

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01026/FUL	Erection of 71 dwellinghouses, formation of access, SUDs and associated infrastructure	Land South of Unit 1 South Parks Industrial Estate, South Parks Peebles

Decision: Approved as per Officer recommendation, subject to minor modifications to Conditions 1 and 9 below:

Conditions

1. No development shall commence until a scheme of external materials (including specifications and samples of wall, feature materials and colours) for all buildings within the development, has first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved scheme.
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. No development shall commence on Plots 1, 6, 9, 12, 35, 42, 43, 48, 49 and 53 notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans of the "Thurso", "Whithorn" and "Torridon" house types have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in strict accordance with the approved plans and drawings.
Reason: To achieve design improvements to these aspects of the development
3. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within and outwith the site) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.
Reason: Further information is required to achieve an acceptable landscape scheme for the site.
4. The development shall remain outwith the Root Protection Areas of the trees identified outwith and to the western side of the site on Drawing SD 0217(12), the trees to be protected in accordance with BS5837 during construction work.
Reason: To safeguard existing trees adjoining the site.
5. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of boundary treatments (walls and fencing) has first been submitted to and approved in writing by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. This shall include the use of natural stone at selected stretches of the northern site frontage. All boundary treatments within the application site shall accord with the approved scheme.
Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.
6. Prior to the commencement of development, the developer shall provide to the Planning Authority:

- (i) a copy of the relevant European Protected Species licence, or,
- (ii) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1.

7. No development shall commence until a comprehensive Species Protection Plan for bats and breeding birds has first been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved plan.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

8. No development shall commence until a Construction Method Statement to protect residential amenity and the natural environment, including watercourses, has first been submitted to and approved in writing by the Planning Authority including appropriate measures as advised in "GPP 5 Works and maintenance in or near water" and BS5228. Any works shall thereafter be carried out strictly in accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3

9. No development shall commence until a phasing programme for the development has been submitted to and approved in writing by the Planning Authority. This shall include all buildings, affordable housing, roads, paths, landscaping, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme.

Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.

10. No development shall commence until further details of proposed levels within the site have first been submitted to, and approved in writing by, the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and finished floor levels and any retaining wall height and specifications. The levels shall relate to a fixed, off-site datum point. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage.

11. Details of the surfacing materials for the proposed roads, footpaths and parking spaces to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development is then to be completed in accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

12. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings, incorporating any additional details as required by conditions 11, 14, 15 and 19, shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

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

13. No development to be commenced until a scheme of details is submitted to, and approved in writing by, the Planning Authority for the off-site works required to help mitigate the impact of

this development on the local public road network. The approved scheme of works to be fully implemented to the satisfaction of the Planning Authority prior to works commencing on the proposed development. The scheme of details to include the following;

- i. Widen the existing footway by 200mm on the north side of Caledonian Road from the Dukehaugh junction to the radius point east of the Ambulance Station access.
- ii. Two pedestrian crossing points to be installed at agreed locations. One on Caledonian Road to the west of the Frankscroft junction and one on South Parks adjacent to No.3.
- iii. Additional parking to be provided within the grassed area at the west end of Caledonian Road. The overall parking area to be lined to ensure effective use of this area.
- iv. Vehicular access crossing to be installed for No.27 Caledonian Road, which will involve the relocation of the street lighting column, to the satisfaction of the Council's Street Lighting section.

Reason: To ensure the impact of the proposed development on the local road network is adequately mitigated.

14. No development shall commence until a detailed parking layout is submitted to, and approved in writing by the Planning Authority. Parking bays to be a minimum of 2.5 by 5.0 metres, excluding any paths adjacent to parking bays. Where enclosed by any physical feature such as walling or fencing the bays must be widened to 3.0 metres to ensure adequate access/egress from parked vehicles. The length of the bays will need to be increased to 5.5 metres when situated hard up against the building. Nose to tail parking arrangements should be a minimum of 12 metres in length to ensure vehicles do not overhang the carriageway/footway. The development then to be implemented in accordance with the approved parking details.

Reason: To ensure the provision of adequate parking facilities within the development.

15. Two additional parallel parking bays to be provided adjacent to Plot 28. Details of the amended parking layout to be submitted in writing to the Planning Authority for approval, thereafter implemented fully as per the drawings within an agreed timescale.

Reason: To ensure the provision of adequate parking facilities within the development.

16. No development shall commence until a Traffic Management Plan (TMP) is submitted to, and approved in writing by, the Planning Authority. The development then to proceed fully in accordance with the approved TMP during the construction phase of the development.

Reason: To ensure the impact of construction vehicles on the public road network is mitigated so far as reasonably practical.

17. No development shall commence until a pre-construction condition survey of Caledonian Road and South Parks is undertaken and submitted to the Planning Authority for record purposes. Thereafter, monthly inspections to be undertaken and recorded. Upon completion of the construction period for the development a post-construction condition survey to be undertaken of the aforementioned roads and submitted to the Planning Authority. Any remedial works identified as a result of the condition surveys must be rectified to the satisfaction of the Planning Authority within three months from an agreed date.

Reason: To ensure there is no detrimental impact on public road network during and after the construction period.

18. Any emergency remedial works identified on the public road network as a result of the construction period for the development, must be rectified to the satisfaction of the Planning Authority within one week of being identified, unless otherwise agreed.

Reason: To ensure there is no detrimental impact on public road network during the construction period.

19. No development shall commence until details are submitted to, and approved by the Planning Authority, relating to footpath links from the development to the land and core path network outwith the site to the south and west. Once approved, the footpath links shall be completed to

the specification of the Planning Authority in accordance with the phasing and programmes agreed by conditions 9 and 12 of this consent.

Reason: To ensure adequate provision is made for public access between the site and surrounding land and the public path network.

20. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (SPP-02-01 Rev N as amended by conditions 10, 11, 14, 15 and 19) have been submitted to and approved in writing by the Planning Authority. The approved services shall be installed in accordance with the approved phasing scheme (Condition 9)

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

21. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved in writing by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

22. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

i. Development at (Note 1)

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

iii. The development comprises (Note 5)

iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, 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.

Informatives

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.

All works within the public road boundary must be undertaken by a contractor first approved by the Council.

2. Development should be carried out in a manner consistent with British Standard guidance on constriction works, to maintain neighbouring amenity, in particular BS5228
3. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
4. In relation to drainage and Condition 20, the Council's Flood Risk Officer advises the following:

I would recommend that two forms of treatments are implemented given the size of the site (above 50 houses). I would specifically recommend that there is a method of source control added to the existing proposed detention basin.

I would recommend that SEPA are notified of the intention of using one form of treatment (detention basin) and that their approval is given to ensure that this complies with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) before any works take place. Engagement with Scottish Water would also be encouraged.

5. SEPA advise as follows:
Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Burnbrae Mossilee Road Galashiels TD1 1NF Tel: 01896 754797

6. The Notes required of Condition 22 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: The Committee felt that a more even distribution of affordable housing throughout the site should be investigated further by Officers in discussion with the applicant and the Registered Social Landlord. The precise details of the affordable housing provision shall be agreed in the Section 75 Agreement.

NOTE:

Councillor Tatler spoke against the application

Mr L Turnbull, Peebles Community Council and Mr P Maudsley, Resident spoke against the application

Mr Gordon Johnston, Persimmon Homes spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00910/FUL	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse with associated development and landscaping works	Land North East of 3 The Old Creamery, Dolphinton

Decision: Refused as per Officer recommendation 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 2016 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 2016 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 2016.

NOTE

Mr Giles Brooksbank spoke against the application

Mr A Brown (Applicant), Mr Gavin Jefcoate and Mr Graham Tulloch spoke in support of the application.

VOTE

Councillor Fullarton, seconded by Councillor Hamilton, moved that the application be approved

Councillor Miers, seconded by Councillor Laing, moved as an amendment that the application be refused as per the Officers recommendation.

On a show of hands Members voted as follows:-

Motion - 2 votes

Amendment - 5 votes

The amendment was accordingly carried.

Reference

18/00910/FUL

Nature of Development

Demolition of existing garages and erection of four dwellinghouses.

Location

Land East and South of 3 Heriotfield, Oxton

Decision: Approved as per Officer recommendation subject to additional conditions and informative:

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and 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 attract contributions to infrastructure and services, including local schools.
2. 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.
3. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials, including colour finish, to be used in the construction of the external walls of the buildings have first 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.

4. No development shall commence until protective fencing in accordance with BS5837:2012 has been placed at a minimum distance of 2 metres from the edge of the hedge which encloses the rear of the site and separates it from Justice Park. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the hedge shall be retained unless otherwise agreed in writing with the Planning Authority.
Reason: In the interests of preserving the hedging which contributes to the visual amenity of the area.
5. Notwithstanding the means of enclosure specified on approved Drawing No AG0067-720 rev J, no development shall commence until precise details of the means of enclosure which include the material finish of all walls and a revised means of enclosure along the eastern boundary of the site (if required) have first 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: To enable the proper effective assimilation of the development into its wider surroundings.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the first dwellinghouse hereby approved.
Reason: To ensure the development can be adequately serviced
7. No development shall be carried out during the breeding bird season (March-August) unless a Species Protection Plan for breeding birds has first been submitted to and approved in writing by the Planning Authority and thereafter the development shall only be carried out in strict accordance with the agreed details.
Reason: To protect the biodiversity interests of the site.
8. No development shall commence until detailed engineering drawings for the footway to the front of the dwellinghouses shown on the drawings hereby approved, have first 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. The footway shall be completed prior to the occupation of the first dwellinghouse.
Reason: To ensure appropriate pedestrian connectivity.
9. No development shall commence until detailed engineering drawings for dropping kerbs at an appropriate location in the existing footway on the west side of Heriotfield have first been submitted to and approved in writing by the planning authority. The dropped kerbs shall assist pedestrians crossing the road to and from the new footway required under Condition 8. Thereafter no development shall take place except in strict accordance with the approved details. The dropped kerbs shall be completed prior to the occupation of the first dwellinghouse.
Reason: To ensure appropriate pedestrian connectivity

Informatives

1. In the event that bats are discovered during development works the applicant is advised that works should stop and a European Species Protected licence will be required to be obtained from Scottish Natural Heritage before development works lawfully can recommence.

2. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;

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.

3. Roads Construction Consent is required for the proposed footway to the front of the proposed dwellinghouses.
4. Only contractors first approved by the Council may work within the existing public road boundary and prospective public road boundary.

NOTE

Mr Ben Redman and Ms Carol Moore Residents spoke against the application

Mrs Julia Mulloy, and Mr Alistair Campbell, Eildon Housing Association spoke in support of the application.