 as amended under the Nature Conservation (Scotland) Act 2004 and the Conservation (Natural Habitats) Regulations 1994.

10. No demolition works shall take place until a programme and method statement detailing the phasing and proposals for demolition work have been submitted to and approved in writing by the Planning Authority. Thereafter, no demolition shall take place except in strict accordance with the approved method statement.
Reason: To ensure a satisfactory and orderly approach to demolition that protects the remaining listed buildings on the site and the amenity of the adjoining residential occupier.

Informative:
The water body which is in the vicinity of the development area to be protected by adopting SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), PPG 3, 4, 7, 13 (site drainage), PPG 2, 8 (oil storage) and PPG 6 (construction and demolition) as appropriate.

09/00703/CON Decision: Approved subject to referral to Historic Scotland and subject to the following conditions and informatives:

1. The development hereby permitted shall be carried out within three years of the date of this consent.
Reason: To comply with the provision of Section 66 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and...
the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.

Reason: To preserve by record a building of historical interest.

4. A method statement regarding the removal of surplus material to be submitted to and approved by the Planning Authority before the demolition commences.

Reason: To ensure the methods for removing the surplus material is satisfactory to the Planning Authority.

5. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority.

Reason: To protect breeding birds within the site.

6. A development licence for bats is required from the Scottish Government. The developer must provide a copy of the licence to the Planning Authority before any works or demolition of the buildings within the site commence.

Reason: To safeguard natural heritage interests at the site.

7. The mitigation and enhancement measures outlined in Section 6 of Brindley Associates Bat Survey Report July 2010, to be carried out as part of the development and completed before the flats are occupied.

Reason: To protect bats within the site, which are protected under the Wildlife and Countryside Act 1981 as amended under the Nature Conservation (Scotland) Act 2004 and the Conservation (Natural Habitats) Regulations 1994.
PLANNING AND BUILDING STANDARDS COMMITTEE

04 October 2010

REPORT BY HEAD OF PLANNING AND REGULATORY SERVICES

DRAFT SUPPLEMENTARY PLANNING GUIDANCE ON SHOP FRONTS AND SHOP SIGNS

1 PURPOSE

1.1 To seek committee approval for the Draft Supplementary Planning Guidance (SPG) on Shop Fronts and Shop Signs (see Appendix A) as a basis for public consultation for a 12 week period.

2 BACKGROUND

2.1 The current Supplementary Planning Guidance (SPG) on Shop Fronts and Shop Signs was produced in 1991. At a meeting of Scottish Borders Council on 25 February 2010 a motion was approved instructing the Director of Planning and Economic Development to report on the appropriateness of the Council’s current SPG on signage and whether a review of it is necessary in the light of changed societal and economic circumstances since that Guidance was introduced.

2.2 A Report was subsequently presented to Scottish Borders Council on 22 April 2010 advising on the appropriateness of the SPG and whether a review of the SPG was necessary. That Report set out the controls over the display of signs and advertisements and the role that planning authorities play. Furthermore, the Report stated that whilst there is currently a down-turn in the economy, it is likely that the economic environment will improve in due course. The Report identified a clear link with the quality of the built environment and the economic success of a place. It was therefore agreed that the policy element of the current SPG is generally fit for purpose today and for the future.

2.3 This Report therefore seeks approval for the Draft revised SPG on Shop Fronts and Shop Signs as a basis for public consultation. The Draft SPG includes the changes recommended by the Director of Planning and Economic Development within the Report to Council on 22 April 2010. Those changes include:

- Cross-reference with national and local policies
- Updated photos
- Updating changes in legislation
- Updating changes in contact details
- Additional guidance on what requires Planning, Listed Building or Advertisement consent
2.4 The document is printed in black and white to reduce costs. A colour version will be published on the website during the consultation period. A colour version of the document will also be made available in the Members Lounge.

3 CONSULTATION

3.1 The Draft SPG will be subject to public consultation for a period of 12 weeks. Community Councils and local stakeholders, together with national organisations such as Historic Scotland will be notified of the consultation. The draft SPG will also posted on the Council’s website.

3.2 Consultation has been undertaken with the Clerk to the Council, Legal Services, Chief Financial Officer, Audit and Risk Manager, and Interim Director of Technical Services, and comments received have been incorporated in this report.

4 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from publication of the SPG.

4.2 There are ongoing costs related to staff resources needed to carry out research and management related to the production of the SPG. Budget is available to cover these costs.

5 RISK COMMENTARY

5.1 The key risks are considered to be:

   Risk of not providing guidance
   (i) The lack of guidance would cause uncertainty to developers and the public and be a barrier to effective decision-making by the Council. This could result in ad hoc and inconsistent decision making with the policies in the Local Plan not being taken fully into account.
   (ii) It is considered that the failure to approve the SPG would have impacts in terms of resources in the Development Management Section, potentially resulting in delays in processing the planning applications. In addition, it may ultimately have a negative impact on the quality of works to new and existing shop fronts and shop signage.

   Risk of providing guidance
   (i) In adopting Supplementary Planning Guidance the Council will be required to defend the policy against possible legal challenge by the building industry, members of the public and other interested parties.
   (ii) The Council will be required to defend the policy at appeal and the risk of costs following potential challenge by the building industry (see 4.1 above).

5.2 It is not anticipated that successful challenges are likely where SPG has been produced in accordance with recommended practice, as proposed in this SPG on Shop Fronts and Shop Signs.

6 EQUALITIES/ ENVIRONMENTAL CONSIDERATIONS

6.1 An equality impact assessment identified that there are no negative equality issues arising from this SPG.

6.2 In terms of rural proofing the Draft SPG it is not anticipated to have a negative impact on the rural area.
6.3 In accordance with the Environmental Assessment (Scotland) Act 2005 a pre-screening assessment of the Draft SPG has been undertaken to identify whether there will be potential environmental effects. The pre-screening exercise was undertaken using the criteria specified in Schedule 2 of the Act. The pre-screening identified there will be no or minimal environmental effects therefore a full SEA is not required.

7 SUMMARY

7.1 The SPG on Shop Fronts and Shop Signs provides guidance to those preparing planning applications for new shop fronts and signage or altering existing shop fronts and shop signage.

8 RECOMMENDATION

8.1 It is recommended that the Planning and Building Standards Committee:

   (a) Approves the Draft SPG as a basis for public consultation as detailed in Appendix A.

   (b) Agrees that if there are no substantive comments arising from consultation that the SPG should be delegated for approval to the Head of Planning and Regulatory Services.

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<tr>
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<tr>
<td>Brian Frater</td>
<td>Head of Planning and Regulatory Services</td>
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<tr>
<td>Trish Connolly</td>
<td>Planning Officer (Plans &amp; Research)</td>
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**Approved by**

**Author(s)**

Background Papers: Supplementary Planning Guidance Shop Fronts & Shop Signs (1991)
Previous Minute Reference: Scottish Borders Council Minute 22 April 2010

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Alison Clifton can also give information on other language translations as well as providing additional copies.

Contact us at Business Services, Planning and Economic Development, Scottish Borders Council, Council HQ, Newtown St Boswells, Melrose, TD6 0SA. Phone: 01835 825060. Fax: 01835 825158. Email: ped@scotborders.gov.uk
Appendix A: Draft Supplementary Planning Guidance on Shop Fronts and Shop Signs
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# Draft Supplementary Planning Guidance on Shop Fronts and Shop Signs

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Foreword

This Supplementary Planning Guidance (SPG) is intended to offer advice and assistance to those applying for Planning, Listed Building or Advertisement Consent. This SPG updates the original 1991 guidance and incorporates a summary of the Advertisement Regulations.

There has long been a clear link between the quality of the built environment and the economic success of a place, therefore the main objective of the SPG on Shop Fronts and Shop Signs is to inform and improve design quality within the Scottish Borders.

For the purposes of this SPG a ‘shop’ includes such non-retail properties as restaurants, banks, estate agents, pubs, etc.
1. Introduction

1.1 This Supplementary Planning Guidance (SPG) sets out relevant planning policies to encourage improved quality planning applications, the conservation of well designed existing shop fronts and the achievement of well designed new shop fronts. Signs and adverts should respect their context and building character, and be attractive, informative and effective.

1.2 Towns and villages in the Borders need to provide for a range of functions and services, and have an important role to play in supporting the overall economic viability of the area. They are a focus for most business, recreational, cultural and leisure facilities and are centres for many of our services. The unique quality of their environment and the maintenance of attractive, diverse and accessible town or village centres will assist in attracting people to use shops and services and support investment and jobs. The success of a town centre depends in part on improving the image and attractiveness of shopping streets for residents and visitors alike. Good quality design and the promotion of local distinctiveness play a large part in the economic success of a town.

1.3 This SPG shows how commercial aims can be reconciled with good design. It represents the Council’s approved policies on Shop Fronts and Signs, although it is accepted that there may be occasional proposals of genuine merit and originality which may diverge from general guidelines and yet be acceptable. The SPG on Placemaking and Design also assists in providing advice on new design and the relationship with townscapes.

1.4 Good design is a good advertisement and will enhance the status of a shop, its attractiveness to customers, and the value of the property.

1.5 There are numerous examples of excellent refurbishments of traditional shop fronts that meet the requirements of a modern outlet. Similarly, it is also recognised that modern shop fronts on modern buildings can be well-designed and are capable of accommodating changing fashions using modern materials.
2. National and Local Policy

2.1 The replacement or alteration of shop fronts is defined as development under the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006. Signs and advertisements are controlled by these Acts and by the Control of Advertisements (Scotland) Regulations 1984.

2.2 National policy, and other guidance, is produced by the Scottish Government for a wide range of development proposals. This provides a framework within which local authorities can develop policies and guidance appropriate to their area. National policy and guidance is therefore the starting point in the development of any Shop Fronts and Shop Signs Policy for the Scottish Borders area. Local policy and guidance should take consideration of national policy and advice.

National Policy and Advice:
- Scottish Planning Policy
- Scottish Historic Environment Policy
- Managing Change in the Historic Environment Guidance Notes
- Planning Advice Notes
- Circulars

Local Policy:
- Structure Plan
- Local Plan
- Supplementary Planning Guidance

2.3 National Policy
The main national policy and advice, and local policies are highlighted below:

Scottish Planning Policy (SPP) (February 2010)
At national level, SPP recognises the value of the built environment and its role in helping to achieve economic and social benefits.
Scottish Historic Environment Policy (SHEP) (July 2009)
SHEP sets outs the Scottish Government’s policy for the historic environment. The SHEP complements and has the same authority as the SPP and other relevant Ministerial policy documents. The SHEP recognises that the “historic environment is part of our everyday lives. It helps give us a sense of place, well-being and cultural identity. It enhances regional and local distinctiveness. It forges connections between people and the places where they live and visit. It helps make Scotland a great place to live and work”.

Managing Change in the Historic Environment Guidance Notes
The Guidance Notes, (in particular those dealing with the detailed consideration of Listed Building and Conservation Area consents) sets out the policy in relation to shop fronts and commercial frontages, and Advertising Material Signs.

Planning Advice Note (PAN) 52: Planning in Small Towns
PAN 52 encourages all those involved in small towns to work with the local community and business groups to retain, restore and enhance what is best; and remove, improve or rehabilitate what is worst about small towns.

PAN 71: Conservation Area Management
PAN 71 provides advice on the management of conservation areas and identifies good practice for managing change. This PAN recognises that our heritage is a valuable resource that should be protected and enhanced.

2.4 Local Policy
Scottish Borders Council SPG on Shop Fronts and Shop Signs originated from 1991. The policy was set out to encourage a better quality of design; to enhance the appearance of the retail frontage within new shopping areas; to enable the protection and enhancement of the traditional character and appearance of individual Listed Buildings, Conservation Areas and shops within traditional shopping areas.

Scottish Borders Consolidated Structure Plan 2009
In line with national policy guidance and advice, the Consolidated Structure Plan 2009 states in chapter 2 – Environment that “… Listed Buildings and Conservation Areas represent the best of the Scottish Borders’ man-made heritage and are an irreplaceable resource. They make a positive contribution to the general amenity of a particular area and to the definition of its character and sense of place. They also provide an important contribution to the economy through cultural tourism … The design of new development is fundamental to the quality of the modern environment. Government guidance recognises design as a legitimate consideration in making decisions on planning applications”.

Policy N17 – ‘Listed Buildings’ aims to preserve the character of listed buildings, their setting and related fixtures. The policy also states that only alterations to Listed Buildings, their setting or their fixtures that maintain and preferably enhance the special architectural or historical character will be permitted.

Policy N18 – ‘Development affecting Conservation Areas’ aims to preserve and enhance the special character and appearance of these areas. The policy states that proposals should seek to retain existing features which are considered integral to the character of the Conservation Area. There is also a presumption against development which is considered likely to have an adverse impact on a Conservation Area.

Policy N20 – ‘Design’ encourages a high quality design in respect of layout, design and materials in all new developments including redevelopment and alterations. The policy states that favourable consideration is more likely where proposals demonstrate an appropriate use of building materials in keeping with their surroundings.

Chapter 4 – ‘Economic Development’ of the Consolidated Structure Plan states “Although shopping makes the largest single contribution towards town centre activity, town centres are also important focal points for a range of commercial, cultural and community activities. Sustaining and enhancing the mix of uses, the quality of the environment and the accessibility of town centres will help to maintain their ‘vitality and viability’: a key element of Government policy”.


Photos 4: Town Centre Enhancement Before and After
In line with Government policy and advice Scottish Borders Council wishes to promote appropriate shop fronts and signage that make a positive contribution to the built environment. The Council aims to encourage high standards of design and the use of appropriate materials in both new shop fronts and signs and in the renovation of existing ones.

The Local Plan Policy G1 – ‘Quality Standards for New Development’ aims to ensure that all new development is of a high quality and respects its environmental context. The policy does not aim to restrict good quality modern or innovative design but does aim to ensure that it does not negatively impact on the existing buildings, or surrounding landscape and the visual amenity of the area.

Policy BE1 – ‘Listed Buildings’ aims to protect Listed Buildings from works that would spoil their historical or architectural character. In turn this will protect a major asset that contributes significantly towards the character and amenity of the Scottish Borders and represents a valuable resource for recreational, tourism and educational purposes. The ‘policy justification’ notes that where a building has been un-occupied for a period is not a justification for unsympathetic alteration.

Policy BE4 – ‘Conservation Areas’ aims to preserve and enhance the character or appearance of Conservation Areas. The ‘policy justification’ recognises that Conservation Areas make a unique and irreplaceable contribution towards the character and quality of the Scottish Borders, and as such must be protected from inappropriate development.

Policy BE5 – ‘Advertisements’ aims to ensure that advertisements within built-up areas do not adversely affect local character, amenity or safety. The ‘policy justification’ recognises that whilst advertisements add information, colour and interest to a commercial street, they can cumulatively result in a property or an area appearing cluttered. The policy reflects the need to ensure a higher quality of design and materials for Listed Buildings and Conservation Areas reflecting the property or area’s character or appearance.

Policy D3 – ‘Advertisement in the Countryside’ aims to encourage accessibility to countryside businesses, facilities and attractions through appropriate signposting without loss of visual amenity, character or safety.
3. Shop Fronts

3.1 The sketches below show a typical good and straightforward shop front of traditional kind (Figure 1), shown next to a poorly-designed replacement that completely ignores the character of its surroundings (Figure 2). Unfortunately, it is all too typical of many shop fronts and is a classic example of what this Supplementary Planning Guidance (SPG) is seeking to avoid.

3.2 The diagram to the right (Figure 3) describes the various components of a typical shop front. Of course, shop fronts of any age do vary and certain elements may be absent or more pronounced in an individual case.

3.3 Cornice
This is an important feature defining the top of the shop front and separating it from upper floor uses. Where no cornice exists, it should normally be introduced at the top of a new fascia.

3.4 Console Bracket
Traditional shop fronts often have elaborately carved console brackets which are used to provide a visual support and termination for the cornice. Although purely decorative they often add character and should be retained.

3.5 Fascia
The dimensions, materials and design are critical to the appearance of a shop front. The fascia should not be too deep. If a good original fascia line exists, it should be
adhered to and any new fascia board should not encroach over other features of the shop front’s “frame”. Good original fascias sometimes survive under later constructions, and their reinstatement will be strongly encouraged. Materials were originally stone or timber. New shop fronts outwith sensitive locations can use substitutes like Glass Reinforced Plastic (GRP) or Polyvinyl chloride (PVC) satisfactorily, but these should be matt in finish. Lettering and illuminations are discussed under Section 5 “Signs and Advertisements” below.

3.6 Transom Light / Fanlight
A transom light is a rectangular window above a door and is also sometimes referred to as a fanlight. However, a Fanlight is a semi-circular glazed area above a door and was originally designed to brighten the halls of Georgian houses but have also been introduced into shop fronts. Transom Lights and Fanlights should also be retained.

3.7 Clerestory
Occasionally provided to give extra light and/or ventilation, or to modify the proportions of tall windows, the clerestory can also accommodate some trade information applied in small lettering to the glass. It can be sometimes also be subdivided attractively by astragals or ornamentation. In alterations, it should not be incorporated as part of the fascia. A suspended ceiling should not hide good existing detail; but where it must be installed, the recommended design options are shown below (Figure 4).

3.8 Pilasters
In most rows of shops, there is a vertical strip between each shop front, rather like a column. This is the pilaster and may vary from a sturdy decorated affair of wood or stone to a plain slender feature, depending on the building’s design. The pilaster acts to give each unit a separate identity, and occasionally to highlight the doorway, and should be retained or incorporated as appropriate.
3.9 Stall Riser
The provision of stall risers between the pavement and the display windows is useful practically, in reducing risk of damage to glass and allowing ventilation or access to any cellar, and visually, in providing a strong foundation to the shop front’s proportions.

3.10 Display Area
The display windows are contained with the frame of the pilasters, fascia and stall risers. An excessive expanse of plate glass should be avoided – it gives the uncomfortable visual impression of inadequate support for the upper floors; larger display windows should be subdivided by mullions (vertical supports) and/or a centrally located door frame to avoid an excessively horizontal emphasis to the shop front. Stone or cast iron mullions in existing shop fronts should be retained. In new shop fronts, display areas should be framed and sub-divided using materials, colour and finishes compatible with the surrounds.

The use of dark-tinted plate glass is rarely successful, giving the frontage a blank and “blind” look to it and detracting from the interest and liveliness of the street.

3.11 Repairs
Repairs or minor replacements to existing shop fronts should respect the original style and date. For instance, it is inappropriate to install modern aluminum framed glass doors in an Edwardian shop front or to restore a 1930’s shop to a ‘Victorian’ frontage! Grants may be available in certain cases to assist sympathetic repairs.

3.12 Canopies
Canopies, or sunshades (Figure 5), are a well-established feature of some shopping streets. As well as their practical use, they can help to enliven the street scene. However, some modern styles have neither a practical purpose nor any sympathy with their environment. The following guidelines will apply:

- Due to the potential loss in character – new canopies will generally be discouraged on Listed Buildings, finely detailed buildings or groups of shops of uniform design.
- Canopies should never be fitted above ground floor level.
- The canopy should have a non-reflective surface and be retractable, for practical and aesthetic reasons.
- Lettering on canopies will be discouraged but, where considered justifiable; lettering should be minimal and restricted to a maximum height of 150mm.
3.13 Security Shutters

Security shutters will be opposed on Listed Buildings or in sensitive frontages in Conservation Areas - specially toughened glass may be an acceptable substitute. Elsewhere, if the installation of security shutters is necessary, the castings should generally be recessed behind the frontage (Figure 6) and should best be of “brick-band” open grille style - which protect display goods, allow intruders to be seen from the street, and retain some interest after hours.
The use of security gates for doors may also be appropriate.

### 3.14 External Alarm Boxes

Demand for improved crime prevention measures has resulted in a large increase in the number of burglar alarm boxes fitted to the exterior of shops and other properties. While part of their function is to act a visual deterrent – by being brightly coloured and conspicuous – this can often conflict with the character of buildings and with wider street frontages of quality. The following guidelines will apply:

a. External alarm boxes on Listed Buildings will generally require consent and should avoid siting on prominent elevations and be coloured to match the building.

b. In other sensitive locations, notably in Conservation Areas, alarms should be sited as inconspicuously as is reasonable. Where practical, they should be sited in sympathy with architectural features, and should be coloured to match the building. In the case of new Shop fronts, any necessary alarm should be integrated into the design.

c. Consideration should be given to fitting alarms inside windows or fanlights.

d. Where proposals for alarms breach these guidelines, planning consent may be required – consult your local Development Management Officer in advance.

### 3.15 Close Circuit Television (CCTV) Cameras

Irrespective of location, consent may be required for the installation of a CCTV camera. You are therefore advised to consult your Development Management Officer in advance.
4. The Street Scene

4.1 While wishing to protect fine examples of original shop fronts, the Council does not intend to stifle change and modern innovation in town and village centres – visual liveliness and variety are very important to the function of commercial areas. Nevertheless, it is important that a shop front is designed with proper regard to the appearance, not only of the individual building, but of the wider street scene or townscape of which it is part. These brief points are illustrated in the sketches on page 14.

4.2 One special problem concerns the use of “house styles” by chain stores, building societies, brewers and others. This tendency, strongly promoted by many firms, seeks to publicise their “corporate identity” by imposing a standard design on every branch with little or no regard to the individual requirements of the site and has caused a great deal of damage to the character of many towns. It is important that “house styles” are modified as necessary, in scale, graphics and/or colour, to suit the special qualities of Borders towns and villages, and experience proves that this can be done very satisfactorily without jeopardy to the identity or success of the enterprise (Photos 10 below). Thus, such proposals for “house styles” will be judged solely on whether they suit the particular building or area in question.
These two shop fronts are not only poorly designed but they are also totally unrelated to each other despite being parts of the same building. The appearance of the building as a whole suffers.

The shop indicated extends over more than one building and a single fascia is carried across the full width. Here the shop front should be sub-divided so as to retain the integrity of individual buildings. The scale of the pilasters should also be sufficient to appear to physically support the building. This has been lost in this example. This drawing also emphasises the importance of stall risers within a traditional street frontage.

The end result of this process. The original qualities of the street scene have totally disappeared. Each shop front that is insensitively altered brings this a stage nearer.
5. **Signs and Advertisements**

5.1 Probably one of the most important features of a shop front are its signs and lettering. The scale, style and material of these will have a profound effect on the suitability of the overall design.

5.2 Trade names on **fascia signs** may be displayed by painted lettering or individual letters applied to a fascia board or frieze. Again, it is important that the size of the lettering is not too large in proportion to the fascia or the shop front as a whole. Where motifs or “house styles” are employed, and to avoid signage appearing over-dominant - long unbroken horizontal colour-banding should be avoided. As a rule, internally-illuminated fascia signs will be discouraged.

5.3 New premises, and some conversions, can occasionally achieve a good design without a fascia board, instead having any required lettering attached directly and carefully to the building frontage (Photos 12). More commonly, a tasteful effect can sometimes be achieved by applying the trade information to the display window glass. This can give greater scope for artistic ideas and can leave the fascia (if there is one) free for similar art work, although it should not overwhelm its surroundings.

5.4 **Above ground floor level**, signs and advertisements will be resisted. An exception can usually be made for **upper floor businesses**, for which carefully-chosen lettering can be applied onto the window glass, supplemented at ground floor entrances with an appropriate metal plate.
5.5 **Projecting signs** are an integral part of shopping streets and commercial premises generally. They can contribute positively to the street scene, but can certainly detract from it if badly designed or located. A maximum of one projecting sign per enterprise will be imposed, and where a fascia sign is already illuminated, an illuminated projecting sign will be discouraged. The use of internally-illuminated signs is particularly inappropriate in **Conservation Areas**, which are discussed below. The bottom of a projecting sign should be no lower than 2.25m above the ground and at least 0.5 m in from the edge of the kerb.

5.6 Signs, illuminated or not, which are displayed **inside** a shop or office window (Photos 15 below), may require planning consent. For example, it is not uncommon for certain businesses to attach numerous large sales posters or semi-permanent adhesive “vinyls” to the inside of their windows – these require consent if they cover more than 10% of the display area. The Council has powers to “challenge” existing signs without consent which infringe the regulations, and will seek to have them removed.
6. Conservation Area and Listed Buildings

6.1 While it is intended to ensure good design throughout the Scottish Borders, a special degree of vigilance in planning control will be operated when dealing with Listed Buildings and Conservation Areas.

6.2 The Scottish Borders, with its high quality environment, has 40 Conservation Areas. These were designated to ensure that the special character of historic towns and villages is protected and enhanced. As well as by combating decay, this is achieved by ensuring that new development is carried out in a sensitive manner that takes account of the quality features of the Conservation Area. In town centres, development of shop fronts and signs is a prime influence on character.

6.3 In Conservation Areas, all the standards suggested in this Supplementary Planning Guidance will be applied rigorously. There will be presumption in favour of retention of any older shop fronts of merit, and new shop fronts should be in keeping with the more traditional styles of the locality. Controls on signs and materials will also be stringent – fascias should normally be either painted/treated timber or at least an acceptable matt-finished substitute; hand-painted lettering will be favoured, although raised letters in wood, brass or an acceptable substitute will often be acceptable; lettering should respect the character of the building in scale, style and proportion, and the use of brash colours will rarely be successful.

6.4 Particular care should be taken with projecting signs in Conservation Areas. A strong preference will be given to sign boards suspended from an iron bracket, and these give plenty of scope for original artwork. As a general rule, such signs should not exceed 0.6m² and should not project more than one metre from the face of the
building. As well as these, the use of symbols illustrating the trade carried on, such as those often employed by barbers, chemists, opticians, fishmongers etc., can be interesting and attractive.

6.5 In Conservation Areas, signs should not be illuminated internally but external lighting to a reasonable level will often be acceptable. Crudely-angled spotlights (e.g. the swan-necked style) are rarely successful and cause dazzle. Where they are necessary, their number should be kept to a minimum.

6.6 Where a shop front forms part of the special character of a Listed Building, there will be a strong presumption in favour of its retention or reinstatement and also in favour of the use of traditional and natural materials. Applications for work on some Listed Buildings will also require to be referred for clearance to Historic Scotland.
7. Planning Permission and Other Consents

7.1 There are three types of planning consent that may be required if you are intending to carry out any works in relation to a shop front. These three consents are: Planning Permission; Listed Building Consent and Advertisement Consent.

7.2 If your property is Listed or is situated within a Conservation Area – the Council will require a higher standard of design. If you are unsure if your property is Listed, is part of a Listed Building or is located within a Conservation Area – please contact your local Development Management Officer who will be able to assist.

7.3 It is the Council’s intention to improve the standard of shop fronts particularly where they are situated in a Conservation Area or on a Listed Building when alterations are proposed.

7.4 Planning authorities are responsible for control over the display of advertisements and other signs and notices. All advertisements must comply with a number of national standard conditions.

7.5 Building Warrant
A Building Warrant may also be required depending on the work that you intend to carry out. This is to ensure that the works do not pose a risk to the health and safety of people in or around the building. If you intend to carry out any works to your shop front or structural works within the building – you are advised to contact your local Building Standards Surveyor.
7.6 What Requires Planning Permission
The replacement or alteration of shop fronts is defined as development under the provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, and consequential legislation. This means that almost any “material” change to a shop front needs planning permission. “Material” changes could include altering the glazing, facing material, installing blinds or shutters or altering the size of the fascia.

7.7 However, if your property is Listed or is part of a Listed Building; or is located within a Conservation Area, any stone cleaning or painting of the exterior of the building will also require planning permission.

7.8 What Requires Advertisement Consent
Signs and advertisements are also dealt with by the Control of Advertisements (Scotland) Regulations 1984. Replacing existing or erecting new advertisements which includes shop signs may require consent.

7.9 Particular categories of advertisements can be displayed without the need for Advertisement Consent, these are:

1. Functional advertisements such as road signs
2. Advertisements relating to business premises, within restricted size and height, and
3. Certain advertisements of a temporary nature e.g. on building sites.

Generally no illuminated or projecting signs are included in these categories.

7.10 The Regulations are extremely detailed and you should always check with your Development Management Officer on what requires Advertisement Consent.

7.11 A summary of the Advertisement Regulations can be found in Appendix A of this Document.
7.12 What Requires Listed Building Consent
Any work affecting the character or appearance of a Listed Building will need Listed Building Consent.

7.13 Therefore, Listed Building Consent will be required not only for adverts requiring Advertisement Consent but also for those to be displayed with deemed Advertisement Consent.

7.14 It should be noted that Listed Building Consent could be required for both external and internal works. Furthermore applications on some Listed Buildings will require to be referred to Historic Scotland.

7.15 Advice
If you are intending to carry out any alteration to your shop front, it is always recommended that you contact your local Development Management Officer from the Council’s Planning and Economic Development Department. Your Development Management Officer can advise you on what planning consents will be required in your particular circumstance.

8. How to contact us
Advice from the Planning and Economic Development Department can be obtained at:

Planning and Economic Development Council Headquarters
Newtown St Boswells
Melrose
Scottish Borders
TD6 0SA

Telephone: 01835 825060

Web Address: http://www.scotborders.gov.uk/
9. **Further Advice**

The Technical Services Department have also produced a guide for shops and businesses. This guide provides information on the Roads (Scotland) Act 1984. Anything placed on a public road (including pavements and verges) without the Roads Authority's Consent is considered unauthorised. [Visit the website](http://www.scotborders.gov.uk/pdf/22476.pdf)

If you would like further advice from the Technical Services Department on this issue you can contact your local Area Roads Office at:

**Berwickshire**
- Newtown Street, Duns, TD11 3DT
- Tel: (01361) 886107

**Cheviot**
- Rose Lane, Kelso, TD5 7AP
- Tel: (01573) 224125

**Eildon**
- Market Street, Galashiels, TD1 3AD
- Tel: (01896) 661770

**Tweeddale**
- Rosetta Road, Peebles, EH45 8HG
- Tel: (01721) 726307

Historic Scotland have also produced a guidance booklet - Traditional Shopfronts: A short guide for shop owners. That document can be found at: [Visit the website](http://www.historic-scotland.gov.uk/shopfronts.pdf)
Appendix A: Summary of the Advertisement Regulations

1. The Control of Advertisements (Scotland) Regulations 1984 do not regard as development for advertisement purposes, the following:

1) An advert displayed inside a building, unless it is visible from outwith the building and is either illuminated or is displayed within a building used principally for the display of adverts, or any part of the advert lies within 1m of an external door or window.

2) An advert displayed on a vehicle or vessel normally employed as moving, but not if the vehicle is used mainly for the display of adverts.

3) An advert incorporated in and forming part of the fabric of a building other than a building used principally for adverts.

4) An advert on "enclosed land" and not readily visible from outside the enclosure.

5a) An advert on or consisting of a balloon at more than 60m above ground level.

5b) An advert on or consisting of a balloon tethered to a site where it is not controlled as an area of special control such as a conservation area, providing firstly there is not more than one balloon on the site at a time, and secondly, the site is not used for adverts on more than 10 days per year.

6) An advert on an article for sale, package or container, or on a pump for the selling of liquid, provided firstly it refers wholly to the article or liquid, secondly it is not illuminated and thirdly it exceed 0.1m² in area.

2. Under Schedule 4 of the advertisement Regulations, 6 classes of adverts may be displayed without express consent.

Class 1) Relates to functional advertisements of local authorities, community councils, statutory undertakers and public transport undertakers relating to:

1) Their function or operation for a safe or efficient performance.

2) As displayed by a planning authority on land within their area.

Class 2) Relates to miscellaneous advertisements relating to the land on which they are displayed subject to the following restrictions of letters not exceeding 0.75m in height and highest point of advert being no more than 4.6m above ground level, the following 3 types of advert are covered:

1) Adverts for identification or direction up to 0.2m² in area.

2) Adverts relating to business or firms up to 0.3m² per advert and 1 per firm or 1 per separate road access. Only signs relating to a medical service may be illuminated.
Draft Supplementary Planning Guidance on Shop Fronts and Shop Signs

3) Adverts relating to recreational, educational, residential, tourist premises etc. up to 1.2m² per advert and 1 advert per business or road access. Only signs relating to a medical service may be illuminated.

Class 3) Relates entirely to temporary adverts.
1) Adverts relating to the availability for sale or letting of land on which they are displayed.
2) Adverts relating to a sale of goods or livestock, and displayed on the land where such goods or livestock are situated or sale is held.
3) Adverts relating to the carrying out of building or similar work on the land on which they are displayed.
4) Adverts announcing any local event of a religious, educational, cultural, social or recreational character and advertisements relating to any temporary matter in connection with an event or a local activity of such a character.
5) Adverts relating to any demonstration of agricultural methods or process on the land which they are displayed.
6) Adverts on hoardings enclosing, either wholly or in part, land on which building operations are taking or are about to take place and which is designated in any development plan for the time being in force primarily for commercial, industrial or business purposes.

Class 4) Relates to adverts on business premises.
1) Adverts displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name qualification of the person carrying on such business or activity or manufacturing or supplying such goods or services on those premises.
2) Adverts displayed on any forecourt of business premises wholly with reference to all or any of the matters specified above.

Class 5) Relates to adverts within buildings.
1) Adverts displayed within any building and not exempted from these regulations.

Class 6) Relates to illuminated adverts displayed on business premises referring wholly to the goods or services inside and the persons involved.
1) Illuminated adverts displayed on business premises wholly with reference to all or any of the following matters, the business or other activity carried on, goods sold or services provided and the name or names and qualifications of the person or persons carrying on such business or activity or providing such goods or services on those premises.
Draft Supplementary Planning Guidance on Shop Fronts and Shop Signs

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Alison Clifton, Planning and Economic Development, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Telephone: 01835 825060.
E-mail: ped@scotborders.gov.uk
PLANNING AND BUILDING STANDARDS COMMITTEE

4 OCTOBER 2010

APPLICATION FOR PLANNING PERMISSION

ITEM:                  REFERENCE NUMBER:  10/01124/FUL
OFFICER:              Carlos Clarke
WARD NAME:            Galashiels and District
PROPOSAL:             Erection of replacement telecommunications mast with ancillary equipment
SITE:                 Land South West Of R Mitchell Glass Ltd, Currie Road, Galashiels
APPLICANT:            Vodafone Ltd / 02 UK Ltd
AGENT:                Tyco Electronics Ltd

SITE DESCRIPTION

The site comprises part of the public road verge, on the north-east side of Currie Road, and currently accommodates a 15 metre high monopole type telecommunications mast and two ancillary cabinets. The site is bounded with a slim belt of trees beyond which is the Langhaugh Industrial Estate. A further mast of similar height exists approximately 30 metres to the north-west on the same grass verge.

PROPOSED DEVELOPMENT

This application seeks full planning consent to replace the existing 15 metre high monopole with a 17.5 metre high monopole, and to site a third equipment cabinet alongside the mast, with the existing cabinets retained. The mast would incorporate three antennae, shared between O2 and Vodafone, and would be grey/galvanised in external colour finish and the cabinet would be green.

PLANNING HISTORY

The existing mast and cabinets were granted full planning consent in June 2006 (06/00687/FUL).

REPRESENTATION SUMMARY

None

APPLICANT’S SUPPORTING INFORMATION

The applicant has submitted a number of supporting letters/statements, all of which can be read in full on ‘Public Access’. These refer to, in summary, the following matters:

- An agreement between Vodafone and O2 to share infrastructure
- General information on health issues and mobile phone installations
- Comments that potential site shares, existing structures and buildings have been evaluated in a sequential approach, as well as the development plan. The site is considered the most
suitable option that balances operational need with local planning policies and national
policy guidance
- ICNIRP declaration
- Comments that the proposal will not unduly impact on the visual amenity of the area and is
  the minimum height and girth required. Given that it involves mast sharing, negating the
  need for a separate Vodafone installation in the area, it is considered the best planning
  solution. The height is the minimum required to provide coverage to the target area and
  when viewed against the backdrop of trees it won’t feature prominently

DEVELOPMENT PLAN POLICIES

Consolidated Structure Plan 2009
I23 Telecommunications Infrastructure
N16 Archaeological Evaluation, Preservation and Recording

Scottish Borders Local Plan 2008
Inf 8 Radio Telecommunications
BE2 Archaeological Sites and Ancient Monuments
NE4 Trees, Woodlands and Hedgerows

OTHER PLANNING CONSIDERATIONS:
SPP 2010
Planning Advice Note 62 Radio Telecommunications 2001

CONSULTATION RESPONSES:
Scottish Borders Council Consultees
Director of Technical Services (Roads): No reply

Director of Planning and Economic Development (Archaeology): There are no archaeological
implications

Statutory Consultees
Community Council: No reply

KEY PLANNING ISSUES:
Whether or not the proposal would comply with development plan policies with respect to its siting
and design.

ASSESSMENT OF APPLICATION:

Policy Principle
Siting of telecommunications infrastructure is generally supported by Structure Plan Policy I23.
Local Plan Policy Inf 8 also provides a presumption in favour, subject to consideration of
environmental impacts. An ICNIRP declaration has been submitted and, therefore, no further
account needs to be taken of potential health effects.
Siting and design

Local Plan Policy Inf 8 generally states a preference for sites within or adjoining industrial/commercial areas above those within residential areas. Here, the site is on the edge of an industrial estate, and closer to large retail uses than to any residential properties. The site already accommodates a smaller installation and, in principle, it is considered the proposed site is compliant with planning policy.

The applicants have advised that the proposal will allow for mast sharing between two companies and that the increase in height is necessary to achieve suitable coverage, albeit no detailed information is supplied on coverage benefits. Despite its proximity to public view, the existing mast has limited visual impact in this context, particularly as a result of the trees that bound the industrial estate. An increase in height of 2.5 metres will not render the replacement mast significantly more obtrusive than the existing installation in this context. The fact that the proposal involves mast sharing, thus potentially avoiding the need for a further mast installation elsewhere, is a particular benefit that accords with the objectives of national and local planning policy guidance to minimise the impact of telecommunications infrastructure.

The mast would be galvanised, as the existing mast is, and the cabinet finished in a green colour, and it is considered that this colour arrangement is appropriate for this site. No trees are proposed for removal and the proposal appears to be no closer to the tree belt than the existing installation.

Other matters

The site is within the verge, and the proposal would be no closer to the public footpath than the existing, and the roads authority has not raised any objection, so there would appear to be no pedestrian or road safety issues. This department’s archaeology officer has also advised that the development has no archaeological implications.

Conclusion

It is considered that the proposed development would comply with development plan policies relating to the siting and design of telecommunications infrastructure, subject to compliance with the schedule of conditions

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES

I recommend that the application be approved subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The mast shall be grey/galvanised in external colour finish, as specified on the approved plans, and the external colour of the equipment cabinet shall be green to match the colour of the existing cabinets
   Reason: To integrate the development with the existing context and thereby minimise its visual impact

3. Any proposed pruning of trees overhanging the development site shall be carried out by a competent arborist in accordance with BS3998.
   Reason: In order to ensure that works to remove overhanging branches is carried out in a manner which safeguards the visual integrity of the trees and therefore limits the visual impact of the development
Approved by

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<td>Brian Frater</td>
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The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

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<td>Carlos Clarke</td>
<td>Principal Planning Officer</td>
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APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 10/00809/FUL
OFFICER: Dorothy Amyes
WARD NAME: Tweeddale East
PROPOSAL: Erection of seven dwellinghouses and one detached double garage (amendment to previous consent 08/01713/FUL)
SITE: Land North East Of Stanin Stane, Cardrona, Scottish Borders
APPLICANT: Eskgrove Homes LLP
AGENT: Yeoman McAllister Architects

SITE DESCRIPTION

The application site is an area of open ground between Cardrona Main Farmhouse, which is C(s) listed, and the B7062. It is separated from the houses in St Leonards Way by a belt of semi-mature trees along the east edge and tall conifers form part of the southern boundary along the B7062.

PROPOSED DEVELOPMENT

There is an existing consent for the erection of seven houses in this location. The current proposal is for a change of house types and layout.

It is proposed that six of the houses shall be accessed from a new road off the small road leading to Cardrona Mains Farmhouse and the courtyard development behind. One house will have direct access from the B7062. The new detached properties will have a contemporary design and will be a mixture of two and one and a half storey properties with catslide dormers and a mixture of roof pitches.

There will also be one detached double garage located along the eastern boundary of the site. Six of the houses will have integral garages.

The proposed materials will be smooth textured render, timber windows, flat grey roof tiles and feature hardwood timber lining.

Several trees will require to be felled to allow for access to the site and it is proposed that modification should be made to the existing tree belt along the eastern boundary.

PLANNING HISTORY

08/01713/FUL – Erection of seven dwellinghouses approved subject to conditions and a legal agreement for developer contributions.
08/01819/FUL (as amended) Erection of one dwellinghouse on part of the site was approved but subsequently withdrawn.
The site was part of an application for 22 dwellinghouses and a children’s nursery which was withdrawn in October 2007 (07/01963/FUL).

REPRESENTATION SUMMARY

Nine letters of representation have been received objecting to the proposals on the following grounds:

- Loss of tree belt along eastern boundary will result in overlooking and loss of privacy
- Additional pressure on local services including sewage
- Potential loss of wildlife habitat
- Road safety issues particularly the narrow access and the speed limit on the B7062
- Loss of amenity land
- Impact on the setting of the listed building

One letter requested that the hours of operation should be restricted to weekdays only.

APPLICANTS’ SUPPORTING INFORMATION

A tree report was submitted with this application.

DEVELOPMENT PLAN POLICIES

Scottish Borders Structure Plan 2001-2018

N20 – Design
I11 – Parking Standards in New Developments
I14 – Surface Water
H7 – Affordable and Special Needs Housing - Proportion

Scottish Borders Local Plan Adopted 2008

G1 – Quality Standards for New Development
G5 – Developer Contributions
NE4 – Trees, woodlands and Hedgerows
H1 – Affordable Housing
H2 – Protection of Residential Amenity
Inf 3 – Road Adoption Standards
Inf4 – Parking Provision and Standards
Inf5 – Waste Water Treatment Standards
Inf6 – Sustainable Urban Drainage

Scottish Borders Local Plan Amendment 2009

H2 – Protection of Residential Amenity
G7 – Infill Development
Inf12 – Public Infrastructure and Local Service Provision

OTHER PLANNING CONSIDERATIONS

SPG – Placemaking and Design
SPG - Landscape and Development
SPG - Trees and Development
CONSULTATION RESPONSES

Scottish Borders Council Consultees

Education and Lifelong Learning
The proposed development is located within the catchment area for Priorsford Primary School and Peebles High School. Both these schools are at or near capacity and therefore a contribution will be sought for each school.

A contribution of £4,499 per dwelling is sought for the Primary School and £1,181 per dwelling for the High School, making a total contribution sought for education infrastructure of £39,760.

Technical Services (Roads):
No objections in principle to this amended layout shown on site layout drawing 3644-1-10-01 Revision C. However, the following points will need to be addressed:

- Two parking spaces, not including any garage, are required for each dwelling.
- the existing road leading to the site to be widened to 5.5m with the junction improved to have 6m radii.

The site will require the benefit of Roads Construction Consent, the above points can be dealt with at that stage.

The major change between the original application and the one in front of us is that one dwelling has a direct access onto the B Class road. I am not opposed to this inclusion, should a proliferation of access onto the public road occur over time, this will help to slow vehicles over this stretch of road, where I am aware residents have concerns over vehicle speeds.

The private access should have visibility splays of 2.4m x 120m in both direction onto the public road, the initial length of the access should be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

A footway will also require to be provided along the B7062 between the rear entrance to Cardona Mains Farm and the private access to the single house. This must be completed to my specification including drainage provision as appropriate.

It should be borne in mind that only contractors on the council’s approved List 13, DC-8, may work within the public road boundary.

Environmental Health: Water Supply. No comment as the development is to be connected to the public waters supply

Innerleithen and District Community Council: There are issues with the sewage plant capacity, broadband speeds, setting of trees and developer contributions. Six new houses will be using an already poor access and one house creating a new access onto the B7062. This road has a national speed limit, is narrow and the sight lines are poor, hence a need for a 30mph speed limit on this B road.

Other Consultees
None

KEY PLANNING ISSUES

Whether the new housing layout and the design of the proposed dwellinghouses are acceptable at this location, whether the proposals will have a detrimental on the adjacent listed building and its setting and whether the development will affect the residential amenity of the area.

ASSESSMENT OF APPLICATION

Policy Considerations

The principle of housing on this site has been accepted with the approval of the previous consents for housing. The consent for the 7 dwelling houses was issued in May 2010 and is therefore still valid. The site lies within the settlement boundary of Cardrona, and so the applications were assessed against policy G7 – Infill development. It was considered that the proposals did not conflict with the existing land use which is predominantly residential and would not detract from the character or amenity of the surrounding area.

There are a variety of house types and plot sizes in Cardrona and it was considered that the previous proposals were compatible in terms of scale, form, design, materials and density with its surroundings.

The current application proposes the erection of 7 detached dwellinghouses on a plot which includes both previous sites (7 dwellinghouses plus one dwellinghouse). The layout is less regimented than that of the previous consent and the houses are of a simple, modern design. It is considered that they can be accommodated on the site without any significant loss of residential amenity. It is considered that the revised proposals comply with policy G7 in both the adopted and amended local plan.

Developer contributions

A legal agreement has been concluded for this site in association with application 08/01713/ful. The relevant Education and Lifelong Learning and Affordable Housing contributions are covered by this agreement.

Setting of Listed Building

The access to six of the proposed dwellinghouses on the site will be through the existing from garden ground of the former farmhouse. This is the same as previously approved. The layout has been designed to ensure that the new houses are located away from the farmhouse in order to minimise the impact on its setting. A number of mature trees were initially shown to be removed to facilitate the new access and the drainage for the site.

The removal of mature trees is always regrettable but the applicant has revised the plans to ensure that the trees to be retained will be protected during construction and that the area of land between the new access and the B road immediately in front of the farmhouse will remain undeveloped. A condition can be placed on any consent to ensure that the trees that remain are protected from removal and damage. However, it is considered that the removal of some of the tall boundary trees along the B7062 (which appear to be the result of a leylandii hedge which has been allowed to grow unchecked) would be beneficial both to the site and to the setting of the listed
building. It is considered that, subject to a satisfactory landscaping and tree planting scheme being submitted the proposal will not be detrimental to the setting of the listed build and provides an opportunity to enhance it.

**Residential Amenity**

There is sufficient distance between the proposed new dwellinghouses and existing dwellinghouses to ensure that there is no significant overlooking and there are no issues in relation to overshadowing for the properties to the north of the site. Indeed the current layout represents an improvement upon the previously permitted layout. Any potential overshadowing of gardens of the properties to the east is mitigated by the existence of a fence and the semi-mature tree belt.

It is considered that this tree belt (which lies between the site and the existing housing to the east) is an important feature both for landscape and wildlife and that it should be retained in some form. However, it is also recognised that a tree belt such as this requires regular management including thinning and that, in future years, if left untouched the height of some of the trees may become an issue for existing and future residents. It is therefore proposed that further survey work should be undertaken in conjunction with council officers to select any trees for retention, removal and where required, additional planting. A long term maintenance plan is also required. It is considered that this will result in an attractive landscape feature which will enhance the area both visually and for wildlife.

At the present time the site is an open area bounded by trees and with limited access for the public. While the trees provided an important edge to the development, the open area does not significantly contribute to the sense of place of the southern edge of Cardrona Village. Indeed, it appears to be unmanaged, vacant land. The proposed development will complete this southern edge.

**Service provision**

Several objectors to the development referred to the existing services in Cardrona. The new dwellinghouses will be connected to the public water supply and the existing sewage system. Given that there is an existing consent for the same number of houses on this site and it is known that there are plans by Scottish Water to upgrade the sewage system, it is considered that the current proposal can be adequately serviced. Issues relating to mobile phone coverage and broadband are not material considerations for this particular application but are issues for the community and the service providers to resolve.

**Road Safety issues**

A number of issues have been raised by the objectors in relation to access and road safety issues. Technical Services (Roads) have no objections to the proposals, including the new access directly onto the B7062, subject to a number of specific details which can be achieved through a road construction consent and through suitably worded conditions on any planning consent. They do not propose that a 30mph speed limit is required at this location as a result of this development, as they are satisfied that adequate sight lines can be achieved. A new pedestrian footway is required to link to the one house along the B road and this will be an improvement to the existing situation.
CONCLUSION

The proposals for the revised scheme complies with the local plan policy for infill development, it will not affect the setting of the listed building and, subject to conditions, it will not result significant loss of residential amenity for existing residents or significantly impact on the landscape and ecology of the area.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES

I recommend that the application is approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby approved shall be carried out wholly in accordance with the amended site plan ref. 3644-L-10-01 Rev C(2) dated 22 September 2010 with the exception of the proposed new accesses which require to be designed and constructed to the satisfaction of the planning authority.
   Reason: To ensure that the development is carried out as approved by the Local Planning Authority.

3. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development.
   Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
   i. existing and finished ground levels in relation to a fixed datum preferably ordnance
   ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
   iii. location and design, including materials, of walls, fences and gates
   iv. soft and hard landscaping works
   v. existing and proposed services such as cables, pipelines, sub-stations
   vi. other artefacts and structures such as street furniture, play equipment
   vii. A programme for completion and subsequent maintenance.
   Reason: To ensure the satisfactory form, layout and assimilation of the development.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
   Reason: To ensure that the proposed landscaping is carried out as approved.
6. None of the trees to be retained within the site, as shown on plan 3644-L-10-01 Rev C (2) dated 22 September 2010 shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

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

7. None of the trees along the eastern boundary of the site shall be felled, thinned, lopped, topped, lifted or disturbed until a detailed survey has been undertaken, in conjunction with the planning authority, and scheme for thinning, planting and maintenance has been submitted and approved by the planning authority.

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

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

   (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;

   (b) No fires shall be lit within the spread of the branches of the trees;

   (c) No materials or equipment shall be stored within the spread of the branches of the trees;

   (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;

   (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

9. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

   Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

10. The proposed roads, footpaths and turning spaces indicated on the approved drawing shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced carriageway and footpath.

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

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

    Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
12. Prior to the commencement of development details of the new accesses shall be submitted to and approved in writing by the planning authority to ensure that there are adequate visibility splays onto the public road. Thereafter, no development shall take place except in strict accordance with those approved details.
Reason: The proposed accesses require further consideration to ensure that adequate access is provided in the interests of road safety and that the existing trees are retained where possible.

13. A footway shall be provided between the new access at Cardona Mains Farmhouse and along the B7062 to the private access to the single house. Details of this shall be submitted to and approved by the planning authority prior to the commencement of development.
Reason: To ensure that there is adequate pedestrian access in the interests of road safety.

**Informative**
Only contractors on the council’s approved List 13, DC-8, may work within the public road boundary.

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The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

**Author(s)**

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<tr>
<td>Dorothy Amyes</td>
<td>Planning Officer</td>
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</table>
APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 10/01076/FUL

OFFICER: Dorothy Amyes
WARD NAME: Tweeddale East
PROPOSAL: Temporary Siting of Residential Caravan
SITE: Disused cattle court and silage pit north of Whytbank Farmhouse, Clovenfords
APPLICANT: Messrs D E Thompson
AGENT: Ericht Planning and Property Consultants

INFORMATION FOR MEMBERS
This application has been referred to the Planning and Building Standards Committee under Section 43A(6) of the Town and Country Planning (Scotland) Act 1997, following a request by Members to seek determination of the application by Committee.

SITE AND APPLICATION DESCRIPTION:
The application site is located to the north west of the Whytbank Farmhouse which is accessed from the minor road off the B710 just north of Clovenfords. The caravan is sited between a former silage pit which has been converted to stables and a former cattle shed which has approval to be used as an equestrian arena.

The application is for the temporary 2 year consent for the siting of the caravan. This is a retrospective application as the caravan has been at this location for several months. It is proposed that the existing caravan will be removed and a larger residential caravan put in its place. This new caravan is now on site. It is stated in the supporting statement that the temporary consent is required until the new properties at the farm steading have been constructed when the business owners would be able to rent one of these properties.

PLANNING HISTORY:
A retrospective application for the change of use from cattle court to form indoor riding arena and change of use from silage pit and alterations to form stable block was approved subject to conditions in August 2010 (10/00848/FUL)

Other relevant applications
A change of use of disused steading and alteration to form three dwellinghouses was approved in September 2007 (07/00977/FUL). The dwellinghouses have been completed.

An application for the erection of a further four dwellinghouses was approved in August 2009 (08/02065/ful). Work has recently started on one of the houses.
An application to change the house type on one of the plots previously approved in 08/02065/FUL has recently been approved subject to the completion of a legal agreement (10/00697/ful).

REPRESENTATIONS SUMMARY
A total of six representations have been received objecting to the application on the following grounds:

- Need for accommodation on site not justified as other housing available nearby in steading conversion
- Not justified as an operational requirement
- Could lead to potential caravan park
- Each application should be considered on own merits and a temporary caravan on another site is not a material planning consideration

SUPPORTING DOCUMENTS
A Supporting Statement has been submitted with the application and this is available to view on Public Access.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018
Policy N20 – Design
Policy E16 – Rural Economic Development
Policy H5 – New Housing in the Countryside – Building Groups

Scottish Borders Local Plan Adopted 2008
Policy G1 – Quality Standards for New Development
Policy H2 – Protection of Residential Amenity
Policy Inf4 – Parking Provision and Standards
Policy Inf6 – Sustainable Urban Drainage
Policy D1 – Business, Tourism and Leisure Developments in the Countryside
Policy D2 – Housing in the Countryside

Scottish Borders Council Local Plan Amendment 2009
Policy H2 – Protection of Residential Amenity
Policy D1 – Housing in the Countryside

OTHER PLANNING CONSIDERATIONS:
Supplementary Planning Guidance
Placemaking and Design
New Housing in the Borders Countryside
Landscape and Development

CONSULTATION RESPONSES:

Technical Services (Roads)
No objections to this application provided the works specified in my response to application 10/00848/FUL have been carried out prior to this.

These are as follows:
The junction with the public road must have 6m radii with a 5m throat width with a gradient no greater than 1 in 15 and the initial length surfaced to my specification i.e. 40mm of 14mm size close graded surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1. Measures must be taken to prevent the flow of water onto the public road.

Visibility splays of 2.4m x 70m in either direction at the junction with the public road. This will entail the wall being set back and the verges re-graded.

The remainder of the access road must be upgraded to provide a properly compacted smooth running surface capable of supporting a 14 tonne axle load (to comply with Building Standards). It must be shaped to shed water with drainage treatment applied as necessary.

One passing place must be constructed to my specification (DC-1) between the access road and the B710. The exact location of which can be agreed on site.

It should be noted that work within the public road boundary must be undertaken by a contractor on the Council’s approved list (DC-8).

**Statutory Consultees**

**Clovenfords Community Council:**

At their meeting on 18th August Clovenfords & District Community Council agreed by a majority vote to oppose the above application in the following terms:-

1. That the grounds argued in 3.0.2.1 of the applicant's documentation that "[t]here is a direct operational requirement stemming from the equestrian business. It is essential that the business owners are located on site for security reasons and for animal welfare purposes...." are not sufficient reasons for granting this temporary planning permission. Whilst we can understand that the owners might desire to live near their horses, there are plenty of instances throughout the Borders where horses are stabled remote from housing.

Any security or animal welfare requirements can be fully met without the owners living on site. Indeed in the situation at Whytbank with four other residential properties currently in the immediate vicinity; if there were to be any urgent emergencies - such as fire - there will be people living nearby, able to alert the emergency services or the owners. This situation is much more secure for the horses than that appertaining in many other stabling arrangements throughout the country.

2. We do not agree that any parallel can be drawn with the consent to temporarily site a caravan at Caerleebank Wood near Innerleithen as there the stabling is directly on a main road with no adjacent residential properties.

3. We are bemused that when the applicant has taken no action to build in accordance with the full planning consent granted under application 08/02065/FUL he now seeks permission for yet another residence - albeit a mobile caravan. Particularly since there have already been reservations, including representations from our CC, about a proliferation of housing at Whytbank in contravention of SBC's own policies regarding housing in the countryside.

**Other Consultees:** None
PLANNING ISSUES:

The main planning issues are whether or not it is acceptable for a caravan to be located at the site for a temporary period.

ASSESSMENT OF APPLICATION:

The caravan is currently located between the former silage pit and the large agricultural shed and as such will have little or no visual impact on the surrounding area. It has been placed at this location in order for it to be connected to the existing drainage system. However, this location is evidently not suitable for long term accommodation with little in the way of any residential amenity.

The application site is adjacent to an existing building group but is not considered to be part of it as it does not contribute to any sense of place which now exists. It is located at a higher level and there is a long retaining wall separating the site from the housing development. The application must therefore be assessed as isolated, temporary, housing requiring an economic justification.

The change of use of the site for equestrian activities has been accepted. However, although a supporting statement has been submitted with the application, no indication has been given of how the business is to be developed, how many staff will be employed or economic need for staff on site at all times.

The applicant states that it is necessary for a caravan to be located on the site for animal welfare or security issues but the supporting statement provides little clarification with regards to this. There are examples of stables throughout the Scottish Borders where stables and field shelters have been approved with no requirement for accommodation and it does not follow that once permission has been granted for a stable that residential accommodation will be acceptable.

The application site is relatively close to the village of Clovenfords, but perhaps more critically, adjacent to a former farm steading where the buildings have been converted to three dwellinghouses and there is an existing consent for a further four dwellinghouses. Building has recently started on one of the new houses but this plot will be under a separate ownership. It is not known when construction of the three remaining plots will start. The application is for a temporary period of two years until one of the new houses is available to rent.

Although the agent confirmed, in letter dated 27 July 2010, that none of existing dwellings were available for rent, at the time of writing this report one of these properties is currently available to rent and is being advertised through a local agent. There clearly is suitable existing housing available nearby and, as they are owned by the applicants and, indeed as it proposed in the supporting statement that one of the new dwellings will be rented by the equestrian business owners, when completed, one could be made available immediately for use by people working at the equestrian site.

While each application must be assessed on its individual merits, the applicant has made reference to Caerleebank stables and livery centre which is located just off the A72 between Glenormiston and Innerleithen. A temporary caravan was allowed at this site to ensure that business became established before a permanent house could be built. There was no other suitable accommodation available at this location.
Conclusion

In conclusion, it is considered that an economic or animal welfare case has not been made for the siting of a caravan at this location and that, if it is necessary for staff to be on site at all times, suitable existing housing is available in an existing building close by. The proposal is therefore contrary to Policy H6 – New Housing in the Countryside – Isolated Housing, Policy D2 – Housing in the Countryside and SPG New Housing in the Borders Countryside as there is no evidence to substantiate the viability of the equestrian business nor a justification that the provision of temporary accommodation is essential to the enterprise and the applicant has failed to demonstrate that alternative housing is not available within a settlement or building group.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that the application is refused for the following reasons:

1. The proposal would be contrary to Policy H6 of the Scottish Borders Structure Plan 2001-2018 and Policy D2 of the Scottish Borders Local Plan Adopted 2008 in that the proposal for the siting of a temporary caravan has not been justified as a direct operational requirement of the equestrian enterprise and appropriate housing opportunities exist within a nearby settlement or building group.

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APPLICATION FOR PLANNING PERMISSION

ITEM: 
REFERENCE NUMBER: 10/00485/FUL

OFFICER: Mr B Fotheringham
WARD: Mid/East Berwickshire
PROPOSAL: Change of Use of Land for Siting of 48 Static Caravans
SITE: Land North West of 6 Barefoots Avenue, Eyemouth
APPLICANT: Part Resorts
AGENT: Humberts Leisure

SITE DESCRIPTION

The site is part of a larger field which lies directly north east of Pocklaw Slap and to the north west of housing on Barefoots Avenue. There is a robust shelterbelt planting (approximately 20m wide) to the north east boundary and the site is separated from the housing to the south east by the boundary fences to these properties. The field rises to the northwest and the coast where there are elevated views over the sea. The remainder of the undeveloped field is a rectangular site in the south west corner which is allocated for housing in the adopted Local Plan. The application site is located outside the development boundary as identified in the Local Plan.

PROPOSED DEVELOPMENT

The proposal is to develop the wedge of land which lies between the designated housing site and the caravan park into an extension of the existing caravan park with a capacity for 48 additional units. The layout was amended on 1 July 2010 following discussion with the planning officer and the number of units has been reduced to 46.

Three static caravan models would be used in the proposed extension. Those proposed are all similar to those currently situated on the existing site and would be of a standard construction and finish for this type of development.

PLANNING HISTORY

There is no planning history specifically associated with this site although the following applications are relevant:

10/00516/PPP Erection of 20 Dwellinghouses
Land SW Northburn Caravan Park Eyemouth Approved (Pending Legal Agreement)

03/02201/COU Change of Use of Land for Siting of 29 Static Caravans
Eyemouth Holiday Park Approved 25.03.2004
Eleven individual letters of objection have been received in connection with this application. Of those 11 letters, 9 were received from separate households. A petition comprising of 11 separate households was also submitted against this application.

The principal grounds of objection can be summarised as follows:

1. The proposed development is outside the development boundary of Eyemouth
2. The static caravans would have a significantly prejudicial impact on the amenity and character of the surrounding area.
3. Loss of privacy
4. Overlooking
5. Loss of residential amenity
6. The residential amenity of the housing which overlooks the application site would be hugely comprised
7. Open green space in Eyemouth is at premium. An essential element of open space would be lost, if development was permitted on this site.
8. The burden of vehicular traffic on Fort Road is already hugely significant. To add to that pressure by allowing additional static caravans at this location would not be acceptable in terms of the impact on infrastructure.
9. Inadequacy of exiting waste water treatment facilities to cope with additional loading.
10. Noise nuisance
11. Increased risk of litter
12. Loss of views from properties in Barefoots Avenue
13. Decrease in property values of dwellings on Barefoots Avenue
14. Loss of daylight
15. No economic justification

In addition to the letters of objection a general comment has also been received inviting the Planning Committee to visit the objector’s home prior to a decision being made. This letter, along with the letters of objection and petition are available for Members to view on-line.

APPLICANTS’ SUPPORTING INFORMATION

A planning statement, transport statement, flooding and drainage statement as well as a landscape statement have been submitted in support of the application.

The Planning Statement identifies the site and the proposals and assesses these against prevailing development plan policies. In conclusion, the statement considers that the proposed development should be supported as it is well related to the existing settlement and will be in-
keeping with the character and appearance of the surrounding area in terms of scale, location and appearance. It will be of direct benefit to the local economy and will not impact on the character or appearance of the adjacent residential development. It concludes that the proposed development complies with development plan policy.

The Transport Statement assess the volumes of traffic likely to be generated by 49 static holiday caravans and concludes that the anticipated small amount of traffic can be accommodated on the existing highway network. The statement also describes the opportunities available for visitors to travel by sustainable modes of travel and concludes that the proposed development is in a sustainable location.

The flooding report assess flooding and drainage issues and concludes that the site is not at risk from flooding from either the Eye Water or the North Sea, and it does not appear to be at risk from the inundation of flood waters from over loaded sewers or other water courses from higher ground.

Foul water can be discharged from the caravan park extension to the foul sewer on site which discharges to the public sewer in Fort Road. A formal response is awaited from Scottish Water. It would appear that surface water from the existing park discharges to ground and not the public sewer network. Surface water from the park extension would also be discharged to the ground using porous paving or formal soakaways.

The Landscape Statement, which was amended on 1 July 2010, concludes that there will be significant landscape improvements to the park which will be strengthened by the development proposals. The enhancement of the overall landscape quality of the area will help to mitigate the impact of development and reduce the visual impact of the existing park. There would be no long term negative impact on landscape character and the implementation of substantial planting would create a pleasant landscape environment.

These are available for Members to view on-line.

DEVELOPMENT PLAN POLICIES

Scottish Borders Structure Plan 2001-2018

Policy N11 – Areas of Great Landscape Value
Policy N12 – Coastline
Policy N20 – Design
Policy E21 – Tourism Development
Policy E22 – Protection of the Tourist Industry
Policy I11 – Parking Provision in New Development
Policy I12 – Provision of Water and Sewerage Services
Policy I14 – Surface Water
Policy I15 – Flood Risk Areas

Scottish Borders Local Plan 2008

Policy G1 – Quality Standards for New Development
Policy G4 – Flooding
Policy G8 – Development outwith Development Boundaries
Policy BE8 – Caravan and Camping Sites
Policy EP2 – Areas of Great Landscape Value
Policy EP4 – Coastline
Policy H2 – Protection of Residential Amenity
Policy Inf4 – Parking Standards
Policy Inf5 – Waste Water Treatment Standards
Policy Inf6 – Sustainable Urban Drainage
Policy D1 – Business, Tourism and Leisure Development in the Countryside

Scottish Borders Local Plan Amendment 2009
Policy H2 – Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

Scottish Borders Tourism Action Plan 2006-2009
SPP – Scottish Planning Policy
SPG – Landscape and Development (March 2008)
SPG – Trees and Development (March 2008)
Draft SPG – Countryside around Towns

CONSULTATION RESPONSES

Scottish Borders Council Consultees

Director of Technical Services (Road User Group): So that the road is capable for use by emergency vehicles, it must be constructed in a manner which includes a bituminous surface course, with a minimum width of 3.7m and capable of carrying an axle load of 14 tonnes. In addition 1 parking space per unit must be retained during the operational lifespan of the business.

Director of Technical Services (Flood Risk Officer): The “second generation flood mapping” prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. I therefore have no objection to the proposed development. I would however advise the applicant to take into account the potential for flooding arising from other sources such as road drainage and overland surface water runoff.

Director of Technical Services (Environmental Health): Environmental Health acting as the licensing authority for caravan parks does not object to the enlargement of the existing site, provided the extension fully meets the requirements of the ‘Model Standards’ that form part of the site licence. In this respect concern has to be expressed with regard to the spacing of the caravans as shown in the submitted plan. Density and Spacing Standards should be followed.

Statutory Consultees

Scottish Natural Heritage: No objections.

SEPA: There is no risk of flooding. We note from the Flooding and Drainage Statement carried out by CODA Structures and dated 13 January 2010 that foul drainage will discharge to the existing foul sewer. We therefore have no further comment on this aspect of the proposal and would advise that the applicant contact Scottish Water to ensure that the existing system has adequate capacity.
We understand that surface water will discharge via permeable surfaces and formal soakaways. The surface water drainage proposal outlined is acceptable to us in terms of water quality as it provides the required one level of treatment for surface water run-off from the development.

Other Consultees

None

KEY PLANNING ISSUES

The key planning issues are:

1. Whether the proposed development can be justified as a logical expansion of the built up area on land outwith the development boundary.
2. Whether the proposed development is to be used directly for leisure, recreation or tourism in accordance with the Scottish Borders Tourism Strategy.
3. Whether there will be a significant adverse effect on the residential amenity of neighbouring properties.

ASSESSMENT OF APPLICATION

Policy Constraints

The application site is clearly on land outwith the development boundary of Eyemouth as defined in the Local Plan 2008. Where development boundaries are defined on proposals maps they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period to 2011. Development should be contained within the development boundary but exceptional approvals may be granted provided strong reasons can be given that one of the four criteria can be met. The proposed development is not an affordable housing development and there is no shortfall in the provision of an effective 5 year housing land supply therefore criterion 2 or 3 of Policy G8 are not applicable. However, the proposed change of use to form an extension to the existing holiday park would be a tourism development justified under Policy D1 and it would offer significant community benefit that would outweigh the need to protect the development boundary. In this instance the proposed development would comply with criterion 1 and 4.

Policy BE8 states that proposals for new or extended caravan and camping sites will be supported in locations that can support the local economy and the regeneration of towns and are in accordance with the Scottish Borders Tourism Strategy. Proposals must be in keeping with their local environment and not cause unacceptable environmental impacts, be acceptable in terms of impact on infrastructure and be in locations free of flood risk. It is contended that the current proposals would represent a logical expansion of the existing site without significant adverse effect on the environment, infrastructure or flood risk. These issues are discussed further later in this report.

Tourism Development

In terms of criterion 1 of Policy G8, exceptional approvals may be granted where strong reasons are given that it is a job generating development that has an economic justification under Policy D1. Proposals for business, tourism and leisure development in the countryside will be
approved provided that the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy. In all cases a number of criteria must be met. Criterion 6 is not applicable as the proposed development to site static holiday homes could not make use of existing buildings through conversion and the site is not classed as 'brownfield'. Criterion 4, 5, 7 and 8 however are applicable and it is contended that the proposals would meet these four tests. Criterion 5 refers to the impact that the proposed development would have nearby uses, particularly housing. Members will note that there are a number of objections to this application from adjacent properties but these will be discussed later in this report.

The proposed development is required to respect the amenity and character of the surrounding area as defined by Criterion 4. The proposed development would lie immediately adjacent to the existing holiday park and would represent a logical 'infill' development opportunity between the site, adjacent dwellings, the adjacent allocated housing site and residential properties beyond. It is considered that the proposals would occupy an existing envelope of land that would represent a logical expansion of the settlement without significant adverse effect on the character of the surrounding area. In addition it would be compatible with neighbouring uses and the neighbouring built form.

The proposed development would be of a scale that is not only appropriate to the existing holiday park and neighbouring dwellings, but it would be appropriate to the character of this edge of the settlement. There is character of this coastline is very exposed and the proposed expansion of the holiday park can be accommodated within the landscape without detriment to the rural character of the area. This can only be supported through the adoption of a robust planting scheme which is discussed below.

Criterion 8 refers to accessibility in accordance with Policy Inf11. This is discussed in more detail below but it is contended that the surrounding network of roads and footpaths can accommodate this level of development.

The aim of Policy D1 is to allow for appropriate employment generating development in the countryside whilst protecting the countryside and to ensure that business, tourism and leisure related developments are appropriate to their location. The policy recognises that some tourism related developments may not be able to be easily accommodated within settlements as is the case with the proposed holiday park extension. Whilst the existing park is located wholly within the settlement boundary, any proposed expansion of this established tourist related facility would require development of land outwith the settlement envelope. Given the recent decision to grant permission on the adjoining allocated housing site, the application site would become a "land-locked" area of land between the caravan and housing sites of limited value in terms either of landscape contribution or use, and the proposed extension represents an acceptable use of the land.

Decisions on tourism related developments will be guided by reference to the Scottish Borders Tourism Strategy which requires all tourism developments to be of high quality, sustainable and customer focused. The Strategy focuses on walking and golf related activities and it is considered that the expansion of the holiday park would allow for an increase in affordable accommodation which could support these activities. Furthermore, the expansion of the holiday park can only have a positive effect on the economy of Eyemouth and the surrounding area as the opportunity for increased visitor numbers would in turn have a positive effect on local businesses and services.
Landscape

One of the main views of the site is approaching Eyemouth from the northwest on the elevated A1107 Coldingham Road as it descends from Hallydown with Eyemouth, the coast and the remainder of the town in the background. The topography is such that the intervening landform partially screens the site, although a substantial mass of caravans on the existing site are clearly visible, the mature shelterbelt offers screening of the south eastern part of the site. As already noted, the site lies between the existing caravan park and the allocated housing site, which now has planning permission in principle.

The views of the Eyemouth Caravan Park from the Berwickshire Coastal Path approaching from the northwest are of uninterrupted caravans with the adjacent housing in the background and the lack of planting on the cliff top reinforces this point. The topography of the adjacent land and the site, sloping away to the south east, means that the site will only become fully visible when walkers are alongside it at the North West end, so the additional caravans will not greatly increase the visual impact on the wider landscape.

The shelterbelt along the north eastern boundary of the site is now effectively screening some of the caravans from the northwest. To achieve further screening a similar width of screen planting is required along the short south west boundary. This will create a visual extension to the existing shelterbelt when viewed from the north west and should help to reduce the impact of the north western part of the Caravan Park in the future.

The Council’s Landscape Architect suggests that substantial shelterbelt planting along the south west boundary should be included in the layout but this would require 8no plots (38-45) to be removed from the proposals. This planting, together with hedgerow type planting along the remainder of the south west boundary would be an opportunity to mitigate the visual impact of the caravan park and proposed extension greatly. The applicant has shown on their landscape proposals a belt of hedgerow planting along the full length of the south west boundary but also substantial shelter belt planting along the upper south west boundary from plots 37-46. This planting would vary from 10m wide to 20m wide in places with a narrower 5m wide Venetian blind effect planting strip along the north west boundary of the site. It is considered that this level of planting would help mitigate the effect that the proposed extension to the caravan park would have on the landscape. It is felt that the removal of 8no static caravans and the inclusion of a substantial planting strip would be unreasonable given that the immediately adjacent site to the south west has permission in principle for the erection of 20 no dwellinghouses.

Following the submission of a full landscape scheme further consultation took place with the Council’s Landscape Architect. It is considered that the amended site layout provides more robust planting along the south western edge of the site, particularly between the most north westerly section of the caravan park and the track and will have the effect of merging the development into the wider landscape and help to reduce the visual impact of the caravans.

There was concern that the choice of species of trees proposed on such an exposed stretch of the coastline may not survive the harsh weather conditions therefore a tougher, more reliable choice was suggested. This has been incorporated into a second amended landscape plan which was received on 22 September 2010. A phased scheme of planting and a programme of replacement should be adopted. The replacement of failures has been included in the landscape plan notes but the phased scheme of planting can be controlled by condition.
It is considered that the proposed landscape layout will provide a strong and robust landscape setting for the proposed holiday park extension which will allow the development to integrate with its surroundings and the wider environment without significant adverse effect on the landscape character of the area.

**Coastline/Area of Great Landscape Value**

The application site is contained within the Berwickshire Coast Area of Great Landscape Value therefore Policy EP2 of the Structure Plan and Policy N11 of the Structure Plan are particularly relevant. The aim of these policies is to ensure that areas of identified landscape quality are afforded adequate protection against inappropriate development. It could be argued that the existing holiday park has already eroded the landscape quality of the AGLV as the site is exposed and highly visible when viewed from the north west. However, it is felt that the proposed development, coupled with the robust landscape proposals would be appropriate and would not lead to an unacceptable adverse effect on the landscape quality of this locally designated area. Indeed, the proposals represent an opportunity to improve the current situation.

**Access**

The proposed development will bound the Coastal Path and Right of Way, BB22 which runs from Coldingham to Eyemouth. Following consultation it was recommended that the developer make connections to the public access network by connecting to Pocklaw Slap from a route between units 37 and 38. In addition to this it was also recommended that there should be a pedestrian access link to the coastal path from the vehicular access road adjacent to unit 45. These recommendations have been included in the most recent amended landscape proposals.

Policy Inf2 aims to protect all existing access routes and to encourage developer to address access needs at an early stage in the development process thereby ensuring continued access and enjoyment of the outdoors. The proposed layout offers continued public access through the formation of 2 connecting routes in the north west corner of the site adjacent to unit 42 and at a location adjacent to Pocklaw Slap from between units 36 and 37. The amended landscape proposals also show an internal access route from the existing site to the proposed extension between units 5 and 6. This would help to promote pedestrian access from the existing holiday homes to the access network, while also improving connectivity within the site itself.

**Residential Amenity**

Policy H2 of the Local Plan aims to protect the amenity of both existing established residential areas and proposed new housing developments and development that is judged to have an adverse amenity on these residential areas will not be permitted. In order to protect the amenity and character of the surrounding residential properties the details of the proposed development will be assessed in terms of scale, form and type and whether it will fit within a residential area. Although not within a residential area, the proposed holiday park will be immediately adjacent to the dwellings on Barefoots Avenue and the recently approved residential development on the allocated land to the south east.

Members will note from the letters of objections that the principal grounds of objections relate to loss of amenity, loss of privacy, overlooking, loss of daylight, and an increase in traffic and noise. There are also non-material planning considerations such as the loss of a view and a
reduction in property values and Members are reminded that these should not form part of the decision making process.

It is accepted that the nearby dwellings, particularly those on Barefoots Avenue, will be affected by this proposed development. There are six properties that share a common boundary with the application site. These properties currently have uninterrupted views over the site towards the north west but it is contended that the proposed development would not have a significant adverse effect on the residential amenity of these properties. The static caravans would be located 30m from the rear boundary fence of the dwellings and would be separated by a robust strip of planting measuring from between 20 and 25 metres therefore there will be no loss of privacy as a result of overlooking. In any case, the dwellings on Barefoots Avenue have their principal living accommodation on the first floor, and it can be argued that the caravans would actually be overlooked by the houses until the proposed planting had matured. The site is located to the north and east of existing dwellings and would be located a significant distance away from principal habitable rooms. There would be no loss of daylight as a result of the proposed development.

The traffic statement and comments from the Director of Technical Services confirms that the existing road network would be suitable to accommodate the anticipated increase in traffic. It is accepted that these dwellings will be affected by seasonal traffic to and from the holiday park but it is felt that the anticipated increase would not result in an unacceptable intensification of the use that would harm the residential amenities of neighbouring properties in terms of noise nuisance or traffic generation.

Vehicular Access/Parking

The Transport Statement submitted by the applicant in support of the application assess the volumes of traffic likely to be generated by 48 static holiday caravans and concludes that the anticipated small amount of traffic can be accommodated on the existing highway network in and around Eyemouth. The statement also describes the opportunities available for visitors to travel by sustainable modes of travel and concludes that the proposed development is in a sustainable location.

Policy Inf11 of the Local Plan promotes sustainable travel patterns to ensure that significant travel generating developments are properly scrutinised. It is accepted that the minor public roads leading to the site are relatively narrow and this has been identified as an issue with objectors. However, main public routes to the site from the A1(T) are of a standard which can absorb the anticipated level of traffic and the narrow access routes immediately adjacent to the site are arranged over short stretches only. It is felt that the resulting increase in traffic would not lead to an unacceptable adverse effect on road users as a result of congestion.

The Director of Technical Services confirms that he has no objections to this application provided that the proposed access road is capable for use by emergency vehicles. It must be constructed in a manner which includes a bituminous surface course, with a minimum width of 3.7m and capable of carrying an axle load of 14 tonnes. In addition 1parking space per unit must be retained during the operational lifespan of the business.

The applicant’s agent has confirmed that the road will be constructed to these standards. The amended layout shows the access road to be 4.5m wide when scaled from the plan and one parking space per unit (with the exception of unit no 36) has also been shown. The parking
spaces and the retention of these spaces in perpetuity can be controlled by a suitably worded planning condition.

**Flooding**

Although the site is located close to the Berwickshire Coast and North Sea there is no flood risk immediately apparent. There are no water courses that run through or close to the application site and the second generation flood mapping prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years.

The Council’s Flood Prevention Officer however advises that the applicant to take into account the potential for flooding arising from other sources such as road drainage and overland surface water runoff. This can be covered by applicant informative.

**Natural Heritage**

There are no known important natural heritage interests in the area that would be affected by this proposed development and this is confirmed by SNH who have no objections to this proposal.

**CONCLUSION**

The caravan park is in a very prominent location on the headland above Eyemouth and is somewhat visually intrusive. However, the applicant has stated that planting would be carried out to lessen the impact of the park and this has been supported by the submission of a detailed planting scheme. Although the size of the park would be increased by erecting holiday static caravans on a previously undeveloped part of the headland, and expanding further into the Area of Great Landscape Value, it is considered that this would not harm the visual amenities of the area any more than the existing park and would not represent a significant adverse effect on the residential amenity of nearby dwellinghouses.

The proposed expansion of Eyemouth Holiday Park would represent a logical extension to the settlement and would be considered to be an exceptional approval in terms of Policy G8, further justified by Policy D1.

**RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES**

I recommend that the application is approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
   Reason: To ensure that the development is carried out in accordance with the approved details.
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.

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

5. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

6. The finished floor levels of the static caravans hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To enable the proper effective assimilation of the development into its wider surroundings and to ensure that the proposed development does not have an adverse effect upon the amenity of nearby dwellings.

7. One parking space per static caravan shall be provided on site prior to the use of the site commences and retained in perpetuity thereafter.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

8. The areas allocated for parking on the approved plan shall be properly consolidated, surfaced and drained before the use of the site commences/the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

9. The proposed access road shall be constructed in a manner which includes a bituminous surface course, with a minimum width of 3.7m and be capable of carrying an axle load of 14 tonnes.
Reason: In the interests of road safety and to ensure the access road is capable of accommodating emergency vehicles.

10. Development shall not begin until precise details of drainage works have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in strict accordance with these details.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

11. No caravan on the site shall be occupied between 9th January and 9th March in the same year.
Reason: To ensure that the site is used for holiday purposes only.

**Approved by**

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<td>Brian Frater</td>
<td>Head of Planning and Regulatory Services</td>
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The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

**Author(s)**

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<td>Barry Fotheringham</td>
<td>Principal Planning Officer</td>
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APPLICATION FOR PLANNING PERMISSION

ITEM:  REFERENCE NUMBER: 10/00492/FUL

OFFICER:  Stuart Herkes
WARD:  Mid Berwickshire
PROPOSAL:  Erection of dwellinghouse and garage and formation of access road
SITE:  Land West of No 12 Sunnybraes, Gordon
APPLICANT:  Rosemarie Barden
AGENT:  R G Licence Architect

SITE DESCRIPTION

The site lies within, and to the immediate west and northwest of, the Development Boundary at Gordon. It encompasses the site of existing stables and an agricultural access.

Stables Site

The site of the stables lies within the development boundary at Gordon, and is essentially a level platform lying immediately below and to the west of the residential area at Sunnybraes, and immediately above, and to the east of, the Hair Well Pond. There are two stables buildings within the centre of the site. These are accessed from the north by way of an agricultural access, which climbs a steep slope to reach the site. The land to the east, southeast and south rises steeply upwards from the site, and is garden ground to the rear of residential properties in Sunnybraes. The related dwellinghouses are situated at the top of the slope, and although some screening is provided by trees growing on the slopes of the intervening bank, the rear elevations of these houses currently overlook the site, albeit at distances of between 18m to 30m. The land to the west of the site slopes steeply downwards towards the Hair Well Pond, which lies 15m from the site boundary. A telecommunications pole lies to the immediate northwest of the site.

Although overlooked by the properties upslope to the east, the site is otherwise well screened within the wider landscape by the undulating nature of the local topography, which is reinforced to varying extents by mature trees on the slopes to the north, east and south.

Although the character of the site is predominantly rural, and although it is not an obvious infill site, being located, as it is, at a notably lower level than the residential area to the east, it nonetheless lies completely within the Development Boundary at Gordon, as does the Hair Well Pond to the west.

The Hair Well Pond is understood to be fed by three active springs, and to drain into Gordon Moss, a Site of Scientific Interest.
Agricultural Access

The agricultural access which forms part of the site consists of two main sections, forking southwards around the wooded bank to the northwest of the stables site. The first section, the eastern ‘prong’ of the fork, coincides with a Core Path (Core Path 72; Right of Way, BB125), which runs northwards from the public road in Sunnybraes to the aforementioned fork. The second section, the western ‘prong’, runs southwards from the fork to access the site of the stables.

The first section, which coincides with the Core Path, is unsurfaced. Although it is gated, there is no dropped kerb between it and the public road. Moreover, between the public road and the gate, there is a strip of land, some 30m in length, which is outwith the ownership of the applicant. North of the access gate, the land slopes perceptibly downwards. The land to the west of the access track, is a wooded bank, which is the subject of a Tree Preservation Order (No. BRC15). Land to the east, upslope of the access track, is agricultural land.

The second section is partially surfaced, and runs southwards from the fork, at a point 190m north of the public road. From here, it runs southwards to the west and downslope of the aforementioned wooded bank, crossing undulating terrain, to access the site of the stables, ultimately climbing a low hill to reach these. Land to the immediate west of this section, is the bed of a now dismantled railway.

Other than by this route, the only other way to access the stables site would be along the route of the dismantled railway.

Although stables site and the southern sections of the access tracks are located within the Development Boundary at Gordon, much of the access lies outside the settlement boundary.

PROPOSED DEVELOPMENT

The proposed development is the erection of a dwellinghouse and garage on the site of the stables, and the construction of an access road along the route of the existing agricultural accesses.

The proposed dwellinghouse would have a footprint of roughly 16.3 by 10.3m, and would be 6m high to its roof ridge. It would essentially occupy the site of the existing stables buildings. It would be a timber-clad single storey dwelling with a pitched roof, clad in a planted sedum blanket. The windows and doors would be timber.

The garage would be clad in matching materials, with a timber clad garage door.

Surface water would drain to a soakaway. The water supply and foul drainage would be served by public connections. (It was initially proposed that the water supply might be private, and that foul drainage would have been to a septic tank, with a reed bed located in the vicinity of the Hair Well Pond).

The house would be low carbon and low energy, with a ground source heat pump and photo voltaic cells.

The access road would essentially follow the route of the existing access track, including the aforementioned section coinciding with the Core Path and Right of Way,
but would be widened to 3.7m. The width of this access road would be increased to 5.5m at its junction with the public road in Sunnybraes.

It is proposed that the section corresponding to the Core Path, would be a shared access for users of the Core Path, agricultural vehicles and the occupants of, and visitors to, the proposed dwelling. During the course of the development, a temporary diversion to the Core Path would be accommodated on a temporary path 1.8m wide, which would be situated to the east of the existing Core Path. It is proposed that once the development is completed, this diversion should be reinstated to grass.

It is advised that no trees would be felled during the course of the development.

**PLANNING HISTORY**

As a result of a decision by the Planning and Building Standards Committee in March this year, the applicant obtained planning consent to relocate the existing stables buildings to a site just outside of the development boundary, to the north of Manse Road, Gordon.

The land which would be required to accommodate the proposed road junction (that is, the section of the proposed access road which lies between the public road in Sunnybraes and the applicant’s own land) was included within the boundary of the wider housing development granted permission around 20 years ago. Although this area was left undeveloped, there are no planning conditions requiring that the area should be maintained as a green space.

**REPRESENTATION SUMMARY**

22 representations have been received from 20 members of the public (representing 12 households), which raise the following concerns:

- The proposed property lies outwith the boundaries of Gordon village;
- The applicant neither owns, nor has a right of access over, the land between the public road in Sunnybraes and the Core Path;
- The land between the public road in Sunnybraes and the Core Path is currently used as a play area by local children. The proposed development of a roadway in this area would raise road safety concerns by creating a throughway where there was previously only a dead-end and/or mean the loss of the only safe play area available to children living in Sunnybraes;
- The land between the public road and the applicant’s land was required by a previous planning consent to be retained as a green space;
- The proposed development would constitute a change from agricultural to residential use, altering the character of the site and impacting upon the surrounding area;
- Trees within the area between the fork in the access track, and to the east of the dwellinghouse site are protected by TPO; the proposed access road would take vehicles over tree roots and under the canopies of mature trees;
- The proposed development would compromise the use of the Core Path by promoting an unacceptable level of vehicular traffic, including HGVs during construction, which would endanger Core Path users;
- There would be a road safety risk posed by vehicles using the public road and section of road corresponding to the Core Path because this is long and
straight, raising concerns about the speed at which vehicles would enter the residential area at Sunnybraes;

- The proposed development would cause flooding and drainage issues on the gradient of the Core Path, compromising its use;
- There is an adequate supply of new housing within Gordon, and therefore no need for a new dwelling;
- The reedbed and soakaway lie over, or around, an unlisted historic well site;
- The proposed sewage treatment plant would pollute the Hair Well Pond, the wells and through these, the wider drainage network, including Gordon Moss, a SSSI, with repercussions for wildlife and the environment, as well as for other residential properties, further down the water table, which are dependent upon the local drainage system for their private water supply. One objector advises that because of the three wells, water is constantly flowing through the Hair Well Pond, which would compromise the effectiveness of the reedbed, raising the possibility that sewage cleaning fluids, bleach, soap etc. would be flushed into the wider drainage network to the detriment of wildlife and the environment;
- The proposed dwellinghouse is too large for the site;
- The proposed development would require heavy machinery to remove the concrete foundations of the stables blocks. This would be liable to generate a huge amount of vibration with potential to cause a landslide, dislodging trees on the banking above the site, affecting neighbouring residential properties;
- The proposed development would be close to electricity cables;
- The proposed site is habitat for buzzards, herons, woodpeckers, barn owls and deer, which would be lost if the site were to be developed;
- The cobbled section of the Right of Way which would be dug up and replaced, is of historic significance, dating back hundreds of years;
- Use of the access road by heavy vehicles would create vibration liable to damage nearby properties; and
- The applicant should not be given any planning consent until the core path has been reinstated to its condition prior to works last year.

In addition to the above, and more recently a letter has been received with the signatures of 10 residents of Sunnybraes, disputing the applicant’s legal right to develop the land between the public road and the applicant’s own land. This advises that the land is legally controlled by the residents of Sunnybraes. However, the associated documents have failed to establish that the residents are the legal owners of the area of land in question.

**APPLICANTS’ SUPPORTING INFORMATION**

In response to letters and emails from the Planning Officer, the applicant has responded to provide additional advice and information, as follows:

**Letter of 22 July 2010**

It is advised that the site of the house and garage would not extend beyond the existing platform.

With regard to the proposed water supply, it is advised that Scottish Water has been contacted about the possibility of a public connection, but an application would need to be made to Scottish Water to secure a new domestic connection.
With regard to foul drainage, it is advised that a connection to the main foul sewer is sought, and that a pumped system fully detailed to the standards required by Scottish Water and SEPA is proposed.

With regard to the access road, it is advised that the applicant has a right of access over the land between her property boundary and the public road.

A diversion of the Core Path would be sought for the duration of works.

There is no intention of carrying out works in the vicinity of the Hair Well Pond.

Arboricultural Report

The arboricultural report advises that the construction of the proposed access road would be liable to impact upon two ash trees (Tree Nos. 18 and 21) protected by Tree Preservation Order No. BRC15. However, it is considered that these ash trees might be appropriately protected, provided specific measures are adopted within that section of the existing access track which corresponds in length to the combined Root Protection Areas (RPAs) of these two trees (30m) and areas of 10m either side of the RPAs. Within this 50m section, it is advised that the following measures should be adopted:

- No excavation work should occur on the existing track or the west bank of the existing track;
- Instead of excavation, the surface of the existing track should be built up, with a geotextile laid over the undisturbed surface of the existing access track; and stone layers laid on top of this to create a surface that is capable of accommodating heavy vehicle movements;
- All work required to widen the course of the existing track, whether cutting or filling, should occur to the east of the existing access road;
- No excavation work to the east of the access road should go deeper than the surface of the existing access track;
- No upgrading work should occur within a buffer zone of about 0.75m along the foot of the west bank of the access track;
- The west edge of the new access track should be located at least 0.75m from the foot of the west bank of the existing track so that the roots in this locality remain unharmed; and
- The lower branches of Tree No 18 overhanging the access road should be pruned to achieve sufficient clearance.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Roa lying on the left of the track) is content with the proposed 3.7m width of the access road, the proposed construction detail and the alignment of the road. However, the first 2m of the road at its junction with the public road would need to be tarred (100mm thick on top of hardcore) and the kerb dropped to facilitate vehicular access. Two passing places would be required, one at the mid point on each straight section of the access road. It is further advised that if the application is approved, a temporary re-routing of the pedestrian footpath should be provided during the period of construction of both the access road and the dwellinghouse, to ensure that there is no obstruction to the public right of access along this route as a consequence of works to realise the proposed development. It
is advised that the applicant should provide a drawing of this temporary route, complete with fencing and construction details of the realigned path. Following completion of the development, the pedestrian path should be returned to its original course along the access road serving the dwelling. However, it is considered that the pathway that would be created to temporarily accommodate the re-routed core path could feasibly remain in situ after the completion of the development, to provide an alternative, separate pedestrian route, provided it was constructed to an acceptable standard.

**Director of Technical Services (Environmental Health):** has advised that in the event that the property is to be served by the public water supply, confirmation should be obtained from Scottish Water that a suitable connection from the public water main is available. In the event that a private water supply would be used, details of this supply would need to be provided for prior approval. It is advised that details of the septic tank and reed bed, should be provided prior to permission being granted. With regard to the applicant’s revised site plan showing foul drainage being to the public sewerage network, it is advised that Environmental Health would have no further concerns.

**Director of Education & Lifelong Learning:** has advised that in the event of planning approval, development contributions would be sought towards the upgrade of Gordon Primary School and the provision of the new Earlston High School.

**Statutory Consultees**

**Gordon and Westruther Community Council:** objects to the proposed development on the following grounds:

- Land between the public road in Sunnybraes and the applicant’s land is ‘open space’ belonging to the Sunnybraes development. The applicant has no right of access over this land;
- Trees in the vicinity of the proposed access road are protected by TPO (dated 15\(^{\text{th}}\) February 1974) and look likely to be disturbed by the construction and use of the proposed access road;
- The proposed sewage treatment plant drains into Hair Well Pond and Rock Well, active fresh water sources, which feed Gordon Moss (a SSSI). The proposal could pollute all of these water courses, as well as the subterranean water source which is the supply of part of the village;
- Surface water run-off would create drainage problems at the foot of the Right of Way/Core Path;
- The site of the proposed dwelling lies in close proximity to an overhead power line;
- Increased traffic on the access road, would increase the danger to children living and playing in the area
- The cobbles on the access track are of archaeological interest, and would be lost in the event of development.

**Scottish Water:** advises that it has no objection to the planning application but advises that planning approval would not guarantee connection of the dwellinghouse to its infrastructure.

**SEPA:** Does not wish to make any specific comment on this planning application.
Other Consultees

Energy Networks: has advised that it has no objections in principle to the proposal. However, it advises that great care must be taken when working in close proximity to the existing high voltage overhead lines; and that construction must be situated a safe distance from the overhead conductors.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Structure Plan 2009

N20 Design
I11 Parking Provision in New Development
I14 Surface Water
C8 Access Network

Scottish Borders Local Plan 2008

G1 Quality Standards for New Development
G5 Developer Contributions
G7 Infill Development
H2 Protection of Residential Amenity
Inf 2 Protection of Access Routes
Inf 4 Parking Provision and Standards
Inf 5 Waste Water Treatment Standards
Inf 6 Sustainable Urban Drainage
NE4 Trees, Woodland and Hedgerows

OTHER PLANNING CONSIDERATIONS:

SPG Developer Contributions April 2010
SPG Renewable Energy 2007
SPG Placemaking and Design 2010
SPG Trees and Development 2008
SPG Guidance on Householder Developments 2006

KEY PLANNING ISSUES:

- Whether or not the proposed development would constitute sympathetic infill development;
- Whether or not the proposed development would have any unacceptable impacts upon the visual amenity of the landscape;
- Whether or not the proposed development would have any unacceptable impacts upon the trees protected by the TPO;
- Whether or not the proposed development would have any unacceptable impacts upon the amenity of the Core Path;
- Whether or not the proposed development would have any unacceptable impacts upon road and pedestrian safety; and
• Whether or not the proposed development would have any unacceptable impacts upon the environment.

ASSESSMENT OF APPLICATION:

Planning Principle

Although the site of the proposed dwellinghouse is predominantly rural in its character and setting, and is currently in use as stables, it nonetheless lies within the Development Boundary at Gordon as identified in the adopted Local Plan, where sympathetic infill development can be supported subject to satisfying the policy criteria of Policy G7 and its related development plan policies and guidance. However, further consideration will need to be given to the relationship of the proposed dwelling to the existing streetscape of Gordon: Any development of the site would also need to be sympathetic to its predominantly rural character and setting, to address appropriately its visual impact within the wider landscape.

The proposed course of the access road lies partially within and partially outwith the Development Boundary at Gordon. It essentially follows the course of existing agricultural accesses from the public road to the site. Since the site of the proposed dwellinghouse could not be accessed more appropriately from any other point, it is not considered that the proposed access would, in principle, be unacceptable. However, support for the development proposal would be subject to it being established that the construction of the proposed access road could be achieved without this having any unacceptable impacts either within, or outwith the Development Boundary. In particular, it would need to be demonstrated that it would have no unacceptable impact upon the amenity of the Core Path; upon the trees protected by TPO; or upon the visual amenity of the wider landscape.

Layout and Design of the Residential Property

It is considered that the proposed dwelling and garage are appropriate in their design and proposed materials to the setting and character of the site. The use of organic materials such as timber cladding and a sedum roof would respect the predominantly rural character of the site. Its design would however, have little in common with those of dwellings upslope in Sunnybraes, but its relative isolation from these properties, means that this is not problematic. On the contrary, this is an appropriate site for a dwelling with a decidedly rural character, and as such the proposed design is readily accommodated. However, in the event of planning approval, it would be appropriate to impose a planning condition to require that details of the timber cladding on both the proposed dwelling and garage, including its finish, should be subject to further consideration.

It is proposed that the proposed windows and doors would be timber. However, the proposals drawing shows doors and patio doors that appear to be very suburban in their character, and very unsympathetic to the general character and setting of the proposed dwelling. It would therefore be appropriate to require that the doors, patio doors and windows of the dwellinghouse should be timber, and that precise details of their appearance and finish should be subject to further consideration. The proposed design of the garage doors and window is less problematic, but it would nonetheless be appropriate to seek to retain control over their appearance, to ensure that these would match or complement those of the dwellinghouse. Accordingly, it would be appropriate to require by condition that the door and window of the garage should be
timber; that the vehicular garage door itself should be timber clad; and that precise
details of their appearance and finish, should be subject to further consideration.

Visual Impact of the Residential Property

It is considered that the site of the proposed residential property is generally well
screened within the wider landscape due to the surrounding topography and existing
trees. Where it is seen, or glimpsed, within the wider landscape, the proposed
design, which utilises organic materials, would help ensure that it would have no
unacceptable visual impact. What limited views are possible would be predominantly
be from higher ground. However, given the sensitive nature of the site, it would be
appropriate to remove permitted development rights to ensure that the appearance of
the residential property would remain sympathetic to the character and setting of the
site.

An additional concern would be if the existing site had to be extended or raised to
accommodate the proposed buildings. The applicant’s agent has confirmed in writing
that the platform upon which the existing stables are situated, would not be extended
in size to accommodate the proposed residential property. The agent has also
provided finished floor and surface levels in relation to the existing contours.
However, it is considered that it would be appropriate to impose a planning condition
requiring that a drawing showing both the existing and proposed ground levels within
the residential property, and the finished floor level(s) of the buildings, should be
submitted to, and agreed in writing by, the Planning Authority prior to commencement
of development.

Residential Amenity

There are potential concerns with regard to the maintenance of an acceptable level
of privacy between the proposed residential property and those existing properties,
which currently overlook the site. Given that the proposed site lies downslope of the
other properties, the issue is less about the proposed dwelling overlooking the
existing properties, and more about the fact that it could itself be overlooked to an
unacceptable degree from the rear garden areas, if not, the rear elevations of the
dwellings. It is helpful in this regard, that the proposed dwelling would be
located 18m away from the closest neighbouring dwellinghouse AND that its
alignment would ensure that it was not directly opposite any existing rear elevations.

Moreover, there is partial tree cover in the intervening space between the existing
dwellings and the site, while the Proposals Drawings propose further tree planting
along the eastern boundary of the site to strengthen the screening effect. The most
visible elevation of the proposed dwelling would be the East Elevation, including the
roof pitch. This elevation has a limited number of rooflights, while the only window
cluster, lights a kitchen area. It is considered that planting and/or an appropriate
boundary treatment could reasonably ensure the privacy of the kitchen area. The
proposed rooflights on the eastern roof pitch would be less easily obscured. They
are however, relatively small, and given the distances involved, are unlikely to
promote a degree of overlooking which is unacceptable, while the impact is likely to
be more pronounced on the proposed dwelling than any existing properties.

It would be reasonable to attach an informative advising the developer of the
potential for overlooking via the rooflights in the eastern pitch, with the advice that the
use of obscure glazing might help mitigate any impact if this was likely to be a
concern to occupants. However, ultimately, it is not considered that the issue is so
significant that it would have to be regulated by the imposition of a planning condition.

With regard to the proposed planting to the east of the dwelling to improve the existing screening of the site, it is considered that in the event of approval, this planting should be regulated by planning condition, conceivably as part of a condition requiring agreement of the landscaping treatment of the site.

**Infrastructure and Green Energy**

It was originally proposed that foul drainage would be dealt with by way of a septic tank but the applicant has since investigated the possibility of a connection to the public network, and on the basis of this investigation, has amended the proposal to include a pumping station to facilitate such a connection. In the event that foul drainage would be to the public network, there would be no requirement to install a septic tank or reed bed in the vicinity of the Hair Well Pond as was initially indicated on the site plan. As the matter is not fully resolved, it would be reasonable to require by planning condition that details of the disposal of foul drainage should be submitted to, for further approval.

The applicant initially investigated the possibility of utilising a private water supply, but is now proposing a connection to the public mains. It would be therefore appropriate to require by planning condition that details of the means of water supply should be submitted for further approval.

It is advised that surface water drainage would be to a soakaway.

**Access Road**

Whilst it is unfortunate that such a length of access track located outwith the development boundary would be required to be upgraded to accommodate an appropriate vehicular access to the development, it is accepted that there is no more appropriate way for the proposed dwellinghouse to be accessed and therefore it is appropriate to ensure that the changes that are required are undertaken sympathetically. The upgrading works would require changes to be made to the existing access track, most notably in terms of this requiring to be widened to 3.7m along most of its length. In some places, particularly along the length of that section of the track which corresponds to the Core Path, the existing access is relatively narrow, and some excavation work would inevitably need to occur in order to accommodate the proposed shared access. Although the result of this upgrading would be apparent to users of the track itself, the proposed access road would not be particularly visible within the wider landscape, and would in the long-term, deliver a benefit in terms of improved public access to the countryside, and the Core Path and Right of Way, in the form of an engineered surface, negotiating a pronounced natural incline.

It should also be made a planning condition that the location of two passing places on the access road should be constructed in accordance with details and in locations agreed in advance with the Planning Authority.

The applicant has advised in writing that she has a right of access over the land between the public road in Sunnybraes and the agricultural access to the land within her own ownership. She has not however, demonstrated that she has the land owner’s agreement that a surfaced access, with kerbing, could be developed on the
land. Accordingly, it would be appropriate to require by planning condition that the access road should be completed to the full specification before the development of the dwellinghouse itself. Such a suspensive condition would in theory, enable the Planning Authority to retain appropriate control over the development by preventing development of the dwellinghouse site from commencing until it has been established to the Planning Authority’s satisfaction that the dwelling could be appropriately accessed. However, the legal position in this event has yet to be clarified (please see ‘Land Ownership’ section below).

Core Path and Right of Way

A critical consideration is that the Core Path should be maintained both during and after construction. The applicant has provided details of a temporary route for the duration of the development. It is considered that this is appropriate in principle. However, in the event of planning approval, it would be reasonable to require by planning condition that this diversion is provided to the Planning Authority’s satisfaction prior to the commencement of works on the access road, and that after the completion of the development (of both the access road upgrade and the completion of the dwellinghouse), this diversion should be decommissioned and the land fully reinstated as agricultural land.

It has been suggested by the Director of Technical Services (Roads and Fleet Management) that the temporary diversion for the Core Path might feasibly be left in situ after the route of the Core Path reverts to its established route. This is seen to offer a benefit in separating pedestrian from vehicular traffic. However, there is a concern that this approach would not be appropriate to the rural context and so ensure that the established line of the Core Path is maintained in the long-term, while the improved surface should be a benefit to Core Path users. Accordingly, it would be appropriate to require by condition that the temporary diversion should be reinstated.

Trees Protected by Tree Preservation Order

A key consideration with regard to any work to upgrade the access road is the impact that the construction and use of the upgraded access road would have on two ash trees to the immediate west of the existing access track, both of which are protected by the TPO. In order to ascertain the impact of the construction of the access road on these trees, the applicant was asked to commission a tree survey by a qualified arboriculturalist. This has been submitted, and a summary of its recommendations has been noted above. It advises that the proposed upgrade need not have any unacceptable impact upon either of the trees, provided particular measures are employed within that section of the access track corresponding to the Root Protection Areas of these trees, and 10m buffer sections either side of the RPAs. It is advised that within this 50m section, no excavation should occur within the access road or its west bank, and that all works to widen the track should be undertaken to the east of the existing access track. Critically, the access track should be created by being laid over the top of the existing track, on a geotextile layer. While it is advised that this would be sufficient to protect the existing trees, it would follow that the surface of the proposed access track would be built much higher than that of the existing track, at least over this section. It is unclear at the time of writing what the visual impact of this would be, but the applicant has been asked to supply appropriate drawings, including cross-sections through the road, to indicate this appearance. It has been advised that these drawings will be available ahead of Members’ determination.
In the event of the appearance of the built-up access road being considered acceptable, it would be appropriate to impose planning conditions, firstly, to require that the access road is constructed in accordance with the recommendations of the Tree Survey, and secondly, to require that the finished surface levels of the access road should be agreed in advance of construction.

Against these safeguards, it is not considered that there would be any overriding concerns or implications for the protected trees.

**Landscaping**

In view of the concerns discussed above with regard to the maintenance of an acceptable level of privacy, and with regard to ensuring that the appearance of the residential property would be sympathetic to its landscape context, it would be appropriate to require by planning condition that details of the landscaping and enclosure of the site should be subject to further consideration.

In the wider landscape, the site is discretely located. However, it is notable that tree cover on the banking to the north of the stables site and to the south of the fork between the two tracks which would make up the access road, is declining. It is considered that it would be beneficial to the setting of the application site and the village as a whole, if this wooded banking was strengthened by new planting. However, although this area of land lies within the applicant’s ownership, it is not considered that planting in this area could reasonably be required by planning condition. In the event of planning approval, the benefit to such planting could reasonably be pointed out in an informative.

**Ecology**

In the event of planning approval, and in the interests of minimising disturbance to wildlife, the clearance of scrub vegetation from the site and access tracks should be undertaken out with the breeding bird season (March to August).

It is noted that there are opportunities to enhance the local habitat network through additional planting and through improvements to the water body adopting SEPA guidance on Ponds, Pools and lochans. However, at this stage, the precise details of foul and surface water drainage are still to be established, and accordingly, it would only be appropriate to advise that consideration should be given to the enhancement of wildlife habitat at the time of the submission of details relating to the foul and surface water drainage, and in the event that there are appropriate opportunities for such enhancement within the submitted scheme of details.

**Archaeology**

There are no immediate archaeological implications associated with this proposal, but place-name evidence raises the possibility that the Hair Well might have been the focus of ritual activity in the distant past. It therefore cannot be excluded that there may be surviving archaeological evidence in the vicinity of this pond. Accordingly, the Archaeology Officer has recommended that excavations and the use of heavy plant should be excluded from an area within 5m of the pond. It would therefore be appropriate to attach a planning condition requiring that no development should take place on the site of the proposed residential property, until measures to protect the pond area have been agreed in advance with the Planning Authority.
The applicant has advised that no work would take place within the vicinity of the Hair Well Pond but given that details relating to surface and foul drainage are still to be agreed, it stands to reason that this cannot be assumed. However, by the same token, it cannot be assumed that there would necessarily be any development in this area, and accordingly, it is considered that it would at this stage, be unreasonable to explicitly require by condition that a protective fence should be erected. Instead, it would be appropriate to require that measures to protect this area should be submitted to, and agreed in writing by, the Planning Authority.

Development Contributions

Development contributions would be sought towards the upgrade of Gordon Primary School and the provision of the new Earlston High School.

Land Ownership

Members of the public have disputed the applicant’s right to develop the section of land between the public road in Sunnybraes and the land that is within her ownership. Although an advertisement was placed in the local press, the legal owner of the land has yet to identify themselves to the Planning Department. An outstanding issue is therefore whether or not the applicant has the right to develop the proposed road access. From a planning perspective, it is considered that it would in theory, be appropriate to impose a negative suspensive planning condition, requiring that the access road be completed before the development of the dwellinghouse is commenced (as described in the ‘Access Road’ section above). However, the legal position is complicated in this specific case, since as yet, the land owner has not been identified. Consequently, it cannot be ruled out that, in the event of the access road being constructed, the land owner might take legal action to pursue the reinstatement of the land. It is understood that the applicant has a right of access over the land, and that she has a right to maintain that access. However, given the position, an area that requires further investigation is whether or not she has the legal right to install kerbing and surface the existing access, were this to be legally challenged. The Legal Section is currently reviewing this position, and a verbal update will be given to Members on the day of the meeting.

Other Concerns

Objectors have advised that the land between the public road and the applicant’s own land, is green space to serve the dwellings in Sunnybraes, and accordingly, that its loss should be resisted. However, there are no planning conditions relating to the use of the land (Planning Consent B088/91), and it has no formal designation within the adopted local plan. Accordingly, it is not considered that there are any planning impediments to the development of this land to accommodate the proposed access. Indeed, while it serves as an informal green space, it is also an established access, not only to the applicant’s land but also to the Right of Way and Core Path. In this sense, the proposed development would upgrade an existing use of this land.

With regard to the overhead powerline in the vicinity of the site, it would be appropriate in the event of planning approval, to attach an informative to advise that great care should be taken when working in close proximity to the existing high voltage overhead lines; and that construction must be situated a safe distance from the overhead conductors.
CONCLUSION

It is considered that the proposed development would comply with the Council’s planning policies pertaining to infill development, and that provided appropriate planning conditions are imposed, it would not have any unacceptable impacts upon the amenity of the surrounding area or any neighbouring residential properties, and that the proposed access road would have no unacceptable impacts upon the Core Path, any trees protected by the TPO, or upon the appearance or amenity of the wider landscape, both within, and out with, the Development Boundary.

By virtue of the proposed land use, the location of the development, its precise nature and relationship with existing development, and the ability to address outstanding matters through the use of suitable planning conditions, the application accords with development plan policies relating to infill development, protection of residential amenity, design/development quality and other infrastructure policies relating to road safety and drainage.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that the application be approved, subject to the conclusion of a legal agreement to secure development contributions towards the upgrade of local education provision and the planning conditions and informatives listed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or amendments or re-enactment or re-enactment thereof) no extension, enlargement; or other alteration (including new or altered window openings) of the dwelling shall be carried out without the prior written consent of the Council, to whom a planning application must be made.
   Reason: The Local Planning Authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties, and for this reason would wish to control any future proposals or alterations or extensions.

3. The finished floor level(s) of the dwellinghouse and garage hereby permitted, the finished ground level(s) within the curtilage of the residential property, and the finished road surface level(s) of the access road hereby permitted, shall be consistent with levels indicated on a scheme of details that shall have been submitted to, and approved in writing by, the Planning Authority before the commencement of development. Such details shall include:
   (i) the proposed finished floor level(s) of the consented dwellinghouse and consented garage;
   (ii) the existing and proposed ground levels within the curtilage of the consented residential property;
   (iii) existing surface levels of the existing access track and the proposed finished surface levels of the consented access road; and
   (iv) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of
establishing the heights of the existing and proposed levels detailed in (i) to (iii) above, relative to the level(s) of the existing streetscape in Sunnybraes.

Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding landscape as a consequence of the levels within the site being raised to an inappropriate height.

4. No development shall be commenced until the consented access road has first been completed in accordance with the approved details. This work shall explicitly include the completion of the junction with the public road in Sunnybraes and the completion of passing places along the consented access road. Before development commences on the site of the proposed residential property, written advice that the access road has been completed to an agreed standard shall first have been received from the Planning Authority.

Reason: To ensure that the consented residential property will be appropriately accessible from the public road before the development of the consented dwellinghouse and garage is commenced.

5. Two passing places shall be provided in locations to be agreed in advance with the Planning Authority along the consented access road, and shall be completed to the Planning Authority’s satisfaction prior to the commencement of the development of the consented dwellinghouse and garage.

Reason: In the interests of road safety during and after the construction of the consented dwellinghouse and garage.

6. Along the 50m section of the consented access road identified within the supporting Arboricultural Report (Robert Gray, July 2010), the consented access road shall be built in accordance with the recommendations of the same Arboricultural Report. Prior to the commencement of the development of the consented access road, drawings detailing how these recommendations would be implemented, shall be submitted to, and agreed in writing by, the Planning Authority. The construction of the access road shall thereafter be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.

Reason: To ensure that the construction and use of the consented access road will not have any unacceptable impacts upon any trees protected by the Tree Preservation Order.

7. Prior to the commencement of development on the consented access road, the branches of trees overhanging the route of the consented access road shall first have been pruned in accordance with details agreed in advance with the Planning Authority.

Reason: To ensure that the construction and use of the consented access road will not have any unacceptable impacts upon any trees protected by the Tree Preservation Order.

8. Prior to the commencement of the development of the consented access road, a temporary diversion of the Core Path (72) and Right of Way (BB125) shall first have been completed in accordance with a scheme of details to by agreed in writing by the Planning Authority. This work shall explicitly include the completion of the diversion pathway and the erection of fencing on either
side of the pathway. Prior to their installation, details of this diversion pathway and its associated fencing, shall first have been submitted to, and approved in writing, by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details. Before the development of the consented access road is commenced, written advice that the temporary diversion has been completed to an agreed standard, shall first have been received from the Planning Authority. This temporary diversion shall remain in situ, and remain unobstructed and available for public use at all times, until the completion of the consented development. At this point, the temporary diversion shall be decommissioned, and the route of the Core Path shall revert to its established route. The land occupied by the temporary diversion shall then be returned to its former condition, and former use as agricultural land.

Reason: To ensure that the Core Path will remain continuously accessible to the public throughout the course of the consented development and that the temporary diversion shall not replace the established route of the Core Path.

9. The Core Path (72) and Right of Way (BB125) shall be maintained open and free from obstruction in perpetuity. During the course of the consented development, this shall be achieved through the provision of a temporary diversion, but once the development has been completed, the Core Path and Right of Way shall revert to their established route. At no time shall the Core Path and Right of Way form part of the private curtilage of the consented residential property, and - excluding the period of development when the temporary diversion shall be in operation - at no time shall these be stopped up or obstructed.

Reason: To maintain continuous and appropriate public access along a Core Path and Right of Way.

10. The development hereby consented shall have timber doors, patio doors and windows, and a timber clad garage door.

Reason: To safeguard the character and appearance of the buildings and to ensure a satisfactory form of development that contributes appropriately to its setting.

11. Details of all windows, patio doors and doors (including the vehicular garage door), including design and finished colour, shall be submitted for the written approval of the Planning Authority before these are installed. The development shall thereafter be implemented in accordance with the approved details. The approved details shall thereafter be maintained. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.

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

12. Details of the timber boarding to be used on the external walls, including its treatment, shall be submitted to, and approved in writing by, the Local Planning Authority before development of the dwellinghouse and garage commences. The development shall thereafter be implemented in accordance with the approved details. The approved finish shall thereafter be maintained. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes.
Reason: The material and finish to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

13. Details of the photo voltaic cells shall be submitted to, and approved in writing by, the Local Planning Authority before these are installed. The installation shall be implemented in accordance with the approved details. Reason: To enable the proper effective assimilation of the development into its wider surroundings.

14. Water supply and both surface water and foul drainage to be functional prior to the occupation of the dwellinghouse hereby approved. Reason: To ensure that the site is fit for habitation prior to its occupation.

15. Prior to the commencement of development the means of water supply shall be confirmed in writing to the Planning Authority. In the event that a private water supply is proposed, the following information shall additionally be submitted to, and agreed in writing by, the Planning Authority:

i) a description of the proposed source of the supply – i.e. whether the supply is to be taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources;

ii) the location of the proposed source of the supply – i.e. the appropriate eight-figure Ordnance Survey National Grid Reference;

iii) the estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day);

iv) a description of the measures that are to be put in place, to ensure the wholesomeness of the supply;

v) confirmation from the Scottish Environment Protection Agency (SEPA) that authorisation for extraction from a water course has been granted (if applicable); and

vi) opportunities for wildlife habitat creation and/or enhancement.

Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes. Reason: To ensure that this aspect of the consented development has no unacceptable impacts upon the landscape or environment, and, in the event that any appropriate opportunity should present itself, that appropriate measures are incorporated to create and/or enhance local wildlife habitat.

16. Prior to the commencement of development the means of foul drainage shall be confirmed in writing to the Planning Authority. In the event that disposal would not be to the public sewer, precise details of the proposed foul drainage system including supporting drawings, shall be submitted to, and agreed in writing by, the Planning Authority. Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: To ensure that this aspect of the consented development has no unacceptable impacts upon the landscape or environment, and, in the event that any appropriate opportunity should present itself, that appropriate measures are incorporated to create and/or enhance local wildlife habitat.

17. Prior to the commencement of development details of a scheme for surface water drainage, utilising SUDS techniques, shall be submitted to, and approved in writing by the Planning Authority. Following approval, the development shall be implemented in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: To ensure that this aspect of the consented development has no unacceptable impacts upon the landscape or environment, and, in the event that any appropriate opportunity should present itself, that appropriate measures are incorporated to create and/or enhance local wildlife habitat.

18. Before the development of the consented dwellinghouse and garage commences, a tree/shrub planting scheme shall first have been submitted to, and approved in writing by, the Planning Authority. The approved planting shall then be carried out concurrently with the development of the dwellinghouse and garage, or during the next planting season thereto, and shall be maintained thereafter.
Reason: To maintain and enhance the visual amenities of the area and to provide appropriate screening of the residential site from neighbouring residential properties.

19. Before the development of the consented dwellinghouse and garage commences, details of the enclosure of the consented residential property shall first have been submitted to, and approved in writing by, the Planning Authority. The development shall thereafter be implemented in accordance with the approved details and shall thereafter be maintained in perpetuity unless written advice to the contrary is provided by the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

20. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works for the consented residential property. This scheme shall have been submitted to, and approved in writing by, the Planning Authority prior to the commencement of the development of the dwellinghouse and garage. Details of the scheme shall include (as appropriate):
   i. existing and finished ground levels in relation to a fixed datum, preferably ordnance.
   ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored.
   iii. location and design, including materials, of walls, fences and gates
   iv. soft and hard landscaping works
   v. existing and proposed services such as cables, pipelines, sub-stations
   vi. other artefacts and structures such as street furniture, play equipment
vii. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.

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

22. No trees within, or on the boundary of, the site (including the consented access road) shall be felled, thinned, lopped, topped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees represent an important visual feature which should be substantially maintained to enable the proper effective assimilation of the development into its wider surroundings.

23. Before any part of the permitted development is commenced, measures agreed in writing with the Local Planning Authority shall be adopted to protect the root systems and crown spreads of those trees on, or within the vicinity of, the site boundary. Where necessary, trees to be retained shall be protected by fencing, sited in locations agreed with the Planning Authority, which shall only be removed when the development has been completed. During the period of construction of the development:
   (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
   (b) No fires shall be lit within the spread of the branches of the trees;
   (c) No materials or equipment shall be stored within the spread of the branches of the trees;
   (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
   (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
Reason: In the interests of preserving the health and vitality of existing trees, the loss of which would have an adverse effect on the visual amenity of the area.

24. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact
25. Two parking spaces and a turning area compliant with the specification of the Planning Authority shall be provided on site before occupation of the dwelling and shall be retained in perpetuity.
Reason: In the interests of road safety.

26. The clearance of scrub vegetation from the site of the consented access road and the site of the consented residential property shall not be undertaken in the period from 01 March to 31 August inclusive, in any year.
Reason: To ensure that the clearance of vegetation from the site occurs out with the breeding bird season, in order to minimise disturbance to breeding birds.

27. Prior to the commencement of development, arrangements for the protection of the Hair Well Pond, and land within its immediate vicinity, shall be submitted to, and agreed in writing by, the Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: The Hair Well Pond and its immediate vicinity are of ecological value and potential archaeological significance. Appropriate arrangements need to be in place to ensure that this area is appropriately protected during the course of the development. This is to ensure that the consented development will have no unacceptable impacts upon the ecological and/or archaeological value of this area.

Applicant Informatives

The developer is reminded that this permission does not convey approval for works affecting third party rights which may exist on the site or any adjoining land. The applicant is therefore advised to seek the approval of any parties having an interest in any land affected by this permission.

The first 2m of the access road at its junction with the public road, should be tarred (100mm thick on top of hardcore) and the kerb dropped to facilitate vehicular access.

All work within the public road boundary must be completed by a contractor on the council’s approved list 13, DC-8.

It should be noted that any dwelling that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by the Housing (Scotland) Act 1987 and, as a result, may be the subject of enforcement action. Also, the quality of the water must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in relation to chemical and bacteriological parameters pertaining to the designated classification of the supply. (NB. Further details of such parameters and classifications are available on request).

In order to avoid disturbance to breeding birds, it would be preferable if the stables buildings that are to be removed from the site of the consented residential property, are not removed in the period from 01 March to 31 August inclusive, within any year.

There is potential for overlooking of the consented dwellinghouse from the rear gardens of neighbouring properties via the rooflights on the eastern roof pitch. While this overlooking is not considered to be unacceptable, the developer might wish to consider the installation of obscure glazing in the rooflights on this pitch to improve the level of privacy of the interior of the consented dwellinghouse.
It would be beneficial to the setting of the consented dwellinghouse, if planting could
be strengthened on the lower slopes of the banking to the east of the section of the
consented access road, which runs from the consented residential property up to its
junction with that section which corresponds to the Right of Way and Core Path.

Approved by

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<td>Stuart Herkes</td>
<td>Assistant Planning Officer</td>
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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4th OCTOBER 2010

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 10/01079/FUL

OFFICER: Mr S Shearer
WARD: Jedburgh and District
PROPOSAL: Extension to provide two additional classrooms
SITE: St Boswells Primary School
Greenside Park
St Boswells
TD6 0AH
APPLICANT: Director of Resources (Scottish Borders Council)
AGENT: Director of Technical Services (Scottish Borders Council)

SITE DESCRIPTION

The site comprises of a grassed area wholly within the grounds of St Boswells Primary School, which bounds St Boswells Conservation Area to the north and north west and immediately bounds residential properties on all sides, the site being enclosed by boundary hedging and fencing.

PROPOSED DEVELOPMENT

The application seeks planning permission for a pitched roof rear extension which projects out from the ridge of the host building and sits flush to the pitched North East side elevation. The extension will span 18.5m in length and 8.47m in width which will accommodate two additional classrooms. Externally, four large glazed window openings will be included on the north east facing elevation with four slim window openings and a ramped access point to the south west. It is proposed to finish the building using materials to match those upon the existing structure, with a brick base course and cement render walls, a natural slate roof, timber eaves and fascias and aluminium windows which are to be finished to appear as original units.

PLANNING HISTORY

None, the recent mono pitched extension to the front qualified as permitted.

REPRESENTATION SUMMARY

None
APPLICANTS' SUPPORTING INFORMATION

Members will note the Design Statement which accompanied this submission and sets out the justification for the expansion of the school and the proposed design.

DEVELOPMENT PLAN POLICIES

Consolidated Structure Plan

C2 Education and Health Services
N18 Development Affecting Conservation Areas
N20 Design

Scottish Borders Local Plan 2009

BE4 Conservation Areas
G1 Quality Standards for New Development
H2 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

SPG Placemaking and Design 2010

CONSULTATION RESPONSES

Scottish Borders Council Consultees

Director of Technical Services (Roads): No reply

Statutory Consultees

Community Council: No reply

Other Consultees: None

KEY PLANNING ISSUES

Whether the proposed extension is of an acceptable scale, layout, siting, design and material finish which respects the character and appearance of both the building and adjoining conservation area and does not detrimentally affect the amenity of any surrounding properties.

ASSESSMENT OF APPLICATION

Planning Policy

Structure Plan Policy C2 supports the expansion of educational facilities where there is an operational requirement which in this case has been outlined within the Design Statement accompanying this application. The principle of the development is consistent with policy, subject to satisfying policies designed to safeguard the character of the conservation area, neighbouring amenity and secure an appropriate design.
**Layout, scale, design and materials**

The extension will extend parallel to the north eastern boundary from the rear elevation of the existing building into the large school grounds which can comfortably accommodate an extension of this scale. The school has previously been extended to the rear from the south western side, extending at this opposite end helps to balance the layout of this school and appears to be the logical area in which to extend. The height of the extension matches the ridge of the existing single storey building and overall the mass of the proposal is clearly subordinate.

In terms of design, the proposal is a continuation of the simple rectilinear form of the existing building. The roof pitch of the proposal is slightly flatter than the original building but the pitch of the existing extension is also flatter; crucially, the eave and ridge lines match those of the existing structure with the individual window panes matching the size of those of the host structure. Although the materials will not exactly match those upon the existing elevation, the extension will be built out from with reference to the cement render and aluminium coated windows, these materials are already evident upon this building as a whole, therefore in this instance are considered according. A condition is recommended that the colour finish of the aluminium windows frames is agreed with the planning authority.

**Conservation area impact**

The application site does adjoin St Boswells’ designated conservation area, but given the position of this extension relative to the principal building, this proposal should not be seen from it. As the proposed development is a continuation of the character of the existing building, it is not considered to adversely affect the character and appearance of the conservation area.

**Neighbouring amenity**

The structure will be closest to residential properties to the eastern side of St Aidan’s Park and St Cuthbert’s Drive. The nearest residential property is positioned in excess of 20m from this proposal. The eastern site boundary is well enclosed by fencing and hedging, so these features coupled with the distance to the neighbouring properties and the established use of the application site will mean that the amenity of neighbouring properties should not be adversely affected by this development by reason of light, privacy or outlook loss.

**CONCLUSION**

The development is considered consistent with development plan policies, principally Policies C2, N18 and N20 of the Consolidated Structure Plan 2009 and Policies G1, BE4 and H2 of the Scottish Borders Local Plan 2008, subject to compliance with the schedule of conditions.

**RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES**

I recommend that the application is approved subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

2. Prior to development commencing the colour of the aluminium framed windows shall be agreed with the Planning Authority. Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

Approved by

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<td>Scott Shearer</td>
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APPLICATIONS FOR PLANNING PERMISSION, ADVERTISEMENT AND LISTED BUILDING CONSENT

ITEM: REFERENCE NUMBERS: 10/01101/ADV
10/01112/LBC
10/01113/FUL

OFFICER: Mr C Miller
WARD: Tweeddale West
PROPOSAL: Change of use from retain on ground floor and flat on first floor to restaurant, external re-decoration, installation of awnings and new signage

SITE: 71-73 High Street, Peebles
APPLICANT: Mr Kenny Coltman
AGENT: Mr Keith Ross

SITE DESCRIPTION

The site comprises of the former Whities newsagent and bookshop at 71-73 High Street, Peebles. Located on the south side of the High Street, the building is a Category B statutorily Listed Building and is located within Peebles Conservation Area. The proposals involve the basement, ground and first floors. The existing bed and breakfast establishment at first and second floors will remain unchanged.

PROPOSED DEVELOPMENT

Separate planning, advertisement and listed building applications have been submitted for the following works:

- Partial change of use of the shop at ground floor level (to the rear only) to a restaurant and flat at first floor level to an associated kitchen.
- Removal of existing greenhouse and infill garden room.
- Temporary enlargement of wall facing Port Brae for building works, then reinstatement to provide improved pedestrian access.
- Various internal alterations including wall slappings, removal of dumb waiter, blocking up doors and formation of toilets.
- Redecoration of street frontage including painting of timber in green and white highlights to mortar pointing and columns/rainwater goods.
- Two new retractable canvas awnings in matching green.
- Black text to awnings, doors and windows.

APPLICANT’S SUPPORTING INFORMATION

Members will note on Public Access that there is an Architectural Statement summarising the proposals and a Business Statement giving the credentials of the intended operators and how they intend to operate the proposed business.
PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan – The New Way Forward 2001-2018

Policy N17 – Listed Buildings
Policy N18 – Development affecting Conservation Areas
Policy N20 – Design
Policy E19 – Town Centre Enhancement

Scottish Borders Local Plan: Adopted September 2008 (Finalised Amendment 2010):

Policy G1 – Quality Standards for new Development
Policy BE1 – Listed Buildings
Policy BE4 – Conservation Areas
Policy BE5 – Advertisements
Policy ED4 – Prime Retail Frontage
Policy ED5 – Town Centres

Other Planning Considerations

“Shopfronts and Shop signs” SPG

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services: Response awaited.

Flood Protection Officer: Whilst the rear of the site lies within the 1 in 200 flood risk line from the 2006 Peebles Flood Study, this is a small scale development which cannot be opposed on flood risk grounds. The applicant should arrange to receive flood alerts, prepare an evacuation action plan from the basement and be aware of other flooding sources, even though the Council are proposing to construct a wall next year to prevent surface water flooding.

Environmental Health: Noise limits to be attached by conditions in relation to any exhaust systems used. In relation to food hygiene, the toilets should not open onto food handling areas and there should be registration with Environmental Health.

Heritage and Design: Response awaited.

Building Standards: The restaurant should meet with the WC activity space rules. Improved access would only be considered to the High Street if practical, although encouraged.
Statutory Consultees

**Peebles and District Community Council:** The proposals are a positive step towards improving the quality of the Prime Frontage Area in accordance with Policy ED4.

Other Consultees

**Architectural Heritage Society of Scotland:** Response awaited.

**Peebles Civic Society:** No objections to the change of use or other proposals but concerned over the green colour and believe the current colour should be retained as should the “Whities” sign.

REPRESENTATION SUMMARY

There have been six objections received to the applications and full copies of these can be viewed on the Public Access system. The main grounds of objection include the following:

- Overprovision of restaurant uses in Peebles.
- Inadequate toilet provision.
- Inadequate ventilation.
- Increased noise and light pollution.
- Increased disturbance.
- Loss of wall to the rear with risk of new business entrance.
- Inadequate disabled access provision.

KEY PLANNING ISSUES:

The main determining issues with this application are whether the proposals comply with Development Plan Policy in relation to preservation of Prime Retail Frontage, impacts on the character of the Listed Building and Conservation Area from the alterations, advertisement and alteration works and impacts of the proposals on adjoining properties.

ASSESSMENT OF APPLICATION:

Planning policy

The change of use to restaurant and kitchen relates entirely to the rear ground floor part of the building which was last used as the bookshop in association with the frontage newsagent shop – and the upper floor which was formerly a flat. Policy ED4 clarifies that losses of shop uses within the defined High Street area will be refused unless it can be shown that such losses will not affect the vitality and viability of the town centre.

However, the Policy clearly refers only to ground floor frontages to be protected from loss of Class 1 Retail use. In this case, the proposal clearly retains a retail unit to the street frontage, being a delicatessen internally linked to the restaurant. The plans submitted with the change of use clearly show that the restaurant and toilets at ground floor will be behind the frontage shop. The proposal therefore complies with Policy ED4 and continues to protect the prime retail frontage.
Policy ED5 shows the Council support for a wide range of uses outwith the ground floor protected prime retail frontages, Class 3 Food and Drink uses included. Although the Policy then goes on to explain that developments causing an unacceptable adverse impact will be refused, there is no evidence to suggest that an additional restaurant behind the preserved shop frontage will have such an impact. There are objections based upon over-provision from adjoining proprietors and other restaurant operators but market and consumer choice may also benefit from additional provision which may, in turn, enhance the attraction of the town centre as a shopping and commercial centre – especially when the proposals are securing the continued operation of shop premises at the frontage and may enliven the evening offering in the High Street. As there is no evidence to the contrary, there is no justification for refusing the application for this reason.

**Cultural Heritage**

The building is a Category “B” Statutorily Listed Building within Peebles Conservation Area and the proposals should preserve and enhance the building in compliance with the relevant Development Plan Policies. There is little change to the frontage of the building apart from the addition of retractable awnings (in canvas) and a green paint scheme. Conditions can control the precise shade of green which should still be appropriate to the colouring of the remainder of the mock stone frontage and building, although the white to be used for picking out the stone joints and rainwater goods may be less sympathetic. This can all be controlled by planning condition.

Retractable awnings are normally supported within Conservation Areas and on listed buildings, provided the fabric is canvas (as in this case) and not unduly shiny. As the premises will have foodstuffs on display and within a short distance of the windows, the awnings are understandable. Provided further details are provided of the fascia box used to house the awnings when not extended, the quality and character of the frontage will not be compromised by this part of the proposals.

The remaining element of the proposals on the frontage relates to the use of black text advertising the business – to be used on the inside of the windows, the door, the awnings and the front panel of the awnings. Whilst it could be considered to be excessive with eight repeated instances of the same text being used across the fascia, the text is low-key in fine black lettering and relatively unobtrusive. When the awnings are not extended, two fewer instances of the advert will be on display. It is not considered that the advertisements, overall, will compromise the character of the listed building or Conservation Area and will comply with Policy BE5 on advertisements.

The treatment of the sub-fascias has not been clarified in the submissions and there may be some concern if these were provided with further advertisements. The most appropriate treatment would be to paint these out in the same colour as the green proposed for the remainder of the timberwork and awnings – this can be controlled by condition. The Civic Society has also mentioned the need to retain the “Whities” sign high up on the building. The works, however, do not propose the removal of the sign nor include that part of the first floor of the building within the applications. It would, therefore, be unreasonable to attempt to control or condition its retention.

The interior works have been inspected and do not raise any concerns. The most significant features of the interior were original glass and doors which have long since been removed. The timber screens inside the building to the main frontage
windows are being removed which are required for the shop function. Their loss will not compromise the character of the listing.

Further removals are proposed outwith the building to the rear, involving the masonry garden room which links the building with that adjoining, the lean-to green house in the rear garden and part of the wall adjoining Port Brae. Although further detail will be required of the replacement wrought iron gate and reinstatement of the Port Brae wall once access works are completed, there are no concerns over these removals in terms of the character of the listed building or amenity of the Conservation Area.

Access

There is no response at the time of writing this report from the Director of Technical Services although it is known that one of the concerns may be clearance height of the awning above the pavement. The front of the awning seems to be below the minimum 2.25m clearance and this can be imposed as a condition.

The other issue with access seems to be concerns over the potential use of the rear pedestrian entrance off Port Brae for public access to the new restaurant and shop. Whilst the existing gated entrance is being enlarged to aid vehicular and trades access, there is concern that this could become a new route to the restaurant, especially with the removal of the garden room. This does not seem to be intended by the applicants as the main access will either be through the shop or the adjoining vennel. However, it is accepted that there are residential properties adjoining to the rear and that this should not be used as a route for the general public. A condition will, therefore, be imposed to control this.

Impact on adjoining properties

Concern has been expressed over undue increased noise, disturbance and light pollution as a result of the restaurant use. However, the proposal complies with Policy ED5 on appropriate uses within a town centre where increased levels of disturbance and adjoining mixes of residential and commercial uses have to be expected. Any actual noise nuisance can be controlled under separate legislation by the Environmental Health section who also require odour and noise control. The noise levels of mechanical extract ventilation has the potential to be intrusive and a level has been recommended to be imposed as a planning condition.

Other issues

Internal alterations will be required to meet the requirements of Environmental Health in relation to positioning of toilets and food handling areas. Concerns have been expressed in representations regarding the inadequacy of the toilets and disabled access to the shop, although it is noted that such access would be possible via the restaurant. The Building Standards Officer is aware of these issues and will deal with them through the Building Regulations.

CONCLUSION

In conclusion and with the imposition of appropriate conditions, the applications are in compliance with Development Plan Policies on uses within Prime Retail Frontage areas, enhancement of town centres, advertisements and the preservation of listed buildings and Conservation Areas.
RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

10/01101/ADV

The application is recommended for approval subject to the following conditions:

1. This permission shall enure for a period of 5 years from the date of this notice.

2. No part of the awning structure when extended to be nearer the surface of the pavement than 2.25m.
   Reason: In the interests of road safety.

3. The surface finish of the awning canvas to be agreed with the Planning Authority.
   Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

4. The awning fascia housing shall be constructed and erected in accordance with a scheme of details that has first been agreed in writing by the Planning Authority.
   Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

10/01112/LBC

The application is recommended for approval subject to the following conditions and to the approval of Historic Scotland:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. A sample of the proposed green paint colour to be submitted for the approval of the Planning Authority.
   Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

3. The proposed paint colour for the treatment of the mortar joints, iron pillars, basecourse and rainwater goods to be agreed with the Planning Authority.
   Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

4. The surface finish of the awning canvas to be agreed with the Planning Authority.
   Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

5. The awning fascia housing shall be constructed and erected in accordance with a scheme of details that has first been agreed in writing by the Planning Authority.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

6. The existing sub-fascias to be painted in the colour agreed as per Condition 2 of this consent.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

7. Further details of the proposed wrought iron gate and demolition and reinstatement of the Port Brae wall (including timing of reinstatement) shall be submitted for the approval of the Planning Authority prior to the commencement of these works. Thereafter, no development shall take place except in accordance with the approved details.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

10/01113/FUL

The application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The only access for customers to the restaurant and shop shall be from the High Street and not to the rear from Port Brae.
Reason: To safeguard the amenity and privacy of adjoining properties.

3. A sample of the proposed green paint colour to be submitted for the approval of the Planning Authority.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

4. The proposed paint colour for the treatment of the mortar joints, iron pillars, basecourse and rainwater goods to be agreed with the Planning Authority.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

5. The existing sub-fascias to be painted in the colour agreed as per Condition 2 of this consent.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

6. Further details of the proposed wrought iron gate and demolition and reinstatement of the Port Brae wall (including timing of reinstatement) shall be submitted for the approval of the Planning Authority prior to the commencement of these works. Thereafter, no development shall take place except in accordance with the approved details.
Reason: To preserve the character of the listed building and amenity of Peebles Conservation Area.

7. Noise levels emitted by any plant and machinery used on the premises should not contain any discernible tonal component nor exceed Noise Rating Curve NR20 when measured within the nearest noise sensitive premises.
Reason: To safeguard the amenity of adjoining properties.

Informatives

1. Please note the enclosed advice from Environmental Health in relation to control of odour/noise, registration and the internal arrangement of the toilets.

2. Please note the enclosed advice from the Flood Protection Officer in relation to flood alerts, an evacuation plan and the need for protection from surface water flooding sources.

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<tr>
<td>Craig Miller</td>
<td>Principal Planning Officer</td>
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1 PURPOSE

1.1 The purpose of this report is to give details of Appeals and Local Reviews which have been received and determined during the last month.

2 APPEALS RECEIVED

2.1 Planning Applications

2.1.1 Reference: 10/00455/FUL
Proposal: Removal of conditions on planning consents R361/94 and R240/95 requiring land to be set aside to allow vehicular access to be formed to the land to the north
Site: Brockhirst, Oxnam Road, Jedburgh
Appellant: Mr Roy Wooldridge

Reasons for Refusal: The proposal would be contrary to Policy H2 of the Consolidated Scottish Borders Structure Plan in that the removal of the conditions would prejudice the future development of the land at Oakieknowe and its ability to meet longer terms housing requirements in Jedburgh.

Grounds of Appeal: 1. The reason the Committee has given in relation to ‘Scottish Borders Consolidated Structure Plan – Policy H2 – Longer Term Housing Allowances’ is not relevant. 2. The Committee have not given due consideration to the Case Officer’s Committee Report. 3. The Committee have not given due consideration to the comments enclosed in the consultee response from the Director of Technical Services. 4. The Committee have not considered the implications of the Director of Planning and Economic Development (Local Plans) comments. 5. Due consideration has not been given to the Access Rangers consultee response. 6. The original condition no longer serves a planning purpose.

Method of Appeal: Written Representations

2.2 Enforcements:

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil
3.2 Enforcements
Nil

4 APPEALS OUTSTANDING

4.1 There remained 1 appeals previously reported on which decisions were still awaited when this report was prepared on 27 September. This relates to sites at:

- Medwyn Rd, West Linton.

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 10/00700/FUL
Proposal: Extension to existing stable block to provide 2 No stables and 1 No feedstore
Site: Huntshaw House, Huntshaw Road, Earlston
Appellant: Mr Paul Goode

Reason for Refusal: This proposal is contrary to Policy G1 of the Scottish Borders Local Plan 2008 in that the scale and siting of the proposed extension fails to successfully integrate within its prominent rural surroundings, causing an adverse and detrimental visual impact.

5.2 Reference: 10/00843/PPP
Proposal: Erection of dwellinghouse
Site: Garden Ground Of Kinninghall Dell, Cavers, Hawick
Appellant: Mr Norman E K Pender

Reason for Refusal: The proposal is contrary to Policy H7 Scottish Borders Consolidated Structure Plan 2001 – 2018, Policy D2 of the Scottish Borders Local Plan Adopted 2008, Policy D2 of the Scottish Borders Local Plan Amendment Finalised Plan 2009 and the Supplementary Planning Guidance - New Housing in the Borders Countryside December 2008 in that the site would represent an inappropriate addition to the existing building group at Kinninghall, consisting of an over-development of the site and backland development that does not respect the character or spacing of the existing building group to the detriment of the visual amenities of the area.

6 REVIEWS DETERMINED

6.1 Reference: 07/00979/FUL
Proposal: Erection of two dwellinghouses
Site: Land South Of The Old Manse, Teviothead, Hawick
Appellant: Murray & Burrell Ltd

Reasons for Refusal: The proposed development is contrary to Policy I15 of the Scottish Borders Consolidated Structure Plan 2001-2018 and Policy G4 of the Scottish Borders Local Plan Adopted 2008 and SPP7 Planning and Flooding in that the site has been identified as being at risk of flooding and the bunding adjacent to the site is unsuitable for use as flood protection.

Method of Review: Review of Papers, Site Visit & Hearing.
Review Decision: Decision of Appointed Officer overturned but requires notification to SM due to SEPA objection.

6.2 Reference: 07/00980/FUL
Proposal: Change of use from outbuilding to form dwellinghouse  
Site: Outbuilding South Of The Old Manse, Teviothead, Hawick  
Appellant: Murray & Burrell Ltd  

Reasons for Refusal: The proposed development is contrary to Policy I15 of the Scottish Borders Consolidated Structure Plan 2001-2018 and Policy G4 of the Scottish Borders Local Plan Adopted 2008 and SPP7 Planning and Flooding in that the site has been identified as being at risk of flooding and the bunding adjacent to the site is unsuitable for use as flood protection.

Method of Review: Review of Papers, Site Visit & Hearing.

Review Decision: Decision of Appointed Officer overturned but requires notification to SM due to SEPA objection.

6.3 Reference: 09/01700/FUL  
Proposal: Erection of wind turbine  
Site: Land East Of Braidwood, Midlem  
Appellant: James W Mair  

Reasons for Refusal: This proposal fails to comply with Structure Plan Policy I20 in that the turbine would be within the statutory safeguarded area of the Eskdalemuir Seismological Recording Station and would produce a noise level that could have an unacceptable cumulative impact on the noise sensitive operational functionality of the array.

Method of Review: Review of Papers, further Written Submissions & Hearing.

Review Decision: Decision of Appointed Officer overturned but requires notification to SM due to MOD objection.

6.4 Reference: 10/00388/FUL  
Proposal: Erection of conservatory  
Site: 3 Scott Crescent, Selkirk  
Appellant: Mr and Mrs Bradshaw  

Reason for Refusal: The proposal contravenes Local Plan Policy G1 and Structure Plan Policy N20, in that the form, material finishes and sitting of this conservatory on a prominent road side elevation fail to respect the character and appearance of this dwellinghouse and the surrounding area.


Review Decision: Decision of Appointed Officer overturned.

6.5 Reference: 10/00585/FUL  
Proposal: Erection of timber deck with balustrade (retrospective)  
Site: 76 Forest Road, Selkirk  
Appellant: Mrs Patricia Yuill  

Reason for Refusal: It is considered that this development does not comply with Local Plan Policies G1 and H2 in that this development will cause adverse visual intrusion which significantly compromises the outlook and privacy of the neighbouring residential property of Number 74 Forest Road, Selkirk.


Review Decision: Decision of Appointed Officer upheld.
6.6 Reference: 10/00700/FUL  
Proposal: Extension to existing stable block to provide 2 No stables and 1 No feedstore  
Site: Huntshaw House, Huntshaw Road, Earlston  
Appellant: Mr Paul Goode  
Reason for Refusal: This proposal is contrary to Policy G1 of the Scottish Borders Local Plan 2008 in that the scale and siting of the proposed extension fails to successfully integrate within its prominent rural surroundings, causing an adverse and detrimental visual impact.  
Review Decision: Decision of Appointed Officer overturned.

7 REVIEWS OUTSTANDING  
7.1 In addition to those listed in section 4 of this report, there remained 0 reviews previously reported on which decisions were still awaited when this report was prepared on 27 September.

Approved by

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<tr>
<td>Brian Frater</td>
<td>Head of Planning and Building Standards</td>
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This report has been signed by the Head of Planning and Building Standards and the signed copy is retained by the Council.

Author(s)

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<tr>
<td>Laura Marshall</td>
<td>Public Inquiry &amp; Appeals Co-ordinator</td>
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Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Alison Clifton can also give information on other language translations as well as providing additional copies.

Contact us at Planning and Economic Development, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA  Tel. No. 01835 826585  Fax No. 01835 825158  Email: aclifton@scotborders.gov.uk