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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

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

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

Apologies:- Councillor C. Ramage.

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

1. **MINUTE**

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

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

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

DECISION

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

DECLARATION OF INTEREST

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

3. **PLANNING (SCOTLAND) BILL**

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

DECISION

NOTED.

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

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

**DECISION
NOTED.**

5. **APPEALS AND REVIEWS.
TWEEDBANK SUPPLEMENTARY GUIDANCE AND SIMPLIFIED PLANNING ZONE**
With reference to paragraph 2 of the Minute of 7 November 2016, the Depute Chief Planning Officer advised that the matter had now been approved by Council and the proposal had been submitted to Scottish Ministers.

**DECISION
NOTED.**

6. **PRIVATE BUSINESS
DECISION
AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

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

The meeting concluded at 1.30 p.m.

APPENDIX I**APPLICATIONS FOR PLANNING PERMISSION**

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

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

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

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

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

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

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

3. No development shall take place except in strict accordance with a scheme of soft landscaping works (based on the general arrangement illustrated on Drawing No L01 dated 13.11.2017), which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance which includes a three year Defects Liability Period

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

4. No trees shall be felled until a Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
- a) A plan identifying the location of protective fencing in accordance with BS5837:2012 which is to be erected around the trees identified for retention on Drawing No HP1/0517 and thereafter the fencing shall only be removed when the development has been completed.
 - b) A programme of remedial tree works to allow the access road to be constructed.
 - c) A programme of works to detail the removal of trees identified within the Drawing No HP1/0517 for removal.

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

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

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

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

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

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

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

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

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

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

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

9. Prior to any part of the development hereby permitted being brought into use, the proposed alterations to the A68 /Waterside Road priority junction, generally as illustrated in Goodson Associates' Drawing No.P13603 / 700 (Rev. A), shall be implemented and brought into use..

Reason: To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

10. Prior to any part of the development hereby permitted being brought into use, a Path Planning Study shall be submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

- a) All existing core paths, rights of way, or other used paths/ tracks;
- b) Areas where statutory rights of access will apply and any areas proposed for exclusion from statutory access rights for reasons of privacy, disturbance or curtilage, in relation to proposed buildings, structures or fenced off areas;
- c) Any permanent diversions of paths proposed for the purposes of the development;
- d) A scheme of access improvement works which include improving the condition of Core Path 107 and 101 within the site and provision of additional path furniture required in terms of signage, seating etc.

Reason: To protect and improve path access through the development site.

11. CCTV cameras approved under this permission shall not incorporate a field of view of private residential property. The field of view to be applied shall be agreed with the Planning Authority prior to installation of the cameras

Reason: To minimise loss of privacy of neighbouring properties.

12. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Record of the Historic Environment (NRHE) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant

archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD). The results of additional excavations and an appropriately resourced post excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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

13. No development shall commence until the following Ecological Mitigation Measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

- a) Species Protection Plan (including measures for bats, badger, red squirrel, breeding birds, reptiles and amphibia)
- b) Biosecurity Plan for few-flowered leek
- c) A Lighting Plan
- d) A Landscape and Habitat Management Plan

Once approved, the proposed development shall be carried out in strict accordance with the approved details.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.

14. No development shall commence until an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environment Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP), Species Protection Plan, Biosecurity Plan and Landscape and Habitat Management Plan.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

15. No development shall commence until a Construction Environment Management Plan shall be submitted for the approval in writing by the Planning Authority. The CEMP shall include

- a) Risk assessment of potentially damaging construction activities (which includes improvement works to Waterside Road)
- b) Identification of "biodiversity protection zones".
- c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
- d) A Drainage Management Plan
- e) A Site Waste Management Plan
- f) An Accident Management Plan
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW)

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the environment, and that the mitigation measures are fully implemented.

16. No development shall commence until the means of surface water drainage to serve the site which complies with Sustainable Urban Drainage Systems (SUDS) regulations has been

submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in strict accordance with the agreed details.

Reason: To agree suitable means of surface water drainage from the site.

17. No development shall commence until the precise specification of the heat pump, including its acoustic specification has been submitted to and approved in writing with by the Planning Authority and thereafter the development shall be carried out in strict accordance with the agreed details.

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

Informatives

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

NOTE

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

Reference

17/00457/MIN

Nature of Development

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

Location

Blinkbonny Quarry
Kelso

Decision: APPROVED subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

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

The development comprises (Note 5)

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

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

Timescale and Phasing

3. Planning permission is granted for a period of 22 years from the date of the commencement of the development. Unless an application is made and granted for its continuation or extension, the working of the quarry and all ancillary operations shall be discontinued within 22 years of the date of commencement of the development.

Reason: To ensure satisfactory development of the site and to safeguard the amenity of the area.

4. The development shall be carried out in accordance with the approved scheme of working detailed in the amended phasing plans (7706A, 7707A, 7708A, 7709A, 7710B, 7711B, 7712B, 7713A, 7715A) except as far as the information is amended by any of the following conditions, or where subsequently agreed in writing with the Planning Authority. The maximum floor depth is to be as shown on the approved plans, and in any event, no lower than 150 metres Above Ordnance Datum unless first agreed in writing by the Planning Authority.

Reason: To ensure the development of the site is carried out in the manner considered by the planning authority.

5. The hours of operations for all working, with the exception of measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 0800 hours to 2000 hours Mondays to Fridays and 0800 hours to 1200 hours on Saturdays and not at all on Sundays, unless with the prior agreement of the Planning Authority. In addition, no operations shall be permitted on 25 and 26 December and 1 and 2 January.

Reason: In the interests of amenity.

Ecology

6. A tree/shrub planting scheme together with a scheme to compensate for loss of woodland consistent with FCS policy on the control of woodland removal shall be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development of during the next planting season thereto and to be maintained thereafter. The scheme is to make detailed provision for the formation of the northern landscape planting which is to be undertaken within 12 months of the approval of the details by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To maintain and enhance the visual amenities of the area, and ensure suitable provision of compensatory planting.

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

Reason: To minimise the potential impact of the development on breeding birds

8. A Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Planning Authority before the development commences. Once approved, its requirements shall be carried out on site in full to a programme set out in the agreed plan.
Reason: To compensate for potential habitat loss associated with the development
9. A Breeding Bird Protection Plan to be prepared and submitted to the Planning Authority prior to the commencement of development on the extension site. The plan is to set out procedures to be followed in order to prevent disturbance to breeding birds.
Reason: To minimise the potential impact of the development on breeding birds.
10. An Ecological Clerk of Works shall be appointed to carry out pre-construction surveys, to inform a Species Mitigation and Management Plan and an Environmental Management Plan and to oversee compliance with the SMMP and EMP.
Reason: To minimise the potential impact of the development and compensate for potential habitat loss associated with the development
11. Prior to the commencement of works a Species Mitigation and Management Plan (including otter, badger, bats, breeding birds, reptiles and amphibia) is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To compensate for potential habitat loss associated with the development
12. All soils shall be retained on the site and none shall be sold off or removed from the site.
Reason: To enable sound restoration; to minimise the movement of soils and to minimise traffic movement outwith the site.
13. Any oil fuel, lubricant, paint or solvent within the site shall be stored within a suitable bund or other means of enclosure, constructed to the satisfaction of the Planning Authority to prevent such material from contaminating top soil or sub-soil or water course.
Reason: To protect land and water courses from damage by polluting agents.
14. Unless otherwise agreed in writing with the Planning Authority, no water from the site shall be discharged into any ditch, stream, watercourse or culvert outside the site except through approved settlement lagoons.
Reason: To safeguard the natural drainage of the area.

Fencing

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

Permitted Development Rights

16. Notwithstanding the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no buildings, plant or machinery, including that of a temporary nature, shall be erected, placed or installed without the prior consent of the Planning Authority.
Reason: In order that the Planning Authority retains effective control of the development in the interests of amenity.
17. No extraction or encroachment of machinery or deposit of equipment, spoil or other material to be permitted outwith the site boundaries.
Reason: In the interests of amenity.

After Care and Restoration

18. No development shall commence until the Company provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of this consent. Thereafter:
- (a) No development shall commence on the site until the Company has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory.
 - (b) The Company shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent.
 - (c) The bond or other financial provision will be subject to a five yearly review, paid for by the Company, from the Commencement of Development, to be conducted by a competent independent professional who has relevant experience within the quarrying sector and provided to the Company, the landowners (if different), and the Planning Authority.
Reason: To ensure suitable provisions are made for restoration of the site, and to minimise the longer term visual impacts of the development
19. A detailed scheme for the restoration and the after care of the site to be submitted and approved by the Planning Authority within 12 months of the date of commencement of the development. This will provide full details of final restoration contours, levels and gradients, provide for satisfactory reinstatement of surface drainage and include details of any hedges, walls, fences and soil replacement. The scheme of restoration to be completed in a timescale to be agreed with the Planning Authority.
Reason: To ensure the satisfactory restoration of the site.
20. Unless otherwise agreed with the Planning Authority no landfill or waste shall be deposited on the site other than quarry waste arising from the site or soil forming material.
Reason: To safeguard the amenity of the surrounding area.
21. A Restoration Habitat Management and Enhancement Plan, including measures for native woodland, grassland, wetland habitat and open water is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To compensate for potential habitat loss associated with the development

Blasting and Noise

22. Prior to any blasting taking place the occupants of residential properties in identified noise sensitive locations and the Planning Authority shall be given 24 hrs notice of any blasting to be carried out on the site. The location of the noise sensitive properties shall be agreed with the planning authority before each blast.
Reason: In the interests of neighbouring amenity, and proper management of blasting operations.
23. During operational hours a free field limit of $L_{Aeq, 1hr}$ 45dB shall be applicable to all quarry operations excluding soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive property. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages).
Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

24. During operational hours a free field limit of $L_{Aeq, 1hr}$ 55dB shall be applicable to soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive properties. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages).
Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.
25. Prior to the commencement of works the applicant must submit for approval a noise management plan for the site to the Planning Authority. Once approved this will become the noise management plan for the site and must be adhered to. (See informative for information on what should be included in the plan).
Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.
26. Prior to the commencement of any works full details of the noise screening bund, including a timetable for implementation on site, must be submitted to and approved in writing by the Planning Authority.
Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

Dust

27. All plant and machinery on the site will be installed and maintained in such a manner as to minimise the release of dust and whenever possible incorporate dust suppression and collection equipment. Dust levels arising from the site operations shall be monitored by the operator in conjunction with the Planning Authority for a period of 6 months following the commencement of works at this site. Any further dust suppression measures identified by the Planning Authority shall be implemented by the operator within 2 months of the date of identification, unless an additional period of time is agreed in writing with the Planning Authority.
Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.
28. Mud, dust and other material spilt or otherwise deposited by vehicles leaving the quarry shall be swept and collected from the quarry's main haul road.
Reason: In the interests of amenity.
29. All exposed stockpiles of processed mineral and all active quarry waste tips shall be sprayed with water by the use of efficient water sprays to minimise the release of dust into the air.
Reason: In the interests of amenity.
30. Vehicle wheel cleaning facilities shall be retained throughout the operation of the quarry, the siting and design of which shall be subject to the prior approval of the Planning Authority.
Reason: To ensure material from the site is not deposited on the A road to the detriment of road safety

Informatives

1. The Notes above should be completed for Condition 2 as follows:
 - 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. The Noise Management Plan should be based on the guidance available in PAN 50

Annex A Control of Noise at Surface Mineral Workings and BS5228:2009. It should include:

- Details of how complaints will be logged and investigated at the site.
- The maintenance of equipment to prevent unnecessary noise.
- The methodology for noise monitoring in the event that a justified noise complaint is received by the applicant or local authority.
- The methodology that will be used to notify the local authority and noise sensitive properties that blasting will occur.
- Details on how the site will be operated in accordance with current guidance (i.e. BS5228:2009) particularly in relation to blasting and noisy works such as soil and overburden handling and works in connection with drilling of blast shot holes.

3. Attention is drawn to the consultation responses received with this application.
4. This planning permission does not purport to grant consent under any other legislation or Regulations operated by bodies other than the Planning Authority, including Scottish Natural Heritage, the Scottish Environmental Protection Agency, the Water Authority, and any other Department of Scottish Borders Council (This list is not exhaustive).
5. The proposed works are largely screened by surrounding vegetation and landform and screen planting is proposed for the relatively minor visual impacts that will occur out with the site. The Restoration Strategy accompanying the application provides a workable vision of the finished site condition. However, it is considered that any further extension of Blinkbonny Quarry beyond this application proposal could be problematic in landscape and visual terms.

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

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

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

VOTE

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

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

On a show of hands Members voted as follows:-

*Motion - 4 votes
Amendment - 4 votes*

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

Amendment was accordingly carried.

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

APPLICATION 17/01438/FUL

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

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Prior to their installation, the precise specification of the display cases which are to be fitted to the east elevation of the building shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.
Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Conservation Area.

APPLICATION 17/01439/LBC

Decision: APPROVED subject the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until a photographic record of the central staircase with an accompanying floor plan identifying where the images have been taken from have been lodged to and approved in writing by the Planning Authority. Thereafter the handrail and balustrade shall be labelled and carefully dismantled and set aside within the building for possible re-use.
Reason: To ensure satisfactory preservation of the Listed Building.
3. The development shall be carried out in accordance with the following details unless otherwise agreed in writing with the Planning Authority;
 - The new fire and sound resistant suspended ceiling shall be installed below the cornice detailing on the upper ground floor.
 - The metal clad doors which serve the former holding cells on the upper ground floor shall be retained.Reason: To ensure satisfactory preservation of the Listed Building.
4. The external alterations shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
5. Prior to their installation, the precise specification of the display cases which are to be fitted to the east elevation of the building shall be submitted to and agreed in writing with the Planning

Authority and thereafter the development shall be completed in accordance with the agreed details.

Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Listed Building.

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

Decision: APPROVED, subject to the undernoted conditions.

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

Reason: To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

2. Within 2 calendar months of the date of this consent, the existing field entrance onto the public road must be upgraded to the standard field access specification shown on the Roads Planning Service consultation response dated 7 December 2017, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of road safety.

3. The existing trees to the south west of the application site (shown on drawing No. 1717-03 hereby approved) shall be retained and shall not felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Planning Authority considers should be substantially maintained.

NOTE

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