

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 27 April 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from para 3), J. Brown, J. Campbell, J. Fullarton, I. Gillespie, S. Mountford, B. White..

Apologies:- Councillor D. Moffat.

In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager, Principal Roads Planning Officer, Forward Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 27 March 2015.

DECISION

APPROVED for signature by the Chairman.

ORDER OF BUSINESS

2. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

DRAFT SUPPLEMENTARY PLANNING GUIDANCE: REPLACEMENT WINDOWS AND DOORS

3. There had been circulated copies of report by the Service Director Regulatory Services which sought agreement on the Draft Supplementary Planning Guidance on Replacement Windows and Doors contained in Appendix A to the report. The report explained that the current Supplementary Planning Guidance on Replacement Windows was approved in April 2012. The revised Supplementary Planning Guidance (SPG) had come forward following a request by Planning and Building Standards Committee in June 2014 to review the SPG. The key changes to this revised SPG were the provision of greater clarity on the key principles and their policy use, and the inclusion of doors as well as windows. It was proposed that the Draft SPG be subject to public consultation for a period of 12 weeks. Following consultation, it was intended that a report be brought back to the Planning and Building Standards Committee to seek final agreement. It was also proposed that the Draft SPG be adopted as interim policy guidance. The Forward Planning Officer was present to answer Members questions and the Chairman thanked him and his Team for a very thorough and well thought out piece of work. A proposed amendment to the wording of Paragraph 3.28 to allow the use of uPVC in certain circumstances was tabled at the meeting and this was approved.

DECISION

(a) AGREED:-

- (i) **the use of the document as a Draft Supplementary Planning Guidance on Replacement Windows and Doors to be used as a basis for public consultation; and**
- (ii) **the use of the document as Interim Supplementary Planning Guidance in the determination of planning and listed building applications;**

(iii) that following the public consultation period the Draft Supplementary Planning Guidance on Replacement Windows and Doors be brought back to the Planning and Building Standards Committee; and

(iv) that the full wording of paragraph 3.28 of the proposed Guidance be deleted and be replaced with the following amended wording :-

In the consideration of proposals for the alteration of windows and doors in the Prime Frontage or Core Areas, the 'General Principles' set out in Section 3.7 shall be taken into account. Following consideration of the 'General Principles' in relation to a particular proposal the outcome may be either:

- Replacement generally on a 'like for like' basis required as set out in this policy section, or
- Replacement through the use of new materials (which may include uPVC for windows) but retaining the design pattern, dimensions and method of opening.

APPLICATIONS

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

DECISION

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

APPEALS AND REVIEWS

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

DECISION

NOTED that:-

- (a) an appeal decision had been received in respect of the Discharge of planning obligation pursuant to planning permission 06/01404/FUL on Land South of Meigle Row, Clovenfords – 14/01231/MOD75
- (b) there remained two appeals outstanding in respect of:-
- Ravelaw Farm, Whitsome, Duns
 - Land West of Kingledores Farm (Glenkerie), Broughton, Biggar
- (c) a review request had been received in respect of replacement windows at 27-29 Eastgate, Peebles EH45 8AB – 14/01400/FUL
- (d) the Local Review Body upheld the Appointed Officers decision to refuse, subject to amending the terms of the refusal, a change of use from store, partial demolition and alterations to form 3 No garages at Store, Union Street, Hawick – 14/01074/FUL

PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

Minute

1. The Committee considered the private section of the Minute of 30 March 2015.

Urgent Business

2. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

Developer Contributions

3. Members noted a report on levels of developer contributions for certain developments

The meeting concluded at 1.30 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
13/00332/FUL	Erection of 54 dwellinghouses and associated infrastructure	Land South of the Old Manse, Gavinton

Decision: Approved subject to a legal agreement addressing contribution towards Education and Lifelong Learning and Play Facilities, the normal directions and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
3. Upon completion of each phase, as required by Condition 2, the developer carrying out the development shall give notice of that completion to the planning authority.
Reason: To comply with Section 27B of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
4. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

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

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).
Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
5. No development shall commence 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 unless otherwise agreed in writing with the Planning Authority.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. All trees and hedging within the site shall be retained as specified on drawing 00620_Mp_05 Revision D. No development shall commence until a Tree Protection Plan has been submitted for the approval of the Planning Authority which demonstrates measures to be undertaken to protect the trees during construction in accordance with BS5837:2012. During the period of construction of the development the following requirements will apply:
 - (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: The existing trees and hedging represent an important visual feature which the Planning Authority considered should be substantially maintained.

7. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.
8. The three Ash trees numbered 6546, 6547 and 6548 upon Drawing Number; 00620_MP_07 shall not be felled, lopped, lifted or disturbed until bat checking surveys have been carried out by a suitably qualified person and submitted for the approval of the Planning Authority. Once the biological value of each of these trees has been established it shall thereafter be agreed with the Planning Authority if these trees should be retained with reduced crowns or removed, through the submission of a Tree Works Plan for the approval of the Planning Authority. Once approved, all works to the three Ash trees shall be carried out in accordance with the approved Tree Works Plan.
Reason: To ensure local habitats are protected and trees with biological value are retained.
9. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features 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.
 - viii. Expected water levels to be retained within the SUDS pond.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
10. All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 9 shall be carried out in strict accordance with the programme of implementation set out in the phasing plan required by condition 2 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
11. No development shall commence until a scheme of precise details of junction improvement works (including the provision of associated junction signage that may be required) which are to be carried out to the C101 junction with the A6105 have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. The approved junction works shall be completed before site development works commence upon the residential development hereby approved.
Reason: To ensure that the junction can safety cope with its increased use as a result of this development.
12. No development shall commence until a scheme of details for improvement to the local public bus transport waiting/stopping area for west bound journeys has been submitted to and approved in writing with the Planning Authority. The scheme shall include provision for a handrail to be constructed along the footpath known as Red Braes from the village to the bus stop. The approved scheme shall be implemented before completion of the development unless any changes are otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the local public transport network is capable of accommodating its increased use as a result of this development.

13. The areas allocated for parking on the approved plan shall be properly consolidated, surfaced and drained before the dwellinghouses in each phase of this development (as required by Condition 2) are occupied, and shall not be used other than for the parking of vehicles on connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.
15. The proposed roads, footpaths and turning spaces indicated on the approved drawings shall be constructed in such a manner as to ensure each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced carriageway and footpath.
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
16. No development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing with the Planning Authority in consultation with Scottish Water. The assessment shall establish if there is sufficient capacity within Scottish Water's infrastructure to accommodate foul drainage demands of the development, in the event that there are any deficiencies, details of proposed upgrades shall be provided. Once approved, the development shall be carried out in strict accordance with the approved details and any required upgrades to the drainage network infrastructure shall be completed before occupation of the first dwellinghouse.
Reason: To ensure that the existing drainage infrastructure has the capacity to service the development.
17. Prior to the commencement of the development, details of measures to control Greenfield Run-Off rates shall be submitted to and approved by the Planning Authority. Once approved, the measures shall be completed in strict accordance with the approved details and to agreed time scale as set out in phasing plan required by condition 2.
Reason: To ensure appropriate greenfield run-off rates which do not result in posing a flood risk.
18. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. 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 conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. 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.
19. No vegetation or scrub clearance shall be carried out during the breeding bird season (March – August) without the express written permission of the Planning Authority. If works are to be undertaken during the bird breeding season, checking surveys and appropriate measures of mitigation will be required to be submitted for the agreement of the Planning Authority and thereafter all works shall be carried out in accordance with the agreed details.
Reason: To safeguard the ecological interests of the site.
20. No development shall commence until a Badger Protection Plan and Biodiversity and Habitat Management Plan have been submitted to and agreed in writing with the Planning Authority. Once approved the development shall be undertaken in accordance with the approved details unless any variation is agreed in writing with the Planning Authority.
Reason: To safeguard and enhance the ecological interests of the site.

21. A scheme for the relocation and /or repositioning of the existing 30mph signs on the C101 leading into the village from the A6105 and on Fogo Road (C102) shall be submitted to approved in writing by the Planning Authority before the commencement of the development. Thereafter, the scheme shall be implemented in accordance with an agreed programme of works.
Reason: In the interest of road safety.

Informatives

1. The Planning & Building Standards Committee agreed that the carriageway width of Fogo Road (C102) did not need to be widened to the south of its junction with Maitland Row. In addition, it may not be necessary to extend the new footway along this road to the south beyond Maitland Row.
2. Members also highlighted that they were supportive of the proposal from the Community Council that existing bus service be directed into the village. Officers were asked to open discussions with the bus operators to establish whether this was a feasible option.

With reference to Condition 4, the Notes to be applied to the site notice 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.

NOTE

Mr John Marjoribanks and Prof Donald Ritchie spoke on behalf of 10 Residents in Gavinton against the application

Prof Dickinson, Chairman of Gavinton, Fogo and Polwarth Community Council spoke against the application.

Reference

14/01146/FUL

Nature of Development

**Erection of dwellinghouse
with detached garage**

Location

**Garden Ground of the Old School
High Street, Ayton**

Decision: Approved subject to satisfactory conclusion of a legal agreement in respect of developer contributions, the standard directions and the following conditions:

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 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.

- 3 Sample panels of the external wall finish shall be prepared on site for prior approval by the Planning Authority.

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

- 4 The development hereby approved shall be constructed of natural slate on the roof, a sample of which shall first be submitted to and approved in writing by the planning authority prior to commencement of works. Any alternative roofing material shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

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

- 5 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced.

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

- 6 The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.
- 7 No development shall commence until a construction method statement is submitted to and agreed in writing by the Planning authority. . The statement shall detail how materials will be delivered to, and stored within, the site and how construction traffic will access the plot along with measures to prevent any damage to the buildings adjacent to the lane. Thereafter, the development shall be carried out in accordance with the approved scheme.
Reason: In the interests of road safety
- 8 Development shall not begin until details of proposed drainage works have been submitted to and approved in writing by the Local Planning Authority and development shall only be carried out in strict accordance with the approved drainage arrangements.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 9 No development shall commence until details of all the surface treatments are submitted to and agreed in writing by the Planning Authority. Thereafter, the surface treatments shall be implemented in accordance with the approved details. .
Reason: To ensure a safe and satisfactory form of development appropriate to its surroundings.
- 10 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

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

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.
- and thereafter
- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

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

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

NOTE

Mrs Margaret Carey spoke against the application.

Ms Anthea Drysdale, Applicant spoke in support of the application.

Reference
15/00189/PPP

Nature of Development
Residential Development

Location
**Specialist Laminates Ltd
Station Road
Gordon**

Decision: Approved subject to the normal directions, a legal agreement addressing contribution towards local education provision and affordable housing provision, and the following conditions:

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 all been submitted to, and approved in writing by, the Planning Authority. These details shall be informed by a professionally prepared tree survey (the results of which shall be submitted in the form of a report at the time of the first AMC application submitted subsequent to this planning approval). Further, these details shall additionally take full account of the requirements and considerations of: (a) Informative Note 1 with regard to the layout, siting, design, external appearance of the building(s), the means of access to the site and the landscaping of the site; and of (b) Informative Note 2 with regard to the landscaping of the site. Thereafter, the development shall be implemented in accordance with the approved details.

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. Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, which describes how appropriate surface water drainage, foul drainage and water supply arrangements are to be achieved. (Please see Informative Note 3 for clarification with regard to the information that is required to address the requirements of this planning condition). Thereafter, the surface water drainage treatment, foul drainage treatment and water supply shall all be implemented in accordance with the approved details. Further, no dwellinghouse hereby consented shall be occupied until (i) the approved surface water drainage arrangements to serve the entire site are fully functional; and (ii) both the foul drainage and water supply arrangements to serve the dwellinghouse are fully functional.

Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation and to ensure that there would be no adverse impacts upon the drainage and water supply arrangements serving residential properties within the surrounding area.

4. No dwellinghouse hereby consented shall be occupied until on-site parking appropriate to accommodate the parking and movement of at least two vehicles has first been completed and is available for use by the occupants of that same dwellinghouse.

Reason: In the interests of road safety to ensure that provision for the parking of occupants' vehicles is complete and available for use prior to their occupation of their property.

5. The finished floor levels and roof ridge heights of all the dwellinghouses, and any

associated ancillary buildings, and the finished ground levels within the site, shall all be consistent with levels indicated on a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority at the detailed planning application stage, and prior to the commencement of development. Such details shall include:

- (i) the heights of the roof ridges of all adjacent existing buildings including those of the dwellinghouses at No 4 Station Road, No 6 Station Road, No 8 Station Road, Woodside Cottage, Blackrigg Park; and the existing storage building at 'Ingleside';
- (ii) the proposed finished floor levels and roof ridge heights of the consented dwellinghouses;
- (iii) the existing and proposed ground levels within the curtilage of the site; and
- (iv) a clearly identifiable datum point, or clearly identifiable datum points, located out with the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in items (i) to (iii) above, relative to the level(s) of the existing public road.

Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding area or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to any inappropriate heights.

6. Unless otherwise agreed in writing and in advance of the commencement of development, the trees within the shelter belt to the immediate east of the site shall all be fully protected in accordance with the requirements of BS 5837:2012. All measures required on-site to protect these trees for the duration of construction works shall be maintained in accordance with the requirements of BS 5837:2012. There shall be no other construction works, including storage of plant or machinery within the Root Protection Areas (RPAs) of these same trees, and there shall be no services installed within their RPAs unless such works are compliant with NJUG Guidelines. Any variations to the above requirements shall not be implemented unless subject to the prior written approval of the Planning Authority.

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

7. Noise emitted by any plant and/or machinery used on the premises of any of the dwellinghouses hereby consented and in connection with their heating systems, shall not individually or collectively exceed Noise Rating Curve NR20 between the hours of 2300 and 0700; and shall not individually or collectively exceed Noise Rating Curve NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at that same noise sensitive dwelling are open for ventilation). Further, the noise emanating from any plant and/or machinery used on the premises of any of the dwellinghouses hereby consented and in connection with their heating systems, shall 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 and prevent noise generated by any plant and/or machinery used on the premises of any of the approved dwellinghouses and in connection with their heating systems from causing any unacceptable noise nuisance to the occupiers of any neighbouring premises.

8. No development shall commence until the results of an assessment of the impacts of the development upon local air quality, has first been submitted to, and approved in writing by, the Local Planning Authority in the form of a report. The assessment and the report shall respectively be carried out and prepared, taking full account of the advice and requirements of Informative Note 4. The report shall identify any mitigation measures required to ensure that there would not be any unacceptable air quality impacts. Thereafter the development shall only be implemented and operated in strict accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring properties, protecting the quality of air in the locality, and protecting human health and well-being.

9. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall commence until a ground investigation report has first been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site [in accordance with PAN 33 (2000) and BS10175:2011 or any subsequent revisions/replacements to these documents] and shall include [as applicable] a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved report, including all approved remediation, validation, monitoring measures and timescales for their implementation. (Please see Informative Note 5 for additional information).

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.

10. The first Application for Approval of Matters Specified in Conditions submitted in relation to this approval shall include a report of surveys of the site for bats and breeding birds. The surveys shall include (i) all buildings on the site to be converted or demolished, and (ii) all mature trees on the site to be felled. Both the bat survey, breeding bird survey and the report of the same, shall be carried out and prepared by a suitably qualified person (preferably a member of the Institute of Ecology and Environmental Management or a licensed bat worker). Please see Informative Note 6 for additional information/clarification with regard to the bat survey requirement. In the event that evidence of bats and/or breeding birds is found in the surveys, the Applicant shall additionally submit a Mitigation Plan at the time of the submission of the first Application for Approval of Matters Specified in Conditions that is submitted in relation to this approval. This Mitigation Plan shall again, have been prepared by, or with the input of, a suitably qualified person (preferably a member of the Institute of Ecology and Environmental Management or a licensed bat worker) and shall take full account of the guidance and advice of Informative Note 7. The Mitigation Plan shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development would have no unacceptable impacts upon a protected species, bats, breeding birds or their habitat.

11. This permission shall not permit more than seven dwellinghouses.

Reason: The submission of details required by this permission will be necessary to demonstrate the appropriate amount of development that can be accommodated within this constrained site, but submitted illustrative drawings indicate that seven houses is likely to be the maximum that can be achieved without representing overdevelopment or adversely affecting the amenity of adjoining existing residential properties.

Informatives

1. INFORMATIVE NOTE 1:

With regard to the information required by Planning Condition No 1 to describe the layout, siting, design, external appearance of the building(s) and the means of access to the site, the following matters observed with respect to the indicative layout, require to be addressed within a revised detailed proposal:

(1) The accommodation of a new dwellinghouse on the site of 'House 2', and in the circumstances described on the indicative site layout, is not supported by the Planning Authority. The proposal requires to be revised to ensure that there would be no unacceptable impacts upon the residential amenity of either of the properties at No. 4 and/or No. 6 Station Road. The concerns relate, firstly, to the indicated proximity of the proposed dwellinghouse to the boundaries with these other two properties, and secondly, to the lack of any screen planting (and any meaningful opportunity to establish and maintain any such screen planting) along the boundaries with these same properties. It is with the Applicant to demonstrate that a dwellinghouse could be accommodated acceptably on this site without having any unacceptable impacts upon the amenity of either of these, or any other, existing residential properties. However, the Planning Authority, taking account of some of the other factors noted below, considers that the 'House 2' plot would be more appropriately deleted from the scheme.

(2) The proposed turning head is too small and needs to be enlarged to provide sufficient capacity for a Refuse Lorry to turn safely;

(3) Provision for visitor (public) parking needs to be incorporated;

(4) It is anticipated that the deletion of the indicated 'House 2' plot would be liable to allow all three of the above noted matters (1 to 3 inclusive) to be appropriately addressed, with the space being reused to accommodate the required turning area and visitor parking provision;

(5) In the event of 'House 2' being deleted, it is considered that there may be an opportunity to re-accommodate a dwelling within a scheme including semi-detached properties in place of detached houses within the eastern part of the site. Semi-detached properties would have some capacity to allow for more generous distances of set-back between both proposed (where not immediately adjoining) and existing properties, with potential to ensure a higher level of amenity than would be secured through the scheme described by the indicative layout;

(6) The detailed site layout and design of the houses should be informed by the Council's adopted Supplementary Planning Guidance Note on Householder Developments, incorporating appropriate provision to conserve an appropriate level of residential amenity for existing properties within the surrounding area;

(7) Any dwellinghouse on the 'House 1' site would require to be sympathetic in its design to the buildings with which it would be viewed alongside in Station Road. It is anticipated that this would be most satisfactorily achieved by a building of traditional design. Its south elevation would also more appropriately be aligned to reflect the orientation of the 'existing shed' building to the south of it. Its west elevation would be appropriately aligned to accord with the building line established by No 4 Station Road to the north. In this way, it is anticipated that a dwelling would be more sympathetically sited and orientated relative to the surrounding streetscape;

(8) Consideration needs to be given to the potential to ensure that there would be no unacceptable level of overlooking of windows at No 4 Station Road from any dwellinghouse sited on the 'House 1' plot. It is with the Applicant to demonstrate a satisfactory treatment, but the Planning Authority would anticipate that this might require to be a single storey property in order to omit any first floor windows directly opposite the larger ground floor windows at No 4;

(9) There should be no "kink" in the road at the entrance to the site;

(10) Revisions to the layout of the car parking spaces in the private drive are required to enable these to work better;

(11) Insufficient account has been taken within the indicative proposals of existing trees and hedges along the eastern and northern boundaries of the site, including impacts upon these relating to proposed buildings, areas of hard standing and the siting of fences;

(12) Clarification is required with regard to the treatment of the existing stone boundary walls. These are an attractive feature of the site, which the Planning Authority considers should be substantially retained or recreated; and

(13) Clarification is required with regard to the treatment of the southeast corner of the site, where ground levels have been built up. In the interests of the visual amenities of the area, the Planning Authority considers that surface levels in this area would be appropriately restored to pre-existing levels, which should also help conserve the stone boundary walls at this point.

2. INFORMATIVE NOTE 2:

The tree survey required by Planning Condition No 1 should take account of all existing mature trees (including canopies and Root Protection Areas) within the site and on the site boundary.

This survey should directly inform the landscaping proposals for the site, which should identify all areas in which development would be liable to directly impact any existing trees (including canopies and Root Protection Areas).

Planting plans must provide sufficient information to be enforceable, by detailing the following:

- i.) Plan is to an identified true scale (e.g. 1:200).
- ii.) Boundary of the application site is clearly marked.
- iii.) Site orientation is indicated by a North point or OS grid lines.
- iv.) All existing trees, shrubs and hedges to be retained are clearly marked.

- v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.
- vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
- vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*)
- viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*)
- ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)
- x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.
- xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.)

N.B. Planting conditions are only discharged following an inspection of the completed work.

Please also note that the programme for completion and subsequent maintenance must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.

3. INFORMATIVE NOTE 3:

If proposals to service the site from the public network are to be maintained within the detailed proposal, then the information provided to address the requirements of Planning Condition No 3 should include correspondence from Scottish Water clarifying the position with regard to the potential capacity for achieving public mains connections.

However, and in any event, SUDS proposals are required for both the road and the private driveway and appropriate details are required for review at the detailed application stage.

4. INFORMATIVE NOTE 4:

With respect to the requirements of Planning Condition No 8, the air quality assessment report should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The Applicant should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.

5. INFORMATIVE NOTE 5:

Please note that Planning Condition No 9 has been imposed to minimise all risks to human health from any potential contamination on-site. This includes the health not only of the occupants, but also that of all persons employed in the service of the Developer, including building contractors, as well as those engaged to investigate particular concerns that may be regulated by other planning conditions attached to this planning consent.

Accordingly, the Developer needs to ensure that all investigations and works required in advance of the commencement of development are accommodated appropriately around the need for the potential contamination issues to be investigated and remediated appropriately. The timing and arrangements for the investigation and remediation of any potential contamination issues on-site, must take full

account of the need to ensure that no persons are at any point in time, exposed to any unacceptable health risks from contamination and as a consequence of inadequate or unsatisfactory arrangements having been put in place to manage the timing and circumstances of their site visits.

6. INFORMATIVE NOTE 6:

Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year.

7. INFORMATIVE NOTE 7:

With respect to the requirements of Planning Condition No 10, please note that any Mitigation Plan must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.

8. INFORMATIVE NOTE 8:

It should be noted that ALL information requirements identified in the planning conditions attached to this planning consent require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the Planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions in the appropriate place (currently Section 5b) on the Planning Application Form.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning consent within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

9. INFORMATIVE NOTE 9:

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work:

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

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

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

10. INFORMATIVE NOTE 10:

The Developer is reminded that this permission does not convey approval for works affecting third party rights which may exist on the land (site) or any adjoining land. The Developer is therefore advised to seek the approval of any parties having an interest in any land affected by this permission. (In this specific case, this is liable to include impacts upon shared boundaries and buildings on or within close proximity to the boundary of the site).

INFORMATIVE NOTE 11:

11. For the avoidance of doubt, the illustrative layout submitted as part of this application is not approved; notwithstanding these submissions, further details will need to be submitted, in accordance with condition 1, to demonstrate an appropriate form and layout of development, and the appropriate position and scale of buildings.

The details required in respect of condition 1 will need to safeguard provision for street linkages from the site to the adjoining land to the east, so that appropriate connectivity can be achieved in the event that this land comes forward for development in the future.

NOTE

Mr James Lofthouse, Applicant spoke in favour of the application.