

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
in the Council Headquarters, Newtown St.
Boswells on 5 December 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from application 16/00869/FUL),
J. Brown, J. Campbell, J. Fullarton, D. Moffat, S. Mountford, B. White.
Apology:- Councillor I. Gillespie.
In Attendance:- Chief Planning Officer, Principal Roads Planning Officer, Solicitor (Graham
Nelson), Democratic Services Team Leader, Democratic Services Officer (F
Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 November 2016.

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 application as detailed in the Appendix to this Minute.

3. **APPEALS AND REVIEWS**

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:-

(a) **the Appeal decisions in respect of:-**

(i) **Erection of windfarm comprising 7 No wind turbines up to 115m high to tip, access tracks, sub-station and ancillary works on Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles – 15/00818/FUL;**

(ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00125/LBC; and**

(iii) **Provision of illuminated sign, at 22 Bridge Street, Kelso – 15/00141/ADVERT**

(b) **Appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk;**

(c) **Review requested in respect of the Erection of 2 No dwellings for holiday let, and associated infrastructure works on Land North West of 4 Rink Farm Cottages, Galashiels – 16/00844/FUL;**

- (d) that the Local Review Body had overturned the Appointed Officers decision to refuse the removal of existing summer house and erection of garden room at Beechwood, lawyer's Brae, Galashiels – 16/00953/FUL; and
- (e) that there remained one Section 36 appeal outstanding in respect of (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.

4. **PLANNING PERFORMANCE FRAMEWORK 2015-16**

There had been circulated copies of a letter together with the Performance Marker Report 2015/16. The Chief Planner Officer advised that the report had scored Scottish Borders Council with mainly Green RAG ratings against the set performance Markers, with one Amber for processing agreements. It was highlighted that there had been 2 red ratings against Local Development Plan and the Development Plan Scheme. The Committee considered this unjust as the only reason the Council were late in adopting the LDP was because of the time taken for DPEA to report their findings. Members agreed that their views on this delay should be conveyed to the Minister for Local Government and Housing

DECISION

AGREED that the Chairman send a letter to the Minister requesting that the red RAG ratings be reviewed in light of the fact that the delays were forced upon the Council.

The meeting concluded at 12.45 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00744/FUL	Erection of 2 No distilleries with associated visitor centres, bottling hall, maturation warehousing, office, gatehouse with associated roads and infrastructure, and change of use of hotel to form office and staff accommodation	Land North of Former Jedforest Hotel and Jedforest Hotel (now known as Mossburn House)

Decision - Approved in principle by the Committee, subject to the approval of the Scottish Ministers on flooding matters, and to the following conditions.

Committee is requested to issue delegated authority to Officers, to allow the Agent time to resolve further Regulatory matters of detail with SEPA concerning Groundwater Dependent Terrestrial Ecology (GWDTE) issues and Pollution Prevention and Control measures.

Conditions

1. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding the following:
 - a. A detailed construction programme and projected timetable for implementation of the development, to include proposals for the phasing of the development, including phasing of the landscaping plan, and provision of all building and associated infrastructure including access roads, parking and drainage;
 - b. the location, design and layout of any temporary construction compound(s), to include (but not limited to) areas for staff welfare accommodation and areas for storage of construction materials and plant and machinery, etc., the positioning of any static plant as far as practicable from site boundaries, the location orientation and size and height of all site compound buildings to be stationed on the site, (and positioned so as to act as a sound barrier) and the location and design including height of any barriers to be erected around the site to reduce the level of noise, etc.
 - c. notwithstanding the specification indicated on the submitted drawings, which are not hereby approved, detailed specifications and/ or samples of the external finishing materials for all buildings to be erected on the site, to include the use of dark coloured external materials for the warehouse buildings.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development and to mitigate the landscape and visual impact of the development (as recommended in the applicant's submitted ES) in the interests of the landscape and visual appearance and amenity of the development upon the surrounding Special Landscape Area.

2. All landscaping works including tree and shrub planting, hedgerows; grass and hard landscaping features to be undertaken in accordance with the drawings hereby approved. Notwithstanding changes;
 - a. Changing specification of River birch *Betula nigra* in 'Riverside Trees' since this is not native.
 - b. Using cell grown or pot grown stock as opposed to bare root stock.
 - c. Further details of hard landscaping features
 - d. Further details of Landscape Art Feature

and no part of the development shall commence until details have been submitted to and approved in writing by Council, as Planning Authority, regarding the timescale for undertaking all planting and seeding works which form part of the approved landscaping works together

with a programme for the long-term management and maintenance of all landscape areas within the site. This timetable shall be informed by the construction and phasing programme as required by condition 1 above and include provision for early establishment of all planting following earth works around the site boundary, including the vehicular access. Thereafter, all landscaping shall be provided and implemented in accordance with the approved details.

Reason: Details of the timetable for implementing the proposed/required landscaping arrangements are lacking from the submission and in order to ensure that the approved landscaping works are carried out timeously, including boundary treatments, to ensure the development is screened and absorbed into the landscape and to reduce the landscape and visual amenity impact of the development upon the Special Landscape Area.

3. Any trees, shrubs and seeding/ turfing which within a period of 5 years from planting, are removed or become damaged or diseased shall be replaced no later than by the end of the first planting season with others of similar size, number species and or seeding mix, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that all approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding areas.

4. Construction works associated with the development, audible at any point on the boundary of any noise sensitive dwelling, shall be permitted between 0700-1900 hours, Monday to Friday and 0700-1600 hours on Saturday only, and at no other times outwith these permitted hours shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/ stated hours of working.

Reason: To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise sensitive properties.

5. No development shall commence until a proposed lighting plan for limited unidirectional lighting to avoid large illumination in the rural site has been submitted to and approved in writing by the Planning Authority. This lighting plan should be designed by a qualified lighting designer in accordance with the Institution of Lighting Engineers; "Guidance Notes for the Reduction of Obtrusive Light". Thereafter development to only be undertaken and lit in accordance with this plan.

Reason: To protect neighbouring residential amenity and protect the rural character and appearance of the surrounding landscape.

6. 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:

- a) 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.
- b) 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.

- c) Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- d) 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.
- e) 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.
- f) Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- g) 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.

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:

- a) 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.
- b) Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- c) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- d) 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.
- e) 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.
- f) Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- g) 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. Prior to the development commencing a new access to the site shall be constructed and the existing access closed off. The new access to the development shall substantially match the part of the new junction which accesses the site as detailed in the drawing (Drg No EC21062:95:001) submitted by Blyth + Blyth dated 9 May 2016, in support of the application, but excluding the right turn lane. The access shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with

Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved. To maintain safety for both the trunk road traffic and the traffic moving to and from the development

To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

9. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority.

Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development

10. The full junction as detailed in the drawing dated 9 May 2016 (Drg No EC21062:95:001), submitted by Blyth + Blyth in support of the application, shall be constructed prior to the occupation of the development.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

11. The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

12. Wheel washing facilities shall be provided within the site.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety

13. Traffic bollards (Glasdon Admiral bollard or approved equivalent) to be erected within the trunk road verge on either side of the access at locations to be approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that road safety is improved by highlighting the location of the access.

14. Prior to the development commencing a Parking Study shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.

Reason: To ensure that sufficient parking spaces are provided within the development. (The Applicant should be advised that the Parking Study is required due to discrepancies within the Visitor Appraisal Study. Parking is based on visitor numbers and car occupancy which is

stated as being assumed to be 2.7 people per car but Paragraph 2.7 in the same report states that Department of Transport figures indicate 1.51 people per car. This discrepancy must be resolved and the Parking Study should also include figures from similar development types to validate the assumed figures in the Transport Statement, based on the Visitor Appraisal Study.)

15. Prior to the development commencing plans shall be submitted to show;
- a. Pedestrian connections to and from the nearest bus stop on the A68.
 - b. Plans to demonstrate replacement of the nearest bus stop on the A68
 - c. Plans to demonstrate how the existing access road will be physically stopped up.
- These shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.
Thereafter development to be undertaken in accordance with these approved plans.

Reason: To ensure sufficient access to the development by sustainable transport methods and in the interests of road safety.

16. 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 discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

17. All plant and machinery 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.

18. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.

Reason: To ensure that the development does not have a detrimental effect on public health.

19. Waste arising from the development shall not be disposed of other than in accordance with Chapter 2 Section 5.5 of the Environmental Statement, without the written agreement of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

20. 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 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

- a) 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.
- b) 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).
- c) 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.
- d) 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.

21. Prior to the commencement of works an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environmental Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP) and Species Protection Plan, ("the ECoW works"). The terms of the appointment shall be submitted for the approval in writing by the Council, as Planning Authority, in consultation with SEPA and SNH. The terms shall include the requirement to
- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and
 - b. Require the ECoW to report to the Company's nominated construction project manager, the Planning Authority, SNH and SEPA any incidences of non-compliance with the ECoW works.

Reason: To ensure the protection of the Tweed SAC and European protected species.

22. Prior to the commencement of works 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,
 - 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
 - g) Responsible persons and lines of communication
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW)
 - i) Actual location of outfall and abstraction as identified in the CAR Licence.

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 the protection of the River Tweed SAC and European protected species.

23. Prior to the commencement of development a Species and Habitat Protection Plan (including supplementary surveys and measures for; GWDTES, bats, otter, badger, breeding birds and

amphibia as appropriate) is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. Reason: To ensure the protection of the River Tweed SAC, European protected species and GWDTES.

24. Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including through woodland creation and management, conservation management of grassland and wetlands, provision of a scheme of bat and bird boxes, an artificial otter holt and provision of appropriate access and interpretation, 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 ensure the protection of the River Tweed SAC, European Protected species and enhancement of the ecological interest.

ADVISORY NOTES

1. Transport Scotland:

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

2. Environmental Health:

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

The Applicants should liaise with the Councils Licensing Section to establish whether or not the proposed staff accommodation requires to be licenced as a House in Multiple Occupation. liquorandlicensing@scotborders.gcsx.gov.uk

NOTE

Mr G Fry, Jedvalley Community Council, although not as an objector, raised concerns and Mr H Wight, Jedburgh Community Council spoke in support of the application.

Reference

16/00869/FUL

Nature of Development

Erection of sixty dwellinghouses with associated Works.

Location

Cooperknowe Phase 4
And 5, Coopersknowe
Crescent, Galashiels

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

1. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Waverley Railway.
2. The development shall be carried out in accordance with the plans and drawings approved under this consent, including floor plan layouts specified on the approved plans, unless otherwise agreed with the Planning Authority, or requiring to be amended by this or other conditions in this schedule. If floor plans are inconsistent with elevation drawings, a remedial scheme for the same shall be submitted to and approved by the Planning Authority and the development shall be completed in accordance with the approved scheme.
Reason: To ensure the development is carried out in accordance with the approved plans and drawings unless amendments are specified by or agreed by the Planning Authority
3. No development shall commence on flatted blocks on plots 17-22;26-31; and 32-39 or H5 house types, notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved plans and drawings
Reason: To achieve design improvements to these aspects of the development
4. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved residential development
5. No development shall commence until a phasing programme for the development has been submitted to and approved by the Planning Authority. This shall include all buildings, roads, paths, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme. All flatted blocks shall be provided with cycle storage (one per unit) in the locations identified on the approved site plan (Plan PL(01) Revision T) and in accordance with details of the visual appearance of the cycle storage units which shall be submitted to and approved by the Planning Authority prior to their installation
Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.
6. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (Plan PL(01) Revision T) have been submitted to and approved by the Planning Authority. The surface water drainage scheme shall specify permeable paving/surfacing for all parking spaces, underground storage and swale; shall demonstrate that this shall maintain greenfield run-off levels; shall include full details of the swale (sufficient to establish its visual appearance);

and, shall specify future maintenance of the scheme. The approved services shall be installed in accordance with the approved phasing scheme (Condition 5)

Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off

7. No development shall commence until a scheme of details for the children's play area has been submitted to and approved by the Planning Authority. Details shall include the layout, levels, specification, implementation date(s) and future maintenance of the play area. The play area shall be installed and maintained in accordance with the approved scheme of details.

Reason: To ensure the development is provided with adequate children's play space.

8. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has been submitted to and approved by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.

Reason: Further information is required to achieve an acceptable landscape scheme for the site.

9. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing and bin store enclosures) has been submitted to and approved by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.

Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.

10. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, and of all roads, paths and parking areas, has been submitted to and approved by the Planning Authority. The road surfacing layout shall accord with Plan PL(01) Revision T. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area, and that the road layout accords with the approved layout, in the interests of road and pedestrian safety

11. No development shall commence until further details of proposed levels within the site have been submitted to and approved by the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and flat floor levels (incorporating a variation in level between plots 1 and 2); and retaining wall height and specifications. The levels shall relate to a fixed, off-site datum. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance

12. No development shall commence on the roadway until a revised specification for the 'build-out' at Plot 5 has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved specification

Reason: A minor adjustment is required to achieve a better visual interruption to the road at this point, in the interests of safeguarding road and pedestrian safety

13. The driver visibility splay for the proposed junction onto the C77 (illustrated by the perforated green line on the approved plan PL (01) Revision T) shall be provided free of

obstruction prior to occupancy of the first dwellinghouse/flatted dwelling within the development and maintained free from obstruction thereafter (with the exception of the tree to be retained).

Reason: In the interests of road and pedestrian safety.

14. The existing tree within the site adjacent the proposed C77 junction, and trees adjacent the boundary of the site with the industrial estate alongside plots 48-60 shall be safeguarded during the construction of the development in accordance with a Tree Protection Plan that shall be submitted to and approved by the Planning Authority prior to development commencing. The Tree Protection Plan shall apply BS5837:12. The development shall only be implemented in accordance with the approved plan. The existing tree adjacent the C77 shall be retained following completion of the development and shall not be lopped, felled or otherwise disturbed without the prior written approval of the Planning Authority

Reason: To safeguard a tree of value within the site and minimise risk to trees on land adjacent the site, in the interests of the visual amenity of the surrounding area and the amenity of future residents

15. A window shall be installed within the western gable of Plot 16 prior to occupancy of the dwellinghouse in accordance with a scheme of details submitted to and approved by the Planning Authority prior to works commencing on this plot

Reason: To provide overlooking of the adjacent lane in the interests of visual amenity

16. First floor window openings on the westerly facing elevation of Plot 15 and south-facing elevation of Plot 50 shall be fitted with obscure glazing prior to occupancy of the dwellinghouse in accordance with a specification agreed with the Planning Authority. The windows shall not be later altered or replaced with a different specification, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended 2011 or any subsequent amendment or replacement Order

Reason: To maintain privacy between dwellings and gardens within the development.

17. 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:

i. Development at (Note 1)

ii. 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.

iii. The development comprises (Note 5)

iv. 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.

18. No permission is granted for the proposed houses on plots 59 and 60 identified on the approved site layout plan. Details of the landscaping of this land (plots 59 & 60) shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Thereafter, the approved scheme shall be carried out in accordance with the approved details and within an agreed timescale.

Reason: The Planning & Building Standards Committee considered that there needed to be visual break between the development at Coopersknowe Crescent and the proposed development and that the provision of a landscape area at this point would assist the transition between the two distinctly different phases of development.

Informatives

1. If future maintenance of the play area and communal open space planting/landscaping is to be adopted by the Council, this shall require a legal agreement to cover financial contributions for this arrangement.
2. Colours and finishes for external materials shall be expected to be sympathetic to the varied palette evident within adjacent and nearby housing areas, in particular Coopersknowe Crescent
3. Roads Construction Consent will be required. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.
4. Field drains (understood to be potentially affected by Plot 59), pipelines and other infrastructure are matters the applicants must account directly for prior to commencing work on site. It is also understood from previous application correspondence for this site that that a tail drain for a septic tank (Rowallan) is believed to fall within the site. The applicants/developers should address these matters directly with the owners and utility companies
5. Where alterations to the buildings are required to incorporate zero/low carbon technologies, such works may require separate Planning Permission, unless these do not materially alter the approved development. Amenity implications for neighbouring properties and other residents within the development (in particular, air quality and noise) should, in any event, be accounted for when designing and locating such works.
6. Development should be carried out in a manner consistent with British Standard guidance on constriction works, to maintain neighbouring amenity, in particular BS5228.
7. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
8. The Notes required of Condition 17 should be completed 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.
9. The Planning & Building Standards Committee in considering the application highlighted that care should be taken to provide appropriate edging for the landscaped area in the centre of the square, to ensure that it is retained as a feature and not compromised by road users and pedestrians travelling over it.

VOTE

Councillor White, seconded by Councillor Ballantyne moved that a site visit be arranged prior to a decision being taken on the application.

On a show of hands Members voted as follows:-

For - 4 votes

Against - 4 votes

There being an equality of votes, the Chairman exercised his casting vote against the holding of a site visit. It was accordingly decided that no site visit be held.

VOTE

Councillor Fullarton, seconded by Councillor Ballantyne moved that the application be approved with the removal of plots 59 and 60.

Councillor Brown, seconded by Councillor Moffat, moved that the application be approved as per the officer's recommendations.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 3 votes

The motion was accordingly carried.

NOTE

Mr Birnie, Coopersknowe Residents Association spoke against the application.

Reference

16/01090/FUL

Nature of Development

Erection of dwellinghouse

Location

Land East of Fordings,
Lower Green, West Linton

DECISION: approved subject to the completion of a Section 75 legal agreement in respect of Developer contributions and the following conditions:

1. The development hereby approved shall be carried out wholly in accordance with the amended site plan ref BROW01PL003 dated 24 October 2016.
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. Before any development commences on site details of the construction of the proposed parking and turning areas shall be submitted to and approved by the planning authority. The two parking spaces and turning areas shall to be retained in perpetuity.
Reason: To ensure that there is adequate off road parking and turning area within the site in the interests of road safety.
4. The minimum finished floor level of the ground floor of the dwellinghouse shall be 235.1mAOD.
Reason: To protect the property from any potential flooding
5. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning

Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

6. Before any development commences on site details of height of proposed boundary fencing shall be agreed with the local planning authority and the fence shall be erected prior to any demolition or construction work taking place on the site.
Reason: to protect the residential amenity of nearby residents.
7. Before any development commences on site precise details of valley gutter shall be submitted to and approved by the local planning authority.
Reason: To ensure that the new dwellinghouse does not affect the fabric of existing adjacent properties.
8. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority. The plan shall then be implemented in accordance with the approved details.
Reason: To maintain safety for residents living in proximity of the site and traffic moving to and from the development.

NOTE

Mr Roger Brown, Applicant spoke in support of the application.