In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager (paras 1-4), Senior Roads Planning Officers, Managing Solicitor – Commercial Services, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

WELCOME
1. The Chairman welcomed everyone to the meeting and drew their attention to the displays which featured the Winners of the Scottish Borders Design Awards 2013. The Chairman explained that the award scheme was first established in 1984 and ran every two years. The Scheme was organised by the Built and Natural Heritage team from Planning and Regulatory Services and sought to recognise and publicise examples of good building design, educate and inspire all those involved in new developments and raise the overall standards of building design. A total of 30 entries were received across the various categories of building type and judged by an independent judging panel chaired by Ian Lindley with David Suttie representing the Royal Town Planning Institute Scotland (RTPI) and John Lane representing the Royal Incorporation of Architects in Scotland (RIAS). The Chairman congratulated Mark Douglas and Andy Millar for their work in promoting and running the awards.

DECISION
NOTED.

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 4 November 2013.

DECISION
APPROVED for signature by the Chairman, subject to an amendment in paragraph 5(e)(i).

PLANNING PERFORMANCE FRAMEWORK 2013/14
4. With reference to paragraph 5 of the Minute of 7 October 2013, there had been circulated copies of a report by the Director of Environment and Infrastructure which proposed that members approve the Planning Performance Framework 2013/14 attached at Appendix I to the report, which had been re-drafted for submission to Scottish Ministers. The report explained that the Planning Performance Framework provided a comprehensive and co-ordinated approach to performance assessment in the Planning Service. A draft version of the original document had already been sent to Scottish Ministers as the deadline for submissions was the end of September 2013, and a finalised report would be forwarded once approval had been given by the Committee. The report had also been presented to the Environment & Infrastructure Committee on 3 October 2013. The Major Applications, Review and Enforcement Manager highlighted the key outcomes contained in the Appendix, the development projects the department were involved in and in particular the increase in pre-application discussion between Planning Officers and Applicants which subsequently...
improved the quality of applications brought to Committee. It was further reported that the Department would continue to hold staff workshops to enable further improvement of the process.

**DECISION**
**AGREED** to approve the Planning Performance Framework as detailed in Appendix I to the report for submission to Scottish Ministers.

**DECLARATION OF INTEREST**
5. Councillor Gillespie declared a non pecuniary interest in terms of Section 5 of the Councillors Code of Conduct in respect of planning application 13/01098/FUL and left the meeting during its consideration.

**APPLICATIONS**
6. 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 I to this Minute.

**WIND TURBINES IN BERWICKSHIRE – SUPPLEMENTARY PLANNING GUIDANCE – LANDSCAPE AND VISUAL GUIDANCE FOR SINGLE AND GROUPS OF 2 OR 3 APPEALS AND REVIEWS**
7. With reference to paragraph 3 of the Minute of 1 April 2013, there had been circulated copies of a report by the Head of Planning and Regulatory Services on the Supplementary Planning Guidance (SPG) entitled ‘Landscape and Visual Guidance on Single and Small Scale Groups of Wind Turbine Development in Berwickshire’. The Forward Planning Manager and Principal Planning Officer were present at the meeting to present the report and answer Members questions. The report explained that the purpose of the SPG was to inform both spatial planning and provide guidance for single and small scale groups of typically two or three wind turbine developments within Berwickshire in the Scottish Borders. The SPG provided detailed guidance for a range of users as to what scale of turbines may be appropriate within each Landscape Character Type (LCT) and where these could be located within them. The recommendations and guidance on capacity for each LCT took into consideration matters including the number of turbines and their respective heights already approved within the vicinity, cumulative impact issues and the characteristics of each LCT. Ultimately it identified the potential capacity of the landscape to accommodate turbines either as multiple single features or multiple small groups and stated the maximum height of turbine which could be acceptable within each LCT. The report explained that during the public consultation responses were received from 16 no parties covering a range of issues which were detailed in Appendix B to the report, together with Council responses to the points raised and proposed consequent changes to the draft SPG where appropriate. Following consideration of the responses along with some and other issues raised, amendments had been made to the draft SPG identified in Appendix A including the following:

- The title of the SPG to be confirmed as “Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire”

- A text update regarding approved turbines since the initial document was prepared up until the end of September 2013 and any consequent cumulative impacts these might have which require addressing

- Due to recent approvals of turbines in the vicinity of Landscape Character Type 19a – Coastal Farmland, Cockbumpsath the suggested maximum height for turbines had been reduced from 50m to 35m

- Confirmation of the relationship between this SPG and other Council wind energy related documents
• Update of policy to include reference to new Strategic Development Plan renewable energy policy

• Confirmation of where newly designated Special Landscape Areas are within Berwickshire

DECISION
(a) APPROVED the SPG on Landscape and Visual Guidance for Single and Groups of 2 and 3 Wind Turbines in Berwickshire in Appendix A to the report and agreed to its use as material consideration in determining planning applications.

(b) AGREED that the Head of Planning and Regulatory Services be delegated to approve an annual update of the SPG which would take cognisance of any cumulative impact issues resulting from any future turbine approvals.

DECLARATION OF INTEREST
8. Councillor Gillespie declared a non pecuniary interest in terms of Section 5 of the Councillors Code of Conduct in respect of the following item and left the meeting during its consideration.

SUPPLEMENTARY PLANNING GUIDANCE – DRAFT HARBOUR ROAD, EYMOUTH DEVELOPMENT FRAMEWORK
9. There had been circulated copies of a report by the Head of Planning and Regulatory Services on Supplementary Planning Guidance - Draft Harbour Road, Eyemouth Development Framework. The report proposed that the Committee approved the Supplementary Planning Guidance (SPG) entitled “Draft Harbour Road, Eyemouth Development Framework” as a basis for public consultation for a 12 week period. The report explained that the purpose of the SPG was to guide future redevelopment of the area between Harbour Road, Church Street and Manse Road (i.e. the harbourside). The area was located within the development boundary of Eyemouth and had been identified as a key regeneration site in the Proposed Local Development Plan. The aim of the SPG was to redevelop the harbourside to create a place which could help to achieve sustainable economic growth in Eyemouth, be welcoming and pleasant for visitors and residents alike, and restore the identity that the harbourside area of Eyemouth used to have. The SPG proposed a mixed use scheme which would contain a coherent scheme of development including usages such as housing, retail, small-scale food provision, offices, and other types of commercial buildings or attractions. Urban design principles were used to show how the scheme could be achieved while still providing a welcoming and pleasant place and restoring the identity of the harbourside. Elements discussed included pedestrian and vehicular movement, new buildings and the creation of an active frontage on Harbour Road which exploited the waterfront location.

DECISION
APPROVED the SPG, as detailed in Appendix A of the report, as a basis for public consultation for a 12 week period, and that any comments received be reported back to the Committee.

APPEALS AND REVIEW
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 that:-

(a) Appeals had been received in respect of:-
Item No. 4

(i) the construction of wind farm comprising eight turbines 100m high to tip and associated access tracks and ancillary infrastructure including borrow pit, erection of 1 permanent anemometer mast, temporary formation of construction compound and erection of 3 temporary reference/calibration masts on land north east of Blythe Farm (Brunta Hill), Lauder – 11/01444/FUL; and

(ii) a residential development including affordable housing and associated infrastructure on land south of 10 Springwell Brae, Broughton – 12/01068/PPP.

(b) the appeal in respect of Whitslade (Barrel Law), Selkirk remained outstanding.

(c) a review request had been received in respect of Replacement Windows (retrospective) at 27 West High Street, Lauder – 13/00680/FUL;

(d) the Local Review Body had overturned the Appointed Officers decision to refuse the following:-

(i) formation of dormer extension at Dovecot Cottage, Kirkgate, Chirnside, Duns; and

(ii) Erection of 2 wind turbines 34.4m high to tip and ancillary infrastructure on Land North East of Ayton Mains Farmhouse, Eyemouth.

(e) the Local Review Body had upheld the Appointed Officers decision to refuse the erection of pigeon loft (retrospective) on Land South of 24 Lamberton Holding, Lamberton

(f) there remained 4 reviews outstanding in respect of the following:-

<table>
<thead>
<tr>
<th>Vicars Knowe, Gattonside</th>
<th>12 Larkhall Burn, Jedburgh</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Westfield Road, Earlston</td>
<td>Whitton Farm, Morebattle</td>
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The meeting concluded at 1.35 p.m.
## APPENDIX

### APPLICATIONS FOR PLANNING PERMISSION

<table>
<thead>
<tr>
<th>Reference</th>
<th>Name and Address</th>
<th>Nature of Development</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>13/01098/FUL</td>
<td>Earlston Community Council Per The Sterry Walters Partnership Ltd Per Guy Walters Langskaill, Carlops Penicuik Edinburgh EH26 9NF</td>
<td>Formation of play park, installation of play equipment, erection of boundary fence and associated landscaping</td>
<td>Land South East of Rhymers Cottage, Mill Road, Earlston</td>
</tr>
</tbody>
</table>

Decision: Approved subject to the following conditions and applicant 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. Notwithstanding the information submitted in support of the planning application, no development shall commence until the following details have first been submitted to, and approved in writing by, the Planning Authority:  
   (a) precise details [including dimensions and finished materials and colours] of all apparatus and associated structures, including the gazebo and barbeque [please see Informative Note 1];  
   (b) precise details of all hard landscaping works, including fencing which shall correspond in full with the requirements identified by SEPA and the Flood Prevention Authority in their consultation responses [please see Informative Note 2];  
   (c) precise details of all soft landscaping works, including a full planting schedule [please see Informative Note 3];  
   (d) an updated version of the approved Site Plan [ECDT-LL(90)002 B], showing the apparatus, structures and landscaping works described in the details provided to address the requirements of criteria a, b and c, above, and with the apparatus, structures and hard landscaping set out in the same positions and stations as their indicative equivalents on the approved Site Plan;  
   (e) precise details of the maintenance arrangements for the playpark, including those for the apparatus, the associated structures, and hard and soft landscaping [please see Informative Note 4];  
   
   The development shall then be implemented, and thereafter maintained in perpetuity, 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 retain effective control over the development for the purposes of ensuring that the finished appearance, composition, layout and operation of the play park adhere as closely as possible to the details that have been approved at the time of the determination of the planning application, and do not have any unacceptable impacts upon the environment and/or amenity of the site and its surroundings. Further, to ensure that appropriate arrangements are in place for the future maintenance of the play park facilities and landscaping to help safeguard as far as reasonably possible, the long-term future of the play park as a community facility, and by extension, ensure that it enhances the recreational use of the site.

3. Notwithstanding the information submitted in support of the planning application, existing ground levels shall be maintained, and no land raising shall occur at all in connection with the implementation of the development hereby approved. Furthermore, and
notwithstanding the information submitted in support of the planning application, no development shall commence on-site until precise details of how all the structures, apparatus, surfacing and fencing are to be secured and anchored to the ground, have first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be implemented, and then thereafter maintained in perpetuity, 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 development does not have any unacceptable impacts upon flood risk at the site and in the surrounding area and to ensure that the equipment does not become removed from its location and float away during a large flood event.

4. The bank of the Leader Water shall be fenced off during construction works, to a minimum of 10m from the bank of the watercourse in accordance with a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority prior to the commencement of any development operations. The scheme so approved shall provide for the separation of the watercourse and its bank from the building/landscaping operations hereby approved, and shall provide an undeveloped buffer strip which retains the existing natural vegetation. No work shall be carried out on the watercourse itself or its banks, and the fence required by this condition shall be removed upon completion of construction works.

Reason: In the interests of the protection of the Leader Water and its banks from building operations, and to protect the River Tweed Catchment Special Area of Conservation.

5. Prior to the commencement of development, a method statement outlining steps to prevent the Contamination of the Leader Water with silt, building material and debris during construction works, or after their completion, shall be submitted to, and approved in writing by, the Planning Authority. There shall be no storage of materials and/or equipment on any areas that are vulnerable to flooding, the areas for such storage shall be agreed in advance and in writing with the Planning Authority. Thereafter the development is to be completed in accordance with the approved scheme unless otherwise agreed in writing by the Planning Authority.

Reason: To prevent any adverse impacts on the River Tweed Catchment Special Area of Conservation through siltation and other pollution.

6. Details of any Surface Water Drainage required to serve any part of this development are to be submitted to and approved in writing by the Planning Authority.

Reason: To maintain effective control over the development, and in the interests of the protection of the Leader Water.

7. During the period of construction (a) construction works shall only be carried out between the hours of one hour after dawn and one hour before dusk; and (b) during periods when construction works are not being actively progressed on-site, any temporarily exposed open pipes and/or cavities shall be capped or covered to prevent otters gaining access to them.

Reason: To avoid impacts on a European Protected species (otter).

8. Unless otherwise agreed in writing in advance by the Planning Authority, 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 completion of the development, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

9. Notwithstanding the information submitted in support of the planning application, and unless a planning application is first submitted and approved in that behalf, no cycle track shall be established on the site.

Reason: To retain effective control over the development.
10. Notwithstanding any details shown on the approved drawings, no chimes or other equipment whose principal purpose is the creation of noise shall be installed within any part of the development hereby approved.
Reason: To protect the living conditions of the occupiers of the nearby residential property.

11. No lighting shall be erected at the site unless a planning application is first submitted to the Planning Authority.
Reason: To enable the Council to consider the effect of the proposed lighting, including upon the living conditions of nearby residents.

Informatives

INFORMATIVE NOTE 1 – APPARATUS AND STRUCTURES

Please note that the description of each specific apparatus and structure will need to be assessed against the details that were provided to describe these indicatively at the time of the planning application. Until the specific details are provided and agreed, it cannot be ruled out that a new planning application might be required in the event that there is considered to be any significant changes between the details that were described indicatively in the application and those that are ultimately proposed. The Developer is invited to discuss any concerns in advance of the submission of the detailed information if any potentially significant differences arise.

INFORMATIVE NOTE 2 – HARD LANDSCAPING AND FENCING

Both SEPA and the Council’s Flood Prevention Section have sought the use of an enclosing fence with horizontal (and not vertical) wires to reduce the extent to which debris carried in flood waters might become trapped and build up to exaggerate flood impacts upon the site and surrounding area.

Additionally, the Council’s Flood Prevention Section requires that the enclosing fence be a bow-top fence with a minimum 200mm clearance from the lower rail.

INFORMATIVE NOTE 3 – SOFT LANDSCAPING

The following is standard advice and guidance given to Developers with regard to the detail that should be included to describe new planting:

Approved planting plans will provide sufficient information to be enforceable by detailing the following:

1 Plan to an identified true scale. (e.g. 1:200)
2 Boundary of the application site is clearly marked.
3 Site orientation is indicated by a North point or OS grid lines.
4 All existing trees, shrubs and hedges to be retained are clearly marked.
5 Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.
6 Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
7 All species of plants identified using their full botanical name (e.g. oak – Quercus robur)
All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. Betula pendula 30%, Quercus robur 70%, 120 square metres @ 1 plant per 4 square metres = 9 B. pendula & 21 Q. robur)

A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)

Notes on the plan to describe how the planting is to be carried out and maintained to ensure successful establishment.

The plan indicates when the work will be completed and ready for inspection taking account of planting seasons. (e.g. November to end March each year for bare rooted plants.)

_N.B. Planting conditions are only discharged following an inspection of the completed work._

**INFORMATIVE NOTE 4 – MAINTENANCE**

Maintenance arrangements should include advice about how potential noise nuisance from the musical chimes would be minimised.

**INFORMATIVE NOTE 5 – CONTAMINATED LAND**

Records held by the Council do not appear to indicate any development on the site or any formal use associated with Mid Mill. However, it is still possible that the site may have historically been used in association with Mid Mill. In this event, land contamination may have occurred. Should unexpected ground conditions (e.g. made ground extending to depth, discolouration or malodorous substances) or evidence of potential contamination (e.g. underground structures, remains of buried wastes or equipment) be encountered during site works, it is requested that Environmental Health be immediately consulted. Should the Developer wish to discuss this further, their enquiry should be directed to Environmental Health.

**INFORMATIVE NOTE 6 – SEWER COVER**

There appears to be a sewer manhole present at the site. This could potentially be a storm water overflow from a combined sewer system. Please note that this has the potential to contaminate the site should this surcharge in a flood event.

**INFORMATIVE NOTE 7 – FLOOD PREVENTION**

It is recommended that the Developer adopt water resilient materials and construction methods appropriate to the building as advised in PAN 69.

As access and egress to the development may also be affected by flood waters, it is recommended that the Developer arrange to receive flood warnings from SEPA, by signing up to FLOODLINE at www.sepa.org.uk, or by telephone on 0845 988 1188.

The proposed development is situated in a flood risk area, and for this reason it is advised that the materials and equipment used during construction are not stored in areas vulnerable to flooding to protect the high water quality standards of the River Tweed SAC. It is advised that SEPA guidelines for working in or near rivers should be followed during all construction work, and in the treatment of surface water runoff.

In its consultation response, SEPA has additionally advised that:
“In accordance with SPP medium to high risk areas may be suitable for some recreation, sport and amenity uses provided there are appropriate evacuation procedures in place. We strongly recommend that measures are put in place such as warning signs and a flotation ring to ensure that the public are aware of the risk. The Scottish Borders Council Flood Prevention Officer has suggested that the applicant sign up to SEPA’s Floodline service in order to receive flood warning messages for the area. We would like to refer the applicant to the terms and conditions of this service as it states that SEPA “cannot take responsibility for any loss or damage caused by flooding; by issuing, or failing to issue, Alerts and Warnings; or by your failure to retrieve a Warning in time to take action”. Further information can be found at http://www.sepa.org.uk/flooding/flooding_publications.aspx.”.

INFORMATIVE NOTE 8 – FOOTPATH ACCESS/DISABLED PARKING

While the play park hereby approved has ultimately been supported as an enhancement of the recreational value of an extant recreational area, it has been noted by statutory consultees and in representations, that certain users, and particularly disabled users, may experience some difficulties in accessing the site due to limitations to parking in the immediate vicinity and due to the nature and quality of the existing pedestrian access into the site.

While it could not reasonably be made a requirement of this planning consent, the Council’s Outdoor Access Officer has recommended that the first 100metres of footpath should be improved to the following specification: “Concrete heel kerbs set in concrete, either side of existing bitmac, providing a formation tray of (minimum) 1500mm width, with 2no new passing places for buggies and chairs spaced at equal intervals. Formation tray to be laid with dense bitumen macadam regulating course, tack coat between layers, and thereafter with close graded BTM surface course to a depth of 25mm.”

INFORMATIVE NOTE 9 – LIGHTING

It is noted that the Police have recommended lighting for the facility. However, please note that any such proposal would require to be discussed with the Planning Authority, since such a proposal may require planning permission.

INFORMATIVE NOTE 10 – EXISTING PEDESTRIAN ACCESS

The Proposals Drawings indicate works to the existing pedestrian access. However, this area lies outwith the site boundary. It may be that the proposed works indicated are capable of being progressed as a permitted development but in the absence of any details to confirm this, it is advised that the Developer consult with the Planning Authority before progressing any such works.

NOTE

Karen Richardson spoke on behalf of the objectors against the application. Lucy Cooper, Earlston Community Development Trust spoke in support of the application.

13/0089/FUL  Heather Kieniewicz  Erection of 70m wind monitor mast  Land South East of Shepherds Cottage, Falla, Jedburgh
13 Rutland Street  Edinburgh  EH1 2AE

Decision : Approved subject to the following conditions and informative:

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: To safeguard the amenity of the area.
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 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.

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

5. 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:

Copy of the MoD response attached for the applicant’s attention.
Copy of the Roads Planning Service response for the applicant’s attention

13/00252/AMC Murray & Burrell Ltd c/o Ferguson Planning
Roxburgh Street Galashiels
Scottish Borders TD1 1PE

Approval of matter in all conditions of outline Plot 3 Land South of
planning consent Caddonhaugh,
04/01022/OUT Caddonfoot Road,
Clovenfords

Decision : Approved subject to the approval of the Scottish Ministers and to the following conditions and informative:

1. Prior to erection on site, further details of the materials and design of any fencing or walling to be erected are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed in writing by the Planning Authority. Reason: To maintain effective control over the development.

2. Further to the submitted materials specification, a detailed specification and sample of all external finishes of the houses of the development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. Thereafter, the external finishes of all of the houses and garages on the site shall be carried out in accordance with this co-ordinated scheme of materials and colours approved by the Planning Authority. The co-ordinated scheme shall promote wet dashed render as the predominant finish to the walls of the houses and natural slate to the roofs of the houses. Reason: To ensure the development is of a satisfactory appearance in the interest of the amenity surrounding area.

3. No development to take place other than in accordance with a report by a suitably qualified fluvial geomorphologist providing an overview, assessment and suitable confirmation as to the stability and engineering of the retained banks adjacent to the watercourses and across the adjoining wider compensatory storage area, which has first been submitted and agreed in
writing by the Planning Authority in liaison with SNH, with any required amendments to the scheme incorporated prior to commencement of development, and carried out thereafter. The approved compensatory storage scheme and associated site levelling works set out in the approved plans 12/MAB/S/01/00/001-E, 12/MAB/S/01/00/002-C, 12/MAB/S/01/00/004-B, 12/MAB/S/01/00/005-D and 12/MAB/S/01/00/006-A, (subject to any subsequent required amendments identified in the fluvial geomorphologic analysis) are to be implemented in their entirety prior to the commencement of construction of any of the dwellinghouses within the application site boundary.

Reason: In the interests of flood prevention and to protect the qualifying interests of a Special Area of Conservation.

4. Prior to the commencement of any development, a full planting and seeding specification of the surface landscaping to be carried out on the completed re-graded compensatory storage area is to be submitted to and approved in writing by the Planning Authority. Thereafter, the scheme is to be implemented during the first available planting season after the completion of leveling works on the compensatory area, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure an adequate appearance of the completed compensatory flood storage area.

5. Prior to commencement of development, the three “category 1” trees identified in the ecological report by Findlay Ecology Services are to be examined for bat roots by a qualified climber to establish the presence of bats. Thereafter, confirmation on the outcome of the checking will be lodged with the Planning Authority. If bats are present, mitigation will thereafter be implemented as per section 5 of the Findlay Ecology Services report of May 2013.

Reason: In order to protect European Protect Species

6. A full specification for the fencing to be erected under conditions 16 and 17 of the outline consent, including height, location and details of footings, is to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To ensure the protective fencing erected is suitably detailed.

Informatives

1. This consent conveys approval for the details of the dwellinghouse on plot no.3 only. Further submissions will be required in respect of the other plots subject to outline planning consent 04/01022/OUT.

2. Conditions [1(part), 2, 3, 5, 6(part), 7, 8, 9, 11, 12, 13, 15, 17, 18 and 19]* remain to be addressed, through further AMC submission and/or carrying out of obligations on site as appropriate. *to be amended as appropriate.

3. In terms of flooding, attention is drawn to the Consultation response of the Council Flood Protection Engineer. It is recommended that a more detailed flood risk assessment is undertaken with regard to the 2 westernmost plots, as a matter of good practice. Discussion with the engineer with regards to the finished floor levels of these plots is recommended.

4. The developer is reminded of the need to gain Roads Construction Consent and ensure appropriate security is lodged with the Council before building work commences on the house.

5. Attention is drawn to the Consultation Response of the Contaminated Land Officer. For further advice, please contact the Council’s Contaminated Land Officer.
6. The trees within and beyond 3m of the development site to be felled should be felled in accordance with the recommendations of section 5 of the Findlay Ecology Services report May 2013.

For the avoidance of doubt, groundworks to form the site development table at the northern end of the site can be carried out concurrently with the compensatory storage area works.

13/01062/PPP  Mr Andrew Douglas-Home  Erection of 32 Bed Care  Land East of 1 Kelso
   c/o Aitken Turnbull  Home  Road, Coldstream
   Architects Ltd
   9 Bridge Place
   Galashiels
   Scottish Borders
   TD1 1SN

Decision: Refused for the following reasons:

1. The proposed care home would be contrary to Policy G8 – Development outwith Development Boundaries of the Consolidated Local Plan 2011 in that the site is located outwith the development boundary of Coldstream as defined on the Local Plan Proposals Map and would represent an unjustified intrusion into the woodland and countryside beyond the settlement edge. Furthermore, the proposed care home is not considered to offer significant community benefits that outweigh the need to protect the development boundary which is strongly defined in this location.

2. The proposed care home would be contrary to Policy D1 – Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of a care home on this site in the countryside has not been adequately justified. An economic and operational need specific to Coldstream in general, and the application site in particular, has not been identified and it has not been demonstrated that the care home cannot reasonably be accommodated within the Development Boundary.

3. The proposed care home would be Contrary to Policy NE4 – Trees, Woodlands and Hedgerows of the Consolidated Local Plan 2011 in that the development would cause the loss of, or serious damage to the woodland resource and the benefits of the development have not been demonstrated to outweigh the loss of landscape value.

4. The proposed care home would be contrary to Policy R1 – Protection of Prime Quality Agricultural Land of the Consolidated Local Plan in that the development would result in the permanent loss of prime quality agricultural land.

NOTE
Councillor Greenwell spoke in support of the application. Mr Higgins spoke against the application. Mr A Douglas-Home, Applicant spoke in support of application.

VOTE
Councillor Bell, seconded by Councillor Smith moved acceptance of the recommendation.

Councillor Ballantyne, seconded by Councillor Mountford, moved approval of the application on the basis that in terms of policy G8 the proposal was job generating, was a logical extension to Coldstream, in terms of Policy R1 it was only a small proportion of the field that would be lost and in terms of Policy NE4 that conditions could be put in place to minimise the impact on the trees and subject to condition that an ecological survey was carried out.

On a show of hands Members voted as follows:-
Motion - 5 Votes
Amendment - 3 Votes
The Motion was accordingly carried.
08/00702/FUL  Riverside Holiday Park  Erection of portable office building  Riverview Holiday Park, Mangerton, Newcastleton
Per TSADA Building
Design Services
Crofthouse
Newtown
Carlisle
Cumbria
CFA6 4PF

Decision: Approved subject to the approval of the Scottish Ministers.