

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00087/FUL	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated landscaping works	Land North East of 3 The Creamery Dolphinton

Decision:- Refused for the following reasons:-

1. The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with adopted Local Development Plan Policies PMD4, HD2 or ED7 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location and therefore the proposed development would represent unjustified, sporadic and prominent development in the open countryside.
2. The proposed dwellinghouse would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and therefore does not comply in principle with adopted Local Development Plan Policies PMD4 and HD2.
3. The proposed development would result in the unjustified and permanent loss of carbon-rich soils, contrary to Policy ED10 of the adopted Local Development Plan.

VOTE

Councillor Laing, seconded by Councillor Fullarton moved that the application be refused as per the Officer recommendation.

Councillor Anderson, seconded by Councillor Hamilton moved as an amendment that the application be approved.

On a show of hands Members voted as follows:-

*Motion - 3 votes
Amendment 3 votes*

As there was an equality of votes, the Chairman exercised his casting vote in favour of the motion which was accordingly carried.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00492/MIN	Extension of consented life of quarry By deepening area consented by previous minerals consent 09/00897/MIN	Quarry Soutra Mains Farm Blackshiels Soutra Oxton

Decision: approved subject, firstly, to a legal agreement to secure the provision of a bond to finance the restoration of the site, and secondly, subject to the following planning conditions:

- 1 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 as per **Informative Note 1**, below:

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.

- 2 The development shall be carried out in accordance with the approved scheme of working detailed in the phasing plans accompanying the application. In any event, the maximum floor depth of the quarry shall not be below 282 metres AOD. Furthermore, the extent of quarry workings along the southern edge of the extraction area shall accord with the description of Drawing 7098/303 22.10.09 approved under Minerals Planning Consent 17/00492/MIN notwithstanding the extent shown on any other approved drawing.
Reason: To ensure the development of the site is carried out in the manner considered by the Minerals Planning Authority.
- 3 This quarry shall be permitted to operate for a maximum period of 28 years beginning from the date of this consent. Within 28 years and six months of the date of issue of this consent, or within 6 months of the cessation of quarry workings within the site, whichever occurs soonest, all buildings, structures and plant shall be removed from the site.
Reason: To minimise the environmental effects of the proposed development in a manner consistent with its operational capacity.
- 4 All works, including temporary buildings, plant, machinery and stockpiles, shall be contained within the approved extraction area of the quarry unless these are being specifically used during soil or overburden stripping, or during bunding formation or planting works.
Reason: To minimise the visual impact of the development.
- 5 Unless otherwise agreed in writing by the Planning Authority in advance, no floodlighting or perimeter fencing shall be installed, erected or used on site other than the floodlighting and the perimeter fencing that has been approved under Planning Conditions Nos 6 and 7 of Minerals Planning Consent 09/00897/MIN.
Reason: In the interests of safeguarding the visual amenity of the area and to minimise the potential disturbance to bats and badgers.
- 6 Notwithstanding the details submitted in support of the minerals planning application, no extractions shall take place below 318m AOD at the site, until a detailed proposed restoration scheme for the entire site (including after-care and management and a timetable for the implementation and completion of the works) has first been submitted for the written approval of the Minerals Planning Authority.
This same scheme shall include the proposed final restoration contours, levels and gradients, the proposed means of landscaping and planting, proposed wildlife habitat creation and a proposed implementation programme and maintenance schedule.
Where the scheme proposes the infilling of any part of the void with a water body, both (a) a flood risk assessment and (b) a scheme to secure the oxygenation of the

water, shall also be submitted for the approval of the Minerals Planning Authority at the same time as the submission of the site restoration proposals.

Furthermore, and unless the requirements of Condition 9 attached to Minerals Planning Consent 09/00897/MIN have first been addressed to the Minerals Planning Authority's satisfaction (as evidenced by the Authority's written approval), the proposed restoration scheme shall also include proposals for the full restoration of the Police Firing Range site. Following the Minerals Planning Authority's approval, the restoration scheme and any approved scheme to secure the oxygenation of the water within the water body, shall all thereafter be implemented in accordance with the approved details.

Reason: To ensure the restoration of the site in the interests of landscape and visual amenity and to minimise the long-term effect of the development on the landscape and visual amenity of the site and surrounding area.

- 7 Notwithstanding the details submitted in support of the minerals planning application: (a) the mitigation planting described by the scheme of details (identifying species, number, location of all planting, and ground cover, and maintenance) approved by the Minerals Planning Authority under Planning Condition No 12 attached to Minerals Planning Consent 09/00897/MIN; and (b) the bunding scheme described by the scheme of details approved by the Minerals Planning Authority under Planning Condition No 11 attached to Minerals Planning Consent 09/00897/MIN, shall all be provided and maintained in accordance with these same details throughout the period of operation of the minerals development hereby approved. Any subsequent change or changes to the approved landscaping and/or bunding details shall first have been agreed in writing by the Planning Authority prior to the implementation of this change/these changes on the ground. (Please see **Informative Note 3** for related information).
Reason: To minimise the visual impact of the development.
- 8 Noise levels at the nearest noise sensitive properties shall not exceed 55dB LAeq 1 Hr. Further, a programme of noise monitoring shall be maintained throughout the operational period of the minerals development hereby approved in accordance with the Noise Monitoring Scheme approved under Planning Condition No 19 attached to Minerals Planning Consent 09/00897/MIN.
Reason: To safeguard the amenity of nearby property occupiers.
- 9 Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of [6 mm -1] [10 mm -1] in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of [12 mm -1] as measured at vibration sensitive buildings, including Scheduled Monuments. Levels shall not exceed those recommended in the Environmental Statement (supplied in support of Minerals Planning Application 09/00897/MIN) for gas and electricity utilities. Furthermore, a programme of vibration monitoring shall be maintained throughout the operational period of the minerals development hereby approved in accordance with the Vibration Monitoring Scheme approved under Planning Condition No 21 attached to Minerals Planning Consent 09/00897/MIN.
Reason: To protect sensitive buildings and utilities from the effects of blasting.
- 10 The hours of operation 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 07:00 hours to 19:00 hours on Mondays to Fridays and 07:00 hours to 15:30 hours on Saturdays, unless with the prior agreement of the Planning Authority.
Reason: To safeguard the amenity of nearby property occupiers and the rural amenity of the area

- 11 The dust control measures identified in Table 18.8 (pages 186 to 187) of the Environmental Statement (supplied in support of Minerals Planning Application 09/00897/MIN), shall be operated throughout the operation of the minerals development hereby consented. Furthermore, all loads of aggregates being dispatched from the quarry shall be sheeted prior to the vehicles' departure from the site.
Reason: To safeguard the amenity of nearby property occupiers and the rural amenity of the area.
- 12 Vehicle wheel cleaning facilities shall be maintained on site and operated throughout the period of operation of the quarry.
Reason: To ensure material from the site is not deposited on the Trunk Road Network and local road network to the detriment of road safety.
- 13 Notwithstanding the details submitted in support of the minerals planning application, no excavations below 318m AOD shall take place within the site at all, until an updated Site Management Plan has first been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, which: (a) identifies measures to protect the water environment from potential contamination; and (b) describes a scheme for monitoring changes within the water table.
Thereafter, the site operations and ground water monitoring shall all be carried out in accordance with the approved updated Site Management Plan for the duration of the operation of the minerals development hereby consented.
Reason: To ensure that there would be no unacceptable impacts upon the water environment, including with respect to the regulation of run-off and prevention of contamination.
- 14 Notwithstanding the details submitted in support of the minerals planning application, and notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no structure or other works for the storage, movement or management of ground water from the extraction area, shall be sited or established on site without the written prior approval of the Minerals Planning Authority. (Please see **Informative Note 4** for further information).
Reason: To retain effective control of the minerals development hereby approved and to ensure that there would be no unacceptable impacts upon the appearance of the site or upon the water environment, including with respect to the regulation of run-off and contamination.
- 15 The Transport Management Plan (3rd March 2010 2010/7098) approved under Minerals Planning Consent 09/00897/MIN shall be operated at all times during the period of operation of the minerals development hereby consented.
Reason: To ensure vehicles entering and leaving the site are discouraged from entering from or leaving in a westerly direction in the interests of road safety and the amenity of other properties alongside the public road.
- 16 No extractions shall take place below 318m AOD at the site, until: a scheme of details which describes measures for the monitoring of all potential impacts of the operation of the minerals development hereby consented upon the quantity and quality of the private water supply at Woodcote Park (including impacts upon ground water and impacts from surface water run-off), has first been submitted to, and approved in writing by the Planning Authority. This scheme shall include provision for remediation works to be carried out by the Operator in the event that the aforementioned private water supply is impacted.

Following approval, the development and scheme shall all be implemented and operated in accordance with the approved details.

Reason: To ensure that the minerals development hereby consented has no unacceptable impacts upon the private water supply of any neighbouring dwellings.

- 17 No extractions shall take place below 318m AOD at the site, until:
a scheme of details which describes the monitoring of all hard rock extraction from the quarry (regardless of the depth from which it is extracted) and all reserves remaining therein (and including provision for annual reporting of the same to the Minerals Planning Authority), has first been submitted to, and approved in writing by, the Minerals Planning Authority. Thereafter all hard rock extraction (regardless of the depth from which it is extracted) shall be monitored in accordance with the approved scheme for the duration of the operation of the minerals development hereby consented.

Reason: To retain effective control over the minerals development hereby consented and in the interests of monitoring compliance with the aggregates landbank requirements of SPP (Paragraph 238).

Informatives:

It should be noted that:

INFORMATIVE NOTE 1:

The Notes above should be completed for Condition 1 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.

INFORMATIVE NOTE 2:

The Operator is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to prevent access to, remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Grassland, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Grassland, trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

INFORMATIVE NOTE 3:

Planning Condition No 7 attached to this minerals planning consent requires that the landscaping and bunding approved under Minerals Planning Consent 09/00897/MIN Conditions Nos 11 and 12, should be provided and maintained in accordance with the details that were approved under the aforementioned conditions. However, please note that the Council's Landscape Section has significant concerns that the landscaping that has been carried out to date has been inadequate, and is being inadequately maintained, relative to what was approved under Minerals Planning Consent 09/00897/MIN Conditions Nos 11 and 12.

For the avoidance of doubt, it is the Applicant's responsibility to ensure that the approved bunding and landscaping works are now implemented in full accordance with the requirements of Minerals Planning Consent 09/00897/MIN Conditions Nos 11 and 12, so that it can now meet the full requirements of Planning Condition No 7 attached to this minerals planning consent.

In the interests of achieving full compliance, the Applicant is asked in consultation with the Council's Landscape Section, to identify clearly what landscaping works have and have not taken place, and what remediation is now necessary to allow the originally approved works to be delivered in accordance with the requirements of the planning conditions imposed upon Minerals Planning Consent 09/00897/MIN. With respect to the observed oversights and failures, please see the Landscape Section's consultation response which sets out a general description of what has been observed to have failed or been inadequately implemented and maintained.

INFORMATIVE NOTE 4:

Although the details submitted in support of the minerals planning application noted the potential future need for the storage on site, of ground water derived from the dewatering of the extraction area, no details were provided of this, while the absolute need for such a facility has not been established. The Minerals Planning Authority accepts the principle that this need may require to be met in time, however there is a lack of information about what is proposed, and any and all impacts upon the minerals development, including aspects regulated by other planning conditions. Accordingly, and in the interests of ensuring that the storage of extracted ground water on site would not compromise the operation of any of the other planning conditions, Planning Condition No 14 has been imposed upon this minerals planning consent to require that any such proposal should be referred to the Minerals Planning Authority in advance, for its prior approval. However, and until precise details are presented for its review, the Minerals Planning Authority reserves the right to seek a new planning application should the proposals be liable to conflict with the operation that is approved under this consent and/or any of its planning conditions.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00612/PPP	Erection of dwellinghouse	Land South East of 11 Burnbank Holding, Foulden

Decision: Approved subject to a legal agreement and the following conditions and informatives:

1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

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

2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

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

3 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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

4 Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. These spaces must be provided prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure adequate on-site parking is provided within the plot.

5 The first application for Approval of Matters Specified as Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road which should be by way of a service layby to diagram DC-3. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before occupation of the dwellinghouse.

Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.

6 The dwellinghouse is to be no more than one-and-a-half storeys in height and detailed drawings submitted as part of any Approval of Matters Specified as Conditions shall be supported by a design statement, reflecting the circumstances of the site and wider building group, including in relation to the adjacent listed buildings.

Reason: To ensure a satisfactory form of development in keeping with the adjacent built form, and in particular the listed buildings.

7 No development shall commence until precise details of the means of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

8 Before any part of the development hereby approved is commenced, the trees adjacent to the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the crown spread of each tree adjacent to the site, 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; and

(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 adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

Informative

1 The applicant should satisfy themselves prior to any removal of the existing metal shed that they are compliant with European legislation regarding the protection of bats and birds and that any demolition is in accordance with these requirements.

2 It is recommended that the internal partition wall where asbestos is identified as potentially present is appropriately surveyed, and if found to be asbestos containing, removed and handled following current good practice and by suitability qualified individuals to prevent the potential release of asbestos. It is recommended HSE are consulted in regard to the specific requirements for such surveying, removal, and handling. It is recommended that SEPA are consulted in regard to the storage etc. of suspected asbestos containing materials after removal. Should the applicant wish to discuss this further their enquiry should be directed to Environmental Health.

NOTE

Mr Virtue, Architect on behalf of Mr Struthers spoke in favour of the application.

Reference

17/00628/FUL

Nature of Development

Formation of off-street parking area

Location

61 Branxholme Road
Hawick

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. Samples of the render for the retaining walls, the coping stone and of the block paviours to be submitted to and approved in writing by the Planning Authority before the development commences. The wall and surface of the parking bay then to be completed in accordance with the approved sample.
Reason: To safeguard the visual amenities of the area.
3. The parking area must be completed as shown on Drawing Number L(2)101 Revision D prior to it becoming operational.
Reason: To ensure that a car can park within the parking bay and not overhang or obstruct the public footpath, in the interests of road safety.

Informatives

All works associated with the footway crossing must be carried out by a contractor first approved by the Council.

Reference

17/00681/MOD75

Nature of Development

Modification of planning application pursuant to planning permission 08/01414/FUL and 16/00514/MOD75

Location

Hope Cottage
Wester Deans
Lamancha

Decision: Approved the discharge of the section 75 agreement.