

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01479/FUL	Erection of mobile holiday lodges with office, reception/shop, installation of hydro and formation of associated roads and parking	Land North West of Willowdean House Foulden

Decision: Refused contrary to officer recommendation for the following reason:-

The development would be contrary to Policy ED8 – Caravan and Camping Sites of the Scottish Borders Local Development Plan 2016 in that the proposed holiday lodges are not of the highest quality, are not in keeping with the local environment and will have an unacceptable adverse impact on local infrastructure, specifically the capacity of local roads. Furthermore the development would be contrary to Policy PMD2 – Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale, massing and density of the proposed holiday lodges is not appropriate to their surroundings, would not be compatible with or respect the character of the surrounding area and would lead to overdevelopment of the site. The proposed holiday lodges would result in an unacceptable form of development inconsistent with the landscape characteristics of the surrounding area and would lead to unacceptable adverse impacts on pedestrian and road safety.

VOTE

Councillor Fullarton, seconded by Councillor Laing, moved that the application be refused on the grounds that the development would be contrary to Policy ED8 in that the proposed holiday lodges were not of the highest quality, were not in keeping with the local environment and would have an unacceptable adverse impact on local infrastructure, specifically the capacity of local roads; and contrary to Policy PMD2 in that the scale, massing and density of the proposed holiday lodges was not appropriate to their surroundings, would not be compatible with or respect the character of the surrounding area and would lead to overdevelopment of the site. The proposed holiday lodges would result in an unacceptable form of development inconsistent with the landscape characteristics of the surrounding area and would lead to unacceptable adverse impacts on pedestrian and road safety.

Councillor Anderson, seconded by Councillor Small, moved as an amendment that the application be approved as per recommendation.

On a show of hands Members voted as follows:-

Motion - 6 votes

Amendment - 2 votes

The motion was accordingly carried and the application refused.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01520/FUL	Erection of mixed use development including hotel, class 3 restaurant with drive-through facility, petrol filling station with shop, all with associated access, car parking, servicing, landscaping and other engineering operations	Land at Tweedbank Industrial Estate, Tweedbank

Decision: Approved subject to the following conditions and informatives:-

Conditions

1. No development to be commenced until a detailed scheme of phasing is submitted to, and approved in writing by, the Planning Authority. Once approved, the development to proceed in accordance with the approved Plan.
Reason: To ensure that the development, infrastructure and landscaping proceed in accordance with an agreed programme.
2. With the exception of land re-shaping, landscaping and underground services, no uses granted under this consent shall relate to the "Site for Future Development" as marked on Site Layout 90026 A-ST-P-XX-G7-900 Rev F.
Reason: To ensure that the site is omitted from the overall uses granted consent and remains available for development including Class 4 as identified in the "Central Borders Business Park" SPZ.
3. No existing trees within the application site, apart from those identified for removal and shown on approved drawing L01 Rev I shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.
4. The trees on this site, which are marked for retention on the approved plans, are covered by the existing Tree Preservation Order and shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.
Reason: To ensure that adequate precautions are taken to protect trees during building operations.
5. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works in the form of a Landscape and Environmental Management Plan, which has first been submitted to and approved in writing by the planning authority, after consultation with Transport Scotland (relating to iv). Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences, gates and other boundary treatments

- iv. details of the landscaping fronting the A6091
- v. soft and hard landscaping works including compensatory tree planting
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. other artefacts and structures such as street furniture, play equipment
- viii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development and to ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

6. Notwithstanding the details shown on the approved drawings, final road, ground and building levels shall be submitted to the Planning Authority for approval. No development to commence until the levels are approved in writing and the development then to proceed in accordance with the approved levels.

Reason: To safeguard the visual amenity of the area and to ensure appropriate roads and drainage provision.

7. No development to be commenced until further detailed engineering drawings are provided of the alterations to Tweedbank Drive between Melrose Roundabout and the existing road junction at the northern corner of the site. This should include a proposed footpath link in Tweedbank Drive between Tweedside Park and the pedestrian crossing island, on the north-eastern side of Tweedbank Drive. Once approved, the works to be completed before the first use becomes operational.

Reason: To ensure that there is safe adequate access to and from the site for vehicles and pedestrians and to safeguard the operation and safety of the existing road network.

8. No development to be commenced until a revised Stage 1 and Stage 2 Road Safety Audit is submitted to, and approved by, the Planning Authority. Thereafter, Stages 3 and 4 to be submitted for approval in accordance with the timing and requirements of the "Design Manual for Roads and Bridges" HD19/03 and any issues arising to be addressed in accordance with a timescale to be agreed.

Reason: In the interests of road and pedestrian safety

9. No use hereby approved to become operational until related and associated vehicular and pedestrian access, parking and drainage for each use are completed as per revised plans which shall first be submitted to, and approved in writing by the Planning Authority before the development is commenced. This shall include full swept path analysis, a final consistent layout for the petrol filling station, resolution of level issues at the filling station, electric vehicle charging/parking provision, engineering details at the secondary hotel access (including gradient, construction, revised radii and drainage), staff parking, pedestrian provision to the hotel from the car park and from the hotel to the restaurant/café.

Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

10. No use to become operational until the main access road, roundabout, associated footpaths and drainage shown on the approved plans have been completed to adoptable standards. This includes realignment of the main junction with Tweedbank Drive, adjustment to camber levels at the roundabout and agreeing legal rights of access to surface water attenuation tanks.

Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

11. No development shall commence until a Travel Plan, including a scheme for the provision of suitable bicycle parking facilities, has first been submitted to and approved in writing by the Planning Authority. The Plan shall then be fully implemented prior to operation of each associated use and thereafter adhered to on a permanent basis.
Reason: To ensure that a comprehensive range of travel and transport options are made available to users of the development.
12. No development shall commence until precise details of the barrier proposals along the trunk road boundary have first been submitted to, and approved in writing by the Planning Authority, after consultation with Transport Scotland. The development shall be carried out in accordance with the approved details.
Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
13. The kiosk/shop associated with the petrol filling station shall not operate until the petrol filling station is complete and operational and, thereafter, shall remain in use unless the petrol filling station use ceases.
Reason: The kiosk/shop is required to service the petrol filling station and requires to be linked to its use in order to minimise impact on surrounding town centres and also to adequately support the petrol filling station.
14. The roof solar panels proposed for the hotel not to be erected until further details of the panels and their methods of fixing are submitted to, and approved in writing by, the Planning Authority. Once approved, the panels to be erected in accordance with the approved details and removed within three months of the panels no longer being operated for the production of electricity.
Reason: To safeguard the visual amenity of the area.
15. No signage to be erected on buildings, structures or elsewhere within the site until further details are submitted to, and approved in writing by the Planning Authority. This shall include applications for Advertisement Consent where required. The signage then to be erected in accordance with any details or applications granted.
Reason: In the interests of road safety and to safeguard the visual amenity of the area.
16. No development to be commenced until samples of all external building materials for the buildings and structures on the site are submitted to, and approved in writing by, the Planning Authority. Once approved, all materials to be used in accordance with the approved details.
Reason: To safeguard the visual amenity of the area.
17. 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 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.
18. No development to be commenced until a Construction Environment Management Plan (CEMP) is submitted to, and approved in writing by, the Planning Authority. This should include measures for disposal of waste and protection of itinerant species such as badger

which may forage across the site. Once approved, construction of the development to proceed in accordance with the approved Plan.

Reason: To safeguard the River Tweed Special Area of Conservation and other ecological interests at the site.

19. Prior to commencement of development, a Species Protection Plan for badger and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

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

20. No development to be commenced until a Habitat Enhancement and Management Plan (HEMP) is submitted to, and approved in writing by, the Planning Authority. This should include measures for retention and adequate compensation of removed woodland in order to maintain and enhance biodiversity. Once approved, the development to proceed in accordance with the approved Plan.

Reason: To protect and enhance ecological interests at the site.

21. No development to be commenced until a full lighting scheme for all parts of the development is submitted to, and approved in writing by, the Planning Authority after consultation with Transport Scotland. This should include measures to mitigate impacts on bat habitat. Once approved, the development to proceed in accordance with the approved scheme.

Reason: To safeguard bat interests at the site and to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

22. Development shall not begin until drainage details have been submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details. There shall be no connections to the trunk road drainage system.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure that the efficiency of the existing trunk road drainage network is not affected.

23. 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 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. In relation to Condition 17, a two phase approach is recommended of metal detecting by a qualified archaeologist followed by archaeological evaluation of sub-soils for evidence of buried features.
2. In relation to Condition 20, the Council Ecologist advises the following:
A soft Landscape proposal (TGP Landscape Architects 27/02/19) has been submitted. If this is to meet the requirements of a Habitat Management Plan, it should set out how this provides the biodiversity enhancements and the mitigation for foraging bats. I recommend that the existing structural planting is retained as far as possible including at the south and south-eastern boundary and that more native tree species and shrubs are included in the planting scheme (e.g. downy birch, rowan, hazel and holly) or at least replicate what exists in the established landscape planting.

Any loss of trees should be fully compensated for in accordance with Scottish Government's "Control of Woodland Removal" and Local Development Plan Policy EP13 "Trees Woodlands and Hedgerows".
3. In relation to Condition 21, the Council Ecologist refers to "Bats and artificial lighting in the UK" Guidance Note 08/18 (2018).
4. Please note the following comments and requirements of the Council's Trading Standards Service in relation to the Petrol Filling Station proposals :

The subjects of this application are governed, in part, by The Petroleum (Consolidation) Regulations 2014 as enforced by Scottish Borders Council Regulatory Services department, Trading Standards section.

This requires consent and approval from said department which is authorised as the Petroleum Enforcement Authority (PEA).

Application should be made separately to the PEA for the issuance of a new Petroleum Certificate.

To this end, we require full scale drawings of the site plans and proposals accompanied by a full risk assessment and schedule of works. These should be submitted to the PEA prior to commencement of any works.

All works and equipment to be installed must meet the current standards as prescribed by The Dangerous Substances and Explosive Atmospheres Regulations 2002 and the guidance contained within the most current edition of the "Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations as published by The Energy Institute and the Association of Petroleum and Explosives Administration.

As a further observation, it should be noted that the plans for the petroleum filling station as currently submitted would appear to contain some discrepancies – under 'General Notes' it is stated that the Forecourt Canopy will comprise of 'traditional petrol filling station 5 island starter gate arrangement', and further that the pump arrangement will comprise '5no. 8 hose pumps, 2no. Mono Hi Speed Diesel Pumps, 1no. Twin Hi Speed Diesel Pump, 2no. Ad Blue Pumps'. However, the drawing itself shows and refers to a 'four island starter gate forecourt canopy', and would appear to only show two 'HGV Pumps' rather than the three listed in the notes. The notes also make reference to 'below ground offset fills', while the drawing is marked with 'above ground offset fills'.

5. The Notes required of Condition 23 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.

6. Upon commencement of the development, the applicant should contact the Council's Roads Traffic Service to discuss the promotion of an altered, reduced speed limit from 40-30mph in Tweedbank Drive adjacent to the site.

VOTE

Councillor Miers, seconded by Councillor Hamilton, moved that the application be refused on the grounds that the application was contrary to Policy ED1 in that the development would result in the loss of Business and Industrial land.

Councillor Mountford, seconded by Councillor Fullarton, moved as an amendment that the application be approved as per officer recommendation.

On a show of hands Members voted as follows:-

Motion - 3 votes

Amendment - 5 votes

The amendment was accordingly carried and the application approved as per recommendation.

NOTE

Councillor Parker spoke in support of the application.

Mr Phil Pritchett (Agent) spoke in support of the application on behalf of the applicant Mr Duncan Hamilton.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00593/FUL	Removal of condition No 3 planning Consent 16/00160/FUL	Land East of Plot 7 Ladyrig Farm, Heiton, Kelso

Decision: Approved subject to the following applicant informative:-

Note to Applicant:

1. The proposal to remove condition 3 on planning permission 16/00160/FUL is considered to be acceptable as it has served its planning purpose in that public access has been maintained open and free from obstruction in the course of development in accordance with the approved plan. Other rights of way legislation exist to uphold public access rights in this post development phase and there is no longer a planning purpose for the condition.

Accordingly, the removal of condition 3 does not alter the status of the Claimed right of way, BR20, and should not be regarded as support or otherwise for any proposal to divert the route, assert it or extinguish it under the Land Reform Act, for which a separate request would need to be made under that legislation.

NOTE

Mr Rory Bell, on behalf of Heiton & Roxburgh Community Council, Mr Peter Gillespie and Mr Andrew Hunter made representations about the application.

Mr Robert I. Jones (applicant) spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00898/FUL	Erection of detached garage	Land South of Abbotsbank Gattonside

Decision: Approved subject to the following conditions:-

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the garage 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.
2. No development shall commence until a protective barrier (compliant with BS5837:12) has been erected along the root protection area for the adjacent hedging, as specified on the approved site plan 9275.3.02. No works shall be permitted within the fenced area unless otherwise agreed in writing with the Planning Authority as being compliant with BS5837:12 and there shall be no excavation for the garage beyond the area specified on the approved plan 9275.3.02.
Reason: To limit potential risk to adjacent hedging which contributes to the character and appearance of the Conservation Area
3. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
4. No development shall commence until precise details of the surface water drainage arrangements for the garage and adjacent hard surface/driveway 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 drainage measures then to be installed as approved before the garage becomes operational.
Reason: To ensure that surface water drainage is adequately dealt with to prevent run-off into neighbour properties or the public road.
5. A drawing showing existing and proposed ground levels within the site and the finished floor level of the garage hereby approved shall be submitted to and approved in writing by the

Planning Authority before the development commences. This shall include a clearly identifiable datum point, or clearly identifiable datum points, located outwith the plot and sufficient for the purpose of establishing the heights of the existing and proposed levels relative to the level(s) of the existing public road. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
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 an inappropriate height.

6. The development hereby approved shall be carried out in complete accordance with the Construction Traffic Management Plan required under Condition 1 of planning consent 16/01403/FUL, unless otherwise agreed in writing by the planning authority.
Reason: To ensure a satisfactory form of development and to limit potential impacts on pedestrian and road safety.

VOTE

Councillor Miers, seconded by Councillor Small, moved that the application be refused on the grounds that the development was contrary to policies EP9 and PMD2.

Councillor Fullarton, seconded by Councillor Hamilton, moved as an amendment that the application be approved as per the officer's recommendation, subject to an additional condition to ensure the development would be carried out in accordance with the Construction Traffic Management Plan required by condition under planning consent 16/01403/FUL.

On a show of hands Members voted as follows:-

*Motion - 2 votes
Amendment - 6 votes*

NOTE

Councillor Drum spoke against the application.
Mr G. Yule, of Camerons Ltd, spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01635/FUL	Erection of 57 No. dwellinghouses and associated infrastructure	Land North East of the Berwickshire High School

Decision: Refused for the following reasons:-

1. The proposed development is contrary to Policy IS8 of the Local Development Plan in that the southern half of the site is located within the 1 in 200 year functional floodplain of the Bluidy Burn and the proposed residential development would place buildings and persons at significant risk of flooding. Furthermore the proposed properties along the eastern boundary of the site are at risk of flooding from an existing culvert and surface water flooding from the A6105 has not been adequately addressed.
2. The proposed development is contrary to Policy PMD2 criteria h) of the Local Development Plan in that the proposed site layout has an over-engineered appearance which gives greater priority to vehicle movements and parking. The design and siting of buildings fail to provide visual interest throughout the layout. The proposals therefore fail to create a

development with a clear sense of place which has been designed in sympathy with Scottish Borders architectural styles.

3. The proposed external materials are contrary to Policy PMD2 criteria j) of the Local Development Plan in that the use of dark coloured facing brick on the external elevations of the proposed buildings would not complement existing material finishes used in the locality. This would represent an inappropriate form of development not consistent with the general pattern of development locally.
4. The proposed development is contrary to Policy PMD2 criteria m) of the Local Development Plan in that it fails to provide a suitable level of landscaping along the south western boundary and north eastern corner of the site. The lack of landscaping detracts from the overall character and appearance of the development and does not integrate the development with its surroundings.
5. The proposed means of surface water drainage is contrary to Policy IS10 of the Local Development Plan in that the Bluidy Burn has no spare capacity to accommodate additional surface water. The levels of surface water drainage from the site would result in a significant risk of flooding on the site.