

# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Headquarters, Newtown St Boswells on Monday, 4 November 2019 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, S. Mountford, C. Ramage and E. Small.  
Apologies:- Councillor H. Laing.  
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE.**  
There had been circulated copies of the Minute of the Meeting held on 7 October 2019.

**DECISION**  
**APPROVED for signature by the Chairman.**

2. **DECLARATION OF INTEREST.**  
Councillor Ramage declared an interest in application 19/00947/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **APPLICATIONS.**  
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 Appendix I to this Minute.**

4. **TOWN CENTRE CORE ACTIVITY AREA PILOT STUDY**  
With reference to paragraph 1 of the Minute of 16 July 2018, there had been circulated copies of a report by the Service Director Regulatory Services which informed the Committee of any impacts the Pilot Study had in the determining of planning applications within the trial period. The report explained that the primary purpose of the study was to examine ways to revitalise and reinvigorate the town centres of Hawick and Galashiels by adding more flexibility to policy ED4 (Core Activities in Town Centres) within the adopted Local Development Plan (LDP) 2016. In essence the study had recommended the removal of the core activity area in Hawick. It also recommended the retention of the core activity area in Galashiels whilst proposing a wider and more flexible range of uses which could be supported. The study also set out policy guidance relating to policy ED4 to be applied more broadly within other core activity areas within Scottish Borders towns' i.e. Galashiels, Peebles, Kelso, Melrose, Jedburgh, Selkirk, Eyemouth and Duns. As the Pilot Study proposed to remove the core activity area from Hawick this would not be relevant to Hawick. The guidance stated that if premises had been vacant for 6 months and evidence was submitted which confirmed it had been adequately advertised for a substantial period of that time, then that would carry weight in the decision making process. Policy ED4 also made reference to the need to give consideration of any "significant positive contribution" in

relation to proposals within the core activity. The study expanded upon examples of what were considered to be factors determining “significant positive contribution”. In order to monitor the impacts of the recommended courses of action it was considered the study should operate as a Pilot Study for a trial period of one year. This allowed the opportunity to draw conclusions as to the success or otherwise of these amendments and also allowed the findings to be brought forward and considered for incorporation into the proposed new Local Development Plan. All planning applications submitted within core activity areas of town centres within the Scottish Borders were noted within the 1 year Pilot Study period from 17<sup>th</sup> July 2018 to 17<sup>th</sup> July 2019. In total 15 applications were submitted within the trial period. Although this was a relatively low number it was noted that many changes of uses of premises could take place without the need for planning permission. The 2019 footfall studies were also shared with Members. Members voiced concerns about the downward spiral in town centre shopping coupled with parking issues and were advised by the Principal Officer, Plans, Research, Environment that the policy allowed for flexibility to try and encourage town centre businesses.

#### **DECISION**

##### **AGREED to:**

- (a) Note the findings of the Pilot Study – which were summarised in Appendix B to the report; and**
- (b) extend the Pilot Study period until the new Town Centre Retail Policy was confirmed in the new Local Development Plan.**

#### **5. DRAFT SUPPLEMENTARY PLANNING GUIDANCE: SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS)**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Draft Supplementary Planning Guidance on Sustainable Urban Drainage Systems (SUDS), which, if approved would become a material consideration in the determination of planning applications. The aim of the new Supplementary Planning Guidance was to support the effective implementation of Local Development Plan Policies PMD1–Sustainability, IS8 - Flooding and IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage. It also aimed to give more awareness to interested parties of the various SUDS requirements to be incorporated within planning applications. It was proposed that the Draft Supplementary Planning Guidance was subject to public consultation for a period of 12 weeks. Following consultation, it was intended that if substantive comments were received a report would be brought back to the Planning and Building Standards Committee to seek final agreement. The Members welcomed the report which explained in detail, the purpose of SUDS and gave an example of what a good SUDS looked like. Members welcomed the report and the Principal Officer, Plans, Research, Environment answered members questions.

#### **DECISION**

##### **AGREED to:**

- a) Use of the document as a Draft Supplementary Planning Guidance on Sustainable Urban Drainage (Appendix A) to be used as a basis for public consultation.**
- b) Delegate authority to the Chief Planning Officer to approve the final document as Supplementary Planning Guidance if there were no substantive comments arising from the public consultation.**

**6. APPEALS AND REVIEWS.**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

- (a) there remained 2 appeals outstanding in respect of :-**
  - (i) Land West of Whitslaid (Barrel Law), Selkirk; and**
  - (ii) Land North West of Gilston Farm, Heriot**
- (b) Review requests had been received in respect of**
  - (i) Replacement windows at 5 -1 Sandbed, Hawick – 19/00203/FUL;**
  - (ii) Erection of dwellinghouse and agricultural building on Land North East of Hoprigshiel Farmhouse, Cockburnspath – 19/00590/FUL; and**
  - (iii) Erection of dwellinghouse on Land North East of Maxton House, St Boswells – 19/01178/PPP**
- (c) the decision of the Appointed Officer had been upheld in respect of Erection of dwellinghouse and detached garage (approval of all matters specified in conditions 18/01256/PPP) on Land South East of Dundas Cottage, Selkirk – 18/00521/AMC**
- (d) there remained no reviews previously reported on which decisions were still awaited when the report was prepared on 28<sup>th</sup> October 2019.**
- (e) there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 28<sup>th</sup> October 2019. These related to**

<ul style="list-style-type: none"><li>• <b>Fallago Rig 1, Longformacus</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Fallago Rig 2, Longformacus</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Crystal Rigg Wind Farm, Cranshaws, Duns</b></li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

*The meeting concluded at 1.10 p.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01620/FUL	Erection of poultry building and associated works mixed use development	Hutton Hall Barns Hutton

Decision: Approved subject to the following conditions:

**Conditions**

1. The development hereby approved shall not be carried out other than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the details supplied in support of the planning application, no development shall commence until a Landscape Management Plan has first been submitted to and approved in writing by the Planning Authority. The Plan shall include:
  - a) An updated landscape plan for the development.
  - b) A management plan for the woodland associated with the development hereby permitted to ensure that, in future, all planting is managed in good silvicultural order to remain fit for purpose, including thinning and maintenance. The Plan shall include a programme for the on-going maintenance and protection of all planting, during the first five years of implementation.
  - b) Confirmation that any trees or plants provided for landscaping that die or are removed or damaged for whatever reason within the period from commencement of the development to a date five years after the completion of the development shall be replaced in the next planting season with others of the same size and species.  
The approved Landscape Management Plan shall be implemented in accordance with the approved details, supervised by a qualified arboricultural consultant, before the end of the first planting season following commencement of operation of the poultry unit hereby permitted. Documentation which demonstrates compliance shall be submitted by the developer to the Planning Authority on an annual basis for a five-year period.  
Reason: To ensure that the landscape and visual impacts of the development hereby permitted are adequately mitigated and that planting is properly implemented and maintained.
3. All planting, seeding or turfing comprised in the approved Landscape Management Plan agreed under condition 2 shall be carried out in the first planting and seeding seasons following the occupation or completion of the development hereby permitted, whichever is the sooner, and the Planning Authority shall be advised once works are completed. All planting, seeding and turfing shall be maintained thereafter in accordance with the approved Landscape Management Plan and replaced as may be necessary for a period of five years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed planting is carried out as approved.
4. Notwithstanding the details supplied in support of the planning application, no development shall commence until further details of the proposed screening mounds, including additional

screening mounds to the north east corner of the poultry building hereby approved, have first been submitted to and approved in writing by the Planning Authority. Thereafter, the agreed screening mounds shall be fully formed prior to the occupation of the building, and shall be so retained thereafter in perpetuity, unless otherwise agreed by the Planning Authority.

Reason: To ensure that the landscape and visual impacts of the development hereby permitted are adequately mitigated.

4. No development shall commence until:

- i. details of materials to be used on all exterior surfaces of the development hereby permitted have been submitted to and approved in writing by the Planning Authority;
- ii. details of the design and siting of external food storage bins/ silos, water tanks and manure collection equipment/ hoppers have been submitted to and approved in writing by the Planning Authority; and
- iii. design proposals for the placement of photovoltaic panels and security lighting have been submitted to and approved in writing by the Planning Authority.

Thereafter, the development shall be undertaken wholly in accordance with the approved details.

Reason: To ensure that the landscape and visual impacts of the development hereby permitted are adequately mitigated.

5. No development shall commence until a Construction and Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. The CEMP shall cover the periods of site clearance and preparation, the erection of the building hereby approved and the formation of associated tracks, earth mounds and hard landscaping works. The CEMP shall include: the standards outlined in *British Standard 42020 : 2013 – Biodiversity Code of Practice for Planning and Development*; details of a Construction SUDS; and a method statement detailing measures to control sediment runoff during the period of construction to comply with General Binding Rule 10 of the Controlled Activities Regulations. Thereafter, construction works shall only be commenced and progressed in accordance with the approved details. The provisions of the approved plan shall be operated and maintained throughout the period of construction.

Reason: To protect the Cabby Burn, the Whiteadder Water and the River Tweed from the adverse effects of sediment runoff during construction.

6. No development shall commence until details of an operational sustainable drainage scheme (SUDS), which shall include a maintenance plan for the scheme, have been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter, the agreed scheme shall be implemented in full and operational prior to the occupation of the development.

Reason: To ensure adequate protection of the water environment from surface water runoff.

7. The development hereby approved shall at all times be operated in compliance with the nuisance management plan titled 'Operational Plan' (dated December 2018) unless otherwise agreed by the Planning Authority.

Reason: To ensure that the operation of the poultry building hereby approved has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties, by ensuring that all potential sources of nuisance are appropriately managed and controlled.

8. No development shall commence until a Species Protection Plan for otter, badger and breeding birds has first been submitted to and approved in writing by the Planning Authority. No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with the approved Species Protection Plan for breeding birds and which incorporates provision for a pre-development supplementary survey and mitigation

plan. No development shall be undertaken except in accordance approved Species Protection Plan.

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

9. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect the residential amenity of residential properties.

10. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of residential properties.

11. During construction and operation all vehicle movements to and from the development hereby permitted shall be within the hours of 07:00 to 22:00 on any day unless in cases of emergency.

Reason: To safeguard the amenity of the area, including surrounding residential properties.

#### Informatives

1. The applicant is invited to consider engaging the Planning Authority in pre-application discussions prior to the submission of any further poultry building planning applications, or should further such buildings be envisaged.
2. The applicant should be aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts. The Flood Risk Officer recommends that the developer utilises water resilient materials and construction methods as appropriate, and reviews the Online Planning Advice on Flood Risk.
3. Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of SEPA's 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, TD11 1NF, tel 01896 754797 or Intensive Agriculture Team at [intensiveagriculture@sepa.org.uk](mailto:intensiveagriculture@sepa.org.uk)
4. The applicant is advised that a license may be required under the Controlled Activities Regulations if the access track over the existing burn crossing requires to be upgraded.

#### VOTE

*Councillor Miers, seconded by Councillor Small, moved that the application be approved as per the Officer recommendation.*

*Councillor Fullarton, seconded by Councillor Aitchison moved as an amendment that the application be refused.*

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

*Motion - 6 votes*

*Amendment - 2 votes*

*The Motion was accordingly carried.*

**Reference**

19/00947/FUL

**Nature of Development**

Erection of two dwellinghouses

**Location**Land South West of  
West Lodge  
Minto

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

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed by the Planning Authority.  
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 details of the materials to be used on the external walls and roof of the proposed building(s), which shall first have been submitted to and approved in writing by the Planning Authority, unless otherwise agreed by the Planning Authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
3. The roofing material shall be natural slate. A slate sample shall be made available for the prior approval of the Planning Authority, and thereafter, the development shall be completed using the approved material.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
4. No development shall commence until details of the design and finish of windows and doors have first been submitted to and approved in writing by the Planning Authority. The development to be completed wholly in accordance with the approved details thereafter.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
5. Prior to the commencement of development, the finish and colour of all external joinery and rainwater goods shall be agreed in writing with the Planning Authority. The development to be completed wholly in accordance with the approved details thereafter. Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
6. The frames of the Solar PV panels hereby approved shall be coloured non-reflective black or dark grey.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
7. No development shall commence until precise details, including materials, of all boundary treatments have first been submitted to and approved by the Planning Authority. The development shall be completed wholly in accordance with the approved details thereafter.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
8. Prior to the occupation of the first dwellinghouse hereby approved, visibility splays of 2.4m x 42m must be provided in either direction at the junction with the public road and thereafter,

minimum junction visibility splays of 2.4m x 42m shall be retained in perpetuity. Reason: To ensure the development hereby approved is served by an acceptable form of access.

- 9 No development shall commence until a revised site plan showing an amended parking layout has first been submitted to and approved in writing by the planning authority. The revised plan must show satisfactory parking and turning for two vehicles, excluding garages, within the curtilage of each plot. Once approved, the respective parking and turning shall be provided before each associated dwellinghouse is occupied and be retained thereafter in perpetuity.

Reason: To ensure the development hereby approved is served by adequate parking at all times.

- 10 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 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.

- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 12 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.

- 13 Prior to the commencement of the development hereby approved, a detailed 'Method Statement' in relation to all works within the Root Protection Area (RPA) of retained trees shall be submitted to and approved in writing by the Planning Authority.

Specific issues to be dealt with in the Method Statement:

- a) A scaled plan and section (s), where relevant, showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees.
- b) A written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant.
- c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- d) A specification for ground protection within tree protection zones.
- e) Arboricultural supervision and inspection by a suitably qualified tree specialist. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

- 14 The developer shall give notice to the planning authority once the approved landscaping works have been completed.  
Reason: To allow the planning authority to inspect the works, in order to ensure that the works have been carried out as approved.
- 15 There shall be no excavation or raising or lowering of levels within the root protection area of retained trees, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the trees to be retained will not be damaged during demolition or construction.
- 16 No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available to serve this site. Prior to the occupation of the building(s), written confirmation shall be provided for the written approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 17 No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 18 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition  
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 19 No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
- 20 Bin stances shall be provided in accordance with details that have first been submitted to and approved in writing by the planning authority. The houses hereby approved shall not be occupied until bin stances are provided in accordance with the approved details. Reason: To ensure visually sympathetic storage of bins
- 21 No development shall commence until a surface water drainage layout, in addition to means of its future maintenance, has first been submitted to and approved in writing by the Planning Authority. The development shall be serviced in accordance with the approved details  
Reason: To ensure the development can be adequately serviced.

## Informatives

- 1 Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. The applicant should satisfy themselves that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
- 2 If the stove has an output of more than 45kw, the applicant should contact the Council's Environmental Health Service and provide further information in order that a screening assessment can be carried out. Stove installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted a Building Warrant/Planning Permission, including changes to the height and position of the flue.
- 3 The access to the site from the public road to be constructed as a service layby to my standard specification DC3. The initial 5 metres of the shared driveway beyond the rear of the service lay-by to be a minimum of 5.5 metres wide to allow two vehicles to pass and surfaced to the same specification.
- 4 Only contractors first approved by the Council may work within the public road boundary.
- 5 The promoted Minto Hills path in the Paths around Hawick booklet is described from Denholm and the route shown is the route on the maps below. The full booklet may be accessed from the council website [www.scotborders.gov.uk/walking](http://www.scotborders.gov.uk/walking)
6. The applicant is reminded that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at:

### VOTE

*Councillor Fullarton, seconded by Councillor Hamilton, moved that the application be approved as per the Officer recommendation.*

*Councillor Miers, seconded by Councillor Aitchison moved as an amendment that the application be refused on the grounds of policy PMD5(b) and (d).*

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

<i>Motion</i>	-	5 votes
<i>Amendment</i>	-	2 votes

*The Motion was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/01142/FUL	Erection of general purpose agricultural/ Equestrian building (retrospective)	Land West of Old Greenlaw Farmhouse Greenlaw

Decision : Approved subject to the following conditions and informatives:

Conditions:

- 1 The equestrian use hereby approved shall be used only for private (domestic) use for purposes incidental to the enjoyment of Old Greenlaw Farmhouse, Greenlaw, Duns, TD10 6UP as a dwellinghouse and the building shall not at any time, be operated in whole or in part, as (or within) the premises of an equestrian business without the express grant of planning permission from the Planning Authority.  
Reason: To enable the Planning Authority to consider the implications of any subsequent commercial equestrian enterprise on the amenities of the area.
- 2 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should 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.
- 3 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.  
Reason: To protect the residential amenity of nearby properties.

Informatives:

1 Stable Waste

During the use of the stable block, it is likely that refuse/waste materials (i.e. manure/soiled hay) will be produced on the site as a consequence. Therefore, it must be ensured that all such waste materials are not stored on site or disposed of in any manner (for example, burning) which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

2 Riding establishment

The Riding Establishments Act 1964 defines a Riding Establishment as “the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both, “ and requires such businesses to be licensed by the Local Authority.

If the applicant intends the stables to operate as a riding establishment in the future, the premises will need to be licensed. Current conditions of licence are discussed alongside health and safety issues applicable to the trade, within the CIEH publication Health and safety guidance for inspections of horse riding establishments and livery yards. A free copy may be downloaded from [www.cieh.org/policy/inspections\\_horse\\_livery.html](http://www.cieh.org/policy/inspections_horse_livery.html). Hardcopies may be purchased from CIEH Tel. 020 7827 5821.

Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team  
Riding Establishment application forms are available from SBC's, Licensing Team.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01540/FUL	Erection of 13 No dwellinghouses and associated infrastructure	Land South and West of Swinton Primary School

Decision: Approved subject to a legal agreement covering developer contributions 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 Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent order amending or re-enacting that Order), no fence, gate, wall or other means of enclosure shall be erected on the eastern boundary of Plots 1-5, on the northern boundary of Plot 1, or on the eastern boundary of Plot 26, unless an application for planning permission in that behalf is first submitted to and approved.  
Reason: To control boundary treatment on plots 1-5 and plot 26 which, if unrestricted, may detract from the overall setting of the development hereby permitted.
3. No development shall commence, (notwithstanding the details provided in the approved drawings) until a revised and augmented scheme of hard and soft landscaping (incorporating details of layout, location, species, a planting schedule including planting numbers and density, implementation date(s) and future maintenance of all new planting and communal open space within the site) has first been submitted to and approved in writing by the Planning Authority. The scheme of hard and soft landscaping shall include:
  - a) planting of two single oak trees, evenly spaced between oaks 886 and 887;
  - b) reinforcement of roadside hedging along the eastern boundaries of plots 1 to 5;
  - c) details for communal and private planting and details for tree and hedge planting along the southern boundary of the site;
  - d) reconfiguration of hedging around car parking on plots 1-3 to improve visibility;
  - e) relocation of plot 2 car parking to western corner of the plot;
  - f) widening of the footpath to the north of Plot 1 to 2.4m.
  - g) planting proposals around the SUDS detention basin.Thereafter, the development shall be carried out and maintained wholly in accordance with the agreed scheme of hard and soft landscaping.  
Reason: To achieve an acceptable landscape scheme for the development; to ensure safe parking arrangements for plots 1-3; discrete parking for plot 2; and adequate pedestrian provision for the footpath to the north of Plot 1.
4. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing) has first been submitted to and approved in writing by the Planning Authority. The scheme shall be based on site plan AT2775 L(-1)102 Revision C and shall include the layout/ route of all existing and proposed walls and fencing, and their detailed design, height and materials. No facing brick shall be proposed and no timber fencing shall be included to the east of dwellinghouses on Plots 1-5, to the north of Plot 1, or on the eastern boundary of Plot 26. 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.

5. No development shall commence until the Tree Protection Plan AT2775 L(-1)005 has been amended to include protection for the hedge along the eastern boundary of the site. Prior to and throughout the construction period of the development hereby approved, protective fencing shall be erected in accordance with BS5837:12 and the agreed Tree and Hedge Protection Plan. No works shall be carried out within the protected areas without the written approval of the Planning Authority and any excavations within these areas shall be hand-dug.

Reason: To protect trees and hedging on or close to the site.

6. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

7. Prior to the commencement of development, a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours of all dwellinghouses shall be submitted to and approved in writing by the Planning Authority, notwithstanding references to materials finishes and colours on the approved drawings. The development shall be completed in accordance with the approved schedule of materials, finishes and colours.

Reason: The materials and colours require further consideration to ensure they are visually sympathetic to the surrounding area.

8. Prior to the commencement of development, a revised east gable elevation drawing for House Type K – Plot 7 shall be submitted to the Planning Authority for written approval. Thereafter, the dwellinghouse on Plot 7 shall be erected only in complete accordance with the approved details.

Reason: To ensure suitable visual interest is achieved at the entry to the approved development.

9. 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 surface water flow paths. The levels shall relate to a fixed, off-site datum point. Thereafter, the development shall be carried out in accordance with the approved details and the dwellinghouses hereby approved shall be orientated to accord with the site plan hereby approved.

Reason: To ensure levels within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage, and to ensure the dwellinghouses are orientated in accordance the approved site plan.

10. No development shall commence until details of surface water drainage (including maintenance arrangements) have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the agreed details.

Reason: to control surface water drainage and control flood risk.

11. No development shall commence until written evidence on behalf of Scottish Water to confirm that mains water and foul drainage systems shall be made available to serve the development has been submitted to the Planning Authority for written agreement. Thereafter, the development shall be serviced in accordance with the approved details.

Reason: To ensure the development can be adequately serviced.

12. No development shall commence until a scheme of details has been submitted to and approved in writing by the Planning Authority for the upgrade to an adoptable standard of the section of Core Path 73 within the application site boundary. Thereafter, unless otherwise agreed in writing with the Planning Authority, the section of Core Path within the application site boundary shall be upgraded to an adoptable standard in full accordance with the agreed details before the first dwellinghouse hereby approved is occupied.  
Reason: To ensure the development benefits from adequate pedestrian connectivity.
13. Throughout the construction period of the approved development, Core Path 73 shall remain open and unobstructed, unless temporary rerouting is provided in accordance with details which have received the prior written approval of the Planning Authority.  
Reason: to prevent access across Core Path 73 being obstructed during construction.
14. No development shall commence until a revised site plan and scheme of details has been submitted to and approved in writing by the Planning Authority covering:
  - a. an amended vehicular junction with the A6112 to avoid the RPA for tree 888;
  - b. the extension of street lighting and the 30mph speed limit infrastructure on the A6112 to the south of the site entrance;
  - c. a new footway between the site and the school entrance from the A6112;
  - d. details of surfacing materials for roads, footpaths and parking;
  - e. a timescale for delivering (a) to (c).Thereafter, the roads, streetlighting, speed limit infrastructure, footpaths and parking spaces/areas indicated on the agreed revised site plan shall be constructed or otherwise delivered in full accordance with the agreed revised site plan, the agreed surfacing materials details, and the timetable for delivery under (e), all unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians; in the interests of visual amenity; to reduce the risk of harm to the mature oak tree (no. 888) close to the junction with the A6112; to ensure the site has adequate pedestrian and vehicular connectivity; and to ensure the existing infrastructure is extended to serve the site to provide safe access and egress.
15. No development shall commence until a phasing programme for the development has been submitted to and approved by the Planning Authority. This shall include all buildings, roads, footpaths, and water, foul and surface water drainage services. Thereafter, 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.
16. The two units hereby approved on plots 9 and 10 shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 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 prior to development commencing.  
Reason: The permission has been granted subject to the provision of two units for affordable housing.
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 shall commence during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for breeding birds that shall be submitted to and approved in writing by the Planning Authority.

Reason: to protecting breeding birds.

#### Information for the applicant

1. Care should be taken to protect the water environment and to follow SEPA's standard regulatory advice in relation to good practice in development.
2. Opportunities exist to enhance the habitat network and support local biodiversity through planting native species of local provenance.
3. The applicant should be aware that in accepting the road layout for Phase 2, the Planning Authority does not make any determination as to its suitability for the previously proposed mixed uses on the site or the house plots and footprints shown indicatively on the site plan hereby approved.
4. The site roads and footpaths require the benefit of Road Construction Consent. The applicant is reminded that a Road Bond requires to be in place prior to any house building works commencing on site.
5. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
6. The development of this site requires the provision of complimentary uses reflecting the mixed use nature of the allocation (MSWIN002) and should include consideration of community facilities such as playing fields and village hall. The development hereby approved does not include community facilities however there is an opportunity to provide these complementary facilities on land to the north of the application site within Well Field (Housing Allocation BSW2B). The applicant should be aware that if the community facilities are not delivered on the land at Well Field then they must be delivered on the remainder of the mixed use allocation (MSWIN002).

#### NOTE

Mr Earnshaw, Resident spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/01253/S36	Variation to height of turbine T16 from 125m to 145m blade to tip	Land North of Nether Monynut Cottage Cockburnspath

Decision: APPROVED that the Council indicate to the Scottish Government that it does not object to application 19/01253/S36 to vary the height of turbine T16 from 125m to 145m blade to tip, subject to the imposition of the variations proposed within Annex A of the Environmental Report dated June 2019

and the imposition of the relevant conditions and informative notes of the original consent which remain necessary to adequately control this development.