SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 31 May 2012 at 10.00 a.m.

Apology:- Councillor N. Buckingham.
In Attendance:- Development Manager (Applications), Development Manager (Projects, Review and Performance), Road User Senior Technician, Plans and Research Manager, Managing Solicitor – Commercial Services, Committee and Elections Team Leader, Committee and Elections Officer (F. Walling).

CHAIRMAN
1. In his opening remarks the Chairman welcomed Members, the public and press to the first Planning and Building Standards Committee meeting of the new administration and extended a particular welcome to the eight Members who were new to the committee.

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 April 2012.

DECISION
APPROVED for signature by the Chairman.

DRAFT SUPPLEMENTARY PLANNING GUIDANCE – STIRLING STREET, GALASHIELS
4. There had been circulated copies of a report by the Director of Environment and Infrastructure seeking approval for the draft Supplementary Planning Guidance for Stirling Street, Galashiels, attached as Appendix A to the report, to be used as a basis for public consultation for a 12 week period. The report explained that the site was substantially allocated for commercial redevelopment in the Consolidated Local Plan (2011). Amounting to 0.9 hectares, the site was situated between the proposed Transport Interchange facility and the heart of the town as accessed via Douglas Bridge. The draft brief sought to identify the main constraints of the site; establish spatial principles for development of the site that related positively to the Transport Interchange and wider townscape; and provide an outline framework for future redevelopment. The intention was for the site to provide a high quality sustainable development site in a strategically important location, for subsequent sale on the open market. Members congratulated officers on the consultation document and welcomed the vision for the redevelopment of the site, recognising the significance of the area within the Galashiels townscape and in relation to the Transport Interchange. Conversation continued in particular about parking provision, this being recognised as a current problem within the town. It was agreed that an analysis was important to ensure that the level of appropriate parking provision would meet potential demand. It was also suggested that a passenger pick-up point be provided adjacent to the railway station. Members welcomed the reference made to the Gala Water corridor as a currently underutilised asset and also the proposals to incorporate building frontage into flood defences where appropriate.
DECISION
AGREED:-

(a) to approve the draft planning brief for Stirling Street, Galashiels as detailed in Appendix A, as a basis for public consultation for a 12 week period, and that if there were any substantive comments that these be reported back to this committee; and

(b) that if there were no substantive comments arising from consultation the brief be delegated for approval to the Head of Planning and Regulatory Services, and that it be used as a material consideration in the determination of planning applications.

APPLICATIONS
5. 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 applications as detailed in Appendix 1 to this Minute.

6. PROPOSED REPLACEMENT OF SECTION 69 AGREEMENT WITH SECTION 75 AGREEMENT AT THE OLD SAWMILL DEVELOPMENT, EAST END, EARLSTON.
There had been circulated copies of a report by the Head of Planning and Regulatory Services to consider a request for the proposed replacement of the Section 69 Agreement entered into in 2006 by Scottish Borders Council and the owner of The Old Sawmill Development, East End, Earlston, with a Section 75 Agreement, for the purpose of establishing and regulating a new arrangement for the payment of the development contributions required against this housing development. The report explained that development contributions towards the reinstatement of the Waverley Rail Link had previously been collected by the Council in accordance with a Section 69 Agreement and in relation to all twenty four of the dwellinghouses for which planning permission was granted. However, the developer now wished to be refunded an amount equivalent to seventeen of these development contributions on the understanding that these contributions would be ‘re-paid’ to the Council as and when the seventeen currently un-built dwellings were completed. In essence the request was similar to recent developer approaches to the payment of development contributions over the course of construction of housing developments. However the development contributions in question had been applied according to the Waverley Railway legislation and therefore could not be returned to the developer. The report further explained that any contribution collected under the terms of this legislation must be applied within a period of 12 months. All such contributions were applied upon being deposited in a ring-fenced account. From that point these monies could be neither removed nor used for any purpose other than for meeting the railway costs. Members discussed the report and although sympathetic with the developer’s position it was agreed that there were no grounds for manoeuvre and that the request be refused.

DECISION
AGREED to refuse the request to replace the Section 69 Agreement with a Section 75 Agreement to cover the anticipated development contributions in respect of the un-built houses at the Old Sawmill Development, East End, Earlston.

APPEALS AND REVIEWS
7. 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 that:-
(a) the Scottish Ministers had sustained an appeal in respect of the erection of a boundary fence and entrance gates (retrospective) at Inchbonny.

(b) the Scottish Ministers had dismissed an appeal in respect of the erection of 82 dwellinghouses incorporating affordable housing on land east and north east of 37 St Andrew’s Close, West Linton.

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

(i) erection of wind turbine 54 metres high to tip and associated infrastructure on land south west of Old Farmhouse, Townhead, Cockburnspath;

(ii) erection of dwellinghouse with associated access and landscaping on land north west of Leadervale House, Earlston;

(iii) erection of dwellinghouse on land south west of Lethem Lodge, Camptown, Jedburgh; and

(iv) erection of dwellinghouse (extension to previous consent 08/01021/OUT) on site east of Friarshaugh, Gattonside.

(d) the Local Review Body had dismissed an appeal (terms of refusal varied) in respect of the erection of dwellinghouse and livery stable building on land east of Kippilaw Hill, Melrose.

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

SUMMARY OF PRIVATE BUSINESS

Minute
1. The Committee approved the private section of the Minute of the Meeting of 9 April 2012.

The meeting concluded at 12.50 p.m.
### Applications for Planning Permission

#### Reference | Name and Address | Nature of Development | Location
--- | --- | --- | ---
12/00137/FUL | Transport Scotland Mot MacDonald Ltd Per Anthony Chrimes Caledonian Exchange 19A Canning Street Edinburgh EH3 8EG | Formation of pedestrian Underpass beneath railway and associated works | Land East and South of 2 Heriot Way, Heriot

**Decision:** 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 underpass should be constructed as a water retaining structure and any associated flood walls should be integral to that structure, crest levels of any such walls should not be less than 254.9m AOD. Before any development commences on site the detailed design of the structure should be submitted to the planning authority for approval.
   **Reason:** To ensure that the structure is constructed in an appropriate manner to protect the public from any potential flooding.

4. Should the mitigation option highlighted in the Flood Risk Assessment to modify or increase the two culverts directly downstream of the development be undertaken, the Flood Risk Assessment shall be modified to include this and to assess any increased flood risk downstream of these structures as a result of these modifications. The revised Flood Risk Assessment shall then be submitted to and approved in writing by the Planning Authority with any further mitigation required by the revised Assessment being put in place prior to the completion of the development hereby approved.
   **Reason:** To ensure that the development does not cause an increased flood risk.

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 Local Planning Authority, and shall include (as appropriate):
   - **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.
6. 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.

7. No development shall take place until details of the proposed surface drainage pumps have been submitted to and approved by the local planning authority.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

8. Any vegetation and scrub clearance to be carried out outside of the breeding bird season (breeding season end March-August).

Reason: In order to protect any breeding birds on the site.

9. The applicant shall adopt 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.

Reason: To protect the water body (Gala water) adjacent to the development area.

10. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation).

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

11. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

12/00138/FUL Graeme Duff EnviroCentre Unit 2B Craighall Business Park Eagle Street Glasgow G4 9Xa

Construction of landfill gas flare, compound structure and associated works Land South West of Dunion Hill Jedburgh

Decision: 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 colour of the chimney, compound box and perimeter fence to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.

Reason: To safeguard the visual amenities of the area.

3. Details of the dimensions, materials and external appearance of the compound box to be submitted to and approved in writing by the Planning Authority before the development is
commenced. The development then to be completed in accordance with the approved details.
Reason: To safeguard the visual amenities of the area and to maintain effective control over the development.

4. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.
Reason: To safeguard residential amenities.

12/00214/FUL Sports Duns 51 Newtown Street Duns Playing Field, Former Erection of 8 no. floodlighting columns Berwickshire High School, Langton Gate, Duns, Berwickshire TD11 3AU

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. 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. Notwithstanding the information contained within the application drawings, and in particular the proposed Layout drawing DRFC-001 (Rev E), no columns shall be sited within the Cypress hedgerow bounding the site to the west. Prior to commencement of development, a revised drawing showing precisely the revised location for each of the columns in the vicinity of the hedgerow shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the layout shown in the drawing approved in response to this condition.
Reason: the hedgerow forms an important boundary buffer and gives clear separation between the playing fields and the path/dwelling beyond. Breaching it to site the columns would be unnecessary, and is avoidable.

4. The final colour and finish of the columns is hereby not approved and shall be the subject of further submissions to the planning authority. Prior to the commencement of development, details of the proposed colour and finish shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.
Reason: To ensure that the development would relate appropriately to the dwellinghouse known as The Geans, in terms of the outlook/amenity of its occupiers and also in terms of the potential impact of the development on the setting of the Category C(S) listed building.

5. The floodlights are only to be operated on weekdays and they should not be operated between the hours of 21.30 and 07.00 hours.
Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.

6. The floodlights require to be installed under the direction/supervision of a suitably qualified or competent person (e.g. a member of The Institution of Lighting Professionals) and, during
installation, the obtrusive light limitations for exterior lighting installations detailed in The Institution of Lighting Professionals “Guidance Notes for the Reduction of Obtrusive Light” (2011) require to be applied/adopted.

(a) The floodlights shall be positioned so that they are at all times directed towards the playing fields/pitches, and any spilling of light to areas beyond the boundaries of the pitches should be kept to the minimum that is required to permit safe use of said areas;

(b) The obtrusive light limitations for exterior lighting installations detailed in Table 2 of the guidance for environmental zone E2 shall be complied with; and

(c) If, following the above measures being implemented, statutory nuisance conditions are realised, mitigation measures as identified by the Environmental Health Service will require to be carried out within an agreed timescale and in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority.

Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.

7. The lighting units shall be positioned so that they are at all times directed toward the playing areas so as to minimise the potential light dispersal beyond these areas.

Reason: To safeguard the amenity of adjoining residential properties.

Informatives

1. This planning permission does not purport to grant consent under any other legislation/Regulations operated by other bodies and/or other Departments of Scottish Borders Council. It is incumbent upon the developer to ensure that the requirements of any such legislation/Regulations are met.

2. The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers.

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. Samples of all external materials proposed for the sports hall building to be submitted for the approval of the Planning Authority.

Reason: To safeguard the amenity of the area

3. Full details of boundary screening and landscaping around the proposed sports hall building to be submitted for the approval of the Planning Authority before the development commences. Once approved, the screening and landscaping to be carried out within an agreed timescale.

Reason: To safeguard the amenity of adjoining residential properties.
4. The colours to be applied to all new fences shall first have been agreed in writing by the Planning Authority. 
Reason: To safeguard the amenity of the area.

5. No lights approved by this permission shall be operated between the hours of 22:00 and 07:00. 
Reason: To safeguard the amenity of adjoining residential properties.

6. If it proves to be necessary upon operation of the floodlights and after further assessment and advice by the Environmental Health service of the Council, any mitigative measures to control and reduce light spread shall be carried out within an agreed timescale in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority. 
Reason: To safeguard the amenity of adjoining residential properties.

7. The lighting units shall be positioned so that they are at all times directed toward the playing areas so as to minimise the potential light dispersal beyond these areas. 
Reason: To safeguard the amenity of adjoining residential properties.

8. Prior to the commencement of the development hereby approved, a scheme for the erection of an acoustic fence between the proposed games hall and the adjoining residential properties shall be submitted to and approved in writing by the Planning Authority. The scheme so approved shall include the timing for the erection of the fence relative to the construction of the games hall, and thereafter shall be constructed in strict accordance with the details so approved. 
Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.

9. Notwithstanding the details shown on the approved drawings, no development shall take place except in strict accordance with the scheme of details, which shall first have been submitted to and approved in writing by the Planning Authority and which indicates a revised entrance arrangement to the games hall, which shall include a reorientation of the proposed vestibule so that the entrance door faces south toward the existing school buildings. 
Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.

Informative
The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers.

12/00286/FUL Stuart Kerr Siting of storage container Tweedbank Sports Field 7 Brier Lane Galashiels Scottish Borders TD1 2LT

Decision: Approved subject to the following conditions:

1. Permission is granted for a limited period of 5 years from the date of this consent and, unless an application is made and consent is granted for its retention, the container shall be removed from the site and the land restored to its former condition at the expiration of the period granted. 
Reason: In the interests of the amenity of the surrounding area, in that the container is constructed of materials which are of an inappropriate nature for the granting of permanent consent and to enable the Planning Authority to monitor the appearance of the development at the end of a limited period.
2. No development shall commence until the external colour of the container is agreed with the Planning Authority in writing by means of a specific RAL or BS colour reference. The container shall only be installed after having first been completely painted with the approved colour and shall not be subsequently painted an alternative colour without the written approval of the Planning Authority.
Reason: To minimise the visual impact of the development.

3. The proposed container shall only be used in connection with the use of the adjoining playing fields for recreational purposes.
Reason: To ensure that the use of the container is related to the use of the adjoining land, as proposed, and not for any other purpose.

12/00416/FUL & 12/00538/LBCNN
Ask Antiques Ltd
Mrs Sally Fiona Keen
16 Mansfield Mill House
Mansfield Road Hawick
Scottish Borders
TD9 8AY
Change of Use from (Class 11 to Class 1) and Erection of new signage
5 Buccleuch Street, Hawick

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. Details of any change in colour of the shop front and doors are to be submitted to and approved in writing by the Planning Authority prior to any change being made, Thereafter the works are to be carried out strictly in accordance with the approved details.
Reason: In the interests of the character and appearance of the conservation area.

Informative:
1. Be advised that any external alterations in the future may require Full Planning Permission depending upon the proposed details.

NOTE:-
Members agreed that whilst the preferred application of colour in connection with the creation of the proposed sign should be a matt finish, in this particular case, having regard to the location and to the existence of similar finishes locally, the use of a gloss finish was considered acceptable.

12/00452/FUL RS UK & Ireland
Per Mr Graeme Kerr STV
Third Floor Pacific Quay
Glasgow G51 1PQ
Erection of meteorological mast and associated equipment (maximum height including equipment 81.5m)
Land South of Dykeraw Farm, Hawick

Decision: Approved subject to the following conditions:

1. Approval is granted for a limited period of two years from the date of this consent and, unless application is made and consent obtained, the mast shall be removed and the ground reinstated to its original condition at the expiry of the three year period.
Reason: The permanent retention of the structure would be unacceptable given the temporary nature of the proposal.
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. Prior to commencement of development, a construction method statement outlining the route of access for equipment, labour and materials is to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the details in the approved statement.
Reason: To prevent the unnecessary formation of additional or multiple routes of access to the mast site.

4. The reinstatement of the site to be completed within 6 months of the decommissioning of the anemometer.
Reason: To ensure the satisfactory restoration of the site.

5. The meteorological mast hereby approved shall be fitted with 25 candela omni directional red lighting or infra-red lighting at the highest practicable point prior to the use of the mast commencing.
Reason: In the interests of aviation safety.

6. Prior to development commencing the details outlined below shall be submitted to and approved by the local planning authority following consultation with the Ministry of Defence:
   a. Precise location of development
   b. Date of commencement of the construction
   c. Date of completion of the construction
   d. The height above ground of the tallest structure
   e. The maximum extension height of any construction equipment.

Reason: In the interests of aviation safety as the height of the development will necessitate that aeronautical charts and mapping records held by the Ministry of Defence are amended.

Informative:

1. Attention is drawn to the consultation reply from the Ministry of Defence.

12/00480/FUL   Scottish Borders Council
Per Camerons Ltd
1 Wilderhaugh
Galashiels
Scottish Borders
TD1 1QJ

Erection of building to provide business hub, public toilets and 2 bus shelters with provision of pedestrian pend linking Horsemarket and Woodmarket

Public Toilets at Horsemarket
Woodmarket Kelso

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. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. 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 observe relevant below ground excavation during development, investigate and record features of interest and recover

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finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority.

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

3. Notwithstanding the description of the materials in the application, no development shall be commenced until samples of the materials to be used in the construction of the external walls and roofs of the building, cladding, glazed canopies, balustrade and hard surfacing, 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:** In the interests of the appearance of the Kelso Conservation Area and to maintain effective control over the development.

4. Details of the material, frame thickness, glazing bars, colour and method of opening of the windows and glazed openings to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the development is to be completed in accordance with the agreed details.

**Reason:** In the interests of the appearance of the Kelso Conservation Area and to maintain effective control over the development.

5. Details of the backlit panels and displays, illuminated glazing, artwork, signage and illuminated display panels for the side elevation of the pend to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the development is to be completed in accordance with the agreed details.

**Reason:** In the interests of the appearance of the Kelso Conservation Area and to maintain effective control over the development.

6. A scheme for the exterior lighting for the pend and vennel is to be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the development is to be completed in accordance with the agreed details.

**Reason:** To ensure the development complies with designing out crime principles and to ensure an acceptable public space is created.

7. Details of the position, size, design, materials and method of illumination of the tourist information point on the Woodmarket elevation to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the development is to be completed in accordance with the agreed details.

**Reason:** In the interests of the appearance of the Kelso Conservation Area, and to maintain effective control over the development.

8. Doors must be hung so as not to open onto the public footway.

**Reason:** To ensure safety for users of the public footway.

**Informatives:-**

1. A variety of street furniture within the application boundary will be affected by the proposals, including a telephone box, street sign and waste bins. Consideration should be given to relocation, removal and rationalisation of this street furniture.

2. Proposals should be drawn up for the repositioning of any extract ventilation fans, satellite dishes, drainage pipes etc on the two adjacent gable walls that would be affected by this development.
Decision: Approved subject to a legal agreement and the following conditions and informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
   Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. 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. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
   Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. Prior to occupation of any new unit of accommodation, the following items shall be provided:
   (i) the proposed access shall be formed to SBC Roads Planning Manager specification DC-10. The width of the access shall be amended to provide a minimum width of 5.5 metres, thus allowing two vehicles to pass at the mouth of the access;
   (ii) the new private road shall be constructed to the same specification as the access, for the first 7.5 metres;
   (iii) the remainder of new private road shall be a minimum of 3.7 metres and constructed to provide a free draining smooth running surface, capable of withstanding a minimum axle loading of 14 tonne;
   (iv) parking and turning for a minimum of two vehicles, not including garages, shall be provided and retained in perpetuity within the curtilage of each plot
   These requirements shall be reflected in any subsequent Application for Approval of Matters Specified in Conditions.
   Reason: to ensure that the development is serviced/accessed in such a way that amenity and road safety are achieved.

5. No development shall be commenced until such a time as it has been demonstrated that all matters relating to foul and surface water drainage have been addressed via a drainage
management plan which includes SUDS (Sustainable Urban Drainage), which shall be submitted to and approved by the Planning Authority as part of any detailed submission, pursuant to this planning permission in principle. The development shall be carried out in strict accordance with the details agreed in response to this condition.

Reason: The Planning Authority is aware that drainage issues are likely to arise at this site, that have not been fully addressed in the planning application, which establishes only the land-use principle of the area of land identified in the submitted drawing(s).

6. 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.

Informatives

1. The applicant is reminded that this permission is subject to a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The agreement covers matters of developer contributions towards the provision of local schooling (Berwickshire High School and Duns Primary School) and towards off-site affordable housing.

2. The applicant is advised that the indicative design shown in the site plan and the Typical House Type drawings forming part of the planning application are not endorsed, and should not inform any future proposals in subsequent applications for Approval of Matters Specified in Conditions, which will be expected to reflect the aims and aspirations of the Council’s Placemaking and Design Supplementary Planning Guidance.