

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00980/FUL	Wind Farm development comprising of 8 no turbines 100m height to tip and Associated works, infrastructure, compounds, buildings and meteorological mast	Land North of Howpark Farmhouse, Grantshouse

Decision: Refused contrary to officer's recommendation for the following reason:

The proposed development is contrary to policy ED9 of the Scottish Borders Local Development Plan 2016, the provisions of the Supplementary Planning Guidance on Windfarms 2011 and the study on Landscape Capacity and Cumulative Impact 2013 (Ironsides Farrar) in that the development would have significant adverse cumulative visual impacts on residential and other receptors and that the landscape is incapable of accommodating the scale of turbines proposed. In addition, the identified economic benefits are not sufficient to outweigh the significant visual and landscape objections to the development.

A covering letter was to accompany the decision stating:

The Planning & Building Standards Committee in considering the application debated the potential noise impact on local residents at some length. Whilst ultimately coming to the conclusion that, on the basis of the evidence before them, a reason for refusal could not be sustained they remained concerned about the cumulative noise impact on the identified residential receptors, particularly those in closest proximity to the application site.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00236/MOD75	Discharge of planning obligation pursuant to planning permission T199-88	Land South West and South East of Bowbank Cottages, Bellfield Road, Eddleston

Decision: Approved as per recommendation.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01417/FUL	Formation of waste transfer station and Associated works	Land South of Easter Langlee Recycling Centre

Decision: Refused contrary to officer's recommendation for the following reason:

The proposed development is contrary to policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the C77 road, from the site access to the B6374 Melrose Road, is inadequate and is not able to cope with the traffic generated from the development. In addition, the C77 is not capable of improvement to an acceptable standard to serve the development. The development, if approved, would be detrimental to road safety for pedestrians, residents living in the locality and other road users.

#### NOTE

Mr Young on behalf of Mr and Mrs Scougal, Aislill Cottage, Galashiels and Mr Stisi and Mr John Birnie, Chairman of Cooperknowes Residents Assoc spoke against the application.

## VOTE

*Councillor Smith, seconded by Councillor Moffat moved approval of the application.*

*Councillor White, seconded by Councillor Ballantyne moved as an amendment that the application be refused on the grounds of the inadequacy of the road for the proposed development and road safety.*

*On a show of hands Members voted as follows:-*

*Motion - 2 votes*  
*Amendment - 5 votes*

*The amendment was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00187/FUL	Revised design pertaining to planning permission 09/01542/FUL to replace public bar/restaurant/function suite with 3 No. dwellinghouses and 4 No. flats	Land West of and including Golfer's Rest Former Station, Cardrona, Peebles

Decision: Approved subject to the following conditions and a Legal Agreement covering the adjustment to the development proposal and additional play area contributions:

1. 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 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.
2. The finished floor levels of all the buildings hereby approved shall have a minimum finished floor level of 152.9m AOD.  
Reason: To ensure that there is no impact on the existing floodplain and that the occupants of the buildings are protected from flooding.
3. Prior to the commencement of development a scheme for the integrated provision of suitable motorcycle and bicycle parking and storage and bin storage facilities shall be submitted to and approved by the Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the occupation of the development and thereafter permanently retained.  
Reason: To ensure that an integrated range of storage and on-site vehicle parking facilities are made available to users of the development.
4. In accordance with the agreed Written Scheme of Investigation outlining the Watching Brief, 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.
5. Further details shall be submitted in writing and approved by the local planning authority, following consultation with Historic Scotland for the following:

- an interpretive plan for the Cardrona Standing Stone
- a design for screening, planting and landscaping to preserve the setting of the monument
- measures for the positive management and enhancement of the field containing the scheduled monument

The approved details shall be implemented prior to the occupation of the buildings.

Reason: To safeguard a site of archaeological interest and to enhance its setting.

6. Prior to, and during the construction phase, temporary fencing shall be placed around the Standing Stone, details of which shall to be agreed in advance with the local planning authority in consultation with Historic Scotland.

Reason: To safeguard a site of archaeological interest.

7. No development shall take place except in strict accordance with a revised scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features, trees and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

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

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 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.

9. None of the trees identified for retention on the agreed Landscaping Plan (as per Condition 7) shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

10. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

11. No work shall be carried out during the bird breeding season (March-August) without the written consent of the local planning authority.  
Reason: to protect any breeding birds on the site.
12. A Species Protection Plan for otter, incorporating a pre-development checking survey and measures to be undertaken for the protection of otter, (including those outlined in the Ecological Assessment of December 2015), shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved Plan.  
Reason: In order to protect any protected species found within the site.
13. Prior to commencement of work, the updated Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Planning Authority. This plan will also include a 10m riparian buffer strip of native woodland (willow, alder) using stock of local provenance or alternatively a planting scheme complimentary to the existing Cardrona designed landscape. Any works shall, thereafter, be carried out in accordance with the approved scheme.  
Reason: In order to protect any protected species found within the site.
14. Directional lighting will be required to ensure that the river and river bank are not significantly illuminated by lighting associated with the development.  
Reason: In order to protect any protected species found within the site.
15. Any development should be kept back from the watercourse edge to a minimum of 20m, to minimise any impact on the site features from the construction and prevent any need for bank protection work, preserve natural bank vegetation etc. The banks of the river Tweed shall be fenced off to a minimum of 10m prior to the commencement of any development operations, separating the river and its banks from the building operations etc and providing an undeveloped buffer strip which retains the existing natural vegetation. For the avoidance of doubt this buffer strip shall also include the area of land between the cart track and the river, with access provided to the 18th tee.  
Reason: In order to protect any protected species found within the site.
16. No intervention works shall be carried out on the water course itself.  
Reason: In order to protect the River Tweed SAC
17. A scheme for a clearly marked cycle way shall be submitted to and agreed in writing by the local authority before the development is commenced (including temporary diversion proposals) and the said scheme shall be implemented prior to the occupation of any of the new buildings on the site. The route must start where the old railway bridge meets the proposed development area then going eastwards on a line to be agreed to meet Cardrona Way  
Reason. To ensure the safe passage of cyclists through the site.
18. The area noted for parking on the submitted plan to the south of the development shall be properly consolidated, surfaced and drained before the buildings are occupied to the engineering details submitted and agreed as per the approval 09/01542/FUL. Parking bays to have minimum dimensions of 2.5 by 5 metres with a 1 metre hard-strip around the outer extremities of the parking area. Parking area to include 2 disabled bays which conform to current Building Regulations. All parking spaces within this area must remain unallocated to any particular property and should be available at all times for use by all users  
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.
19. The proposed roads, lay-by parking, footpaths and turning spaces indicated on the approved drawing, to an extent agreed with the Planning Authority, shall be constructed to adoptable standards and shall be subject to Roads Construction Consent.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic.

20. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

21. None of the dwellings shall be occupied until works for the disposal of 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.

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

22. No development to be commenced until details are submitted to, and approved by, the Planning Authority, relating to the roadside crash barrier at the junction of the access road and the public road and how it will be altered to allow for the visibility splays to be formed.

Reason: In the interests of road safety.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure or enclosure placed on the site unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.

Reason: The Planning Authority considers that any further development would prejudice a satisfactory layout and would have a harmful effect upon the amenity of the area.

24. No development to be commenced until full details are submitted to, and approved by, the Planning Authority relating to compensatory floodplain storage within the site. Once approved, the works to be completed before the development is commenced.

Reason: To safeguard existing and proposed properties from any increase in flood risk as a result of the development.

25. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and any accompanying supplementary planning guidance 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.

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.

### Informatives

It should be noted that:

- 1 Roads Planning advise the following:  
It should be borne in mind that all work within the public road boundary, and prospective public road boundary, must be undertaken by a contractor first approved by the Council.
- 2 The Council's Flood Protection Officer recommends that, to receive flood warnings from SEPA, residents sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. SEPA also advise that the residents' car parking area and road access to it are at a significant risk of flooding from the River Tweed. They would recommend that some signage or information boards are used to display this risk to residents and visitors to the car park area. They would also recommend that residents are encouraged to sign up to

receive flood warnings for the River Tweed in this area so that vehicles can be safely moved from the car park area before the onset of flooding.

**NOTE**

Mr Brian McCrow, on behalf of Cardrona Residents spoke against the application.

Mr Justin Lamb, Agent spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/01583/FUL	Change of use from offices and alterations and extension to form gym/spa	Office, West Grove Waverley Road, Melrose

Decision: Approved subject to the following conditions and informative notes:

1. The development shall operate only the uses and layout specified on the approved floor plan. There shall be no other uses permitted to operate as part of the approved development, and nor shall any other use within Class 11 of the Use Classes (Scotland) Order 1997 be permitted to operate without a further planning application having first been submitted to and approved by the Planning Authority. In the event that the approved use ceases to operate (whether by the applicant or a different owner/occupier), the lawful use of the property shall revert to a use falling within Class 4 of the Order. This limitation applies notwithstanding the meaning of 'development' within the Town and Country Planning (Scotland) Act 1997 (as amended), or any permitted change of use granted by Development Order.  
Reason: To maintain neighbouring amenity (including limiting noise impacts) and road and pedestrian safety
2. No development shall commence until a management scheme for its operation has been submitted to and approved by the Planning Authority. The development shall only operate in accordance with the approved management scheme  
Reason: In order to manage occupancy of the building to a level commensurate with the parking provision available to it, in the interests of maintaining road and pedestrian safety
3. The development shall not commence operation until the following measures have been implemented, and shall only operate with the approved measures fully maintained in place:
  - a) The junction onto Tweedmount Road has been lowered over the first 1 metre on either side of the access in accordance with a specification first agreed in writing with the Planning Authority
  - b) Directional signage has been provided within the site to maintain the one-way system in accordance with a specification first agreed in writing with the Planning Authority. The use shall only operate in accordance with the one-way system
  - c) All parking spaces within the site and within the land identified within the applicant's ownership on the approved location plan have been lined all in accordance with the approved plans. The parking area to the south of the building (including the application site and land within the ownership of the applicant) shall not be subdivided, notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended) or any revised or replacement Order
  - d) Cycle stands have been provided in accordance with the approved site plan  
Reason: To maintain road and pedestrian safety and ensure adequate parking provision within the site
4. The development shall only operate in accordance with the Noise Impact Assessment RMP Technical Report No R-7707-EP-RGM 8<sup>th</sup> March 2017. All identified mitigation measures shall be fully implemented prior to operation of the use and shall be maintained throughout its operation. The development shall only operate between the hours of 6am and 10pm, with exercise/dance classes run only between 8am and 8pm and ventilation units shall only operate during the approved operating hours. Amplified music or speech shall only be transmitted within the dance studio between the hours of 8am and 8pm and only using a

sound system that is in compliance with the noise level setting exercise required by the assessment. There shall be no amplified music or speech anywhere else within the building. Any television or similar device also transmitting sound within the building shall be operated and maintained in accordance with a level setting exercise the specification for which has been approved by the Planning Authority prior to its operation.

Reason: To limit potential noise impacts on neighbouring property.

5. The external surfaces of the development hereby permitted shall be completed in the materials shown on the approved drawings, and no other materials shall be used without the prior written consent of the Planning Authority. The roofing material shall be dark grey or black in colour and matt surfaced, unless otherwise agreed with the Planning Authority

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

6. Roof ventilation units shall not be higher than the existing roof parapet level unless otherwise agreed in writing with the Planning Authority

Reason: To minimise the visual impact of the roof ventilation units.

7. The windows in the northern elevation of the building shall be permanently fixed shut unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the potential for disturbance to adjoining residential occupiers

#### Informatives

1. Advertisements specified on the approved drawings do not require Advertisement Consent provided they are non-illuminated. Any changes to the signage will require Advertisement Consent unless exempt under the Control of Advertisements (Scotland) Regulations 1984 (as amended).
2. External lighting is not approved under this consent. Lighting will require Planning Permission where it constitutes development and is not exempt under the General Permitted Development (Scotland) Order 1992 (as amended)
3. The purpose of Condition 2 is to manage activity in a manner which limits the potential for the number of persons within the property at any one time to exceed 40.

#### NOTE

Mrs Katie Hunter spoke against the application.

Mr Michael Crawford, Owner spoke in support of the application.

#### Reference

17/00299/FUL

#### Nature of Development

Erection of Dwellinghouse

#### Location

Land South of Sunnybank,  
Forebrae Park, Galashiels

Decision: Continued to allow further investigation of legal implications of the proposed road link on the private ownership of Forebrae Park and to enable a site visit to be undertaken by the new Committee.

#### NOTE

Mr A H McVitie, spoke in support of the application.

#### VOTE

*Councillor Brown, seconded by Councillor Mountford moved that the application be approved.*

*Councillor White, seconded by Councillor Moffat, moved as an amendment that the application be continued to investigate the legal implications of the roads proposal and to allow members to visit the site.*

*On a show of hands Members voted as follows:-*

*Motion - 2*

*Amendment - 6*

*The Amendment was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00163/FUL	Formation of Access	Land West Of Glendouglas Lodge, Jedburgh

Decision: Approved subject to 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. Visibility splays shown on the plans hereby approved shall be provided on each side of the new access prior to any vehicular use of the junction. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Thereafter, visibility splays shall be maintained on each side of the new access to this specification in perpetuity, and at the expressed request of Transport Scotland, the Roads Authority.

Reason: To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.

3. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 10 metres from the nearside edge of the trunk road carriageway, and the first 5 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

4. No development may commence until plans (which detail design of a suitable turning area provided within the curtilage of the site) have been submitted and approved in writing by the Planning Authority, after consulting Transport Scotland. Thereafter, no development shall take place except in strict accordance with the drawings so approved and the turning area shall be provided before any forestry extraction takes place from the site.

Reason: To ensure that vehicles may enter and leave the site in a forward gear.

INFORMATION FOR THE APPLICANT

Transport Scotland Advise:

Granting of planning consent does not carry with it the right to carry out works within the trunk road 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.

**NOTE**

Mrs Moira Land, Langlee Park, Jedburgh and Mr Peter Hincks, West Paddock, Langlee, Jedburgh spoke against the application. Mr Hugh Garrett, applicant spoke in support of the application.

**VOTE**

*Councillor Fullarton, seconded by Councillor Gillespie moved that the application be approved.  
Councillor Mountford, seconded by Councillor Brown, moved as an amendment that the application be refused on the grounds of road safety.*

*On a show of hands Members voted as follows:-*

*Motion - 6*

*Amendment - 2*

*The Motion was accordingly carried.*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00277/FUL	Erection of telecommunications tower and associated equipment within fenced compound	Land West of Ovenshank Farm Cottage, Newcastleton

Decision: Approved subject to the following conditions:

1. Within no more than 6 months of the date at which the development hereby consented ceases to be required for the purpose of telecommunications infrastructure provision:
  - (a) the telecommunications mast hereby consented, and all ancillary equipment and installations (including fencing, the cabinets and platform in hard standing) shall all be removed from the site; and
  - (b) the land at the site shall be restored to its former condition, unless, an application is first made and consent granted for the development's retention on site to serve an alternative purpose.

Reason: Retention of the mast, and all ancillary installations on site, beyond the point in time at which it has become redundant, would not be sympathetic to the character of the site or the visual amenities of the surrounding area.

**NOTE**

Mr James H T Hibbert-Hingston and Mr Leese, Woodlands, Newcastleton spoke against the application.