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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 11TH JANUARY, 2016

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 11TH JANUARY, 2016 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

4 January 2016

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 12) Minute of Meeting of 7 December 2015 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) 15/01173/FUL - Hutton Hall Barns, Hutton (Pages 13 - 28) Erection of poultry building and associated works at Hutton Hall Barns, Hutton. (Copy attached.)
	(b) 14/01186/MIN - Glenfin Quarry, Neuk, Cockburnspath (Pages 29 - 56) Extension to quarry and associated works at Glenfin Quarry, Neuk, Cockburnspath. (Copy attached.)
	(c) 15/000978/FUL & 15/01318/CON (Pages 57 - 74) Demolition of Former Stable Building and Erection of Dwellinghouse at Stable Building North of 11 Market Square, Coldstream. (Copy attached.)
6.	Appeals and Reviews. (Pages 75 - 80) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, D. Moffat, I. Gillespie, J. Campbell, J. A. Fullarton, S. Mountford and B White

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**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS**

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 7th December, 2015 at 10.00 am

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apologies:- Councillor J. Fullarton.
In Attendance:- Chief Planning Officer, Development Standards Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 2 November 2015.

DECISION

APPROVED for signature by the Chairman.

APPLICATIONS

2. 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.

APPEALS AND REVIEWS

3. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) **there remained three appeals outstanding in respect of:**
 - **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - **Land West of Muircleugh Farmhouse, Lauder**
 - **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick;**
- (b) **a review request had been received in respect of the Installation of 2 No rooflights at Caroline Villa, Main Street, West Linton – 15/00662/FUL;**
- (c) **there were five Reviews outstanding in respect of the following:-**
 - **Plot A, Chirnside Station, Chirnside**
 - **Tushielaw Inn, Etrick Valley, Selkirk**
 - **Land East of Park Lane, Croft Park, Croft Road, Kelso**
 - **Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth**
 - **Land North of Spruce House, Romano Bridge, West Linton.**

4. There had been circulated copies of an information note by the Chief Planning Officers, which referred to the Scottish Governments' review of the planning system which was in the Governments programme for 2015/16. The report explained that the review was being undertaken by an independent panel, chaired by Crawford Beveridge (Chair of Council of Economic Advisors), and also including Petra Biberach (Planning Aid Scotland) and John Hamilton (Scottish Property Federation). The Panel's Brief was to take a strategic perspective of planning and to be open to 'game changing' views and ideas. The review focused on 6 keys issues – Development planning; Housing delivery; Planning for infrastructure; further improvements to development management; Leadership, resourcing an skills and Community engagement. A series of questions had been set by the Review Panel to stimulate discussion and these were contained in the information note at Paper 1. All written submissions were required by 1 December and in order to meet the tight deadline officers had prepared and submitted the response which was also contained in the note at Paper 2. It was noted that the Panel would be inviting oral evidence from certain stakeholders, however this would be invitation only and there was no guarantee that SBC would be able to make further representations. The Review aimed to conclude taking evidence by the end of January 2016 with the final report published by the end of March 2016. Following a full and thorough debate of each of the questions, Members endorsed the Chief Planning Officer's responses contained in the information note and made further supplementary observations for submission together with additional comments submitted by Councillor S Bell, which had been tabled at the meeting.

DECISION

AGREED to endorse the responses submitted by the Chief Planning Officer and to submit the supplementary observations which are contained in Appendix II to the Minute together with additional comments submitted by Councillor S Bell, contained in Appendix III.

PRIVATE BUSINESS

5. **DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix IV to this Minute on the grounds that they 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

MINUTE

1. The Committee considered the private section of the Minute of 2 November 2015.

The meeting concluded at 1 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00711/FUL and 15/00712/PPP	Residential Developments comprising a total of 16 dwellings (10 dwellings in full, 6 Dwellings in principle)	Land to East of Muselie Drive Lilliesleaf

PHASE 1 - 15/00711/FUL

Decision: APPROVED subject to a legal agreement addressing the identified development contributions and the following conditions and informatives

1. Except where varied by subsequent conditions, or subsequent confirmation in writing from the planning authority, the development hereby approved shall be carried out wholly in accordance with the amended plans references, 7249/2-0 ht-D5 revB; 7249/2-0 ht-A5 revA; 7249/2-0 ht-A4 revB; 7249/2-0 ht-A3 revB; 7249/2-03 J-OPT1-PH1SITE, and 7249/2-05 E.
Reason: To ensure that the development is carried out as approved by the Planning Authority.
2. A minimum of 4 of the dwellings hereby approved shall meet the definition of 'affordable housing' as set out in the adopted Scottish Borders Local Plan 2011 and accompanying supplementary planning guidance on affordable housing (January 2015) and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first be submitted to and approved in writing by the Planning Authority.
Reason: To ensure the properties hereby approved are retained for affordable housing, and that the requirements of adopted policy on Affordable Housing are met.
3. The existing mature lime tree central within the site is to be protected in accordance with a scheme of details first submitted to and approve in writing by the Planning Authority. This is to include provision for protective fencing, and to include arrangements to ensure construction plant, equipment, and materials are kept clear of the identified Root Protection Area.
Reason: To ensure suitable arrangements are made for the protection of the lime tree.
4. Further details of the means of construction, surfacing and material finish of all footway within the root protection area (RPA) of the mature lime tree are to be submitted to and approved in writing by the planning authority. Any excavations within the RPA are to be carried out by hand.
Reason: To ensure suitable arrangements are made for the protection of the lime tree.
5. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.
6. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority,

and thereafter no development shall take place except in strict accordance with those details.

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

7. The roofing shall be slate or artificial slate of a type first submitted to and approved in writing by the Planning Authority.

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

8. No development shall commence until precise details of all windows have been submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The details shall include material, colour, glazing, glazing pattern opening method and frame thickness.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, which contributes appropriately to its setting.

9. 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:

1. existing and finished ground levels in relation to a fixed datum preferably ordnance
2. existing landscaping features and vegetation to be retained and, in the case of damage, restored
3. location and design, including materials, of walls, fences and gates and other means of enclosure
4. soft and hard landscaping works, including details of planting, seeding and turfing, revised hedging along the eastern boundary where the site adjoins the Wellfield Driveway, and along the western boundary with 20 Muselie Drive.
5. existing and proposed services such as cables, pipelines, sub-stations
6. other artefacts and structures such as street furniture
7. A programme for completion and full details of the arrangements for Subsequent maintenance.
8. A scheme of details providing confirmation on existing and proposed site levels, relative to a known, fixed off site point. Thereafter the development is to be completed in accordance with the agreed details.

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

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

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

11. No development shall commence until detailed engineering drawings and a further scheme of details for the proposed road, turning area, footway, shared surfaces, and drainage arrangements therein have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The scheme of details is to include:

1. Design to be altered to provide a shared surface layout beyond the narrowing of the carriageway opposite Unit 7.
2. Turning head to be amended to incorporate adequate radii or splays.
3. Amended drainage layout to be submitted which incorporates the revised road layout and removes the porous paving and cellular storage system from within the main carriageway.
4. Drainage calculations to be submitted for the surface water system.
5. Confirmation required that Scottish Water is content with the proposed drainage measures, including the diversion of the existing sewer.
6. Longitudinal profile for the centreline of the proposed road to be submitted for consideration.
7. Proposed road to be extended to the boundary of the site to allow potential future connection to Muselie Drive.
8. A phasing agreement for the road infrastructure is required to ensure adequate servicing of the site as houses become occupied. This relates in particular to ensuring appropriate turning provision is available for service vehicles.

Thereafter, the development is to be completed in accordance with the approved scheme of details, and the areas allocated for parking on the approved drawings shall be properly consolidated, surfaced and drained before the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason: In the interests of road and pedestrian safety, both with the development, and on adjoining roads and footways.

12. Prior to the occupation of any dwelling hereby approved, the road link shown highlighted in blue on approved drawing 7249/2-03 N (and in any subsequent drawing approved by the planning authority superseding that plan) is to be made up to the site boundary with Muselie drive.

Reason: To ensure an adoptable road link to Muselie Drive remains achievable, in the interests of the proper planning of the development.

13. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

14. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

15. Prior to commencement of development the applicant must prepare and submit a report for approval by the Planning Authority that demonstrates the final development will comply with this condition. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2. Any heat pump equipment shall thereafter be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the noise limits

Reason To protect the residential amenity of nearby properties.

16. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.
Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well-being.

17. Within twelve months of the end of the useful life of the solar panels hereby approved, all solar panels and ancillary equipment shall be dismantled and removed from the buildings and the roof of each building made good with matching roofing material to the remainder of the roof, or to other such condition as may be agreed in advance and in writing by the Planning Authority.
Reason: The anticipated design life of the solar panels is such that they are expected to have a limited life expectancy.

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

2. Construction Noise - The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work

<i>Monday – Friday</i>	<i>0700 – 1900</i>
<i>Saturday</i>	<i>0700 – 1300</i>
<i>Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.</i>	

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

PHASE 2 - 15/00712/PPP

Decision: APPROVED subject to a legal agreement addressing the identified development contributions and the following conditions and informative:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. The submitted access details shall make provision for the minimum necessary size of opening in the wall with provision of a lintol above the opening, and include full details of how this shall be achieved, and how the remaining wall will be retained.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning

Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. Parking and turning for two vehicles, excluding garages, must be provided within each plot before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
4. Prior to the commencement of development, full details of the means of foul and surface water drainage, and of the means of water supply are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development, and to ensure that the dwelling is suitably serviced.
5. No development shall take place until a road and footway has been completed to an adoptable standard, in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority, which shall form a vehicular and pedestrian link between the end of the adopted road in Muselie Drive and the application site.
Reason: To ensure a vehicular and pedestrian link to Muselie Drive is achieved, in the interests of community connectivity and the proper planning of the development

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

3. Access link with Muselie Drive - With regards condition 5 on access to Muselie Drive, if the link to the adopted road cannot be provided beyond that to satisfy Phase 2, then the applicants would be free to apply to remove the condition on Phase 2. The Planning Authority would be able to conclude then whether the supporting case demonstrates the potential for the link has been investigated to its full extent.

Decision: APPROVED subject to the following conditions and informatives:

1. The occupation of all chalets shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until further details of the chalet construction, connection into services, linking shelter roofs and retained mobility are submitted to, and approved by, the Planning Authority.
Reason: To ensure that the development complies with the legislation and regulations governing definition as “caravans”.
3. This development is approved only for the chalets as shown on the approved plans and not for any alternative style or design of units which, if proposed, should be submitted for the prior approval of the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
4. No development to be commenced until further details of the external materials of the walls, roofs, windows, decks and shelter roofs of the chalets are submitted to, and approved by, the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
5. The finished floor levels of the chalets should be as shown on the approved site plan 13029-001-C and there should be no development or alteration of ground levels below 139.55m AOD.
Reason: To safeguard the development from flood risk and maintain the functional flood plain.
6. All access and parking as shown on the approved site plan 13029-001-C to be completed in accordance with the plan before occupation of the first chalet, the visibility splays then to be maintained in perpetuity. However, before the works commence, further details of the parking surface material to be submitted for the approval of the Planning Authority, the space between the northern elevations of the chalets and the parking spaces to be increased to 6m.
Reason: In the interests of road safety.
7. No development to commence until further details are submitted of a foot/cycle path link between the development and the multi-use path running along the north-western side of the site. No chalet to be occupied until the approved path link has been completed. It should then be retained in perpetuity.
Reason: To provide connection between the development and the public path network.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the chalets or the completion of the development, whichever is the sooner, and shall be maintained thereafter in perpetuity (and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.)
Reason: To ensure that the proposed landscaping is carried out as approved.

9. Should a public water supply not be used, then no development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the chalets hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

10. None of the chalets shall be occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority, including the maintenance arrangements for the system.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. You are advised by the Fire Safety Enforcement Officer of the Scottish Fire and Rescue Service of the following:

The spacing between the cabins can be reduced to a distance of 3.5 metres if the following conditions are met:

1. As detailed on the drawing the adjacent cabin should have a solid wall with no openings and which will provide a minimum of 60 minute fire resistance,
2. Adequate automatic fire detection should be installed & maintained within each cabin (conforming with BS 5839 Part 6 LD2 i.e. bedrooms and open plan living area),
3. A fire blanket and 2kg dry powder extinguisher to be provided within each cabin (conforming with current British Standard)
4. An adequate means of raising the alarm of fire on the site.
5. Evacuation plan available and which is displayed at a prominent location within each cabin.

2. The Council Environmental Health Officer advises:

The applicant should confirm the means of heating of the cabins. If biomass is to be used the Applicants should provide evidence that this will not adversely impact on local air quality.

Ron Smith
*Executive Member for Planning & Environment
Chair of Planning Committee
Councillor for Hawick & Hermitage
Ellistrin, 6 Fenwick Park, Hawick TD9 9PA
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Date: 9th December 2015

Dear Sirs

Independent Review of the Planning System

The Planning & Building Standards Committee considered the report by the Council's Chief Planning Officer on the Planning Review at its meeting on 7th December 2015. Following a full and thorough debate, Members endorsed the recommendations in the report and wished to make the following supplementary observations:

1. Development Planning

- The system needs to be simplified and to be responsive to local circumstances.
- There is a requirement for greater openness and transparency in Reporters' handling of Development Plan Examinations and for the ability for their findings to be responded to and challenged.
- Decisions on LDPs should be made at local level. There should be local responsibility and accountability.
- The proposal for automatic planning permission in final paragraph of response is endorsed.
- The Committee strongly agree with the proposal to allow Development Plans to be modified without fundamental review of the whole plan.

2. Housing Delivery

- This is a complex supply and demand issue, linked to market conditions.
- Greater focus should be placed on the re-use of empty flats above shops and developing brown field sites to revitalise town centres.
- The market price of housing is an important factor in delivery.
- People will only live somewhere if there are jobs – housing supply must be linked to economic development and infrastructure investment.
- Homes for older population needs to be provided and to be in proximity to services
- Housing delivery can only be achieved by ensuring costs to developers are proportionate.
- Affordable Housing – needs to be affordable to rent not just to buy because of low wages in the Scottish Borders.

3. Planning for Infrastructure

- There is a growing problem of development contributions being challenged with greater risk to authorities' advance funding of infrastructure.

- There is a need to look at local taxation, as currently we are seeking developer contributions for new development, but no contribution from older properties. For example, railway contributions are sought on individual new houses but not from the wider community which benefits.
- Government definitely has a role to play in directing and funding infrastructure investment
- There is concern that central belt would dominate a central Infrastructure Fund and that rural authorities would lose out.
- We need to look at local taxation and apply a degree of common sense and flexibility on what we require.
- We need local taxation to funds roads and bridges - at present only 10% of road tax is spent on roads.

4. **Development Management**

- Cost of Wind-farm applications and appeals are in excess of the planning fees received. This places a significant financial and administrative burden on Councils.
- Planning fees should be paid upfront as a staged fee system was considered overly complex
- Permitted development rights should be extended for a range of development types, not just for householder developments.
- Planning fees (paid in advance) should relate to amount of work likely to be done with a subsequent rebate or request for an additional fee being made at a later stage if appropriate.
- Charges for pre-application discussion, which is common place in England, could be considered although it could deter applications.
- Endorsed the need to review 'meaningful start' provisions.

5. **Leadership, Resourcing and Skills**

- Secondment opportunities with private businesses should be investigated for planners.

6. **Community Engagement**

- Reiterate concerns that changes to LDP made by Reporters, where there is no power for Local Authority to challenge, can undermine community aspirations and the public engagement achieved in developing the Plan.
- Acknowledge that there are problems with Community Engagement in the Borders, although many rural Community Councils are good at fostering Community Engagement.
- There is frequently conflict between local, democratic, views and policy or legal issues.
- Not enough attention is paid by Community Councils to LDP.

Yours faithfully

Councillor Ron Smith
 Executive Member for Planning & Environment
 Chair of Planning Committee
 Councillor for Hawick & Hermitage

APPENDIX III

Response from Cllr Stuart Bell Executive Member for Economic Development, Scottish Borders Council

**Email presented to the Planning & Building Standards Committee 7th December
2015**

Your Committee might, in light of the discussions at Friday's meeting, be minded to elaborate on the submission in its first section (pages 6 & 7) on Development Planning by including a more general commentary on the way in which the burgeoning use of Reporters to examine not only Development Plans but also many 'called-in' Planning Application contributes to an undermining of the trust of the General Public in the whole planning process. Reporters are at times not seen to be consistent in their consideration of and conclusions on issues; nor trusted to understand the detail of the local flavour and local issues which are as much a part of planning as National Policies. Moreover there is a potential further undermining of public trust in that in an effort to save time and expenditure in such examinations there is a decreasing use of the available forms of public enquiry as a result there is less engagement by Reporters with the public with the result that their decisions are seen to be even more arbitrary. It is an essential precept of Justice that it must not only be done it must be seen to be done; the same precept should apply to Reporter's examinations of Development Plans and Planning Applications.

I hope this helps....

I have not the time this evening/morning to rummage through my papers to find the exact reference to those 2 paragraphs in the relevant Act which almost directly contradict each other in defining the admissibility and inadmissibility of new evidence at Planning Appeals... time and again we struggled with the interpretation of these at Local Review Body. Nuala will know the reference straight off. I understand from conversations with MSPs that this nonsense was a result of changes which came to find their way into law during the amendment stages of Holyrood's consideration of the Act. It would be silly to miss the opportunity of highlighting the contradiction and asking for this to be tidied up

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

11 JANUARY 2016

APPLICATION FOR PLANNING PERMISSION

ITEM: 15/01173/FUL
OFFICER: Lucy Hoad
WARD: East Berwickshire
PROPOSAL: Erection of poultry building and associated works
SITE: Hutton Hall Barns Hutton Scottish Borders
APPLICANT: Maclean Eggs Ltd
AGENT: Kevin White Architecture

SITE DESCRIPTION

The application site is located at Hutton Hall Poultry Farm, Hutton accessed off a minor road from the B6460, 1.9KM east of the village of Allanton, The site rectangular in shape comprises part of the southern half of an agricultural field bounded by the Caddy Burn to the west, minor public road to the south and east, and agricultural land to the north. Residential properties lie to the east/north east at a distance of approximately 400m. Listed Buildings in the area to the north and east, include the B Listed Hutton Castle (restored dwelling), C Listed Hutton Hall Barns Farm steading, C Listed 2,3,4 and 5 Hutton Hall Barns Farm Cottages, C Listed East Lodge (Hutton Castle), C Listed West Lodge (Hutton Castle), the nearest being approximately 400m away.

PROPOSED DEVELOPMENT

It is proposed to erect a single poultry shed to house free range hens (32,000No) on Hutton Hall Barnes Farm. The proposed shed would comprise 2No poultry houses each housing 16,000 birds, with a shared egg packing and storage area. The proposed shed would be of a steel portal framed construction and would measure approximately 118m by 23m by 6.5m high. The shed would be finished using green profile sheeting. The shed will require extract ventilation and this is to be provided by 4No wall fans to be located on the south facing gable end of the building, 18No exhaust air chimneys and 16No fresh air inlet chimneys. The shed would be accessed via a new access taken from the minor road to the east.

PLANNING HISTORY

There is no planning history with regard to the site.

Records note that there are several poultry sheds with up to 40,000 birds sited on land at Hutton Hall Barnes (managed by Border Eggs Ltd) approved under applications:

06/00326/FUL - Siting of Mobile Poultry Unit, Land East Of Hutton Hall Barns, Hutton Approved 24 March 2006.

07/01741/FUL - Modification of Planning Condition on Previous Application 06/00623/FUL in Respect of Extension of Period of Consent. Approved 12 December 2007.

07/01752/FUL - Erection of Mobile Poultry Unit, Extension of Access Road and Erection of Shed for Roadside Sales. Land North East of Hutton Hall Barns, Hutton. Approved 8 October 2007.

08/01746/FUL - Erection of Mobile Poultry Unit and Extension of Access Road. Land North East of Hutton Hall Barns, Hutton. Withdrawn 28 November 2008.

08/02047/FUL - Erection of Mobile Poultry Unit and Extension of Access Road. Land North East of Hutton Hall Barns, Hutton. Approved 25 March 2009

10/00036/FUL Erection of poultry unit for free range hens and associated infrastructure Land North East Of Hutton Hall Barns Approved 10.05.2010

14/01347/FUL Siting of mobile Poultry Unit land North East of Hutton Hall Barns, Hutton Approved 10.02.2015

The proposed shed is to serve a new company Maclean Eggs Ltd specialising in free range egg production.

REPRESENTATION SUMMARY

7 letters of objection have been received. The principal grounds of objection can be summarised as follows:

- Adverse impact on the landscape to include setting of Hutton Castle
- Industrial scale and appearance
- Shed sited at a distance from any building group
- Prime agricultural land
- Additional shed resulting in sheds to both side of building group
- Encirclement of dwellings
- Increase in the number of birds
- Dominance of business in mixed use area
- Adverse impact on local amenity/business
- Increase in the number of flies
- Increase in vermin
- Noise from fans
- Manure management/covered trailers
- Prevailing wind will carry odour to residents
- Odour nuisance at present
- Dust
- Potential damage to natural wildlife habitats
- Drainage
- Impact on water body
- Road safety
- Loss of passing place
- Increase in heavy traffic
- Regulation by SEPA given number of birds
- Environmental Assessment required

APPLICANTS' SUPPORTING INFORMATION

The applicant submitted a Supporting Statement outlining the context of the proposal.

The company has been set up in order to supply the free range egg market in the UK. The selection and packing of the eggs is to be carried out on site before the eggs are dispatched to Nobles Food to supply supermarkets Sainsbury and Co-operative. There is an essential need for all UK egg producers to comply with new animal welfare legislation and the proposed development will allow a new company Maclean Eggs specialising in free range egg production to meet the latest welfare standards while providing its customers with a high quality locally produced product.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Flood Risk Officer: No objection on flood risk grounds. The site is not at risk from a flood event with a return period of 1 in 200 years. The applicant should be made aware that flooding can occur from other sources including run off from surrounding land.

Roads Planning: No objection subject to condition regarding timing of works. Content to support the proposal provided the bellmouth entrance and new passing place have both been completed prior to the development becoming operational.

Archaeologist: No objection subject to an informative in respect of potential for encountering archaeology finds.

Ecologist: No objection subject to conditions and informative in respect of protected species (badgers), and works to be outwith the bird breeding season. Notes the intention for surface water to be treated in a swale/wetland. Adopting good practice, the design of this SUDS scheme should include measures to protect badger (including appropriate fencing).

Heritage Officer: No objection in principle subject to conditions in respect of landscape and samples of external finish of shed. Does not consider that the shed will cause any adverse impact on the setting of the surrounding listed buildings. The external colour of the shed is Juniper Green which is considered to be a suitable colour to minimise visual impact, no detail on the actual finish (matt or gloss); obviously a shiny finish may result in reflectance draw attention to the structure from a distance, so preference would be for a matt or non-gloss finish. Conditions advised regarding proposed screen planting and a sample of the cladding material.

Environmental Health Officer: No objection in principle subject to agreement of an operational plan which will set out the detail for management of the operation of the development and for noise levels. Calculations indicate that noise levels stemming from fans fall below recommended maximum 45dB threshold (set by the World Health Organisation).

Landscape Officer: No objection subject to condition in respect of detailed landscape planting scheme to aid visual containment and screening. Although a large shed building may be unexpected in such a rural setting, the scale of the surrounding field is itself quite large and, given the existing tree and hedgerow vegetation mentioned above, the building can be successfully accommodated into

the local landscape setting. There is a precedent for this with a new shed recently constructed to the north of Hutton Hall Barns

Statutory Consultees

Community Council: Objection, main concerns raised:

Serious adverse impact on the amenity of residents of Hutton Hall Barns
The existing number of very large poultry buildings at Hutton Hall Barns at present is five
This proposal would be sixth large building and set precedent for more in field
The proportionality between large poultry units and dwellinghouses at Hutton Hall Barns would be radically altered in favour of the former and completely alter the character of the hamlet
Progressive industrialisation of the locality and environment
Large poultry buildings would surround the homes of residents
Proximity to Caddy Burn/ pollution to watercourse
Sloping nature of site
Impact on wildlife from pollution of burn
Prevailing wind from west will carry odour and dust towards dwellings
Noise and health related issues
Loss of prime agricultural land
Lack of detail on traffic movement
Increase traffic in single track rural roads with few passing places
Road safety

SEPA: No objection on flood risk grounds. No objection subject to condition in respect of prior agreement of drainage measures to be implemented in respect of protection of water course.

Regulatory requirements

SEPA are satisfied that the site will be managed separately from the existing poultry business. The site will not be classified as 'same site' as defined in the Standard Farming Installation Rules (SFIR) and ultimately will not require to be regulated under the PPC Regulations.

The development will have a bird capacity of 32,000 and thus be below the threshold regulated by SEPA which stands at 40,000 birds. All issues relating to noise and odour will be regulated by Environment Health at the local authority.

Protection water course

SEPA note that it is proposed to construct a bespoke swale/wetland. We would wish to review the final drainage plans once completed and ask that a planning condition be attached to ensure this.

Waste management

On review of the waste management plan submitted by the applicant, we have no further comments to make with respect to waste as the plan is an industry standard and covers all the necessary points.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011:

Principle 1 – Sustainability

Policy G1 – Quality Standards for New Development

Policy D1 – Business, Tourism and Leisure Development in the Countryside

Policy H2 – Protection of Residential Amenity

Policy NE4 – Trees, Woodlands and Hedgerows

Policy BE1 – Listed Buildings

Policy BE2 – Archaeological Sites and Ancient Monuments

Policy BE3 – Gardens and Designed Landscapes

Policy NE3 – Local Biodiversity

Policy NE5 – Development Affecting the Water Environment

Policy EP5 – Air Quality

Policy Inf2 – Protection of Access Routes

Policy Inf5 – Waste Water Treatment Standards

Policy Inf6 – Sustainable Urban Drainage

Scottish Borders Proposed Local Development Plan 2013

PMD1 Sustainability

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

ED10 Protection of Agricultural Land and Carbon Rich Soils

HD3 Protection of Residential Amenity

EP1 International Nature Conservation Sites and Protected Species

EP2 National Nature Conservation and Protected Species

EP3 Local Biodiversity

EP7 Listed Buildings

EP8 Archaeology

EP13 Trees, Woodlands and Hedgerows

EP15 Development Affecting the Water Environment

EP14 Air Quality

IS5 Protection of Access routes

IS8 Flooding

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

- Supplementary Planning Guidance on Biodiversity
- Supplementary Planning Guidance on Landscape and Development
- SBC Local Biodiversity Action Plan

KEY PLANNING ISSUES:

The key planning issues related to this application are whether the proposals would have an adverse impact on:

1. the landscape
2. the local ecology and watercourse
3. local historical buildings or archaeological sites
4. the amenity of residential properties

ASSESSMENT OF APPLICATION:

Background

The applicants have submitted in support of their application a Planning Statement supplemented by further supporting information to outline the background of the company, the rationale for the project, the proposed measures or mitigation they intend to carry out in order to avoid demonstrable harm to the locality.

Principle

Policy D1 encourages proposals for business in the countryside provided that the development is to be used directly for agricultural or forestry operations and that the development respects the amenity and character of the surrounding area. The development must have no significant adverse impact on nearby uses, particularly housing. The use and scale of the development should be appropriate to the rural character of the area and should take into account accessibility considerations. Proposals that provide employment in villages or the countryside and contribute to the wider rural economy will generally be supported. The proposed development would clearly provide employment in the locality and would contribute to the wider rural economy, therefore consideration must be given to this proposal.

Local Development Plan

The equivalent policies in the emerging Local Development Plan to not alter the key policy considerations described above.

Impact on the Landscape

Concerns were raised by neighbours and community council as to the visual impact on the rural landscape.

The introduction of a large building on site has the potential to create significant landscape impacts. In views into the site, consideration has to be given to the topography and level of containment, along with the screening function provided by existing woodland.

The topography of the land means that ground slopes down from the minor public road to the east towards the Caddy Burn to the west before rising again. The submission includes a site section to illustrate levels from the road through the site to the burn. There are mature trees along the bank of the water course which would act as a backdrop to the shed as viewed from the public road. The hedge-lined road is the main visual receptor and additional planting has been proposed in order to provide screen cover from this view point.

The proposed colour of the shed is Juniper Green and this is a typical colour found on buildings of this nature in the Borders countryside. This dark colour would allow the building to visually recede in the rural setting. It is recommended that agreement to colour finish is sought by condition to ensure a non-reflective effect is achieved.

Given the existing topography and woodland/hedgerow provision the shed would be visually contained within the landscape. In views from the minor road east and the surrounding fields the ridge of the proposed shed may be visible to public view. However, the fact that the cladding is a dark green colour will help to minimise the

impact of the building when viewed from outwith the site, and additional planting would be required to aid screening.

Given the screening provided by additional planting and the distance from sensitive receptors results in the actual visual impact being relatively small for external viewpoints.

The Landscape Officer has been consulted and does not object to the development. Whilst the ridge of the shed may be visible from the minor road, it is considered that the mass of the building could be screened by an appropriate level of landscaping, and provided a plan is agreed and implemented the proposal would not have a significant adverse impact on the landscape quality of the rural area.

The applicant has agreed to additional planting as detailed on Plan 001 E which has been accepted by the Landscape Architect.

Impact on cultural heritage

There are no archaeological implications stemming from this proposal. The archaeologist has been consulted on the application and does not object to the proposal, advising that there is a low potential for encountering buried archaeology during excavations. The officer reviewed additional information submitted by the applicant in respect of historic field management practices and is satisfied that an informative be appropriate, in respect of the potential of encountering any buried features as works progress, rather than a survey prior to works, as he had originally envisaged.

Concerns have been raised over the impact on the setting of the Listed Hutton Castle in long views into the site. The Heritage Officer has reviewed the submission and advised the he does not consider the shed will cause any adverse impact on the setting of surrounding listed buildings at Hutton, given the topography and existing woodland cover.

Services

Should consent be granted it is intended that the applicant make application for a new electric supply. Water supply is to be from public mains requiring new connection. It is intended that foul drains are to septic tank/soakaway. Surface water is to be directed to SUDS feature.

Impact on the watercourse and ecology

Concerns have been raised by neighbours as to the impact on ecology and habitat.

The Caddy Burn (SAC River Tweed tributary) with pond feature runs through the field and objectors are concerned about pollution to the watercourse. It is proposed that The drainage from the site is to be discharged through a swale to a water feature such as a reed bed system within the field. SEPA are content with this proposal, but seek a condition to ensure that the drainage measures are acceptable to the authority prior to works.

The applicant noted that there had been presence of badger in the vicinity of the field and the ecologist has advised that a Badger Protection Plan with mitigation measures should be agreed prior to works on site. These should include the design arrangements for the formation of the SUDs feature. The field, margins and

boundaries may support breeding birds: therefore it is advised that development works should be undertaken outwith the bird breeding season. Should the applicant seek to commence works during this time period provision for checking surveys/mitigation measures would be required. The applicant has indicated agreement to these measures.

Given that these matters can be controlled via conditions it is considered that there are no over-riding concerns that would warrant refusal in terms of impact on protected species or habitat.

Impact on the amenity of residential properties

Local residents have objected to the development, their concerns to include additional number of birds, regulation of scheme, noise, dust, odour, and vermin; the addition of a further shed, leading to a feeling of encirclement of the residential dwellings. All have these have the potential to have an adverse impact on the local residents.

The Community Council has raised objections to this application on the grounds that it would have an adverse impact on the amenity of residents with several large poultry sheds already existing in the locality to the west of the building group with associated impacts in terms of nuisance, and this additional shed would result in further nuisance stemming from the east; the perception of encirclement by the growth of the business to the detriment of the residents, and the business use being disproportionate in comparison to residential dwellings at this location.

The residential dwellings at Hutton Hall Barns are sited approximately 400m away from the proposed shed.

Bird Numbers

Records indicate that the existing sheds at Hutton Hall Barns could house up to 40,000 birds. These sheds are owned and managed by Borders Eggs Ltd a separate company from the applicant. The new shed is proposed for housing up to 32,000 birds in a free range system to serve a new business being set up Maclean Eggs Ltd that is to be managed and operated by the applicant.

Regulation

SEPA have advised they have removed their initial objection to the application on the grounds of a lack of information on business size/bird numbers. SEPA are content the business proposal is a separate entity from that of the consented/built sheds in the locality under control of Border Eggs Ltd. The new business is sited at a distance from neighbours and the existing sheds. It is noted that neither SEPA nor the Environmental Health Officer has objected to the principle of the development. SEPA advise that regulation of the development will fall under the responsibility of the local authority environmental health team, as the number of birds totals 32,000 and thus below the threshold regulated by SEPA which stands at 40,000 birds.

The Environmental Health Officer has reviewed the supporting planning documentation and confirmed she is satisfied that it is unlikely the development will have a negative impact on the amenity of neighbouring properties. The precise details of the management of the development have been agreed through the submission and approval of an operational management plan, which forms the framework under which the development is to be managed.

The details set out within the plan include matters such as:

- Hours of operation
- Delivery times (including the movement of birds)
- Waste management/pest control
- Noise mitigation/ equipment maintenance
- Odour – mitigation and management
- Lighting – prevention of nuisance
- Air quality – maintenance of ventilation equipment

Given the concerns raised by the community in respect of the expansion of sheds in the locality, the EHO has also confirmed that the cumulative effect of neighbouring businesses had been taken into account in her assessment of the proposals.

Odour Pest Management

The objectors have referred to odour nuisance and flies, noting a lack of sheeting to cover manure in transit in the locality.

The applicant advises that the proposed building will be mucked out twice per week in order to minimise the build-up of manure and odour. The manure is to be removed by a neighbouring farmer to be used as fertiliser. The manure is to be removed and transported with care, ensuring trailers are not overloaded

In the proposed shed manure will be collected on manure belts where it is air dried making it unsuitable for flies to lay eggs. The belts will be emptied via a conveyor directly into trailers twice a week. There is potential for spillage during the removal stage and a regular site clear would deal with any spillage on site.

Waste is to be stored in covered bins and removed to landfill. Areas around the shed will be kept clean and tidy in order to minimise pests to include rodents. Measures to control flies include use of the Chemical Neporex which breaks the life cycle of the fly. Rodent control is to be carried out by a trained and LANTRA certified person, regular checks made to ensure that rodent control methods are effective.

Noise

Concerns have been raised by objectors as to the level of noise stemming from the ventilation fans to be fitted on the proposed shed. The applicant has advised that the shed will require extract ventilation and this is to be provided by 4No wall fans to be located on the south facing gable end of the building, with provision of 18No exhaust air chimneys and 16No fresh air inlet chimneys.

The poultry shed will be controlled by a climate and production computer, which controls ventilation and temperature, reducing odour build up. Fans will run for 24 hours per day to ensure a continuous supply of fresh air for the birds, however the applicant has stated that the number of fans required depends on environmental conditions within the shed. It is anticipated that only on an extremely hot day would all fans be running at full capacity.

The EHO has carried out an assessment in respect of the potential for noise disturbance from the proposed ventilation system taking into account the distance to the nearest residential property (to 400m) and confirmed that the level of noise

calculated (33db) is below the threshold (45dB) set down by the World Health Organisation.

Timing of vehicle movements will ensure noise is not created during night time periods. The applicant has advised that egg collection lorries (3No per week) will be on site for approximately one hour from between 0700 until 2000. Feed delivery times will be restricted to between the hours of 0700 and 2000. The times may vary only in extenuating circumstances for example severe weather.

Deliver and uplift of birds occurs on a 13 month cycle.

The Environmental Health Officer has recommended a condition in respect of noise levels not exceeding Noise Rating Curve NR20 between the hours of 2300 and 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Although the officer has indicated that the levels meet standards it would be prudent to apply a condition in respect of noise levels to ensure control/regulation of the matter.

As stated previously the precise details for operation of the development to include waste/pest management and mitigation in respect of air quality, odour and noise, shall be agreed as part of the Operational Management Plan sought by condition.

Impact on traffic and road safety

Concerns have been raised by neighbours as to an increase in traffic movements stemming from the proposal, loss of a passing place and road safety.

The applicant has confirmed that one delivery of feed is required per week. Two loads of manure shall be removed from the site per week. Eggs will be taken by Noble Foods three times per week for processing and packing prior to dispatch. Birds are removed and sheds re-stocked every 13 Months.

The Roads Officer has raised no objections to the development, subject to formation of a new access to a detailed specification, to include provision of adequate visibility splays, and provision of a new passing place at an agreed location between the site and the B6460, all to his satisfaction prior to the development becoming operational.

It is considered that there is no significant change to traffic volumes and the above matters can be controlled by condition.

CONCLUSION

It is accepted that the proposed development will be consistent with the Council's policies on economic development in the countryside. It is an appropriate building in terms of design, scale and massing and it is considered that due to the topography and proposed screening the visual impact will be negligible.

The proposal will not have a significant adverse impact on the ecology, landscape or the setting of nearby listed buildings, subject to appropriate mitigation measures being put in place.

The development will provide full time employment for two people and two part time posts on site/in the office, and will contribute to numerous other job opportunities within the processing and packing, and supply chain sectors (for example poultry shed staff, agricultural worker, staff at the egg processing and packing facilities, vehicle drivers, tractor drivers).

The key issues raised by the objectors relate to matters which are to be controlled by the Environmental Health Team. Neither SEPA nor the EHO have objected to the principle of the development.. SEPA are content that appropriate drainage measures to deal with dirty water through provision of a wetland feature/swale will ensure protection of the watercourse, and the EHO is satisfied that the development is capable of being managed appropriately through an agreed Management and Operational Plan. The plan will ensure that the measures that are put in place achieve the required standards.

No other statutory consultees have objected to the proposal. Mitigation measures are considered to be acceptable in respect of visual impact on the landscape, ecological considerations, and archaeological concerns.

On the basis of the resolution of these outstanding matters, and the listed conditions the application can be supported.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informatives:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, in unless agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details

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

The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties

4 No development shall commence until a Badger Protection Plan, to include measures as set out in Informative 1 of this consent, shall be submitted to, and

agreed in writing by, the Planning Authority. Thereafter, the works shall be carried out in accordance with the approved scheme.

Reason: In the interests of preserving biodiversity

5 No clearance/disturbance of habitats which could be used by breeding birds, such as arable field, field margins and boundary features, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.

Reason: In the interests of preserving biodiversity

6 No development shall commence until the full details of the finalised drainage scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water runoff

7 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.

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

8 No development shall commence until the new access is formed at the location detailed in Site Plan Drawing 001E 15/12/2015 to the dimensions and specifications detailed in Informative No4 of this permission.

Reason: In the interest of road safety.

9 Prior to the development becoming operational a new passing place shall be provided at an agreed location between the site and the B6460 to the specification detailed in Roads Drawing DC-1.

Reason: In the interest of road safety.

10 All planting, seeding or turfing comprised in the approved details of landscaping Drawing 001E 15/12/2015 shall be carried out in the first planting and seeding seasons following the operation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

11 The development shall be operated and managed in accordance with the MacLean Eggs Ltd Operational Plan 18/12/2015 unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the amenity of nearby residential properties.

Informatives

1 In line with the requirements of Condition No 4, the Badger Protection Plan should detail the measures to protect badgers foraging and commuting across the site (including covering trenches and open pipes overnight/ providing a means of escape, safe storage of chemicals and oils, timing of works and sensitive security lighting away from woodland).

2 In line with the requirements of Condition No 6, the design of this SUDS scheme should include measures to protect badger (including appropriate fencing).

3 There is a low potential for encountering buried archaeology during excavations. Should buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity be discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

4 In line with the requirements of Condition No 8, the new access shall be sited and formed to the following dimensions and specifications:

- The new access to be located where the existing passing place is.
- The new access to have 5.5m throat width with minimum 8m radii.
- Visibility splays of 2.4m by 90m to be provided in either direction
- The first 5m of the new access to be surfaced to the specification:

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

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary. There should be no unauthorised advertising signing, and the lay-by must be kept tidy and litter free.

5 Details of SEPA regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. For further advice for a specific regulatory matter, contact a member of the operations team in the local SEPA office (tel: 01896 754797).

6 The site is not at risk from a flood event with a return period of 1 in 200 years. The applicant should be made aware that flooding can occur from other sources including run off from surrounding land.

DRAWING NUMBERS

001E	Site Plan	15 December 2015
002	Site Sections	05 October 2015
15118-01 A	Floor Plan/Elevations	05 October 2015

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

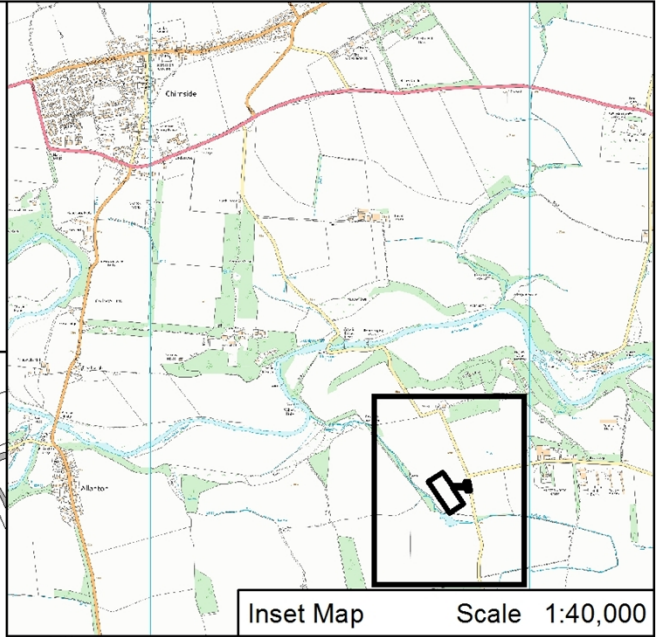
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

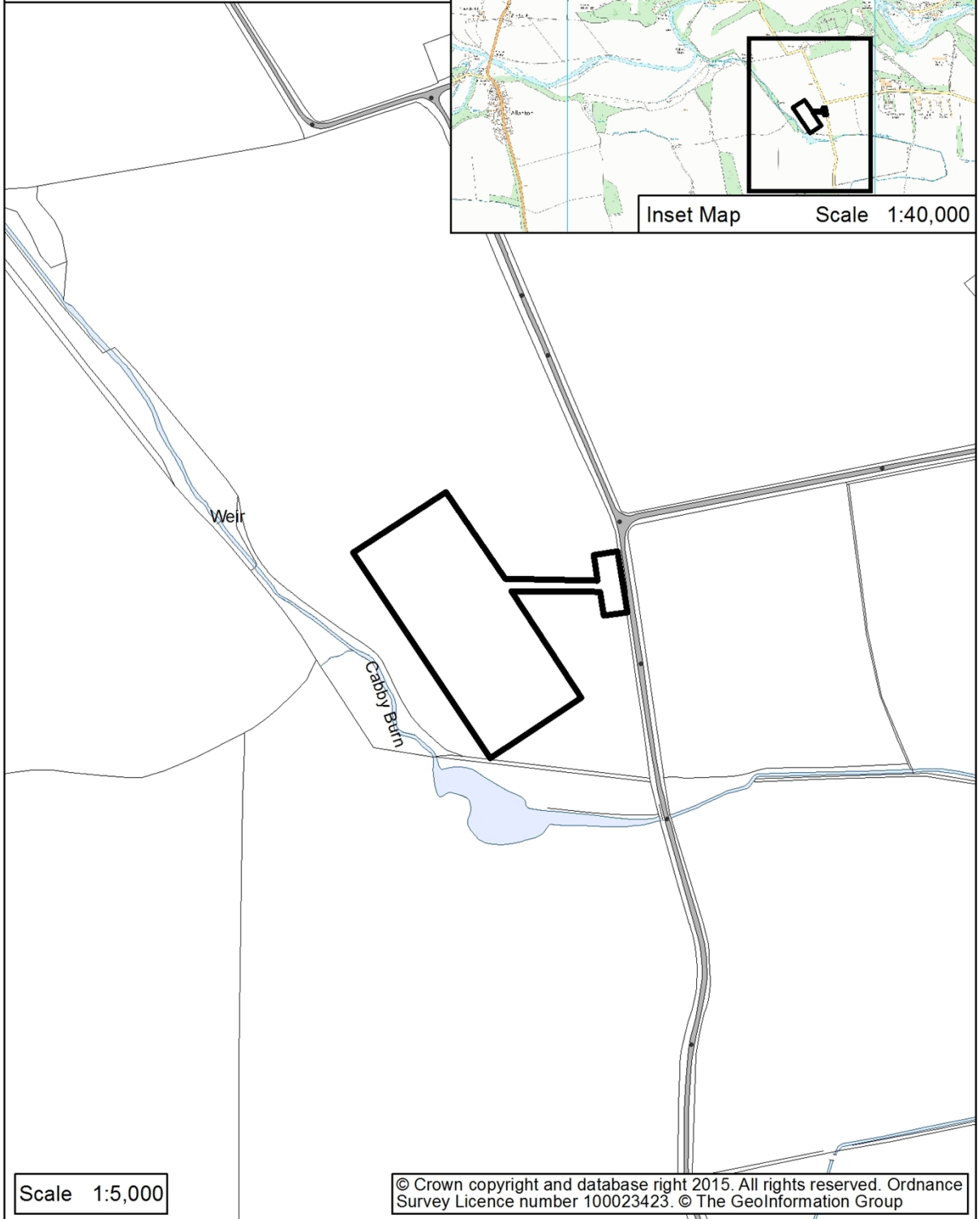
Name	Designation
Lucy Hoad	Planning Officer



15/01173/FUL
Hutton Hall Barns
Hutton



Inset Map Scale 1:40,000



Scale 1:5,000

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

11th JANUARY 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 14/01186/MIN
OFFICER:	Mr Scott Shearer
WARD:	East Berwickshire
PROPOSAL:	Extension to quarry and associated works
SITE:	Glenfin Quarry Neuk Cockburnspath
APPLICANT:	Mr Arnot Findlay (Kinegar Quarries Ltd)
AGENT:	AMS Associates Ltd

SITE DESCRIPTION

The application site is located at Glenfin Quarry, an existing hard rock quarry located 2.5km to the south east of Cockburnspath. The site occupies the north eastern side of Ewieside Hill which forms part of the skyline from areas around Cockburnspath. The A1 lies immediately to the east of the site and is connected to the quarry by a short access road. The existing quarry extends up Ewieside Hill in a south westerly direction through an existing mature planting belt. The whole quarry will cover 34.3ha with the proposed quarry extension covering 12.3ha of the total area. Plant and processing takes place in the northern end of the site, adjacent to the site access.

An existing permission for the quarry allows the applicants to continue to quarry towards a dry stone boundary wall to the south west. The sites of the proposed quarry extension comprise of two agricultural fields tucked behind the mature woodland to the north west and south east of the presently quarried area.

The site lies in-between the Berwick Coast Special Landscape Area (SLA) and the Lammermuir Hill SLA however it does not fall within either of these designations. Ewieside Hill, fort which is a Scheduled Monument lies immediately to the western corner of the site. The site is not subject of any nature designations.

PROPOSED DEVELOPMENT

There are three distinct aspect to the proposals contained in the application:

- 1. Quarry Extension:** The existing quarry extends in a south westerly direction away from the A1. It is proposed to extend the working area of the existing quarry by extracting rock from areas to the north west (described as Area A) and south east (described as Area B) of the existing quarried area. The proposals are described in detail in the Planning and Supporting Statement and the submitted plans. Area A consists of the first seven phases and is to be quarried to a floor depth of 184m AOD. The extent of Area A has been reduced through the course of the application. Area B will undertake the last five phases to a bench level of 180m AOD. The expected working life is stated as being 30years. The stone is to be extracted using an excavator/loading shovel and crushed at the rock face by

the primary crusher. The crushed stone will then be transported to existing conveyed tunnel system where the material is screened and feeds the secondary crusher and final screening process. In the later stages (Phase 9-13) stone will be initially quarried using a tracked excavator before being delivered to the primary crusher and then fed through the onsite crushing and screening plant. All finished product will be stockpiled in the northern area of the site for off site sales. It is expected that on average 100,000 tones of stone per annum will be extracted. At present no blasting takes places at the quarry and the proposals do not include details on this means of extraction.

- 2. Landscaping and Bunding:** Bunds/Mitigation Screen Mounds are to be formed around the western boundary of Area A, the south western boundary of the existing consent and the southern corner of Area B. The bunds are to have a maximum height of 4m and have been amended so that there are only shown to be primarily covered in grass instead of tree and scrub planting.
- 3. Restoration Plans:** The restoration plans have been revised through the course of the application. The proposals seek to restore the whole of Glenfin Quarry. The proposals seek to reinstate the hill side and form two new wetland areas on lower lying ground. The submission proposes to undertake the restoration of the majority of Area A during the initial extraction phases of Area B. Final restoration and aftercare would continue for 18 month following the completion of stone extraction.

PLANNING HISTORY

Kinegar Quarries Ltd have been operating for over 26 years. The following planning history is listed on our records;

- 13/00289/PAN – Proposal of Application Notice for the proposed extension to the existing quarry.
- 03/01506/MIN – Continuation of mineral workings – Consent was granted for a 20 year period from the date of the consent (02.03.2004) subject to 38 planning conditions
- 99/00252/MIN - Use of land for the storage and reprocessing of inert material – Approved 10.05.1999
- 98/01274/MIN - Continuation and extension of existing quarry – Withdrawn 02.11.1998
- 96/00159/FUL - Temporary stockpiling of excavated materials from A1 road widening works – Approved 29.03.1996

PUBLICITY AND REPRESENTATION SUMMARY

Neighbour notification was carried out with all 5 properties within 20m of the site notified of the development. The application was publicised by the positing of site notices, and advertised under Environmental Impact Regulations. The application was advertised in the Berwickshire News and the Edinburgh Gazette and copies of the submission were provided to local contact centres.

A single comment was received from one of the neighbours in the residential property at Tower Farm to the north east of the site who also operate two holiday lets at this location. This general comment neither objected nor supported the application. The principal comments made can be summarised as follows;

- Increased traffic
- Noise nuisance
- Overlooking
- Privacy of neighbouring property including contributors holiday lets affected
- Additional planting should be required to screen the development
- Nuisance from the development results in loss of booking for their holiday lets

A comment of support has been received from the Aggregate Industries who are a UK wide supplier of construction materials. They recommend that Glenfin Quarry supply a high standard of stone which there is otherwise a shortage of to meet the demands of the Governments increased investments in road network improvement in Scotland and England. Aggregate Industries have intimated that they are interested in entering an agreement with the applicant for the supply of their quarried stone.

APPLICANTS' SUPPORTING INFORMATION

In addition to the plans and sections accompanying the submission, the following is relevant to this application:

EIA requirements

- The development falls with Schedule 2 of the Environmental Impact Assessment Regulations (Scotland) 2011. As such the application was subject to screening, during which the Council identified that an Environmental Impact Assessment was required.
- The applicant requested a scoping opinion under Regulation 10 of the Environmental Assessment (Scotland) Regulations 1999. The council responded in June 2011 with its Scoping Response.
- The applicant has submitted an Environmental Statement (Volume 3 of the submission, with appendices in Volume 4) and a Non Technical Summary (Volume 1).

Major Development Requirements

- As a major application there was a requirement for the applicant to undertake a Pre-Application Notification including community engagement. This was undertaken, and summarised in a Community Engagement Report submitted with the application.

Other information and submissions

The application has been accompanied by:

- Revised visualisations
- Revised restoration proposals

- Drainage Details
- Archaeological Assessment of Effects upon Ewieside Hill, fort by CFA Archaeology Ltd
- Ecology surveys by BSG ecology
- Noise Assessments
- Dust Management Details

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access Ranger: The development may have a significant visual effect on an existing public pathway known as the BB8. A note is on file which confirms that this path was diverted through forestry as a result of the quarry operation. A condition is recommended that this route should be temporarily or permanently diverted within the agreement of the Planning Authority.

Archaeology Officer: 1st Response 10th December

Recommend refusal. The proximity and size of the current proposal would dramatically and permanently destroy the topographic relationship of the setting of the Scheduled site of Ewieside Hill, fort to a degree that understanding and appreciation of why the fort was located in this commanding ridge line location would be heavily degraded. The Environmental Statement (ES) fails to address the impact that the development would have on the setting of the fort. Over time the quarry will be seen as an historic/agricultural feature in its own right and its size will introduce a large industrial scale development which will interrupt the relationship between the fort and Ewieside Hill's eastern ridgeline which is out of keeping with its agrarian setting. In addition, there is a cumulative impact with the fort's setting in conjunction with the large wind energy developments in this part of Berwickshire. The quarry would add to a sense of industrialisation of the wider landscape for as much as a generation until the wind farms are decommissioned. The mitigation proposals are poorly designed appearing as an industrial bund which is not appropriate for the setting of the fort. To mitigate setting impact it was recommended that the footprint of the quarry would need to be reduced and designed with a more sensitive relationship to the fort.

If approved, a development contribution towards an archaeological landscape study of North Berwickshire was recommended to provide a form of mitigation to compensate for the detrimental impacts caused by the scheme.

In terms of direct impacts, should the application be approved ground evaluations in the form of a geophysical survey should be carried out before the development commences and there will be a need for post excavation research of any archaeological findings. It noted that the proposals include the siting of a post and wire fence over the Scheduled Monument area which is not acceptable.

2nd Consultation Response 23rd October 2015

Confirms that the proposed amendments dated the 14th of October address the reasons of originally objecting provided that full restoration is secured and the amenity bank is completed prior to extension into the western field. The requirement for archaeological evaluation as part of an approved written scheme of investigation still stands.

Environmental Health: Based on the information provided which has included updated acoustic reports specific to the revised design of the amenity bund, the application is supported subject to conditions to control the following amenity implications;

- Restriction of quarrying operations and associated vehicle movements to specific times across a seven day working week.
- Limitation of noise levels and requirement for noise assessments by an independent consultation in the event of justified noise complaint.
- A dust management plan and on-going monitoring of dust levels including the need for a daily assessment to be carried out by the operator with a requirement for additional assessments during periods of strong winds and warm dry weather.

Ecology: Satisfied that the Ecological Impact Assessment has been carried out properly. The extension of the quarry will result in the loss of improved pasture and area of gorse shrub. It is however unlikely that there will be any significant impacts on ecological interests provided conditions to require;

- No site clearance or habitats are disturbed during the breeding bird season (March-August) with the express permission of the Planning Authority.
- Supplementary badger surveys to inform construction activities are required before works commence.
- A badger development licence is to be obtained by the developer or confirmation from SNH that such a licence is not required.
- A Species Mitigation and Management Plan which includes measures for bats, otter, badger and breeding birds is agreed.
- A Landscape and Habitat Restoration Plan is agreed which includes measures for woodland habitat creation standing open water and wet land creation, species rich grassland and measures for bats, breeding birds and reptiles

Flood Prevention Officer: The middle of the site is shown to have a small risk of pluvial flooding, nevertheless any flood risk is unlikely to have a significant effect on the capacity of the flood plain or affect local flooding problems. The development is not opposed on flood grounds.

Landscape Architect: No objection. The skyline location of the development is potentially visually sensitive. The landform around the quarry will provide screening for the quarry void so the magnitude of change posed by the development in the landscape is quite small. There are a couple of exceptions to this where the change will be greater, from Tower Bridge on the A1 and Ewieside Hill. However, in wider visual terms, the impacts of the development do not warrant objection since the impact from Tower Bridge is largely due to the impact of the existing consented works and the effects on Ewieside Hill, Fort can be mitigated.

The proposed Indicative Restoration Plans illustrates the infilling of the quarry void to variable grades should blend with the natural landform with the 'man made' valley resembling a natural gully occupied by two water bodies. No objection is raised to the restoration strategy, however the ability to deliver the proposed restoration is queried. The restoration strategy appears to rely on a separate material import operation which can not start until the western void is fully excavated with the whole of the restoration taking place in the latter phases. Clarification on the volume of imported material should be sought and it is recommended that a condition is used to require restoration before the later phases are commenced. Further details are required regarding the intended planting and seeding associated with the restoration work.

Roads Planning Officer: The site is accessed directly from the A1 trunk road therefore the observations of Transport Scotland should be sought on the implications that the quarry extension will have on vehicle movements.

Statutory Consultees

Association for the Protection of Rural Scotland: No response received.

Community Council: No objection however the following points are raised;

- The impact of the development upon Ewieside Hill rises concern however the CC are willing to follow advice from statutory consultees.
- Mitigation measures will be required to ensure that impact on residential amenity of the local community is mitigated, particularly in relation to dust, noise and screening. Assurances must be made that planning condition will be rigorously complied with.

Historic Scotland (HS): 1st Consultation Response 28th November 2014

Identify that Ewieside Hill, fort 640m NE of Edmondsdean (Scheduled Monument index No. 369) is located adjacent to the developments site boundary. In their 1st response HS objected to the proposed quarry extension for its potential significant adverse impact on the setting of the Ewieside Hill, fort. The monument is viewed to be an exceptional field monument dating thought to date from the Iron Age with well-preserved upstanding remains. It is an enclosed settlement consisting of three concentric ramparts and ditches with the remains of at least two ring-ditch houses. The setting is characterised by its immediate location on a hill at the end of a high ridge with commanding views to the east, south and north and contributes towards a better understanding of forts and defended settlements in the eastern Borders.

Concerns were raised by HS in their first two consultation responses that the removal of a large quarry section close to the monument would have a significant adverse impact on its topographical setting. The Heritage Chapter in the Environmental Statement is not viewed to provide a valued judgement on the proposed bund/woodland planting mitigation strategy.

2nd Consultation Response 17th March 2015

In response to the additional information provided about the formation of a 4m high amenity bank as a means of mitigation, HS were concerned that this bund would add a new feature in the landscape which may itself impact on the setting of the monument and fail to retain enough of the hillside to reduce its impact to an acceptable level. It was recommended that the best mitigation strategy could be achieved through greater retention of the hillside with a reduced quarry extension.

3rd Consultation Response 3rd July 2015

On receipt of a new archaeological assessment, details of a re-profiled and extended amenity bank and restoration plans, HS recommended that the proposed restoration strategy was welcomed. The relevance of the amenity bank was questioned. It was recommended that instead of the linear eastern cut of the quarry a cut which follows the contours with the bank would better retain an understanding of the open hillside during the works.

4th Consultation Response 28th October 2015

Confirm that the amended plans dated 14th October address previous concerns about the developments impact on Ewieside Hill and enable the original objection to be withdrawn. This recommendation is on the assumption that full restoration is

secured that the end of the working quarry through either a planning condition or legal agreement.

Health and Safety Executive: Online system confirmed that surface mineral workings are subject to the provisions of the Health and Safety at Work etc Act 1974 and the Quarries Regulations 1999. Enforcement is by the Quarry Inspectors of the Health and Safety Executive, who have knowledge and expertise regarding geotechnical considerations. Under the Quarries Regulations, it is the responsibility of the operator to ensure that excavations are designed, constructed, operated and maintained in an appropriate manner to avoid stability or movement issues which are likely to give rise to health and safety risks is avoided.

NERL Safeguarding: No safeguarding objections are raised.

Royal Society for Protection of Birds (Scotland): No response received.

Scottish Environmental Protection Agency (SEPA): Initially objected on grounds of lack of information relating to site drainage and impact on the ground water environment.

SEPA confirmed in a second consultation response dated the 26th of February 2015 that additional information and calculations had been received which addresses their original concerns. The additional information confirmed that the two existing lagoons would not have sufficient capacity to handle surface water from the extended site and these lagoons would require to be extended with an additional two new lagoons constructed. SEPA are content that once the extended water treatment system is in place that there will be sufficient capacity to treat the surface water arising at the site and these works are to be secured by a planning condition.

Additional information confirms that there are no private water supplies (PWS) in the vicinity of the development which will be affected by the development and the initial objection on lack of information about impact on the ground water environment has been withdrawn. It is noted that no dewatering is assumed to be required to control ground water within the quarry but should a volume greater than 10m³/day be extracted then a Controlled Activities Regulations (CAR) licence will be required.

SEPA are satisfied with the extractive waste management plan proposals and have confirmed that the quarrying activity is unlikely to result in adverse level of air quality pollution at the nearest sensitive receptors.

Scottish Natural Heritage: No response received.

Scotways: Identify that the right of way ref; BB8 to the north of the site is affect the development and its exact alignment may have changed, however Scotways have no record of official diversion. It is recommended that a right of way from Stockbridge to the A1 loop remains open and free from obstruction before during and after the operation of the quarry. It is recommended that the access route should be upgraded through the quarry restoration proposals to help mitigate some of the negative impacts on recreational activity.

Scottish Badgers: No objection. Recommend that the applicant should undertake a standing site order for all holes to be checked to prevent injury to badgers crossing the site.

Scottish Water: No response received.

Scottish Wildlife Trust: No response received.

Transport Scotland: No objection. It should be noted that any works to be carried out within the boundary of the trunk road require the permission from Transport Scotland.

Other Consultees

Berwickshire Civic Society: No response received.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 4 - Minerals

Consolidated Scottish Borders Local Plan 2011

Principle 1 Sustainability

Policy G1	Quality Standards for New Development
Policy D1	Business Tourism and Leisure Development in the Countryside
Policy H2	Protection of Residential Amenity
Policy NE4	Trees, Woodlands and Hedgerows
Policy BE2	Archaeological Sites and Ancient Monuments
Policy NE3	Local Biodiversity
Policy NE5	Development Affecting the Water Environment
Policy EP5	Air Quality
Policy ED2	Employment Uses Outwith Employment Land
Policy EP2	Areas of Great Landscape Value
Policy Inf2	Protection of Access Routes
Policy Inf4	Parking Provisions and Standards
Policy Inf5	Waste Water Treatment Standards
Policy Inf6	Sustainable Urban Drainage
Policy R3	Mineral and Coal Extraction

OTHER PLANNING CONSIDERATIONS:

Proposed Local Development Plan (PLDP) 2013

PMD1	Sustainability
PMD2	Quality Standards
ED2	Employment Uses Outwith Business and Industrial Land
ED7	Business, Tourism and Leisure Development in the Countryside
ED12	Mineral and Coal Extraction
HD3	Protection of Residential Amenity
EP3	Local Biodiversity
EP5	Special Landscape Areas
EP8	Archaeology
IS5	Protection of Access Routes
IS7	Parking Provisions and Standards
IS9	Waste Water Treatment and Sustainable Urban Drainage

Scottish Borders Council Supplementary Planning Guidance:

- Local Biodiversity Action Plan (2001)
- Biodiversity (2005)
- Landscape and Development (2008)

Scottish Government:

- NPF3 – National Planning Framework 2014
- SPP – Scottish Planning Policy 2014
- PAN 1/2013 Environmental Impact Assessment
- PAN 2/2011 Planning and Archaeology
- PAN 1/2011 Planning and Noise
- PAN 75 Planning for Transport (2005)
- PAN 73 Rural Diversification (2005)
- PAN 64 Reclamation of Surface Mineral Workings (2002)
- PAN 60 Planning for Natural Heritage (2000)
- PAN 56 Planning for Noise (1999)
- PAN 51 Planning and Environmental Protection (Revised 2006)
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (1996)
- PAN 50 Annexe A – D (Control of Noise, Dust, Traffic and Blasting at Surface Mineral Workings) (1996)

Circular 4.98 Use of Conditions

KEY PLANNING ISSUES:

The main determining planning issues relevant to the consideration of this application are;

- Whether the proposed extension of an existing minerals quarry would comply with development plan policies related to minerals development and is environmentally and socially acceptable.
- Whether the development would adversely affect the setting of cultural heritage assets, in particular Ewieside Hill, fort Scheduled Monument.
- Whether the development would have an adverse visual impact which would detract from the landscape.

ASSESSMENT OF APPLICATION:

Policy Principle

The Scottish Governments strategy for long term spatial development, the National Planning Framework (NPF3) and the government's policy on nationally important land use planning matters, Scottish Planning Policy (SPP) both identify that minerals development make an important contribution to the economy by providing construction materials. The Strategic Development Plan for the Scottish Borders recognises that the plan area needs to ensure that a steady supply of minerals is available to support sustainable economic growth. Policy R3 of the Consolidated Local Plan 2011 aims to support mineral workings provided that development can be carried out with minimal adverse impact on the environment and with appropriate restoration measures following extraction. The Local Plan Policy sets out the

situations and circumstances in which minerals extraction will and will not be supported.

The thrust of planning policy at national, regional and local level is to support the principle of mineral extraction because of its contribution towards supplying the need for raw materials, creating employment opportunities and generally contributing to economic growth, particularly in rural areas. However, this has to be balanced with the requirement to ensure that the impacts of the extraction of minerals have minimal adverse impacts on the environment, built and natural heritage and local communities. In locations where minerals extraction can be supported, planning decisions must seek to secure the sustainable restoration of sites to a beneficial after-use once working has ceased.

When assessing the policy context of this application it is important to acknowledge that this proposal is seeking to extend an existing operational quarry. The quarry operations at Glenfin have been on-going for some time – at least since the 1990s. The independent correspondence received from Aggregate Industries confirms that there is still a demand for stone produced from Glenfin Quarry, with its high standard of finish being suitable for road infrastructure projects in Scotland and England. The site remains to benefit from good strategic transport links owing to its location directly adjacent to the A1 so that it is well placed to supply its product demand to the north and south. It is therefore clear that there is still a demand and marketplace for aggregate materials from this quarry.

The supporting statement and submitted plans recommends that the phased extraction from the extended quarried areas would take 30 years. Importantly the average volume of extraction of 100,000 per annum would remain consistent with the rate of extraction from the existing quarry. The continued working of the site would retain 10 jobs directly employed with the operations at Glenfin Quarry and indirectly provide employment for up to 15 people mainly through the haulage sector. This proposal will help to maintain employment opportunities in this rural area. The proposed restoration plans which cover the whole of Glenfin Quarry confirm that these extensions represent the final extraction phases for this quarry and when they are complete the minerals operation at Glenfin will cease and the land will be restored.

Despite the backdrop of an economic downturn, there remains a continued demand for extractive material to assist to realise infrastructure investment plans which this development is understood to directly contribute to and meet housing needs. The principle of the proposal is not considered to represent a departure from planning policies. The development will allow the Scottish Borders to maintain a steady supply of aggregate as required by national policies by allowing the continued operation of an existing, well established hard rock quarry which is logical. While this proposal does extend the working area it does not intensify the average rate of extraction from the site and conditions imposed on the previous consent to control extraction can be re-applied to limit the average material extraction across a suitable time period. In accordance with accepted practice, it is recommended that any permission granted would be temporary.

The appropriate restoration of this site will be imperative, especially as this application is expected to represent the final extraction at Glenfin Quarry. In SPP the Scottish Government advocates that through legal agreements and conditions, planning authorities should ensure that a high standard of restoration and aftercare is secured by considering the most effective solution on a site-by-site basis. In this particular case, the quarried site is large and affects an important location for

landscape and archaeological reasons. To ensure that adequate assurances are in place that the site will be restored properly, it is recommended that a Section 75 legal agreement should be entered into to agree the delivery of restoration proposals and for a financial restoration bond as a guarantee. The use of a legal agreement will provide sufficient assurances that the acceptable restoration work will be undertaken and the applicant has agreed to enter into a S75 agreement on this basis.

In principle, the proposed development is considered acceptable and is consistent with the qualifying criteria for appropriate mineral extraction contained within Consolidated Local Policy R3. This is of course subject to further detailed consideration of relevant environmental and other impacts which are covered below.

This policy position is unaltered by the emerging Local Development Plan.

Landscape and Visual Impacts

Glenfin Quarry lies in-between two Landscape Character Areas with the ground of the proposed extensions being located within the elevated Platform Farmland which is part of the Eye Water Landscape Character Area.

The submission has been accompanied by Zone of Theoretical Mapping (ZTV) with a selection of viewpoints identified. The final version of details includes updated visualisations to illustrate the revised amenity bunds and plans to show the reduced working area of the quarry. The proposed restoration proposals were updated through the course of the application and are accompanied by an updated Restoration Statement.

The proposed extension sites are presently used for grazing. The extensions are to take place on Ewieside Hill which forms part of the southern skyline around Cockburnspath. The extensions flank a consented working area which has permission to extract rock from Ewieside Hill. Potentially, the main public visual impacts from this quarry are from the east and north, most notably from the passing A1 where the existing operation can be seen to extend through Gledstone Forrest where it forms a notch on the hill. There is potential for visibility from viewpoints 4, 5 and 6 however the extended areas will largely be tucked behind the woodland planting which will screen the majority of the new proposed working areas from these public sides with the existing quarry operation remaining visible in the foreground.

From the majority of the other viewpoints outwith the 1km radius, the retained landform around the quarry void along with the amenity bunds which are to be formed around the outer edges of the extended areas will help to screen the development. The amenity bunds have been altered so they are to be finished with a grass covering which more appropriately integrates with the surrounding ground cover so they will appear more natural features in the landscape. The amenity bunds are to be formed from the top soil removed from the areas of the proposed extension. Precise details of all the bunds is lack however an appropriately worded planning condition can seek to agree their details and ensure that the bunds are complete before extraction commences on each particular area.

Overall the proposed extensions to Glenfin Quarry result in a small magnitude of change against the impact of the existing quarry within the landscape. The proposals are not considered to pose any detrimental effects upon the setting of either the Lammermuir Hills or Berwickshire Coast Special Landscape Areas which the

development sits in-between. The Council's Landscape Architect has advised that in visual terms, the landscape impacts of these proposals do not warrant objection.

A critical consideration for this development is to ensure that the site will be restored properly. The revised restoration plans illustrated on Drawing No 8020 C1 indicate that incline towards the summit of Ewieside Hill will be restored in a manner that reflects the original landform. A valley is to be left which is to be occupied by two water bodies to connect the existing notch through the forest and the site compound; this feature should reassemble a natural gully. The updated restoration proposals satisfy the Council Landscape Architect and are judged to represent appropriate restoration in a manner sensitive to the landscape character of the surrounding area. When extraction is complete from Area A, this part of the site is to be restored when the extraction process moves to Area B, see Drawing No 8013 C1. The continuous restoration of part of the site which is exhausted from extraction while another part of the site is worked is welcomed because it will limit the intrusion of the development in the landscape.

Concerns about the ability of the applicant to deliver the restoration strategy have been raised however by entering into a Section 75 Legal Agreement to secure a bond for the restoration work; necessary contingency measures will be in place to provide assurances that the site will be restored appropriately. The proposals contained within the Restoration Statement (dated 20th April 2015) contains a reasonable level of the detail of the restoration proposals however further details particular in relation to timings of the phased restoration proposals can be agreed through the Section 75 agreement and related planning conditions.

Impact on Cultural Heritage

Archaeology

The application site is located immediately adjacent to the east of Ewieside Hill, fort Scheduled Ancient Monument (SAM). Historic Scotland have advised that the monument is viewed to be an exceptional field monument which dates from the Iron Age and consists of well-preserved upstanding remains which is of national significance. The setting is characterised by its immediate location on a hill at the end of a high ridge with commanding views to the east, south and north. Its positioning contributes towards a better understanding of the location of forts and defended settlements in the eastern Borders. Policy BE2 of the Consolidated Local Plan aims to give Scheduled Ancient Monuments strong protection from developments which would adversely affect their appearance, fabric or setting. This may result in the need for in-situ preservation or further evaluation to identify appropriate measures of mitigation.

Indirect Impacts

Historic Scotland (HS) and the Council's Archaeologist both raised significant concerns in response to the impact the original proposals were considered to have upon the setting of Ewieside Hill, fort. In particular the proximity and scale of the quarry extension contained within Area A of these proposals were viewed to introduce a large scale industrial feature which would be out of keeping with the agrarian setting of the fort. The understanding of the location of the fort upon its commanding ridgeline location was judged to be heavily degraded by these proposals. The proposed mitigation was viewed to be industrial scale bunding of stripped top-soil with scrub planting which was not appropriately designed to protect the setting of the fort. Issues were also raised that the proposals would contribute to

the cumulative industrialisation of the surrounding landscape in association with neighbouring wind development approvals.

Through the course of the application revised proposals have been submitted to address the concerns of the impact that the development would have upon the setting of the Scheduled Ancient Monument (SAM) and a meeting was held with the agent which HS and our Archaeologist attended. The revisions detailed within the plans received on the 14th of October 2015 (which have remained unchanged in the recent upgrades of the 23rd of November 2015) have been viewed positively by HS and our Archaeologist to an extent where both consultees have lifted their original objections. The amended proposals have reduced the footprint of the quarry extension proposed as part of Area A so that the area of mineral extraction is further removed from the SAM. As a result of the reduction in scale of the proposal, the westerly extension is further removed from the ridge of the hillside which minimises its intrusion upon the setting of the SAM. Space is created for a re-profiled wider amenity bund to separate the extension from the SAM which will no longer be planted with trees and scrub and instead consist of a grass finish. The outer edge of the quarried part of Area A has been altered so that it broadly follows the contour of the hillside allowing for a more natural edge instead of the linear termination illustrated in the original proposals.

The proposed revisions to the western extension of Glenfin Quarry are considered to produce a less invasive form of development which reduces the impact of proposals upon the setting of Ewieside Hill, fort to a tolerable level. In addition the reduced scale of the development is no longer perceived to detrimentally contribute to the industrialisation of the surrounding area in accumulation with surrounding wind farm developments. Within a latter response from HS the relevance of the amenity bunds were questioned however following the revisions to the bunds within the final amendment HS have not raised any concerns about their inclusion as part of the scheme. The revised design of the western amenity bund is judged to be more sympathetic to the setting of the hill fort. To ensure that the bund provides adequate mitigation it will need to be complete before mineral extraction commences within Area A, this requirement can be secured through an appropriately worded planning condition which will allow the formation of the bund using topsoil from the area of extraction.

The revised restoration proposals of the development site have been welcomed by HS and our Archaeologist. Securing the suitable restoration of the site through suitably worded planning conditions and a legal agreement will ensure that the development will not leave any detrimental long lasting effects upon the setting of SAM. It should also be noted that the early restoration of Area A will assist limit the lifespan of the effects which the development will have upon Ewieside Hill, fort.

The recommendation from the Archaeology Officer within his original response for a development contribution towards an archaeological landscape study of North Berwickshire was recommended to provide a form of mitigation to compensate for the detrimental impacts caused by the original scheme. Given that the application has been revised to a standard which addresses the objection from the Council's Archaeologist, it would be inappropriate to pursue such a developer contribution.

Direct Impacts

The ES identifies that mitigation of direct impacts will require further evaluation. The Council's Archaeologist recommends that evaluation should consist of a high resolution geophysical survey of the entire quarry area followed by evaluation

trenching. The identification of significant buried archaeology in areas where there will be direct impacts, or indirect impacts through vibrations, will likely require further excavation, post-excavation research and publication. In accordance with Policy BE2, suitably worded planning conditions can seek for further evaluation to identify appropriate mitigation.

It noted that the proposals include the siting of a post and wire fence over the Scheduled Monument area which is not acceptable and would require the applicant to obtain Scheduled Monument Consent from HS. The removal and repositioning of this fencing can be agreed by way of a planning condition.

In the absence of any remaining concerns from HS and the Councils Archaeologist, it is recommended that subject to the compliance with planning conditions and the conclusion of a legal agreement that the development is not considered to destroy or adversely affect the setting of the Scheduled Monument and meets the requirements of Policy BE2.

There are no Listed Buildings, Conservation Areas or gardens and Designed Landscape which will be affected by this development.

Impact on Residential Amenity

A single general comment has been received from a local resident. Although raising no objection in principle, concerns were raised that the development would increase levels of noise and dust and also detract from the visual amenity of their dwellinghouse and two holiday lets at Tower Farm. All these issues have the potential to have an adverse impact on residential properties. It should however be noted that the existing quarry has planning permission, and has obtained other approvals and permits necessary to operate which are regulated by SEPA and the HSE. Further details on this regulation are set out in the ES and the Supporting Statement.

The proposed extensions will not bring operations any closer to the closest third party properties to this site which are those of Tower Farm. It is accepted that the development will prolong the lifetime of the minerals operation at Glenfin; however, the quarry working would not be carried out in any more intensive a manner than the existing operations. Amenity bunds are to be formed around the edge of the extended areas which are designed to the satisfaction of the Environmental Health Officer (EHO) to reduce the impact of the development upon neighbouring properties.

SEPA have confirmed that the quarrying activity carried out as part of the extractive waste management proposals is unlikely to result in adverse level of air quality pollution at the nearest sensitive receptors. Subject to the imposition of planning conditions to regulate matters such as the suitable noise levels, dust management, prevention of mud, and other material being carried outwith the site in the interest of road safety the EHO has advised that the development can be supported. The imposition of these mitigation measures will account for the safeguards for residential amenity of surrounding residential properties which are sought from the Community Council. The suggestion by the contributor for a planting belt to be formed between the site and Tower Farm as mitigation from dust and noise nuisance is not necessary as a result of the respective recommendations regarding noise and dust control from the EHO and SEPA.

The development is not considered to result in caused any new adverse visual impacts upon the amenity of any of the surrounding residential properties.

Subject to the noted schedule of conditions, the proposed development is considered acceptable in terms of impact on residential amenity, and to comply with Policies G1 and H2 of the Consolidated Local Plan.

Impact on Natural Heritage

The development does not impact upon any natural heritage interests of national importance. The nature conservation site is the SSSI at Pease Bay Glen which is separated from the development by the A1 and the East Coast Railway line. The proposed development will not get any closer to the designated site than the distance of the existing operation. SNH have not raised any objections to these proposals.

The Council's Ecologist confirms that the extension of the quarry will result in the loss of improved pasture and area of gorse shrub. Provided that planning conditions are adopted, sufficient means of mitigation will be in place to avoid a significant adverse impact upon any ecological interest. Recommended conditions should seek to; control site clearance, require checking surveys for badgers, agree a species mitigation plan (which should include protective measures for bats, otter, badger and breeding birds) and incorporate biodiversity enhancement into the restoration of the site through a landscape and habitat restoration plan.

Subject to mitigation and any required checking surveys the proposed development will not have an adverse impact on ecology and wildlife of the area and can be considered compliant with Policy NE3 (Local Biodiversity).

Drainage, Dewatering and Hydrology

SEPA initially raised concerns about the lack of information submitted to determine if suitable measures were in place to handle site drainage from the development and whether any ground water extract is required. The agent prepared a drainage strategy which included full runoff design calculations in their documents and plans submitted on 27th January 2015.

The additional details confirm that the existing two lagoons which serve the surface water run-off from the existing consented areas do not have sufficient capacity to handle run-off from the extended areas. It is proposed to extend the existing lagoon and alongside it construct two additional lagoons, as shown on Fig 2, Fig 3 and Fig 4 of the Drainage Detailed Plans. The new lagoons will be constructed at the north east of the site and connect to the existing site drainage system which consists of a collection pond and sump. Water from the extended quarried areas will be channelled to the drainage system via internal drains. In an updated consultation response, SEPA have confirmed that the proposed upgraded water treatment system would provide sufficient capacity to handle run-off from proposed quarry extension.

The submission of additional information by the agent has confirmed that the development will not require any dewatering operations to control groundwater within the quarry or impact on any private water supplies within the vicinity of the development. This has enabled SEPA to withdraw concerns the original they expressed upon these aspects of the development. SEPA do advise that should a volume of water greater than 10m³/day be extracted then a Controlled Activities Regulations (CAR) licence will be required.

The proposal would not affect any water courses and subject a suitably worded planning condition to seek for the completion of the upgraded drainage system and

an informative note in relation to CAR requirements, the proposed development is considered to comply with Consolidated Local Plan Policy NE5 (Development Affecting the Water Environment).

Impact on Road Safety

The location of the development a short distance from the A1 which means that vehicles can readily access the trunk road network without having to use an extensive length of minor roads. Increased traffic has been raised as a ground of objection. The development proposes to extract minerals at the same rate as the existing quarry operation, consequently the development should not result in an increase volume of traffic over and above existing levels. Objection on grounds of increased traffic is therefore not considered sustainable given the context of the existing development. Transport Scotland and the Roads Planning Officer were both consulted on this application and have not raised any objection to this proposal nor have there been any request of any upgrades to the existing road network.

Rights of Way

Scotways and the Council's Access Ranger have identified that a right of way, reference BB8 which connects Stockbridge to the west and the A1 loop road to the east dissects the present working area of the site. The Agent has suggested that because the site is an operational quarry normal access rights do not apply under Land Reform legislation and that the path was re-routed to the north to avoid the operational quarry. Neither the applicant nor Scotways have any formal record of the agreed diversion on this route, however the Access Ranger has a file note which suggests that the path was re-routed through a forest however this does not appear to correlate with the existing diversion.

There does appear to be a lack of clarity across the previous diversion of route BB8. Therefore if members are minded to approve this application, it is recommended that a planning condition is used to seek formal agreement of the diversion of this route. This will enable the applicants, Scotways and the Council's records to be properly updated. The restoration plans allow for the original route to be re-established once the quarry operations cease.

From a visual perspective, it is not considered that these proposals will pose additional adverse landscape affect from route BB8 against those already faced by the existing development.

Hours of Operation

It is proposed to amend the hours of operation on the site. The existing hours of operations and traffic movements consented in the 2004 planning approval are:

0700 - 1800 Mondays to Fridays
0800 - 1300 Saturdays

It is proposed in this application that the hours of operation would be altered so the operations at the quarry which include; soil stripping, mineral extraction and processing and transportation would be altered to the following working hours:

0700 – 1900 Mondays to Fridays
0800 – 1600 Saturdays

The Environmental Health Officer has suggested extension of the existing consented hours would be inappropriate in their consultation reply. In particular the increased working hours would increase the impact of the development upon the neighbouring properties. In light of this, it is understood that the existing working hours are based on best practice measures so it is considered that re-imposing the existing established working hours would be appropriate in this case.

CONCLUSION

The quarry has been established for over 20 years and has supplied a mineral resource which has benefited the economy and provided job opportunities within the rural area. It is acknowledged that the proposed extensions are large and the extraction operation is intensive however the application has demonstrated that there is still a market demand for rock extracted from Glenfin Quarry. The reduced scale and amended design of the proposed quarry extensions coupled with revised amenity bund protection has overcome archaeological issues so that the proposed development is no longer viewed to adversely affect the setting of Ewieside Hill, fort Scheduled Monument.

It is therefore considered that the proposals comply with national and local policies in relation to mineral workings and that subject to a legal agreement to ensure that the final restoration is undertaken (through a restoration bond or similar) and conditions, mitigation plans and careful monitoring at all stages, that the development will not have a significant adverse impact on archaeology, ecology, landscape setting, surface water drainage or the amenity of neighbouring properties.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement to the provision of a bond to secure the restoration of the site and subject to the following planning conditions:

1. The development hereby permitted shall be carried out in strict accordance with the approved scheme of working detailed in the plans and specifications approved by the Local Planning Authority. No extraction shall take place below the maximum floor depth shown on the approved plans, and in any event, no lower than 184 metres Above Ordnance Datum within Area A (Phases 1-7) and 190 metres Above Ordnance Datum within Area B (Phases 8-13).
Reason: To ensure that the development is carried out in accordance with the approved details.
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 1 Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

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

3. Planning permission is granted for a period of 30 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 30 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 rate of mineral removed from the land shall not exceed 100,000 tonnes per annum over any period of 3 years. Written records shall be kept by the operator of all HGV movements off site including the weight of mineral carried by each vehicle and that information shall be made available for inspection by the Planning Authority on an annual basis on the last day of March each year.
Reason: To safeguard the amenity of the surrounding area and avoid excessive extraction levels.
5. 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.
6. 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 0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 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: To adequately protect the residential amenity of surrounding residential properties.
7. No development shall commence until the applicant and /or the operator of the quarry provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all the decommissioning, site restoration and aftercare costs of the development. Thereafter:
 - (a) No development shall commence on the site until the applicant and /or the operator of the quarry 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 acceptable in all respects.

(b) The applicant and /or the operator of the quarry shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent. If at any stage of the operations a bond or other financial provision is not in place, all operations at the quarry shall cease. Operations shall only recommence once a replacement bond or other financial provision is accepted by the Planning Authority.

(c) The bond or other financial provision will be subject to a five yearly review which shall include a monitoring statement of extracted and reinstated levels, paid for by the applicant and /or the operator of the quarry, from the Commencement of Development, to be conducted by a competent independent professional (Compliance Monitoring Officer) 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.

8. No development shall commence until a detailed scheme for the restoration and the after care of the site to be submitted and approved by the Planning Authority. This will provide full details of final restoration contours, levels, gradients, volume of imported material and provide for satisfactory reinstatement of surface drainage. The scheme shall include details for the phased programme for the restoration of the site. Once the restoration and aftercare scheme has been agreed in writing with the Planning Authority, the development shall only commence in strict accordance with the agreed details unless any variation are agreed with the Planning Authority.

Reason: To ensure the satisfactory restoration and aftercare of the site.

9. No landfill or waste shall be deposited on the site other than quarry waste arising from the site or soil forming material without the express written permission of the Planning Authority to deposit landfill or waste.

Reason: To safeguard the amenity of the surrounding area.

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

Reason: To protect the amenity of the surrounding area and ensure that development is operated within the limitations of its site.

11. No development shall commence until precise details of all amenity bunds have been submitted to and agreed in writing with the Planning Authority. Details to be submitted shall include levels, height, formation and vegetated finish. Once the details of the amenity bunds have been agreed no extraction shall commence within Area A or Area B until the amenity bunds illustrated on Drawing No's 8007C1, 8013C1 and Section Drawing Fig 2 have been completed in accordance with the approved details.

Reason To protect the amenity of the surrounding area and the setting of Scheduled Ancient Monument prior to extractive work commences within the affected areas.

12. No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a **Written Scheme of Investigation** outlining a **Desk Based Assessment, Geophysical Survey and Evaluation**. The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the

Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.

- The developer shall allow sufficient time in advance of development for all archaeological works to be conducted to the satisfaction and written approval of the Planning Authority.
- The developer shall allow the archaeologist(s) access to all areas where development is to be undertaken and where positive geophysical results are possible to conduct all survey and excavation work required.
- Results shall be submitted at least one month prior to development to the Planning Authority for review and agreement in writing in the form of a **Desk-based Assessment, Geophysical Survey and Evaluation Report**.
- In the event that the report highlights areas of archaeological potential these shall require further targeted evaluation prior to development.
- If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented prior to development.
- Significant archaeological finds will undergo appropriate post-excavation research and publication subject to a separate Post-Excavation Research Design

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. In the event that significant archaeological features, finds or deposits are identified and deemed as such by the Council's Archaeology Officer, either during the course of archaeological investigation or development, the developer shall ensure that these are recovered by a by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority and undergo a programme of post-excavation research in accordance with a **Post-Excavation Research Design (PERD)** approved in writing by the Planning Authority. The requirements of this are:

- The results of all post-excavation research and analyses will be submitted to the Planning Authority and disseminated appropriately through publication and community engagement within one year of the final on-site archaeological investigations and reporting.
- The applicant's archaeological contractor shall ensure that the full archive of materials and records be submitted to Treasure Trove and the National Monuments Record of Scotland within one year of the completion of post-excavation research and archived appropriately according to national guidelines.

Reason: Development of the site has resulted in the recovery of significant archaeological materials that will add to regional or national knowledge, and it is therefore desirable to conduct appropriate work to preserve and disseminate the full archaeological record of the site's history.

14. No fencing or any other structures shall be erected within the site of Ewieside Hill, fort Scheduled Ancient Monument unless evidence is submitted to the Planning Authority to prove that the developer has obtained Scheduled Monument Consent for the works from Historic Environment Scotland acting

on behalf of the Scottish Ministers and thereafter the prior approval is given from the Planning Authority in consultation with the Councils Archaeologist for such works.

Reason: The siting of post and wire fencing or any other means of enclosure within the site of the Scheduled Ancient Monument is inappropriate unless the statutory consent is given for such works.

15. During operation hours a free field equivalent continuous noise level (LAeq) 1hour 55db shall be applicable for all quarry operations excluding soil and overburden handling activities and other works in connection with landscaping at Glenfin Quarry Extension at any noise sensitive property existing at the time of this application.

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

16. During operational hours a free field equivalent continuous noise level (LAeq) 1hour 70db shall be applicable to soil and overburden handling works in connection with landscaping at the nearest noise sensitive property and limited to a period not exceeding 8 weeks in one calendar year at any one property.

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

17. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise from the site, the applicant shall at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise from the site in line with PAN50. This report shall be provided to the Planning Authority within 3 months of the request. If the report demonstrates that the site is not in compliance with Condition 15 and 16 relating to noise all site activities will cease until the applicant has proposed a scheme of mitigation and this has been approved by the Planning Authority. Thereafter the development shall resume in strict accordance with the agreed scheme.

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

18. No development shall commence until a scheme for monitoring of dust levels has been submitted to and agreed in writing with the Planning Authority. The scheme shall include the details and location of dust monitoring equipment which is to be positioned at locations around the site. Once approved the development shall commence in strict accordance within the agreed scheme and the operator and on request the operator shall furnish the Planning Authority with particulars of measurements recorded by the equipment.

Reason: To safeguard the amenity of the surrounding area.

19. No development shall commence until a dust management plan has been submitted to and agreed in writing with the Planning Authority. The dust management plan should cover the following topics:

1. Mitigation measures
2. Copy of the dust action plan as mentioned in part 3 of the environmental statement
3. The max height of stock piles
4. Complaints procedure

Once the dust management plans has been agreed the development shall be carried out in strict accordance with the agreed details.

Reason: To safeguard the amenity of the surrounding area.

20. Visual assessments of dust emissions shall be made at least once every working day by the operator with additional inspections at times of strong or gusting wind and during periods of warm, dry weather. Remedial action shall be taken immediately in the case of abnormal visible emissions. A record of all irregular dust conditions shall be kept by the operator for inspection by the Planning Authority in the event of a valid complaint from an affected residential property and the operator shall implemented the mitigation measures agreed within the dust management plan to resolve adverse dust emissions from the site.

Reason: To safeguard the amenity of the surrounding area

21. No site clearance or disturbance of habitats which could be used by breeding birds, grassland, scrub, hedgerows and trees, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.

Reason: To minimise the potential impact on wildlife habitats.

22. No development shall commence until supplementary surveys for badger activity have been carried out by a suitably qualified person. The results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site shall be agreed with the Planning Authority.

Reason: To minimise the potential impact of the development on badgers.

23. No development shall take place until the developer has provided to the Planning Authority either of the following;
a) a copy of the relevant badger development licence or
b) a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To ensure that appropriate permissions are in place to avoid potential impacts of the development on badgers.

24. No development shall commence until a Species Mitigation and Management Plan (including measures for bats, otter, badger and breeding birds) 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.

25. No development shall commence until a Landscape and Habitat Restoration Plan, including measures for woodland habitat creation, standing open water and wetland creation, species rich grassland and measures for bats, breeding birds and reptiles 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.

26. No mineral extraction activities shall take place until the site drainage improvement works illustrated on Figure 2, 3, & 4 and detailed within the Site Surface Drainage Strategy Document (all dated 27 January 2015) have been properly completed to the specification agreed by SEPA.

Reason: To ensure that site drainage system is improved to a satisfactory level to accommodate additional run-off from the extended area.

27. The development shall continue to operate in strict accordance with the undernoted vehicle requirements;
- Wheel washing facilities shall be used to preclude quarry debris being carried onto the public road.
 - All vehicles carrying minerals or mineral waste from the site shall be sheeted to prevent escape of loss materials or dust leaving the site.
 - An area for parking of vehicles visiting the site shall be maintained during the quarries operational house.

Reason: To avoid road safety issues being caused by vehicles exporting goods from the site and provide suitable parking areas.

28. The development shall continue to be operated in strict accordance with the undernoted operative requirements;
- No blasting shall be undertaken on site.
 - All plant and machinery on site shall be installed and maintained in such a manner to minimise the release of dust and wherever possible incorporate dust suppression equipment.
 - Buildings housing crushers, screens and other stone processing machinery shall be maintained in a wind and watertight condition to contain dust created by the operation of machinery as far as reasonably possible.
 - The conveyor shall be fully enclosed to prevent the emission of dust.
 - All stockpiled material shall be stored within the existing quarry area.
 - All measures shall be taken to ensure that no flooding, siting, pollution or erosion of any water course or adjoining land is caused by the operations of the site.
 - All oil, fuel or lubricant within the site shall be stored within a bund or other means or other means of enclosure constructed to the satisfaction of the Planning Authority to prevent contamination of topsoil, sub soil or water courses.
 - Secure fencing shall be provided to the working are and any vertical faces remaining on cessation of working.
 - No additional settling ponds shall be formed without the prior approval of the Planning Authority.
 - Details of the colour of any plant and equipment shall be agreed with the Planning Authority before it is brought onto site to minimise the visibility within the wider landscape.

Reason: To ensure that the quarry is operated in appropriate manner which safeguards the amenity of the surrounding area.

29. No development shall commence until precise details of the diversion to Right of Way, reference BB8 has been submitted to and agreed in writing the Planning Authority. The details shall make clear if it is proposed to temporarily or permanently divert the right of way and thereafter the agreed route shall be made available and kept free from obstruction during the operation of the quarry. If the route is to be temporarily diverted, the developer shall ensure that the original route is usable on completion of the site restoration.

Reason: To ensure that reasonable rights of access are exercised.

Informatives

1. The notes below should be completed for Condition 2 as follows:
Note 1: Insert address or describe the location of the development
Note 2: Delete subject to conditions if the planning permission is not subject to any conditions
Note 3: Insert the name and address of the developer
Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
Note 5: Insert the description of the development.
Note 6: Insert the application reference number.
2. Should a volume of water greater than 10m³/day be extracted from the site then a Controlled Activities Regulations (CAR) licence will be required from SEPA.

DRAWING NUMBERS

Drawing Number	Title
8002 C1	Site Plan (1:5000)
8003 C1	Site Plan (1:2500)
8004 C1	Land Plan
8006 C1	Layout Plan
8007 C1	Phasing Plan Years 1-30
8008 C1	Phasing Plan Yeas 1 - Existing
8009 C1	Phase 1
8010 C1	Phases 2,3,4
8011 C1	Phases 5&6
8012 C1	Phase 7
8013 C1	Phase 8
8014 C1	Phase 9&10
8015 C1	Phase 11
8016 C1	Phase 12
8017 C1	Phase 13
8018 1B	Section Phase 1-7
8018 2B	Section Phase 8-13
8019 C1	Indicative Restoration Contour Plan
8020 C1	Indicative Restoration Plan
8021 B1	Restoration Section
8021 B-2	Restoration Section
8006 B	Layout Plan (with amenity bund section)
Fig 2	Sections (amenity bund)
Fig 1	Drainage Detail Plan - Existing
Fig 2	Drainage Detail Plan - Proposed
Fig 3	Drainage Detail Plan - Proposed
Fig 4	Proposed Lagoon Detail

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

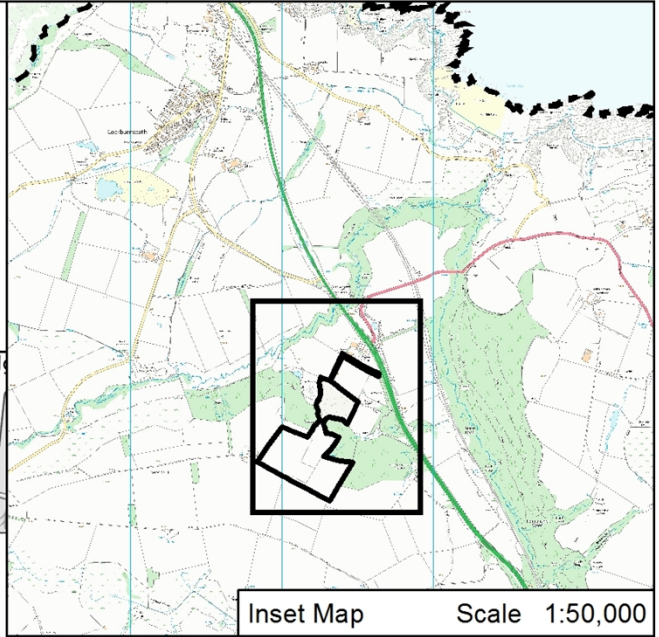
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Assistant Planning Officer

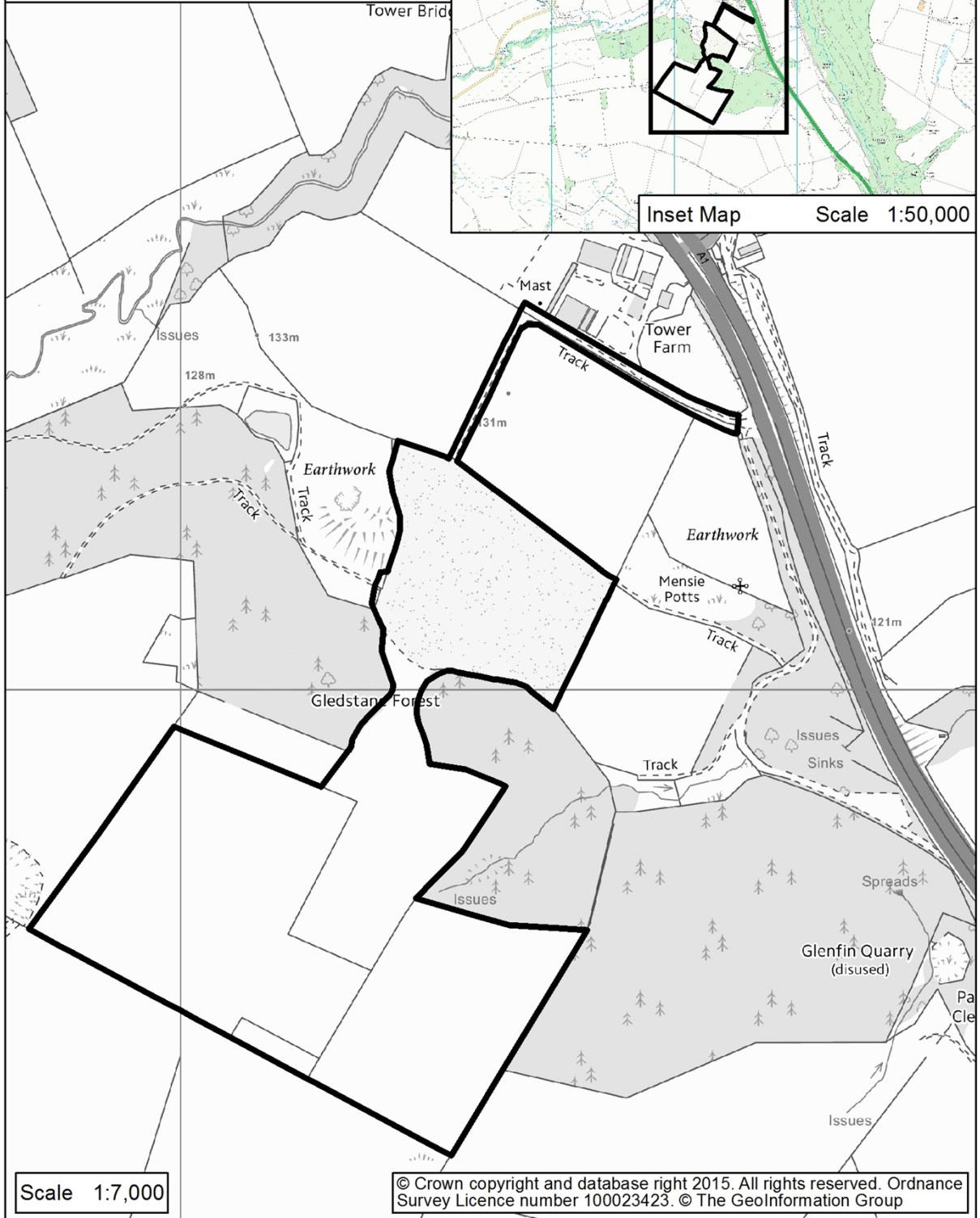


14/01186/MIN
Glenfinn Quarry Neuk
Cockburnspath
Scottish Borders
TD13 5YU



Inset Map

Scale 1:50,000

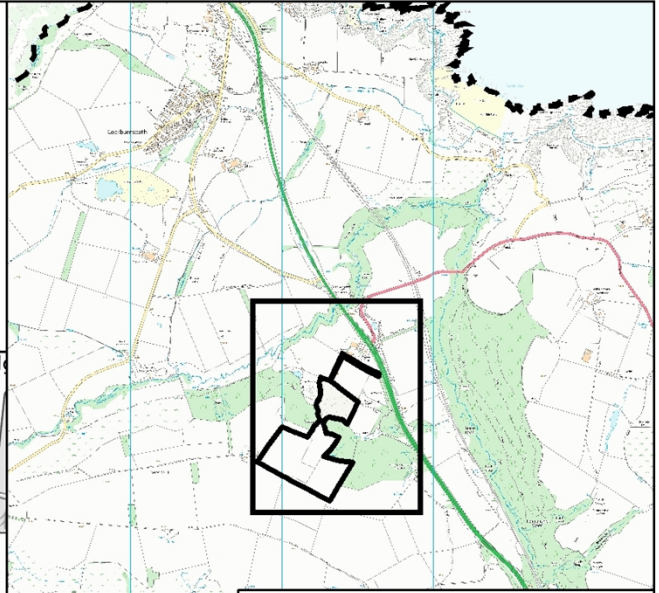


Scale 1:7,000

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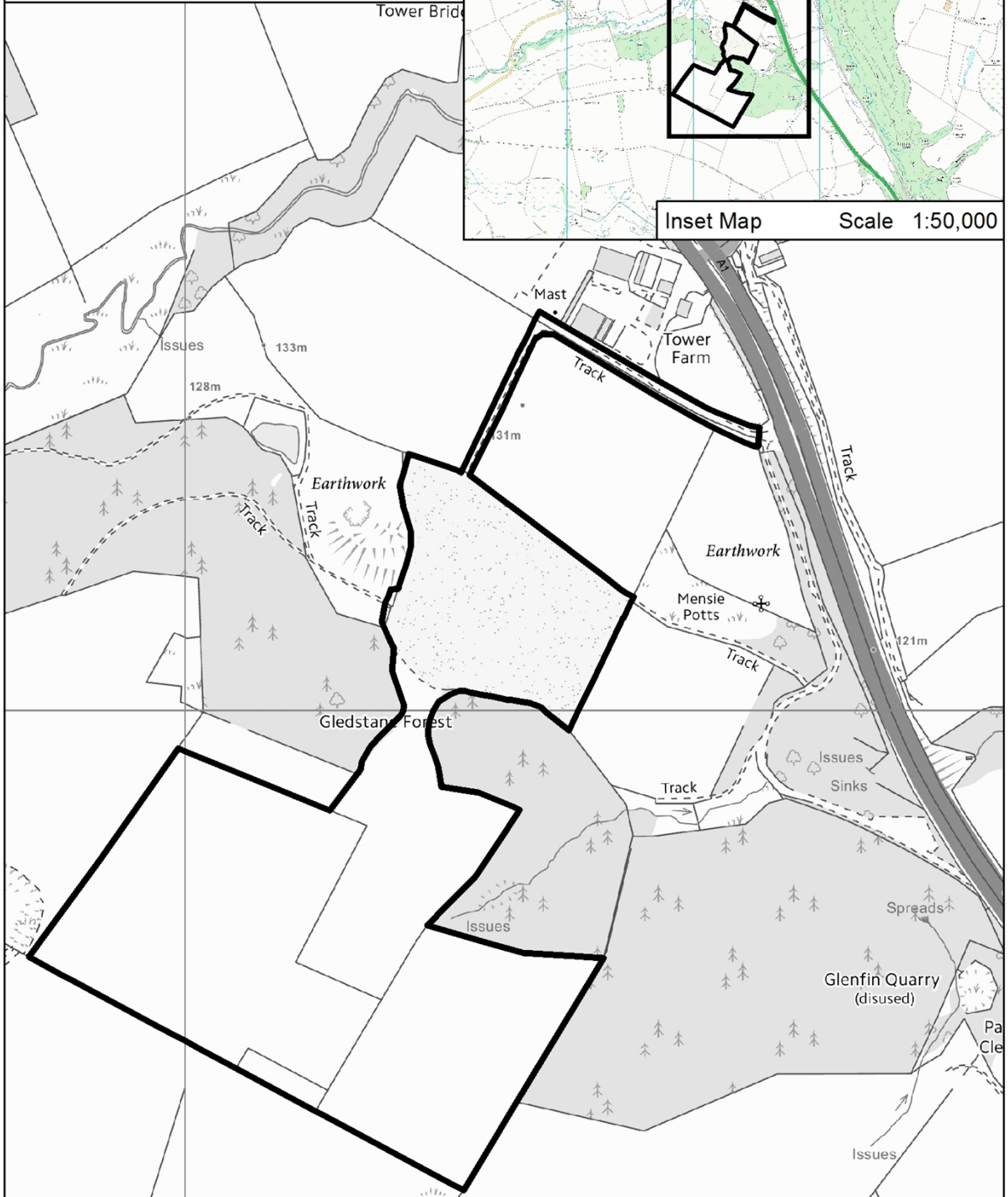


14/01186/MIN
Glenfinn Quarry Neuk
Cockburnspath
Scottish Borders
TD13 5YU



Inset Map

Scale 1:50,000



Scale 1:7,000

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

11 JANUARY 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00978/FUL & 15/01318/CON
OFFICER:	Barry Fotheringham
WARD:	Mid Berwickshire
PROPOSAL:	Demolition of Former Stable Building and Erection of Dwellinghouse
SITE:	Stable Building North of 11 Market Square, Coldstream
APPLICANT:	S Jeffries Esq
AGENT:	Ross Architectural Consultants

SITE DESCRIPTION

The application site is a former stable block located to the north of 11 Market Square, Coldstream. The building is unlisted, but it is located within the Coldstream Conservation Area.

The former stable block is constructed using random rubble stone walls finished externally in grey wet dash render under a double pitched pantile roof. There are areas of red brick infill on the north gable elevation where the building appears to have been extended in the past to create a first floor hayloft/store. The stable is attached to the rear elevation of no 11 Market Square and shares a mutual boundary with the Coldstream Museum to the east. To the north of the site is a flat roof double garage associated with the neighbouring property. To the west of the site is a 2m high stone boundary wall beyond which are areas of private garden associated with neighbouring dwellings.

PROPOSED DEVELOPMENT

The proposals seek conservation area consent to demolish the existing (former) stable building to the rear of 11 Market Square and detailed planning consent to erect a new dwellinghouse. The majority of the stable will be demolished with only the rear (west elevation) and part of the south elevation remaining (theses elevations form part of adjoining buildings).

Initial proposals indicated the erection of a 2 storey 3 bay dwellinghouse on the site of the demolished stable block. The proposed new dwelling would have had a larger footprint than the stable and would be finished using self-coloured render, upvc windows and a double pitched slate roof.

However, following discussions with the agent, revised proposals for the new dwelling were submitted which show an alternative design which mirrors that of the existing building. The proposed dwelling would occupy the same footprint as the existing stable, the same roof profile and same ridge and eaves height as the existing building. The proposals also indicate window and door openings to match existing

with the sliding timber door being retained. No details of external materials or finishes are shown on the amended drawings.

PLANNING HISTORY

15/00442/FUL – Sub-division of existing two dwellinghouse to form three dwellinghouses, change of use, alterations and extension to outbuilding to form two dwellinghouses. Application withdrawn 10.06.2015

15/00663/FUL – Sub-division of existing two dwellinghouses to form three dwellinghouses. Application withdrawn 24.07.2015

REPRESENTATION SUMMARY

15/00978/FUL

Following the original neighbour notification and advertisement period for representations, a total number of 6 objections, from separate households, were received in connection with this application. The principal grounds of objection can be summarised in follows:

- Density of site
- Designated Conservation Area
- Detrimental to Residential Amenity
- Height of the proposed dwelling
- Overlooking
- Privacy of neighbouring properties
- Lack of information
- Appearance
- Impact on the built environment
- Insufficient information in order to reach a reasonable conclusion about its impact.
- Alterations/Demolition of wall
- Inadequate access
- Inadequate screening
- Loss of light
- Loss of view
- Over Provision of facility in area
- Value of property
- Noise nuisance
- Smell
- No sufficient parking space
- Noise nuisance
- Road safety

Members will be able to view the representations in full on Public Access.

A further 8 letters of objection were received after the application was amended and additional neighbour notification/advertisement was carried out. Of the 8 objections received, 6 were received from the original objectors. 2 additional objections were received from separate households.

Additional grounds for objection can be summarised as follows, with full representations available for Members to view in Public Access:

- Impact on bats and breeding birds
- Archaeology
- Demolition of mutual boundary wall
- No consultation with neighbours in respects of demolition of mutual boundary walls
- No dimensions on drawings
- Limitations of site to accommodate a dwelling

15/01318/CON

Six letters of objection from individual households were received in connection with the conservation area consent application. The principal grounds of objection can be summarised as follows with full versions of the representations available for Members to view on Public Access.

- Alterations/Demolition of wall
- Designated Conservation Area
- Lack of neighbour notification
- Density of site
- Detrimental to Residential Amenity
- Loss of light
- Loss of view
- Privacy of neighbouring properties affected

APPLICANTS' SUPPORTING INFORMATION

Following consultation response from Council Ecologist, a Bat and Bird Survey was submitted in support of these applications.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 – Quality Standards for New Development
Policy G4 – Flooding
Policy G5 – Developer Contributions
Policy G7 – Infill Development
Policy BE2 – Archaeological Sites and Ancient Monuments
Policy BE4 – Conservation Areas
Policy NE3 – Local Biodiversity
Policy H2 – Protection of Residential Amenity
Policy Inf4 – Parking Provisions and Standards
Policy Inf5 – Waste Water Treatment Standards
Policy Inf6 – Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Proposed Local Development Plan 2013

Policy PMD2 – Quality Standards
Policy PMD5 – Infill Development

Policy HD3 – Protection of Residential Amenity
Policy EP3 – Local Biodiversity
Policy EP8 – Archaeology
Policy EP9 – Conservation Areas
Policy IS2 – Developer Contributions
Policy IS7 – Parking Provision and Standards
Policy IS8 – Flooding
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

SBC Supplementary Planning Guidance

Placemaking and Design
Biodiversity
Development Contributions
Local Biodiversity Action Plan
Privacy and Sunlight Guide

CONSULTATION RESPONSES:

15/00978/FUL

Scottish Borders Council Consultees

Roads Planning Service: No objections to this proposal provided two parking spaces are provided within the courtyard area prior to occupation of the dwelling and retained thereafter in perpetuity.

E&LL: No response.

Ecology: The existing brick-built structure, with pantile roof with barn and hay-loft features has potential to support bats and their roosts. Works to walls, wall heads, and roof has potential to disturb bats and their roosts. The existing buildings have potential to support breeding birds e.g. house sparrow, starling and barn swallow. Although in an urban setting, the habitat in the surrounding area is of moderate quality for bats.

It is recommended that a survey for bats by a suitably qualified person will be required for all buildings to be converted or altered and an assessment of any mature trees to be felled. Prior to commencement of works, a survey of breeding birds is required for all buildings to be converted. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Also, opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows

Archaeology: There are potential archaeological implications. The property is within the medieval core of Coldstream, and within an area suspected to have been within the precinct of Coldstream Priory. The stable itself is of local historic interest as a surviving structure associated with earlier modes of transportation. As such, I recommend that it is recorded by a qualified archaeologist prior to any alteration.

The following conditions are recommended:

1. A developer funded watching brief, and
2. A developer funded historic building survey

Flood Protection: The “third generation flood mapping” prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. However, in 1948 Coldstream was affected by flooding predicted to be a 1 in 200 year flood event and the level of this flood water was shown to be 17.58mAOD.

Therefore, I would require that the floor level of the house is above the 1 in 200 year flood level, with an allowance for freeboard, so 18.18mAOD. I would state that drawings indicate that FFL's are to be 18.23mAOD and 18.24mAOD, so I would have no objection to this proposal on the grounds of flood risk.

I would recommend 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.

Environmental Health: There is an indication within this Planning Application that the site has had a previous use as agricultural land. Such use may have resulted in land contamination. If the standard contaminated land questionnaire is not returned, it is important that the potential for contamination is considered in any Planning Permission given. In such circumstances it will be our recommendation that a contaminated land assessment condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use.

Statutory Consultees

Coldstream Community Council: No response.

SEPA: We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Scottish Borders Council to undertake their responsibilities as the Flood Prevention Authority.

SEPA previously provided flood risk comments to an application (ref. 15/00442/FUL) for the change of use of the stable block at this site to two dwelling houses. We had no objection to this application following provision of information to show the existing floor levels at the site to be 18.09mAOD and therefore out with the historic flood extent taken to represent the 0.5% annual probability event. The information previously supplied indicated proposed floor levels would be raised an additional 150mm above existing levels and SEPA would recommend this remains the case for the current proposals.

It should be noted that the surrounding area is at risk of flooding and access/egress during a flood event could be restricted. We recommend contact is made with the council's emergency planner and flood prevention officer to determine whether the level of risk is acceptable. We would also recommend that all occupiers of the dwellings sign up to receive the SEPA Flood Warning for Coldstream.

Other Consultees

Berwickshire Civic Society: No response.

15/01318/CON

Scottish Borders Council Consultees

Ecology: Mitigation is required for bats and breeding birds as identified in my response to the related planning application, 15/00978/FUL. It is recommended that no demolition works or roof stripping and removal works to commence during the

breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.

Archaeology: There are potential archaeological implications for this proposal. As I noted in my consultation on application 15/00978/FUL, the late 19th century stable block is of local historic interest and its loss should therefore be mitigated through survey and recording prior to its demolition. Attention should be given during the survey to the potential for the building to contain stone that had been robbed from the ruins of Coldstream Priory. Given this potential, I recommend that the survey level required is 'Detailed' per the ALGAO: Scotland guidance.

There is also a moderate to high potential for encountering buried remains of Coldstream Priory within the site. The application does not specify below ground works associated with this demolition and I recommend that detail is required on this prior to determination. If below ground works are intended (e.g. grubbing of foundations/floors), then I also recommend a watching brief condition per my previous consultation.

Heritage and Design: The proposals for the redevelopment of the site are a material consideration in considering this application and I am pleased to see that a revised scheme has been submitted to the original two storey slated roofed proposals. The new proposals are very much for a building that will be similar to the existing building in terms of mass, form and height.

I would have liked to have seen a Design Statement submitted in support of the demolition proposals to comment on the current condition and why it was proposed to take it down. However my site visit was very useful as it is clear that the front wall (to the courtyard) have moved and whilst it could be possible to repair this, it would need extensive areas of the façade to be taken down and rebuilt – effectively rebuilding the front elevation. Internally there are the remains of a simple timber stable stall.

On balance I am content with the proposed taking down of this section of the building but recommend that a historic building recording exercise is carried out and that consideration is given to the potential reuse of salvaged materials from the down takings (including pantiles if they are capable of being reused).

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

- Whether the demolition of the existing building have an adverse impact on the conservation area, archaeology or local biodiversity, and
- Whether the proposed erection of a dwellinghouse will have an impact on the conservation area, the residential amenity of neighbouring dwelling or the established land use of the area.

ASSESSMENT OF APPLICATION:

Background

As described earlier in this report, the original application (15/00978/FUL) was submitted on the basis of alterations and change of use of the former stables to form a dwellinghouse. It was clear from the submitted plans and from site meetings with the agent that the proposals would involve the demolition of the existing building and the erection of a new dwelling. This prompted the submission of an additional application for conservation area consent to demolish the existing stables (15/01318/CON).

The original detailed proposals sought consent for the erection of a large 2 storey, 3 bay dwellinghouse under a slated double pitched roof. The proposed dwelling would have increased the size and footprint of the stable building to a point where the scale and mass of the property would not be consistent with the pattern of development in the locale or the character and appearance of the surrounding area. The proposed dwelling would have been 1.5m higher than lowest ridge of the stable (0.6m higher than the highest ridge) and the front elevation of the property would project 1.5m forward of the existing west facing elevation. This would have resulted in the erection of a large suburban type dwelling within a small, traditional courtyard in an area of the town where densities are generally high. It was felt that the proposed dwelling would not be consistent or compatible with the character of the surrounding area and neighbouring built form and would constitute over development of the site, contrary to prevailing development plan policy.

Following negotiation with the agent, amended proposals were submitted on 26 October 2015. The revised plans show a 1.5 storey, 2 bedroom dwelling occupying the same footprint as the existing stable. The proposals would effectively result in the rebuilding of the former stables to create a new dwelling. It would incorporate the same roof profile, ridge height and eaves level of the stable and would have a principal elevation to match existing. Original window and door openings would be recreated and the sliding timber barn door would be retained. The revised proposals would effectively rebuild the stable block to match the existing structure in all respects, with the addition of 5no velux roof windows.

Infill Development

Policy G7 of the Local Plan 2011 (LP) is generally supportive of suitable infill development provided it meets a number of criteria. Development on non-allocated land such as garden ground or backland sites will generally be approved provided they can be justified under Policy H2 to safeguard the amenity of residential areas.

The application site is located close to the town centre where the established land use is residential. The erection of a dwelling on this site would therefore not conflict with the established land use of the area. It is also considered that the proposed dwelling would not detract from the character and amenity of the surrounding area as it would effectively be a direct, like for like replacement of the existing stable in terms its scale, mass, form and design. Criteria (iii) of Policy G7 seeks to protect the cumulative effects of development so that it does not lead to over-development or town and village cramming. It is acknowledged that over development of this site has been raised by objectors, but this was on the basis of the original proposals for a much larger dwelling. The proposed dwelling would occupy the same footprint as the existing building and would not increase the height of the building above existing

ridge heights. It is contended therefore that the proposed dwelling would not result in over development of the site.

Criteria (iv) seeks to ensure that the proposed infill development would respect the scale, form, design, materials and density of its surroundings. It has previously been accepted that the proposed dwelling would be consistent with the scale, form and design of the existing building, effectively resulting an identical structure. It would continue to appear as a subservient outbuilding associated with the principal buildings fronting Market Square and would be appropriate for the density of its surroundings.

Criteria (v) requires adequate access and servicing to be available particularly taking account of water and drainage and schools capacity. Vehicular and pedestrian access is available and parking would appear to be available within the site (this will be discussed in more detail later in this report). Schools capacity is an issue but this will be secured through a development contribution and associated legal agreement (also discussed later in this report). The application indicates that water supply and drainage will be via the public mains and public sewer. No evidence has been provided to confirm that connections to both the public water supply and public drainage system are available to serve this site however this matter can be controlled by condition and through the building warrant process.

Criteria (vi) of Policy G7 relates to the protection of residential amenity of neighbouring and adjoining properties. In terms of loss of daylight or sunlight as a result of over shadowing it is contended that the proposed new dwelling will not give rise to any concerns over and above existing levels. It is noted that loss of light and over shadowing have been raised by third parties but given that the new dwelling would be same height as the existing building, the level of over shadowing would not increase above existing levels currently experienced by neighbouring dwellings.

It is accepted that there are challenges associated with this proposal, particularly in relation to the constrained nature of the site and the character of the neighbouring built form. However, it is considered that the revised proposals address previous concerns and objections, and will allow the successful redevelopment of the redundant building consistent with infill development policy G7.

The comparable policies in the Local Development Plan contain broadly the same requirements, and there are no inconsistencies arising from the emerging policy framework.

Conservation Area

Development within or adjacent to a conservation area that would have an unacceptable adverse impact on its character and appearance will be refused under Policy BE4 of the LP. As a minimum, development should have a neutral effect but encouragement is given to developments that would enhance the character and appearance of the conservation area.

As discussed previously in this report, the proposed redevelopment of the stables will effectively result in the stables being rebuilt, with the proposed dwelling replicating the form, scale and design of the existing building. As the property is in a poor state of repair having been abandoned as a stables some time ago, the proposed new dwelling (subject to approval of external materials) will enhance the character and appearance of the conservation area making a positive contribution to the neighbouring built form.

In terms of the demolition of unlisted buildings in conservation areas, demolition will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where a number of criteria can be met. The existing building is in a poor state of disrepair with the roof and west elevation showing signs fatigue and structural failure. Although a site specific engineers report is not available, it is clear from site inspections that the vast majority of the building would have to be demolished before it could be re-developed for residential use. The proposals would therefore comply with Criteria (i) as it is incapable of reasonably beneficial use by virtue of its state of disrepair.

Criteria (ii) states that redevelopment will only be permitted where the structural condition of the building is such that it cannot be adapted without material loss to its character. The existing building is a building of local historical interest but given the restricted nature of the site and the architectural character of the building it is unlikely that it can be modified to accommodate alterations and extensions without detrimental effect on its character.

Acknowledging the objections raised in relation to the impacts on the conservation area designation, it is considered that the proposed dwelling, following demolition of the stable will in fact enhance the character and appearance of the conservation area, both individually and as part of the wider townscape. The proposed dwelling would replicate the existing building in terms of scale, mass and design and would ensure the long term use of the site as a dwelling. This would be consistent with the character of the area and the built form and would have a positive effect on the appearance of the conservation area.

Design

It has already been established that the proposed dwelling would be consistent with the character of the surrounding area and neighbouring built form. The design of the new dwelling would reflect the architectural style of the traditionally built stable building, replicating the unusual stepped roof plane, hay-loft openings and barn door. It is clear that the proposal can be accommodated within the site without resulting in over development (it would occupy the same footprint as existing) and would create a courtyard type development with a sense of place in sympathy with local architectural styles. It would be of a scale, mass and height appropriate to its surroundings and, subject to appropriately worded conditions, would be finished in materials of the highest quality.

Members will note that concerns were expressed by the Case Officer over the scale, mass, height and design of the originally proposed dwelling in relation to the character of the surrounding area and neighbouring built form. It was felt that this 'suburban' style dwelling would not be appropriate to its surroundings and would constitute over development of the site, contrary to prevailing policy covering quality standards as well as supplementary planning guidance on placemaking and design. The revised proposals on the other hand acknowledge the scale and built form of the existing building and have responded to the difficulties presented by the constrained nature of the site, the surrounding built form and the character and appearance of the conservation area. It is acknowledged that objections have been raised in relation to the design of the original dwelling, particularly in relation to height, appearance and impact on the built environment, but it is felt that the revised proposals adequately address these points.

Consideration should be given to the potential reuse of salvaged materials from the down takings, in particular the pantiles if they are capable of being reused. This can be added as an applicant informative to the standard external materials condition.

Residential Amenity

Policy H2 of the LP aims to protect the amenity of both existing established residential areas as well as proposed new residential developments. The policy applies to areas where the predominant use is residential and will be applicable, not just to large scale residential developments, but also to extensions, development on garden ground, backland development, redevelopment sites and brownfield sites.

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted under Policy H2. However, as discussed above, it is felt that the proposed dwelling would respect the scale, form and type of development in terms of its fit within a predominantly residential area. As the proposed dwelling would be the same height, scale and mass as the existing stables it would not have an unacceptable adverse impact on neighbouring dwellings as a result of overshadowing or loss of daylight. Existing levels would not be compromised.

In terms of overlooking and the potential for a loss of privacy it is accepted that the existing building is not occupied and neighbouring dwellings are therefore currently not compromised. The proposed dwelling would incorporate 2 bedrooms at first floor level with low level windows and velux roof windows. These openings will be at an oblique angle to the windows on the rear (north) elevation of the existing dwellings in Market Square and will not have an unacceptable adverse impact on the residential amenity of these properties as a result of direct window to window overlooking.

In addition, existing rear gardens are defined by high stone walls which are proposed for retention. These will help screen the development from the areas of private garden ground and also help minimise levels of overlooking. Given that existing areas of garden ground are currently over looked by the upper floors of the dwellings on Market Square, it is unlikely that the proposed development will increase existing levels of overlooking to unacceptable levels detrimental to the residential amenity of neighbouring dwellings.

It is acknowledged that a number of objections have raised concerns in relation to overlooking, loss of privacy and loss of light. As discussed, and given the fact that the proposals seek to replace an existing building with one of the same dimensions, it is considered that the development will not have an adverse impact on the amenity of existing dwellings as a result of overlooking, over shadowing or loss of privacy and would comply with the terms of Policy H2 of the LP.

Access and parking

The application site is accessed via a narrow gated pend from Market Square. The pend is large enough to accommodate a vehicle and it would appear that the two cars can be parked within the courtyard to ensure vehicles are clear of the public road. It is acknowledged that space is limited within the courtyard area and this has been raised as an issue by several objectors, however, the Council's Roads Planning Service confirms that they have no objections to this proposal provided two parking spaces are provided within the courtyard area prior to occupation of the dwelling and that they are retained thereafter in perpetuity.

It is understood that the small outbuilding located in the north west corner of the courtyard will be removed as part of the redevelopment proposals and this will free up additional space that will allow for 2 car parking spaces to be accommodated within the site. To ensure that 2 spaces are made available it is recommended that an amended site plan, showing 2 car parking spaces, is submitted for our approval before development commences. The spaces shall then be made available before the dwelling is occupied and retained thereafter in perpetuity. These matters can be secured by appropriately worded conditions should Members be minded to approve this application, ensuring compliance with development plan policy Inf4 – Parking Provisions and Standards.

Flooding

Members will be aware the Policy G4 of the LP discourages development from taking place in areas which are or may become subject to flood risk. The Council's Flood Officer and SEPA both confirm that the application site is located out with the predicted 1 in 200 year flood event as shown on SEPA's third generation flood mapping. However, Coldstream was affected by flooding in 1948 which was predicted to be a 1 in 200 year flood event and the level of the flood water was shown to be 17.58mAOD. It would therefore be appropriate to ensure that the finished ground floor level of the proposed new dwelling is set at a level out with the historic flood extent. With an allowance for freeboard, the finished ground floor level should be set no lower than 18.24mAOD. The Council's Flood Officer and SEPA are in agreement with this level and would have no objections to this proposal on the grounds of flooding. The finished floor level can be controlled by condition should Members be minded to approve this application.

Cultural heritage and archaeology

The Council's Archaeologist has confirmed that there are archaeological implications associated with this pair of applications. The application site is located within the medieval core of Coldstream and within an area suspected to have been within the precinct of Coldstream Priory. In addition, the stable itself is of local historic interest as a surviving structure associated with earlier modes of transport.

As the original proposals sought consent for alterations and a change of use of the building, the Archaeologist advised that the building be recorded prior to any alteration. Also, it was recommended that an archaeological watching brief is required as there is moderate potential for encountering buried archaeological remains.

Following the submission of the Conservation Area Consent application, the Archaeologist confirms his position that there is moderate to high potential to encounter buried remains and recommends that additional information on below ground works is required prior to determination. If below ground works are intended then a watching brief as per his earlier consultation would be required.

As the proposal seeks consent to demolish the existing building and erect a new dwelling, there will be below ground works in order to form new foundations. It would therefore seem appropriate in this instance to seek a watching brief in respect of the conservation area application as well as the detailed application. Members will note that our Archaeologist would be happy to accept a single written scheme of investigation covering both levels of work. This will ensure that the building is recorded prior to and during its demolition, and that a watching brief is in place during the below ground works ensuring compliance with Policy BE2 of the LP.

Natural heritage

The existing structure with pantile roof and hay-loft features has the potential to support bats and their roosts. They also have the potential to support breeding birds. The Council's Ecologist advises that although the site is in an urban setting, the habitat in the surrounding area is of moderate quality for bats and as such it is recommended that bat surveys are carried out prior to determination and bird surveys are carried out prior to commencement of works.

The building was subsequently inspected in September 2015 and the survey submitted by BSG Ecology on behalf of the applicant found no evidence of bats roosting or breeding birds, although precautionary mitigation is recommended in the report. It is recommended that no demolition works or roof stripping commence during the bird breeding season and bat activity season without the express written permission of the planning authority. This can be covered by condition and will ensure that there is no harm to bats or birds during their breeding and activity seasons.

Following the submission of amended plans and the subsequent application for Conservation Area Consent, further consultation took place with the Ecology Officer. Mitigation for bats and birds is required as per the original response to the related detailed application. Notwithstanding the original proposals to convert the stables to a dwelling, the application to demolish would require an identical condition to that previously recommended. Subject to appropriately worded conditions and mitigation, it is considered that the demolition of the existing building is acceptable, will be in accordance with development plan policies covering protected species and local biodiversity and will not have an unacceptable adverse impact on bats or breeding birds.

Infrastructure

Proposals indicate that the dwelling would be serviced by the existing public water supply and public sewage system. As the site is located within the settlement boundary and within an sewered catchment area, connection to the existing public systems is the preferred solution in this case. Surface water drainage should be separate from foul water and taken to an appropriate SUDS system within the site.

Whilst no details of connection are currently available, precise details can be controlled by condition and the subsequent Building Warrant process.

Contaminated Land

Policy G2 of the LP aims to allow for development on contaminated or potentially contaminated sites but in a manner that ensures that the re-use and restoration of the site is made possible without risk to public health or the environment. Given the previous use of the site as a stable, it may have resulted in land contamination. A questionnaire relating to the previous use of the site was sent to the agent but this was never returned. As such, it is important that the potential for land contamination is considered through the planning process. In this instance it would be appropriate therefore to add a condition requiring a contaminated land survey to be carried out and submitted for approval prior to development commencing on site. This would ensure that the potential risks arising from any identified land contamination have been properly addressed in accordance with Policy G2.

Developer Contributions

Members will be aware that Policy G5 of the Local Plan seeks to secure development contributions where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services. In this case, the proposed erection of a dwellinghouse will require contributions towards Education & Lifelong Learning only. This matter has been discussed with the applicant/agent and will be secured through an appropriate legal agreement (in this case a S69) should members resolve to approve the detailed application.

CONCLUSIONS

15/00978/FUL

Subject to appropriately worded planning conditions and the conclusion of a legal agreement to secure development contributions, it is considered that the proposed development is acceptable and in accordance with development plan policies relating infill development, quality standards for new development, impact on conservation areas and impact on residential amenity. The revised proposals are a significant improvement over those originally submitted and it is contended that the development will now have a positive effect on the built environment and the character and appearance of the conservation area.

15/01318/CON

Subject to appropriately worded planning conditions it is considered that the proposals to demolish the former stables building is acceptable and in accordance with development plan policies relating development in conservation areas. The building is in a state of disrepair and is not suitable for conversion to an alternative use. Acceptable alternative proposals for the site have been submitted under the associated application for a replacement building and alternative use which will have a positive effect on the character and appearance of the conservation area.

RECOMMENDATIONS BY CHIEF PLANNING OFFICER:

15/00978/FUL

I recommend the application is approved subject to a legal agreement addressing contribution towards (Education & Lifelong Learning – Berwickshire High School), and the following conditions and informatives:

1. The development hereby approved shall be carried out wholly in accordance with amended drawing S1 – Design Proposals (dated October 2015 and received 26 October 2015).
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

3. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. With an allowance for freeboard, the finished ground floor level should be set no lower than 18.24mAOD.

Reason: In order to protect the property and its occupants from a predicted 1 in 200 year flood event.

4. Two parking spaces, not including any garage, must be provided within the courtyard area adjacent to the dwelling hereby approved, prior to the occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure two parking spaces are made available clear of the public road.

5. No demolition works or roof stripping and removal works to commence during the breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.

Reason: In the interests of local biodiversity and protected species.

6. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. 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.
- Development should seek to mitigate the loss of significant archaeology through avoidance 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).
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable

to afford a reasonable opportunity to record the history of the site.

7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. 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.
- Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

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

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

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

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter,

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

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

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

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

- 9. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

- 10. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

- 1. In relation to Condition No 2 above, consideration should be given to the potential reuse of salvaged materials from the down takings (including pantiles if they are capable of being reused).
- 2. In relation to Condition No 3 above it is recommended that the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188 in order to receive flood warnings from SEPA.

DRAWING NUMBERS

LOCATION PLAN

2 – Existing Outbuilding Floor Plans & Elevations

S1 – Design Proposals

15/01318/CON

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

1. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to show that contracts have been entered into by the developer to ensure that building work in relation to the dwelling approved under 15/00978/FUL is commenced within a period of 6 months following commencement of demolition.
Reason: To prevent premature demolition in the interests of the character of the Conservation Area.
2. The buildings/structures to which this consent relates shall not be demolished until all details required by planning permission reference number 15/00978/FUL have been submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent premature demolition in the interests of the character of the Conservation Area.
3. All residue materials resulting from the demolition of the building hereby approved shall be removed from the site within the calendar month of the date of completion of the demolition.
Reason: In the interests of the appearance and setting of the Conservation Area.
4. No demolition works or roof stripping and removal works to commence during the breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.
Reason: In the interests of local biodiversity and protected species.

DRAWING NUMBERS

LOCATION PLAN

2 – Existing Outbuilding Floor Plans & Elevations

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

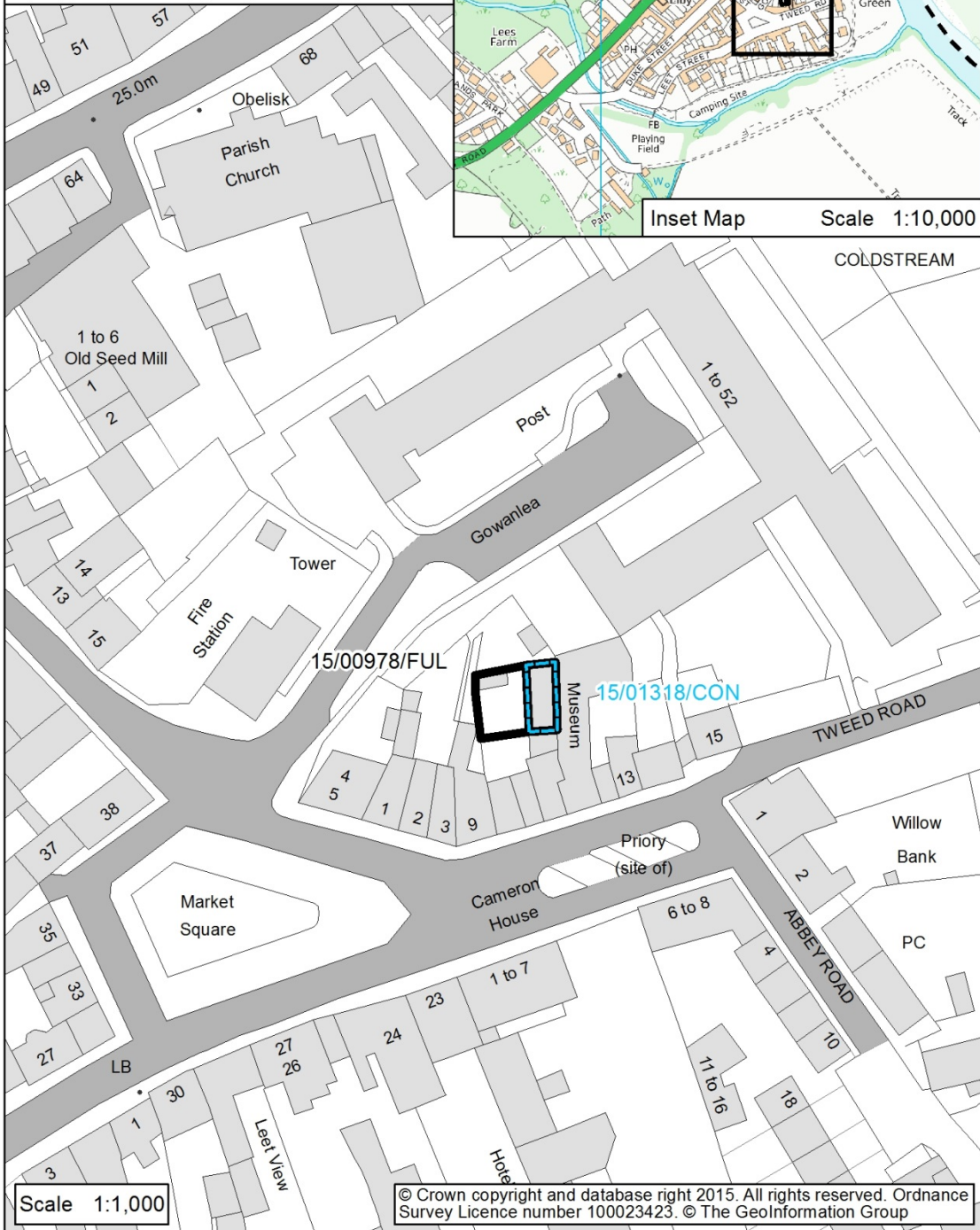
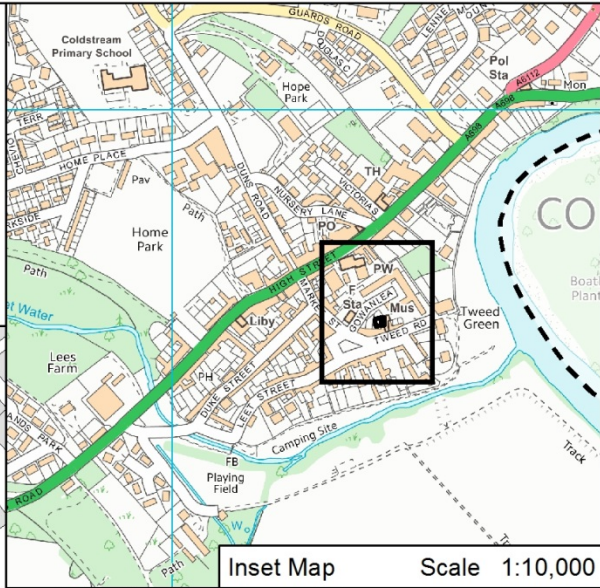
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Barry Fotheringham	Lead Planning Officer



15/00978/FUL & 15/01318/CON
 Stable Building North Of
 11 Market Square
 Coldstream



PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

11th January 2016

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

- 3.1.1 Reference: 14/01081/FUL
Proposal: Wind farm development comprising 7 No wind turbines 110m high to tip with ancillary equipment, access track and associated works
Site: Land West of Muircleugh Farmhouse, Lauder
Appellant: Airvolution Energy Ltd

Reasons for Refusal: 1. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on the landscape character of the surrounding area, most notably the Lauder Common, contrary to Policies G1 and D4 of the Consolidated Local Plan 2011, by virtue of the location and scale of the development. 2. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on visual receptors, including the Lauder Common, B6362, A68 and A697, the Southern Upland Way, Girthgate route, Eildon Hills and Thirlestane Castle, which combine to conflict with Policies G1 and D4 of the Consolidated Local Plan 2011 by virtue of the location and scale of the development. 3. There would be an

unacceptable cumulative impact (combined with Girthgate) on the setting of the Cathpair Scheduled Monument, contrary to Policies D4 and BE2 of the Consolidated Local Plan 2011. 4. Inadequate evidence has been provided to demonstrate that the development will not lead to unacceptable impacts on residential receptors as a result of noise both individually and cumulatively (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) contrary to Policy D4 of the Consolidated Local Plan 2011. 5. The development would contribute to loss of wader habitat as a result of the siting of Turbine 6, contrary to Policies D4, NE3 and NE5 of the Consolidated Local Plan 2011.

Grounds of Appeal: 1. The development has support in principle from national planning policy, and will make a significant contribution to achieving the Government's challenging renewable energy and climate change targets. 2. The development is located in a site to which such applications are guided by national policy and the Development Plan. 3. The development is well located to minimise impacts on landscape, ecology, ornithology, residential amenity (visually or by noise or shadow flicker), geology, soils, the water environment or archaeology, and does not impact on radar or other Ministry of Defence assets. 4. The environmental effects are an inevitable consequence for this type of development, the effects are minimised as far as possible and are acceptable. 5. The development will provide positive economic benefits locally. 6. The Council's reasons for refusal, Reasons 1 and 2 relating to landscape and visual impacts are overstated, Reason 3 relating to cumulative impact is overstated and shouldn't be accumulative with Girthgate, Reason 4 relating to noise is addressed in the Supplementary Environmental Information provided with this appeal and Reason 5 relating to the loss of wader habitat is not significant and is offset by a much larger habitat management proposal. 7. Section 25 of the Town and Country Planning Act (Scotland) 1997 (as amended) requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development accords with the Development Plan and the balance considerations support the grant of planning permission.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Michael J P Cunliffe, concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. He does not consider that the renewable energy benefits of the proposal are sufficient to outweigh the adverse impacts on the landscape, visual receptors and recreations. He has considered all the other matters raised, but there are none which lead him to alter his conclusions to dismiss the appeal and refuse planning permission.

3.2 Enforcements

Nil

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 18th December 2015. This relates to sites at:

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|--|---|
| <ul style="list-style-type: none">Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge | <ul style="list-style-type: none">Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick |
|--|---|

5 REVIEW REQUESTS RECEIVED

Nil

6 REVIEWS DETERMINED

6.1 Reference: 14/00996/PPP
Proposal: Erection of dwellinghouse
Site: Plot A Chirnside Station, Chirnside
Appellant: G Drummond

Reason for Refusal: 1. The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside. 2. The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013. Reason: To protect general rights of responsible access.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 14/01282/FUL
Proposal: Change of use of land to form extension to existing holiday park
Site: Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth
Appellant: Park Resorts Ltd

Reasons for Refusal: 1. The proposals would be contrary to policy H3 of the Consolidated Local Plan in that the proposed change of use of land would result in the loss of allocated housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area. 2. The proposal would be contrary Policy Inf3 of the Consolidated Local Plan in that the proposed development would give raise to road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 15/00601/FUL
Proposal: Replacement windows (retrospective)
Site: Tushielaw Inn, Ettrick Valley, Selkirk
Appellant: Donna Cornish

Reasons for Refusal: 1. The replacement windows do not comply with Local Plan Policy G1in that they are not of an appropriate design or style and do not complement the quality of the architecture of the historically important building. 2. The proposals do not comply with the Supplementary Planning Guidance on Replacement windows as they have not been replaced on a 'like for like' basis and the essential features which formed part of the historical character of the building have not been retained.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

- 6.4 Reference: 15/00662/FUL
Proposal: Installation of 2 No rooflights
Site: Caroline Villa, Main Street, West Linton
Appellant: Mr Mark Hepworth

Condition Imposed: Notwithstanding the details of the proposed rooflights submitted with the application, the approved rooflights to be permanently fixed closed and to have obscure glazing, to be retained in perpetuity. Before any development commences on site details of the rooflights, the method of fixing and the type of obscure glazing to be submitted to and approved by the Planning Authority. The development then to be completed in accordance with the approved details. Reason: To protect the residential amenity of nearby properties from overlooking.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Condition)

- 6.5 Reference: 15/00682/FUL
Proposal: Siting of portacabin for use as flour mill
Site: Land North West of Spruce House, Romano Bridge, West Linton
Appellant: Romanno Mains Renewables Ltd

Reason for Refusal: The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.6 Reference: 15/00745/PPP
Proposal: Erection of dwellinghouse
Site: Land East of Park Lane, Croft Park, Croft Road,
Kelso
Appellant: Mr James Hewit

Reason for Refusal: The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

7 REVIEWS OUTSTANDING

7.1 There remained no reviews previously reported on which decisions were still awaited when this report was prepared on 18th December 2015.

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

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

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