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| (a) Chambers Institution Trust | 29 November 2017 |
| (b) Peebles Common Good Fund | 29 November 2017 |
| (c) Pension Fund Board | 4 December 2017 |
| (d) Lauder Common Good Fund | 13 December 2017 |
| (e) Civic Government Licensing | 15 December 2017 |
| (f) Local Review Body | 18 December 2017 |
| (g) Planning & Building Standards | 8 January 2018 |

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SCOTTISH BORDERS COUNCIL
CHAMBERS INSTITUTION TRUST

MINUTE of MEETING of the
CHAMBERS INSTITUTION TRUST held
in the Council Offices, Rosetta Road,
Peebles on 29 November 2017 at 4.00
p.m.

Present:- Councillors S Bell, K Chapman, S Haslam, E Small, R Tatler.
Apologies:- Councillors H. Anderson.
In Attendance:- Solicitor (C. Kubala), Capital and Investments Manager, Estates
Surveyor (A. Graham), Democratic Services Officer (P. Bolson).

CHAIRMAN

1. Councillor Tatler, seconded by Councillor Bell, moved that Councillor Chapman be appointed as Chairman and this was unanimously approved.

DECISION

AGREED that Councillor Chapman be appointed as Chairman.

CHAMBERS INSTITUTION, PEEBLES FEASIBILITY STUDY

2. The Chairman welcomed Mr Steven Renwick, Project Manager and representatives from Page Park Architects who gave a presentation on the proposals for the building which outlined 3 options either within the existing fabric or with extensions. Members rejected Option 1 which was contained within the existing fabric. Option 2 included a 4 storey building extension with more office space; public space (museum, gallery and library) with Option 3 being very similar to Option 2 but also including access to and from the High Street. Members agreed that modern interiors could work well with historical aspects of building and create better access for all users. It was anticipated that costs would be in the region of £3.5m - £4m. However, it was not clear if the Burgh Hall was included and costed in to this figure. The Capital and Investments Manager advised that the property currently provided an income of £50k per annum to the Trust and there was currently £250k held in account. The Project Manager advised that while the capital costs had been investigated there was no information on future revenue costs.

DECISION

AGREED:-

- (a) that Options 2 and 3 be used as the basis for public consultation; and
- (b) that at the next meeting appropriate officers advise on how budget for the required works might be provided.

The meeting concluded at 4.45 p.m.

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**SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Rosetta Road,
Peebles on 29 November 2017 at 5.00 p.m.

Present:- Councillors R. Tatler (Chairman), S. Bell, K. Chapman, S. Haslam, E. Small, Community Councillor L. Hayworth
Apologies:- Councillor H. Anderson
In Attendance:- Solicitor (C. Kubala), Capital and Investments Manager, Estates Surveyor (A. Graham), Democratic Services Officer (P. Bolson)

Members of the Public:- 9

1. **MINUTE**

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 30 August 2017 had been circulated.

**DECISION
APPROVED.**

2. **MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2017**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the six months to 30 September 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 to the report provided a projected Income and Expenditure position which currently showed a projected deficit of £12,467 for the year. Appendix 2 to the report contained a projected Balance Sheet to 31 March 2017 and projected a decrease in the reserves of £49,908. Appendix 3 to the report detailed the breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 30 September 2017. Appendix 4 to the report showed the value of the Newton Fund to 30 September 2017. The Capital and Investments Manager advised that due to there being 2 vacant properties rental income had dropped by £12k. In terms of grants £16k had been allocated to date with £26,577 still available for the remainder of the financial year. Newton Fund performance continued to decrease and a proposal would be submitted to Council in December recommending a change of Fund.

**DECISION
AGREED:-**

- (a) **the projected Income and Expenditure for 2017/18, as detailed in Appendix 1 to the report as the revised budget for 2017/18;**
- (b) **to note the projected Balance Sheet value as at 31 March 2018, as detailed in Appendix 2 to the report;**
- (c) **to note the summary of the property portfolio, as detailed in Appendix 3 to the report; and**
- (d) **to note the current position of the investment in the Newton Fund, as detailed in Appendix 4 to the report.**

3. **PEEBLES PARKS**

- 3.1 The Chairman welcomed Mike Pearson from the Victoria Park Action Group to the meeting. He gave an update on enhancements to the Park and proposed that a new seat and picnic table be installed. Members discussed a proposal from the Community Council to construct a whin path from the pedestrian crossing through park parallel to Kingsmeadow Road. It was noted that the costs of this could not be met by the Action Group and that once a plan showing the route of the path had been provided that the Estates Officer be asked to provide costs for the project.

DECISION AGREED:-

- (a) **to approve the provision of a new seat and picnic table; and**
 - (b) **that once a plan for the proposed path had been provided that this be passed to the Estates Officer for costing.**
- 3.2 Members noted that a decision in principle had been given to the Callant's Club to plant bulbs in Victoria Park to allow planting to go ahead.

DECISION AGREED to approve the bulb planting.

- 3.3 It was reported that a request had been received from Parkrun UK to hold weekly runs in Haylodge Park. Members agreed that in view of the number of other park users this would need careful co-ordination and asked that Parkrun representatives be invited to their next meeting to provide more information before a decision was taken.

DECISION AGREED that Parkrun representatives be invited to the next meeting of the Sub-Committee.

- 3.4 It was noted that requests had been received from the Property Officer for various works. Members advised that they considered the level of information provided was unsatisfactory and did not feel that they could consider such requests without the benefit of a full and detailed report and an officer present. In addition there was uncertainty as to whether or not some of the subjects did belong to the Common Good Fund. Members requested that a full review of all Common Good assets be carried out so that maintenance could be undertaken in a planned manner. However, Members did agree that the works to repair the floor of the gent's toilet at Haylodge Park could be approved.

DECISION AGREED:-

- (a) **that a full and detailed report be provided, including confirmation of ownership, in respect of the works required;**
 - (b) **that a review of maintenance required to Common Good Assets be carried out: and**
 - (c) **to approve repairs in the sum of £469.20 to the floor of the gents toilet at Haylodge Park.**
4. **APPLICATIONS FOR FINANCIAL ASSISTANCE**
- 4.1 **Royal Burgh of Peebles Callants Club**

There had been circulated copies of a request for funding in the sum of £6,826 towards the cost of match funding the publication of Volume 2 of "Peebles and Its People". In response to a question the Callants Club representative confirmed that all profits from sales went back

into the community for the enhancement of the town. Further fundraising by the Callants Club now meant that amount requested could be reduced. Councillor Bell, seconded by Councillor Chapman, proposed that a total sum of £6,000 be granted with £3,000 of this being given in the form of an interest-free loan to be paid back over a maximum of three years. This proposal was unanimously agreed.

DECISION

AGREED that a total sum of £6,000 be granted with £3,000 of this being given in the form of an interest-free loan to be paid back over a maximum of three years and that an appropriate legal agreement be drawn up to cover the loan.

4.2. Peebles Mens Shed

There had been circulated copies of a request for funding for a sum equivalent to the annual lease charge of the Hay Lodge Depot. Mr Bruce, a member of the Steering Group was present at the meeting and advised that there were 15 prospective members of the Shed Group, which would become a properly constituted body on 6 December 2017. This would open the door to further funding opportunities. Members discussed the request.

VOTE

Cllr Haslam, seconded by Councillor Small, moved that the Group be granted a 2 year rent free lease.

Councillor Bell, seconded by Councillor Chapman, moved as an amendment that the Group come back to a future meeting with a full, informative update after they had become constituted.

On a show of hands Members voted as follows:-

Motion - 2 votes

Amendment - 3 votes

The amendment was accordingly carried.

Members did agree that they could not give a guarantee to the Mens Shed that the depot would not be let should a suitable tenant come along in the meantime.

DECISION

DECIDED that the Peebles Mens Shed come back to a future meeting with a full, informative update after they had become constituted.

DECLARATION OF INTEREST

Councillor Tatler declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the room during the discussion. Councillor Chapman took the Chair in Councillor Tatler's absence.

4.3. Eastgate Theatre

There had been circulated copies of a request for funding in principle of the sum of £8,375 which was required to secure landfill funds of £80k which was part of a funding package to support an extension to the theatre. Mr Jenkins, Vice Chairman was present and explained the current development plans which included a number of applications for financial assistance totalling £1,260,000. Members noted that payment of the funds requested would only be required if the Big Lottery Fund application was successful.

DECISION

AGREED that the sum of £8,375 be approved in principle subject to the success of the funding application to the Big Lottery.

4.4. Peebles Archaeological Society

With reference to paragraph 3 of the Minute of 30 August 2017, there had been circulated copies of a letter of thanks from Peebles Archaeological Society.

**DECISION
NOTED.**

**5. PRIVATE BUSINESS
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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

6. Minute

The Private Section of the Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 30 August 2017 was approved.

Old Corn Exchange, Peebles

7. The Estates Surveyor briefed Members on the current position regarding the lease of the Old Corn Exchange, Peebles.

Peebles Golf Club

8. The Estates Surveyor briefed Members on the rent review in respect of Peebles Golf Club.

The meeting concluded at 6.40 p.m.

SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held in Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 4 December 2017 at 3.35 pm

Present:- Councillors S Aitchison (Chairman), Mr E Barclay (Vice-Chairman), Mr M Drysdale, Mr C Hogarth and Ms K M Hughes.
Apologies:- Mr P Smith, Ms C Stewart and Ms L Ross
In Attendance:- Capital & Investments Manager, HR Shared Services Manager, Democratic Services Officer (J Turnbull)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 14 September 2017.

DECISION

NOTED for signature by the Chairman.

2. **JOINT MEETING OF PENSION COMMITTEE AND PENSION BOARD**

The Board discussed the presentation by the Actuary, Barnett Waddingham, on the 2017 Triennial Valuation. Clarification was sought on the £81m surplus figure referred to in the presentation. Mrs Robb explained that this figure was calculated using the asset value and the Actuary's assumption as to the value of the Fund's liabilities. The Board were encouraged that the funding level was now 114%, an increase from 101%, with the average return being 11.4%. The Board discussed the employer contribution rate and made reference to the decisions of several local authorities in England to reduce the rate, which had been to the detriment of their Pension Funds. The Board acknowledged that it was difficult for Council's to balance the requirement of Pension Fund members with the need to maintain services. However, their judiciary duty was to prioritise the needs of the Pension Fund beneficiaries and they agreed with the Actuary's recommendation that the contribution pool rate remained at 18%.

DECISION

AGREED that the employer's contribution rate remained at 18%.

3. **DATE OF NEXT MEETING**

The next meeting of the Pension Board was scheduled to take place on Monday, 8 March 2018.

DECISION

NOTED.

The meeting concluded at 3.50 pm

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SCOTTISH BORDERS COUNCIL LAUDER COMMON GOOD FUND SUB-COMMITTEE

MINUTE of Meeting of the LAUDER
COMMON GOOD FUND SUB-COMMITTEE
held in Lauder Primary School (following site
visit) on Wednesday, 13 December 2017 at
10.30 am

Present:- Councillors D. Parker (Chairman), K. Drum, T. Miers and Community
Councillor A. Smith

In Attendance:- Capital and Investments Manager (K. Robb), Principal Solicitor (H. MacLeod),
Estates Surveyor (A. Phipps), Democratic Services Officer (F. Walling).

1. **MINUTE.**

There had been circulated copies of the Minute of 22 November 2017.

DECISION

NOTED for signature by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR PERIOD TO 30 SEPTEMBER 2017**

2.1 There had been circulated copies of a report by the Chief Financial Officer indicating the income and expenditure for the six months to 30 September 2017, including the full year projected outturn for 2017/18 and projected balance sheet values as at 31 March 2018. Mrs Robb highlighted the main points of the report and appendices. Appendix 1 to the report provided the projected Income and Expenditure position for 2017/18, showing a projected deficit of £3,355. Appendix 2 to the report detailed the projected Balance Sheet value as at 31 March 2018 and showed a decrease in the reserves of £14,848. The breakdown of the property portfolio showing the actual rental income and property expenditure to 30 September 2017 was shown in Appendix 3. Appendix 4 provided details of investments externally managed in the Newton Fund and the value of the Fund to 30 June 2017. The first of two annual Dividends (£3,447) was received in October 2017, therefore not shown in the actuals in Appendix 1. The proposed budget for 2017/18 was based on a distribution of 2.4% which would be subject to the overall performance of the fund. The receipt of £3,447 was in line with the annual proposed budget.

2.2 Mrs Robb gave an update on the current position with regard to the Newton Investment. The Fund had delivered a negative return once more (-0.6% against benchmark of +1.1) in the quarter to 30 September 2017. Importantly, this negative quarterly return had resulted in a 5 year rolling return that was below the 5 year benchmark, which the fund was ultimately measured against (3.6% against benchmark of 4.4%). The Fund had delivered below benchmark performance for the last 5 quarters. Scottish Borders Council approved the commencement of a procurement exercise to ensure the funds were managed by the Fund Manager best aligned to the Common Good and Trust Investment Strategy. The outcome of the procurement exercise would be reported to Scottish Borders Council on 21 December 2017 for final approval.

DECISION

(a) **NOTED:-**

(i) **the projected balance sheet value as at 31 March 2018 in Appendix 2;**

- (ii) **the summary of the property portfolio as contained in Appendix 3;**
 - (iii) **the current position of the investment in the Newton Fund in Appendix 4;**
- (b) **AGREED the projected income and expenditure for 2017/18 in Appendix 1 to the report.**

3. **LAUDER WOODLAND/PLANTING**

With reference to paragraph 3 of the Minute of 22 November 2017, Mr Hugh Chalmers of Tweed Forum, was in attendance to give details of a proposed woodland planting scheme for Lauder Common. He provided copies of a map with proposed areas of planting totalling 28.72 ha. This included 5 areas of native broadleaved woodland and 3 of conifer (75% scots pine, 10% Birch, 15% Norway Spruce). Mr Chalmers had walked the sites with a representative of the tenant, Lauder Sheep Company, who he believed were happy with the proposals, but who he thought would be looking for a return due to the resulting reduction in grazing land. In respect of Area 4 on the map, the Council's officers had confirmed that planting would not interfere with the ridge and furrow landscape which was of archaeological interest. With regard to grants available, Mr Chalmers explained that the Penmanshiel Compensatory Replanting Grant Scheme was not suitable for the proposed planting as it would mean a loss of basic farm payment for the tenant. The table of payments presented to Members related to those available under the Rural Development Programme Forestry Grant Scheme. Also included were estimated costs of the scheme. Taking into account annual maintenance and capital grants available alongside cost estimates, the initial outcome was a loss of £8,630.13. However with the potential carbon offer the initial outcome was £11,473.87, the 10-year maintenance surplus being £19,381. It was confirmed that this would not affect any areas eligible for basic farm payments, which would continue. After a lengthy discussion on the way forward it was agreed that the Common Good as landlord should approach the tenant with a view to working in partnership to carry out a tree planting scheme which would improve and increase the value of the land, in the form of fencing waterways, providing shelter belts etc and provide a return to the benefit of both parties. It was noted that once firm proposals were in place the scheme would be made available for public consultation.

**DECISION
AGREED;-**

- (a) **that the Common Good work in partnership with the tenant of Lauder Common, to take forward a tree planting scheme which would improve and increase the value of the land and provide a return to the benefit of both parties; and**
 - (b) **that an initial approach to the tenant be made by the Chairman to initiate discussions.**
4. **PROPOSAL OF WORKS TO PATH FROM PIGGERY FIELD**
- With reference to paragraph 4 of the Minute of 22 November 2017, a site meeting had been held prior to the formal meeting to discuss proposed improvements to the path from the Piggery Field to the A68. The site meeting had also been attended by Mr Craig Blackie, Neighbourhood Area Manager. After discussion Members agreed that the path should be surfaced with hard-core for its total length to a width of 1.5m. It was noted that the path passed over land belonging to two other parties in addition to the section owned by the Common Good. Agreement from the other parties would be sought but it was proposed to commence work on the section on Common Good land as soon as possible. Further options had been discussed on site all relating to the section owned by the Common Good. This included suggestions to fence- off the burn, plant trees along the side of the burn and suggested changes to the fence lines which divided the fields. It was noted that, to continue to let the grazing on the same basis, a water trough and pump may be required to provide a water source for livestock if the waterway was fenced off. Ms

Phipps agreed to get a quote for this work and to look at any implications to the rental value of the land subsequent to the changes suggested. Mr Chalmers offered to investigate whether there would be a grant available for tree planting that may cover the cost of fencing-off the burn and provision of an alternative water supply.

DECISION

AGREED that:-

- (a) **the path from the Piggery Field to the A68 be surfaced with hard-core for its whole length to a width of 1.5m, subject to the agreement of the other landowners concerned;**
- (b) **the Principal Solicitor seek agreement from the landowners for the work to be carried out on the sections of path not owned by the Common Good but that work be commenced as soon as practicable on the section on Common Good land;**
- (c) **the Estates Surveyor obtain a quote for the provision of a water trough and solar pump and investigate any implications to the rental value of the grazing land subsequent to the changes proposed; and**
- (d) **Mr Chalmers investigate whether a grant would be available for tree planting that would cover the cost of fencing along the burn and the provision of a water trough.**

5. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items dealt with in the following paragraphs should be considered at the meeting as a matter of urgency, in view of the need to make an early decision and to keep Members informed.

6. **TOWN HALL**

In response to a question from Mr Smith about the hire of the Town Hall as a venue for a marriage ceremony, Members agreed that this would be acceptable and that there would be a charge of £50.

DECISION

AGREED to a charge of £50 for the hire of the Town Hall as a venue for a marriage ceremony.

7. **WORKING TRIALS**

Mrs MacLeod advised that she had emailed consent to the Kennel Club for Working Trials to be held on Lauder Common in 2018. Ms Phipps would keep the tenants informed about dates.

DECISION

NOTED

The meeting concluded at 11.10 am

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SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 15 December
2017 at 10.30 a.m.

Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards, E. Thornton-Nicol, T. Weatherston.

Apologies:- Councillor S. Scott, R. Tatler, G. Turnbull.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and M. Wynne), Democratic Services Officer (F Henderson), Inspector J. Scott and PC T Rae-Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 17 November 2017.

DECISION

APPROVED and signed by the Chairman.

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 9 November – 1 December 2017.

DECISION

NOTED.

3.0 **PRIVATE BUSINESS**

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 the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

4.0 **GRANT OF TAXI DRIVER LICENCE – ALAN THOMSON**

4.1 The Committee agreed to grant the application for a Taxi Driver Licence submitted by Alan Thomson.

5.0 **GRANT OF TAXI DRIVER LICENCE – JASON RAEBURN**

5.1 The Committee agreed to refuse the application for a Taxi Driver Licence submitted by Jason Raeburn.

DECLARATION OF INTEREST

Councillor Brown 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.

6.0 **RENEWAL OF TAXI DRIVER LICENCE – NEIL CROWE**

6.1 The Committee agreed to continue the application for the renewal of a Taxi Driver Licence by Mr Neil Crowe with delegated powers to officers on submission of satisfactory additional information otherwise remit to a future meeting .

7.0 **MINUTE**

7.1 The Private section of the Minute of 17 November 2017 was approved.

The meeting concluded at 11.05 a.m.

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 18 December 2017 at 10.00 am

- Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, S. Mountford and C. Ramage
- Apologies:- Councillors H. Laing and E. Small
- In Attendance:- Chief Planning Officer, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **DECLARATION OF INTEREST.**

Councillor Ramage declared an interest in item 5 on the agenda (17/00973/FUL) in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

2. **REVIEW OF 17/00926/PPP.**

There had been circulated copies of the request from Mr and Mrs Peter Gardiner, per Kanak Bose, Ogscastle, Carnwath, Lanark, to review the decision to refuse the planning application in respect of erection of dwellinghouse on land adjacent to Deanfoot Cottage, Deanfoot Road, West Linton. The supporting papers included the Notice of Review (including Decision Notice and consultations); officer's report; and a list of relevant policies. Members noted that the proposed site for the dwellinghouse was outwith the settlement boundary of West Linton and in their initial discussion agreed that there was not a building group in that location. Members' discussion moved on to whether the proposal complied with the Housing in the Countryside policies, also noting the planning history in the area in respect of previous refusal of planning permission for housing opposite the site.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix I to this Minute.**

3. **REVIEW OF 17/00973/FUL.**

There had been circulated copies of the request from Bayhill Farming Ltd., per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of proposed storage yard including siting of 7 no storage containers and change of use of land from agricultural land to storage yard north east of Greenbraehead Farmhouse, Hawick. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members accepted that there was an economic need for the business and that it represented a diversification of an existing agricultural business. Although differing views were expressed, they concluded that the rural location for this proposal may be more appropriate than a site within the settlement of Hawick. Members' ensuing discussion focused on the visual impact of the proposed development, how this could be mitigated and the suitability of the access to the site. There was agreement that a temporary permission in the first instance would give an opportunity for the applicant to demonstrate that the business could be operated successfully from the site.

DECISION

AGREED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be in keeping with the Development Plan; and**
- (d) the officer's decision to refuse the application be reversed and planning permission be granted for a period of three years and subject to conditions, for the reasons detailed in Appendix II to this Minute.**

4. REVIEW OF 17/01139/FUL.

There had been circulated copies of the request from Mr Robert McCririck per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of change of use from Class 1 Retail to allow mixed use Class 2 (Podiatry Clinic) and Class 1 (Ancillary Retail) at 40-41, the Square, Kelso. The supporting papers included the Notice of Review (including Decision Notice and officer's report); papers referred to in the officer's report; consultations; support comments; additional representation; and a list of relevant policies. Members noted that, despite being advertised for a retail use, the property in question had been empty for two years which in their opinion would have a negative effect on the town centre. Their discussion focused on interpretation of policy ED4 and in this respect concluded that the development would provide flexibility and maintain vitality and viability in the retail core of the town centre. Members asked for a condition to be added restricting the Class 2 use to the podiatry business only.

DECISION

AGREED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be in keeping with the Development Plan; and**

- (d) **the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions, for the reasons detailed in Appendix III to this Minute.**

The meeting concluded at 11.35 am

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APPENDIX I

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00045/RREF

Planning Application Reference: 17/00926/PPP

Development Proposal: Erection of dwellinghouse

Location: Land Adjacent Deanfoot Cottage, Deanfoot Road, West Linton

Applicant: Mr & Mrs Peter Gardiner

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission on the grounds set out in this decision notice and for the following reason:

1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location, and no overriding case for a dwellinghouse has been substantiated

DEVELOPMENT PROPOSAL

The full application relates to the erection of dwellinghouse on garden ground adjacent to Deanfoot Cottage, Deanfoot Road, West Linton

The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	OGS 259 01

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 18th December 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice and Consultations); b) Officer's Report of Handling; and c) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision Members considered the applicant's request for further procedure in the form of a site visit.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the policies were:

- Local Development Plan policies: PMD4, PMD2, HD2, HD3, EP8, EP13, IS2, IS5, IS7 & IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Local Review Body noted the site consisted of part of the garden to Deanfoot Cottage and that it lay around 90m outwith the settlement boundary of West Linton, as defined in Local Development Plan (LDP). In the circumstances, the application fell to be determined within the terms of the Council's Housing in the Countryside policies and would need to be tested against the criteria set out in Policy HD2 of the LDP and against the provisions of the approved Supplementary Planning Guidance on New Housing in the Borders Countryside.

After considering the evidence before them and the slide presentation, the Review Body concluded that a building group, as defined in Policy HD2 and the guidance, did not exist at the locus. There was only one house, Deanfoot Cottage and as it was 150m from the access into Deanfoot Farm it could not be considered to be part of that building group. Members agreed that the development was contrary to Part A of Policy HD2 and that the proposal would amount to sporadic residential development in a countryside location. In coming to this decision Members gave weight to the planning history in the immediate area where planning permission had been refused for housing proposals opposite the site for similar reasons.

As no evidence was placed before the Review Body in respect of an economic or operational need for a house on the site there was no justification for a house under Part (F) of Policy HD2. In addition, the proposal could not be justified under the provisions for conversions, restorations or replacement dwellings.

Members accepted that the site could accommodate a dwelling without significant visual or landscape impact and that matters such as servicing and access could be covered by planning condition. However, this did not override the strong policy objection to the principle of the development.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was inconsistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
-

Signed....Councillor T Miers
Chairman of the Local Review Body

Date.....21 December 2017

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APPENDIX II

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00046/RREF

Planning Application Reference: 17/00973/FUL

Development Proposal: Change of use of agricultural land to form storage yard and siting of 7 No storage containers

Location: Land North East of Greenbraehead Farmhouse, Hawick

Applicant: Bayhill Farming Ltd

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions set out below.

DEVELOPMENT PROPOSAL

The application relates to the change of use of agricultural land to form a storage yard and for the siting of 7 No storage containers on land North East of Greenbraehead Farmhouse, Hawick. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	LOC Rev A
Site Plan	L (-1) 101 Rev A

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 18th December 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice, Officer's Report of Handling and Consultations); b) Papers referred to in report; c) List of policies, the LRB concluded that it had sufficient information to determine the review and that further procedure was not necessary.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant of the listed policies were:

- Local Development Plan policies: HD3, PMD1, PMD2, ED7, IS5, IS7 & IS8

Other Material Considerations

- Scottish Planning Policy 2014
- PAN 73 Rural Diversification
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

In considering the suitability of the site for this business use, Members discussed the terms of Policy ED7. The policy requires that there be an economic and/or operational need for the particular countryside location, and that it can be proven that the development could not be reasonably accommodated within the Development Boundary of a settlement.

After considering the evidence before them, the Review Body was satisfied a persuasive economic case had been made for the proposed business at Greenbraehead. The Review Body noted and gave weight to the fact that the Economic Development Section had no objections to the development. They also agreed that the project was a diversification of an existing agricultural business which was supported by Council and Scottish Planning Policy.

The Review Body debated whether this rural site was suitable for the proposed use and whether there were alternative locations for the business within Hawick. Members were content that there was no fundamental reason why such a use could not be carried out in a rural location or that it would significantly alter the character of the area. In this regard, they acknowledged that planning permission had been granted at Courthill Farm to the north of Hawick for a similar business also in a rural location, which had expanded due to demand for its services in recent years. Members concluded that such a rural location may actually be more appropriate than a settlement due to the need for separation from other uses and the increased security that could be provided by the applicant living on site.

Members noted that the applicant had planning permission for a site at Commercial Road in Hawick for the siting of containers but on reflection, they accepted that the

site was not suitable for the current development and that there were no other suitable alternative sites within Hawick for the scale of development proposed.

In terms of Policy ED7 they were content that there was both an operational and economic need for the business to be in this location and that it could not be reasonably located within the Development Boundary of Hawick.

The Local Review Body was satisfied that the site could be developed in a way that respected the character and amenity of the area. They were content that the nature of the existing topography and extensive mature tree screening along the bank of the Slitrig Water meant that the development would not be unduly visible or strident in the landscape. The proposed storage containers were also tucked into a corner adjoining the existing farm buildings and would be relatively discreet particularly, if they were coloured dark green and kept to single level only. Members expressed some concerns about the potential visual impact of the caravans, their general arrangement on the site and the appearance of the hardstanding areas to be used for storage. However, they agreed that some additional planting along the boundaries of the site and a generally tidying up of the yard surfacing would allow the development to integrate more successfully with its immediate environs and the wider landscape more generally.

Members debated in some detail the nature of the access to the site and whether it was capable of accommodating the proposed development. However, they accepted that due to the low level of activity at the site and that most traffic was likely to be highly seasonal, the proposed improvements to the road surface and the provision of additional passing places were sufficient to address their concerns.

Members agreed to temporary 3 year permission so that the applicant would be able to implement the access, landscape and yard surface improvements and demonstrate that the business could be operated successfully from the site.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

DIRECTIONS

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.

CONDITIONS

1. The use hereby permitted shall be discontinued 3 years from the date of this decision notice unless further permission is obtained for its continued use.
Reason: To enable the Local Planning Authority to review the matter at the end of a limited period.
2. The approved storage containers shall be dark green in colour, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the satisfactory assimilation of the development in to the local landscape.

3. The approved storage containers shall be sited single height only and shall not be stacked on top of each other.

Reason: To ensure the satisfactory assimilation of the development in to the local landscape.

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. measures to protect existing trees and hedgerows during the construction phase and to ensure their retention thereafter and, in the case of damage, restored
- iii. details of a planting around the boundaries of the site
- iv. details of the improved surfacing to the storage yard
- v. location and design, including materials, of walls, fences and gates
- vi. soft and hard landscaping works
- vii. existing and proposed services such as cables, pipelines, sub-stations
- viii. other artefacts and structures such as street furniture, play equipment
- ix. A programme for the implementation and completion of the scheme of landscape works and subsequent maintenance thereof.

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

5. The access improvements shown on the approved drawing L(-1) 101 Rev A shall be carried out in accordance with a scheme of work which shall first be submitted to and approved by the planning authority prior to the commencement of the development hereby approved. The approved works shall be implemented in accordance with the approved scheme.

Reason: To ensure that the access road is of a suitable standard to serve the approved development.

6. Rights of way BR116 and BR117 that adjoin the application site shall be kept open and free from obstruction during the construction phase of the development.

Reason: To protect public right of access.

INFORMATIVE

The Council's Flood Protection Officer recommends that the applicant adopts water resilient materials and construction methods as appropriate in the development and that the applicant review the Online Planning Advice on Flood Risk.

The applicant should be aware that flooding can occur from other sources including runoff from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts. It is recommended that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
-

Signed.....Councillor T Miers
Chairman of the Local Review Body

Date.....8 January 2018

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APPENDIX III

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00047/RREF

Planning Application Reference: 17/01139/FUL

Development Proposal: Change of use from Class 1 Retail to allow Mixed Use Class 2 (Podiatry Clinic) and Class 1 (Ancillary Retail)

Location: 40-41, The Square, Kelso

Applicant: Mr Robert McCririck

DECISION

For the reasons set out below, the Local Review Body reverses the decision of the appointed officer and grants planning permission subject to condition.

DEVELOPMENT PROPOSAL

The application relates to the change of use from Class 1 retail to allow mixed use of Class 2 (Podiatry Clinic) and Class 1 (Ancillary Retail) at 40-41, The Square, Kelso. The application consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	1:5,000
Location Plan	1:500
Existing Layout	Ground Floor Plan
Existing Layout	First Floor Plan
Proposed Layout	Ground Floor Plan
Proposed Layout	First Floor Plan

PRELIMINARY MATTERS

The Local Review Body considered, at its meeting on 18th December 2017, that the Review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Notice of Review (including Decision Notice and Officer's Report of Handling); (b) Papers referred to in Officer's Report of Handling; (c) Consultations; (d) Support Comments; (e) Additional Representation; and (f) List of Policies, the Review Body concluded that it had sufficient information to determine the case and that further procedure was not required.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the Scottish Borders Local Development Plan 2016. The Review Body considered that the most relevant of the listed policies were:

- Local Development Plan Policies: PMD1, PMD2, ED3, ED4, EP7, EP9, HD3 and IS7

Other material key considerations the Local Review Body took into account related to:

- SBC Supplementary Planning Guidance on Shop Fronts and Shop Signs 2011
- SBC Retail Survey 2016
- Connected Borders 2017-2022
- Historic Environment Scotland Policy Statement 2016
- Scottish Planning Policy 2014
- 'National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres' 2013
- 'Town Centre Action Plan' Scottish Government 2013

The Local Review Body agreed that the focus of their deliberations was the compliance of the development with Policy ED4 of the Local Development Plan and whether the development would make a significant positive contribution to the core retail function of Kelso town centre.

Members were satisfied that the proposed podiatry business was a suitable town centre use, that added to the diverse range of independent operators in the town centre and which would complement those existing businesses. The new business would provide a much needed service locally, which was particularly relevant to an ageing population. They noted the inclusion of the retail element to the front of the ground floor and that the premises would still retain a shop front appearance. They felt it important that the shop front was retained to maintain an interesting frontage to The Square.

The Review Body did not accept that the business would result in an unacceptable adverse impact on the viability or vitality of the town centre. They were satisfied that the proposed use would generate footfall and contribute to joint shopping trips in the town. They were content that it would have a positive economic impact on the town centre.

Members gave significant weight to the fact that the property had been advertised for a retail use but that no tenants/purchasers had been forthcoming. The property being empty for around 2 years had a negative impact on the town centre. The impact of its continuing to be left vacant was also an overriding concern of the Review Body.

Whilst there may be implications for the town centre, if other uses specified in Class 2 were permitted, they were content that with the proposed condition restricting the proposed use to a podiatry business only the development would be consistent with Policy ED4.

CONCLUSION

The Local Review Body concluded that the development would not have an unacceptable adverse impact on the viability or vitality of the town centre of Kelso and that it was consistent with Policy ED4 of the Development Plan. There were no other material considerations that would justify departure from the Development Plan.

DIRECTIONS

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.

CONDITIONS

2. The premises shall be used for a podiatry clinic (with ancillary retail use) and for no other purpose (including any other purpose in Class 2 of the Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). The only exception to this restriction would be a change to a use specified in Class 1 (Shops) as defined in the relevant statutory instrument.
Reason: To ensure that the use remains compatible with the site.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of

reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed...Councillor T Miers
Chairman of the Local Review Body

Date:.....21 December 2017

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 8 January 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson (from paragraph 2), J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford and E. Small.

Apologies:- Councillor C. Ramage.

In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Development Management and Enforcement), Principal Planning Officer – Major Applications/Local Review Body, Senior Roads Planning Officer (Alan Scott), Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 4 December 2017. The Minute was approved

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

DECLARATION OF INTEREST

Councillor Hamilton declared an interest in Application 17/01363/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **PLANNING (SCOTLAND) BILL**

The Depute Chief Planning Officer provided Members with an update on progress with the implementation of the Planning (Scotland) Bill. Scottish Borders Planning and Building Standards Committee had submitted comments and the Bill was introduced to Parliament in December 2017. Royal Assent was expected to be received in Autumn 2018 and as Secondary Legislation was necessary for implementation, the Enactment was anticipated for 2020-21. In response to questions from members the Development Plan, Simplified Development Zones, Development Management and Fees and Infrastructure Levy were explained.

DECISION

NOTED.

4. **TWEEDBANK SUPPLEMENTARY GUIDANCE AND SIMPLIFIED PLANNING ZONE**

With reference to paragraph 2 of the Minute of 7 November 2016, the Depute Chief Planning Officer advised that the matter had now been approved by Council and the proposal had been submitted to Scottish Ministers.

**DECISION
NOTED.**

5. APPEALS AND REVIEWS

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

**DECISION
NOTED:-**

(a) Appeals had been received in respect of:-

- (i) Residential development with associated supporting infrastructure and public open space on Land East of Knapdale, 54 Edinburgh Road, Peebles – 17/00015/PPP; and**
- (ii) Erection of a windfarm comprising of 7 wind turbines 126.5m high to tip, associated infrastructure, ancillary buildings and temporary borrow pits on Land North West of Gilston Farm, Heriot – 17/00226/FUL.**

(b) Appeal Decision had been received in respect of Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) at Units 9 and 10, 6 -8 Douglas Bridge, Galashiels

(c) there remained five appeals outstanding in respect of:-

- Land North of Howpark Farmhouse, Grantshouse
- Poultry Farm, Marchmont Road, Greenlaw
- Land South West of Easter Haprew Farmhouse, Peebles
- Land North East of 3 The Old Creamery, Dolphinton
- Hutton Hall Barns, Hutton

(d) A review request had been received in respect of the Erection of temple, Land South West of Kirkburn Parish Church, Cardrona – 17/01039/FUL;

(e) the Local Review had upheld the Appointed Officers decision in respect of Erection of dwellinghouse on Land adjacent to Deanfoot Cottage, Deanfoot Road, West Linton – 17/00926/PPP;

(f) the Local Review Body had overturned the Appointed Officer decision to refuse in respect of:-

- (i) Change of Use of agricultural land to for storage yard and siting of 7 No storage containers on land North East of Greenbraehead Farmhouse, Hawick – 17/00973/FUL; and**
- (ii) Change of use from Class 1(retail) to allow mixed use Class 2 (podiatry clinic) and Class 1(ancillary retail) at 40-41 The Square, Kelso – 17/01139/FUL.**

(g) there remained one review outstanding in respect of Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston –

(h) S36 PLI's determined in respect of Erection of wind farm comprising of 14 wind turbines and associated infrastructure at (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir

(h) there remained three S36 PLI's outstanding in respect of:-

- Fallago Rig 1, Longformacus
- Fallago Rig 2, Longformacus
- Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick

6. **PRIVATE BUSINESS
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 the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The Committee considered the private section of the Minute of 4 December 2017.

The meeting concluded at 13.30 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01363/FUL	Demolition of existing Parkside Primary School, erection of a replacement intergenerational community campus, incorporating nursery, primary and secondary educational provision, including the formation of a new vehicular access, associated car parking, drop off, playgrounds, soft landscaping, fencing, multi-use games area, 2G hockey pitch, 3G rugby pitch, running track, lighting, CCTV cameras, bin store, external changing pavilion, rural skills area, substation and associated footpaths	Land South East of Parkside Primary School and Parkside Primary School

Decision: APPROVED subject to and the following conditions and Informatives. In the event that the bat roost activity survey has not been able to be completed prior to the presentation of this application to Members at the Planning and Building Standards Committee, it is proposed that the final determination of this matter is delegated to the Chief Planning Officer.

1. No development shall commence until a scheme of levels, identifying building, ground and hard surface levels throughout the application site all related to a fixed off-site datum, and including specifications of any exposed retaining walls, has been submitted to and approved by the Planning Authority, notwithstanding the level information specified on the approved plans and drawings. Development shall be carried out in accordance with the approved scheme.

Reason: Further information on levels is required to ensure the development is visually sympathetic to the context and safeguards the amenity of neighbouring properties.

2. No development shall commence until the following details are submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details:

- a) Samples of all external building and hard surface finishes and colours
- b) Specifications for all free standing structures to include but not limited to outdoor changing facility, allotment store, service enclosure, external lighting, rural skills area, benches, cycle stands, litter bins, storage buildings, etc.
- c) Specifications for all above-ground play structures and equipment
- d) Specifications of the site entrance from Prior's Road

Reason: To visually integrate the development sympathetically with its surroundings and safeguard neighbouring amenity

3. No development shall take place except in strict accordance with a scheme of soft landscaping works (based on the general arrangement illustrated on Drawing No L01 dated 13.11.2017), 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 which includes a three year Defects Liability Period

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

4. No trees shall be felled until a Tree Protection Plan and Arboricultural Method Statement has 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. The submitted details shall include:

- a) A plan identifying the location of protective fencing in accordance with BS5837:2012 which is to be erected around the trees identified for retention on Drawing No HP1/0517 and thereafter the fencing shall only be removed when the development has been completed.
- b) A programme of remedial tree works to allow the access road to be constructed.
- c) A programme of works to detail the removal of trees identified within the Drawing No HP1/0517 for removal.

Reason: Further information is required regarding tree removal and protection to ensure impacts on trees are minimised, in the interests of maintaining the landscape setting of the site and amenity of neighbouring properties

5. Other than those identified for removal within Drawing No HP1/0517, no trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority. In the event that any trees die or be damaged or removed within 5 years of the completion of the works proposals for replacement planting shall be submitted to and agreed with the Planning Authority and implemented in accordance with a timescale to be agreed. The felling of Tree Numbers 27, 29, 40, 156, 167, 170 and 171 to be carried out in accordance with the IKM and Tweed Ecology Reports of 21 Dec 2017, including soft felling in the presence of a licensed bat worker.

Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained and to ensure protected species are afforded suitable protection from the development.

6. No development shall commence until a scheme of details which include full engineering drawings has been submitted to and agreed in writing with the Planning Authority which detail road and pedestrian improvements to Waterside Road. Thereafter the approved works shall be completed before any part of the development is brought into use.

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety and in a manner which is sympathetic to visual amenity.

7. No development shall commence until the following details are submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details:

- a) A traffic management plan for the construction phase of the development
- b) Construction details which include engineering drawings for the site's access road, associated pedestrian routes and parking.
- c) An amended drawing showing a revised design of pedestrian crossing points to reduce vehicle speeds on the site access road.
- d) Any temporary diversions of core paths, rights of way or other used paths or tracks proposed for the purposes of the development.

Once approved, all parking, access roads and footpaths to be completed in accordance with the approved details before the development becomes operational.

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety and in a manner which is sympathetic to visual amenity.

8. No part of the proposed development shall become operational until a School Travel Plan / Safer Routes to School assessment has been submitted to, and agreed with, the Planning Authority in consultation with Transport Scotland, and thereafter, implemented in accordance with the agreed plans. These should include appropriate provision of pedestrian crossing facilities across the A68 trunk road.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

9. Prior to any part of the development hereby permitted being brought into use, the proposed alterations to the A68 /Waterside Road priority junction, generally as illustrated in Goodson Associates' Drawing No.P13603 / 700 (Rev. A), shall be implemented and brought into use..
Reason: To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.
10. Prior to any part of the development hereby permitted being brought into use, a Path Planning Study shall be submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
- a) All existing core paths, rights of way, or other used paths/ tracks;
 - b) Areas where statutory rights of access will apply and any areas proposed for exclusion from statutory access rights for reasons of privacy, disturbance or curtilage, in relation to proposed buildings, structures or fenced off areas;
 - c) Any permanent diversions of paths proposed for the purposes of the development;
 - d) A scheme of access improvement works which include improving the condition of Core Path 107 and 101 within the site and provision of additional path furniture required in terms of signage, seating etc.
- Reason: To protect and improve path access through the development site.
11. CCTV cameras approved under this permission shall not incorporate a field of view of private residential property. The field of view to be applied shall be agreed with the Planning Authority prior to installation of the cameras
Reason: To minimise loss of privacy of neighbouring properties.
12. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.
The requirements of this are:
- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
 - If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
 - Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
 - Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Record of the Historic Environment (NRHE) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
 - Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
 - Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
 - If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD). The results of additional excavations and an appropriately resourced post excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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

13. No development shall commence until the following Ecological Mitigation Measures 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. The submitted details shall include:
- a) Species Protection Plan (including measures for bats, badger, red squirrel, breeding birds, reptiles and amphibia)
 - b) Biosecurity Plan for few-flowered leek
 - c) A Lighting Plan
 - d) A Landscape and Habitat Management Plan
- Once approved, the proposed development shall be carried out in strict accordance with the approved details.
- Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.
14. No development shall commence until an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environment Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP), Species Protection Plan, Biosecurity Plan and Landscape and Habitat Management Plan.
- Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.
15. No development shall commence until a Construction Environment Management Plan shall be submitted for the approval in writing by the Planning Authority. The CEMP shall include
- a) Risk assessment of potentially damaging construction activities (which includes improvement works to Waterside Road)
 - b) Identification of “biodiversity protection zones”.
 - c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
 - d) A Drainage Management Plan
 - e) A Site Waste Management Plan
 - f) An Accident Management Plan
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW)
- The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.
- Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the environment, and that the mitigation measures are fully implemented.
16. No development shall commence until the means of surface water drainage to serve the site which complies with Sustainable Urban Drainage Systems (SUDS) regulations has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in strict accordance with the agreed details.
- Reason: To agree suitable means of surface water drainage from the site.
17. No development shall commence until the precise specification of the heat pump, including its acoustic specification has been submitted to and approved in writing with by the Planning Authority and thereafter the development shall be carried out in strict accordance with the agreed details.

Reason: Further information is required to ensure an appropriate form of development which does not detract from the residential amenity of the surrounding area.

Informatives

1. The applicant is advised that the site is at a medium to high risk of flooding from surface water and to mitigate against this flood risk the application is advised to utilise the use of water-resilient materials and construction methods.
2. The applicant is advised that should the proposed road improvement works required under Condition 6 extend into the Jed Water the separate licencing and/or approval from Scottish Natural Heritage may be required as a result of the works affecting the River Tweed Special Area of Conservation.
3. The design and methods of operation of the campus to take into account and protect against, wherever practicable, disruption and disturbance from external noise sources to the site, incorporating any attenuation measures as considered necessary.

NOTE

Mr C. Blackie, Local Resident spoke in general support of the application but raised concerns with regard to access to the site and made suggestions as to how this could be improved..

Reference

17/00457/MIN

Nature of Development

Variation of Condition No 4 of planning consent 13/01191/MIN to allow the final level of the quarry floor to be dropped to 150m

Location

Blinkbonny Quarry
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. 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.

Timescale and Phasing

3. Planning permission is granted for a period of 22 years from the date of the commencement of the development. Unless an application is made and granted for its continuation or extension, the working of the quarry and all ancillary operations shall be discontinued within 22 years of the date of commencement of the development.
Reason: To ensure satisfactory development of the site and to safeguard the amenity of the area.
4. The development shall be carried out in accordance with the approved scheme of working detailed in the amended phasing plans (7706A, 7707A, 7708A, 7709A, 7710B, 7711B, 7712B, 7713A, 7715A) except as far as the information is amended by any of the following conditions, or where subsequently agreed in writing with the Planning Authority. The maximum floor depth is to be as shown on the approved plans, and in any event, no lower than 150 metres Above Ordnance Datum unless first agreed in writing by the Planning Authority.
Reason: To ensure the development of the site is carried out in the manner considered by the planning authority.
5. The hours of operations 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 0800 hours to 2000 hours Mondays to Fridays and 0800 hours to 1200 hours on Saturdays and not at all on Sundays, unless with the prior agreement of the Planning Authority. In addition, no operations shall be permitted on 25 and 26 December and 1 and 2 January.
Reason: In the interests of amenity.

Ecology

6. A tree/shrub planting scheme together with a scheme to compensate for loss of woodland consistent with FCS policy on the control of woodland removal shall be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development of during the next planting season thereto and to be maintained thereafter. The scheme is to make detailed provision for the formation of the northern landscape planting which is to be undertaken within 12 months of the approval of the details by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To maintain and enhance the visual amenities of the area, and ensure suitable provision of compensatory planting.
7. A checking survey for otter, bats, badger, and 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
8. 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
9. A Breeding Bird Protection Plan to be prepared and submitted to the Planning Authority prior to the commencement of development on the extension site. The plan is to set out procedures to be followed in order to prevent disturbance to breeding birds.
Reason: To minimise the potential impact of the development on breeding birds.
10. An Ecological Clerk of Works shall be appointed to carry out pre-construction surveys, to inform a Species Mitigation and Management Plan and an Environmental Management Plan and to oversee compliance with the SMMP and EMP.

Reason: To minimise the potential impact of the development and compensate for potential habitat loss associated with the development

11. Prior to the commencement of works a Species Mitigation and Management Plan (including otter, badger, bats, breeding birds, reptiles and amphibia) is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To compensate for potential habitat loss associated with the development

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

13. Any oil fuel, lubricant, paint or solvent within the site shall be stored within a suitable bund or other means of enclosure, constructed to the satisfaction of the Planning Authority to prevent such material from contaminating top soil or sub-soil or water course.

Reason: To protect land and water courses from damage by polluting agents.

14. Unless otherwise agreed in writing with the Planning Authority, no water from the site shall be discharged into any ditch, stream, watercourse or culvert outside the site except through approved settlement lagoons.

Reason: To safeguard the natural drainage of the area.

Fencing

15. Prior to the commencement of the development, details shall be submitted to and approved by the Planning Authority of all perimeter fencing. This fencing to be maintained in good condition during the period of operations.

Reason: In the interests of public safety.

Permitted Development Rights

16. Notwithstanding the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no buildings, plant or machinery, including that of a temporary nature, shall be erected, placed or installed without the prior consent of the Planning Authority.

Reason: In order that the Planning Authority retains effective control of the development in the interests of amenity.

17. No extraction or encroachment of machinery or deposit of equipment, spoil or other material to be permitted outwith the site boundaries.

Reason: In the interests of amenity.

After Care and Restoration

18. No development shall commence until the Company provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of this consent. Thereafter:

- (a) No development shall commence on the site until the Company has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory.

- (b) The Company shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent.

- (c) The bond or other financial provision will be subject to a five yearly review, paid for by the Company, from the Commencement of Development, to be conducted by a competent

independent professional who has relevant experience within the quarrying sector and provided to the Company, the landowners (if different), and the Planning Authority.

Reason: To ensure suitable provisions are made for restoration of the site, and to minimise the longer term visual impacts of the development

19. A detailed scheme for the restoration and the after care of the site to be submitted and approved by the Planning Authority within 12 months of the date of commencement of the development. This will provide full details of final restoration contours, levels and gradients, provide for satisfactory reinstatement of surface drainage and include details of any hedges, walls, fences and soil replacement. The scheme of restoration to be completed in a timescale to be agreed with the Planning Authority.

Reason: To ensure the satisfactory restoration of the site.

20. Unless otherwise agreed with the Planning Authority no landfill or waste shall be deposited on the site other than quarry waste arising from the site or soil forming material.

Reason: To safeguard the amenity of the surrounding area.

21. A Restoration Habitat Management and Enhancement Plan, including measures for native woodland, grassland, wetland habitat and open water is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To compensate for potential habitat loss associated with the development

Blasting and Noise

22. Prior to any blasting taking place the occupants of residential properties in identified noise sensitive locations and the Planning Authority shall be given 24 hrs notice of any blasting to be carried out on the site. The location of the noise sensitive properties shall be agreed with the planning authority before each blast.

Reason: In the interests of neighbouring amenity, and proper management of blasting operations.

23. During operational hours a free field limit of $L_{Aeq, 1hr}$ 45dB shall be applicable to all quarry operations excluding soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive property. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages).

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

24. During operational hours a free field limit of $L_{Aeq, 1hr}$ 55dB shall be applicable to soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive properties. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages).

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

25. Prior to the commencement of works the applicant must submit for approval a noise management plan for the site to the Planning Authority. Once approved this will become the noise management plan for the site and must be adhered to. (See informative for information on what should be included in the plan).

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

26. Prior to the commencement of any works full details of the noise screening bund, including a timetable for implementation on site, must be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

Dust

27. All plant and machinery on the site will be installed and maintained in such a manner as to minimise the release of dust and whenever possible incorporate dust suppression and collection equipment. Dust levels arising from the site operations shall be monitored by the operator in conjunction with the Planning Authority for a period of 6 months following the commencement of works at this site. Any further dust suppression measures identified by the Planning Authority shall be implemented by the operator within 2 months of the date of identification, unless an additional period of time is agreed in writing with the Planning Authority.
Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.
28. Mud, dust and other material spilt or otherwise deposited by vehicles leaving the quarry shall be swept and collected from the quarry's main haul road.
Reason: In the interests of amenity.
29. All exposed stockpiles of processed mineral and all active quarry waste tips shall be sprayed with water by the use of efficient water sprays to minimise the release of dust into the air.
Reason: In the interests of amenity.
30. 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

Informatives

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

<i>Note 1:</i>	Insert address or describe the location of the development
<i>Note 2:</i>	Delete "subject to conditions" if the planning permission is not subject to any conditions
<i>Note 3:</i>	Insert the name and address of the developer
<i>Note 4:</i>	Insert the date on which planning permission was granted (normally the date of this Notice)
<i>Note 5:</i>	Insert the description of the development.
<i>Note 6:</i>	Insert the application reference number.
2. The Noise Management Plan should be based on the guidance available in PAN 50 Annex A Control of Noise at Surface Mineral Workings and BS5228:2009. It should include:
 - Details of how complaints will be logged and investigated at the site.
 - The maintenance of equipment to prevent unnecessary noise.
 - The methodology for noise monitoring in the event that a justified noise complaint is received by the applicant or local authority.
 - The methodology that will be used to notify the local authority and noise sensitive properties that blasting will occur.
 - Details on how the site will be operated in accordance with current guidance (i.e. BS5228:2009) particularly in relation to blasting and noisy works such as soil and overburden handling and works in connection with drilling of blast shot holes.
3. Attention is drawn to the consultation responses received with this application.
4. 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).
5. The proposed works are largely screened by surrounding vegetation and landform and screen planting is proposed for the relatively minor visual impacts that will occur out with the site. The Restoration Strategy accompanying the application provides a workable

vision of the finished site condition. However, it is considered that any further extension of Blinkbonny Quarry beyond this application proposal could be problematic in landscape and visual terms.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01342/PPP	Demolition of existing building and Erection of four dwellinghouses	Site at Industrial Buildings at Yard Elders Drive, Newtown St Boswells

Decision: REFUSED, contrary to recommendation for the following reason:-

The proposals would be contrary to the aims and principles of Policy ED1 of the Scottish Borders Local Development Plan 2016 in that the development would result in the loss of industrial land and premises and there is sufficient housing land allocation existing elsewhere to enable housing development in the village without requiring the loss of commercial premises.

VOTE

Councillor Mountford, seconded by Councillor Fullarton moved that the application be approved as per the Officer recommendation.

Councillor Laing, seconded by Councillor Aitchison, moved as an amendment that the application be refused on the grounds that proposals would be contrary to the aims and principles of Policy ED1 of the Scottish Borders Local Development Plan 2016 in that the development would result in the loss of industrial land and premises and there is sufficient housing land allocation existing elsewhere to enable housing development in the village without requiring the loss of commercial premises.

On a show of hands Members voted as follows:-

*Motion - 4 votes
Amendment - 4 votes*

As there was an equality of votes the Chairman exercised his casting vote in favour of the amendment.

Amendment was accordingly carried.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01438 FUL & 17/01429/LBC	Change of Use from bar/restaurant and alterations to form residential Unit and associated works	The Courthouse Restaurant High Street Peebles

APPLICATION 17/01438/FUL

Decision: APPROVED subject to a legal agreement covering development contributions towards Education and Lifelong Learning and the Peebles Bridge Study and Traffic Management in and around Peebles Town Centre, and the following conditions:

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. Prior to their installation, the precise specification of the display cases which are to be fitted to the east elevation of the building shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.
Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Conservation Area.

APPLICATION 17/01439/LBC

Decision: APPROVED subject 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 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. No development shall commence until a photographic record of the central staircase with an accompanying floor plan identifying where the images have been taken from have been lodged to and approved in writing by the Planning Authority. Thereafter the handrail and balustrade shall be labelled and carefully dismantled and set aside within the building for possible re-use.
Reason: To ensure satisfactory preservation of the Listed Building.
3. The development shall be carried out in accordance with the following details unless otherwise agreed in writing with the Planning Authority;
 - The new fire and sound resistant suspended ceiling shall be installed below the cornice detailing on the upper ground floor.
 - The metal clad doors which serve the former holding cells on the upper ground floor shall be retained.
 Reason: To ensure satisfactory preservation of the Listed Building.
4. The external alterations 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.
5. Prior to their installation, the precise specification of the display cases which are to be fitted to the east elevation of the building shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.
Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Listed Building.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01539 FUL	Formation of slurry lagoon within fenced Enclosure and upgrade existing access track (retrospective)	Land South West of Greenlaw Mill Farm, Greenlaw

Decision: APPROVED, subject to the undernoted conditions.

1. Within 2 calendar months of the date of this consent a plan for the management and control of potential nuisances (including noise, odour, air quality, flies, waste and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, should be submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason: To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.
2. Within 2 calendar months of the date of this consent, the existing field entrance onto the public road must be upgraded to the standard field access specification shown on the Roads Planning Service consultation response dated 7 December 2017, unless otherwise agreed in writing by the Planning Authority.
Reason: In the interest of road safety.

3. The existing trees to the south west of the application site (shown on drawing No. 1717-03 hereby approved) shall be retained and shall not felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considers should be substantially maintained.

NOTE

Mr David Mair, Agri Design spoke in support of the application.

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