

# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND  
BUILDING STANDARDS COMMITTEE held  
by Microsoft Teams on Monday, 5 October  
2020 at 10.00 am

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Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards.

Apologies:- Councillor E. Small.

In Attendance:- Planning & Development Standards Manager, Lead Planning Officer (B.Fotheringham), Lead Planning Officer (C. Miller), Lead Roads Planning Officer, Solicitor (Fraser Rankine), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

## 1.0 **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 September 2020.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2.0 **APPLICATIONS**

There had been circulated copies of reports by the Chief Planning and Housing Officer on applications for planning permission requiring consideration by the Committee.

### **DECISION**

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

## 3.0 **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) the Reporter had upheld the enforcement notice, but had varied the terms of the notice and allow a period of 6 months for the requisite work to be carried out due to the current Covid-19 pandemic in respect of the Erection of structure on Land West of 1 Linthaugh Farm Cottage, Jedburgh.
- (b) there remained 2 appeals outstanding in respect of :-
  - Land North of Carcant Lodge, Wull Muir Wind Farm, Heriot;
  - Land North West of Willowdean House, Foulden
- (c) a Review request had been received in respect of the erection of two dwellinghouses on Paddock North of Station House, Cowdenburn – 20/00714/PPP

- (d) the decision of the Appointed Officer had been overturned in respect of:-
- (i) Erection of 15 No huts with associated access and car parking on Land East of Wester Deans, West Linton – 19/01256/FUL;
  - (ii) siting of 3 No glamping pods and associated works on Land South West of Stouslie Farmhouse, Hawick – 20/00343/FUL
- (e) there remained three reviews previously reported on which decisions were still awaited when the report was prepared on 24 September 2020.

Garden Ground of 7 Heriot House, Heriot	Garden Ground of Clifton Cottage, High Street, Kirk Yetholm
Land North West of Strathmyre, Old Belses, Jedburgh	

- (f) There remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 24<sup>th</sup> September 2020 and related to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
• Crystal Rigg Wind Farm, Cranshaws, Duns	•

*The meeting concluded at 1.30 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>
20/00331/FUL	Demolition of existing building and erection of 14 No residential apartments and associated parking	Main Building West Grove Waverley Road Melrose

Decision: Approved subject to a legal agreement addressing contributions towards Borders railway and affordable housing and ensuring that an over 55s occupancy clause is written into the deeds and education and play contributions are only secured should the apartments be occupied by any persons under 55 years old, 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. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.  
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
3. A sample of all materials/colour finishes to be used on all exterior surfaces of the development hereby approved (walls, roofs, windows, doors) shall be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved samples.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and to the character of the Conservation Area.
4. A sample of the stone for the boundary walls to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved sample.  
Reason: To safeguard visual amenities.
5. Detailed drawings showing the elevations of the coursed rubble boundary walls, bin store (including gates) and railings (including colour finish) be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details and the bin store to be fully operational before the first apartment is occupied.  
Reason: To safeguard visual amenities.

6. Details of the surfacing materials for the pedestrian access zones to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter, pedestrian access zones to be constructed as per the approved details before the first apartment is occupied.  
Reason: To ensure safe access by pedestrians and to safeguard the visual amenities of the area.
7. 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):
  - a) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - b) location of new trees, shrubs, hedges and grassed areas
  - c) schedule of plants to comprise species, plant sizes and proposed numbers/density
  - d) 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.
8. The finished floor levels of the building hereby approved shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority before the development commences. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed off-site datum point in a location clearly indicated in the scheme of details so approved.  
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.
9. No drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. Prior to occupation of the first apartment hereby approved, written evidence shall be submitted to and approved in writing by the Planning Authority that the apartments have been connected to the public water drainage network.  
Reason: To ensure that the development does not have a detrimental effect on public health.
10. 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 and can be provided for the development. Prior to the occupation of the first apartment, written confirmation shall be submitted to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. 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.
11. The construction details (including surfacing material and drainage) for the parking area and details of how the parking spaces are to be demarcated on-site for residents and visitors shall be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the car parking area shall be constructed and the spaces demarcated as per the approved details before the first apartment is occupied and retained as such thereafter.  
Reason: To ensure the parking is fit for the purpose of the development hereby approved.
12. The cycle storage areas shown on the drawings hereby approved shall be installed and fully operational before the first apartment is occupied. The cycle storage areas shall be retained in perpetuity thereafter.  
Reason: To ensure cycle parking is incorporated within the development, as per "Cycling by Design by Transport Scotland" standards.

13. The 1800mm high beech hedge shown on the site plan (9357.3.04 Rev F) hereby approved shall be reduced in length by 3m from the vehicular exit of the site onto Tweedmount Road.  
Reason: To ensure the exit from the development hereby approved on to the existing public road is safe and fit for purpose.
14. Details of the heating system(s) to be installed in the building hereby approved shall first be submitted to and approved in writing by the Planning Authority before the development commences. The heating system shall be installed in accordance with the approved details.  
Reason: Further information is required in order to safeguard the residential amenity of existing and proposed properties.
15. Any noise emitted by equipment, plant and machinery used within the building 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 equipment, 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.

Informatives

1. The Council's Archaeology Officer encourages a basic recording exercise of the existing buildings, with internal and external photos, to be carried out before demolition. Given the conversion to offices took place many years ago, it is unlikely that any original internal features remain but elements may be revealed during the demolition works. He would be pleased to add any records to our HER.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00109/FUL	Erection of 2 No distilleries with associated Visitor Centres, bottling hall, maturation Warehousing, office, gatehouse with associated Roads and infrastructure, and change of use of Hotel to form office and staff accommodation Previously approved under consent number 16/00744/FUL	Land North of Former Jedforest Hotel and Jedforest Forest Hotel (now known as Mossburn House)

Decision: Approved subject to the following conditions:

1. No development shall commence until the following details have been submitted to and approved in writing by the Planning Authority;
  - a) A detailed construction programme and projected timetable for implementation of the development, to include proposals for the phasing of the development, including phasing of the landscaping plan, provision of all building and associated infrastructure including access roads, parking and drainage;
  - b) The location, design and layout of any temporary construction compound(s), to include (but not limited to) areas for staff welfare accommodation, areas for storage of construction materials including plant and machinery, etc., the positioning of any static plant as far as practicable from site boundaries, the location orientation, size and height of all site compound buildings to be stationed on the site, (and positioned to act as a sound barrier) and the location and design including height of any barriers to be erected around the site to reduce the level of noise, etc.
  - c) Detailed specifications and/ or samples of all external finishing materials for all buildings to be erected on the site. This shall include the use of dark coloured external materials for the warehouse buildings.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development and to mitigate the landscape and visual impact of the development (as recommended in the applicant's submitted ES) in the interests of the landscape and visual appearance and amenity of the development upon the surrounding Special Landscape Area.

2. All landscaping works including tree and shrub planting, hedgerows; grass and hard landscaping features to be undertaken in accordance with the drawings hereby approved. Notwithstanding the following changes;

- a) Changing specification of River birch *Betula nigra* in 'Riverside Trees' since this is not native.
- b) Using cell grown or pot grown stock as opposed to bare root stock.
- c) Further details of hard landscaping features
- d) Further details of Landscape Art Feature

No part of the development shall commence until details have first been submitted to and approved in writing by the Planning Authority including the timescale for undertaking all planting and seeding works which form part of the approved landscaping works together with a programme for the long-term management and maintenance of all landscape areas within the site. This timetable shall be informed by the construction and phasing programme as required by Condition 1 above and include provision for early establishment of all planting following earth works around the site boundary, including the vehicular access. Thereafter, all landscaping shall be provided and implemented in accordance with the approved details.

Reason: Details of the timetable for implementing the proposed/required landscaping arrangements are lacking from the submission and in order to ensure that the approved landscaping works are carried out timeously, including boundary treatments, to ensure the development is screened and absorbed into the landscape and to reduce the landscape and visual amenity impact of the development upon the Special Landscape Area.

3. Any trees, shrubs and seeding/turfing (within a period of 5 years from planting) which are removed or become damaged shall be replaced by the end of the first planting season thereafter with others of similar size, number species and or seeding mix, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that all approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding areas.

4. Construction works associated with the development, audible at any point on the boundary of any noise sensitive dwelling, shall be permitted between 0700-1900 hours, Monday to Friday and 0700-1600 hours on Saturday only, and at no other times out with these permitted hours. No other construction works shall take place out with these times unless otherwise first agreed in writing with the Planning Authority.

Reason: To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise sensitive properties.

5. No development shall commence until a lighting plan for limited unidirectional lighting has first been submitted to and approved in writing by the Planning Authority. This lighting plan should be designed by a qualified lighting designer in accordance with The Institution of Lighting Engineers; "Guidance Notes for the Reduction of Obtrusive Light". Thereafter development to only be undertaken and lit in accordance with this plan.

Reason: To protect neighbouring residential amenity and protect the rural character and appearance of the surrounding landscape.

6. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- c) Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- e) Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- f) Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- g) If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- c) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- e) Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- f) Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.
- g) The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required.

The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

8. No development shall commence until a new access to the site has been constructed and the existing access closed off. The new access to the development shall substantially match the new junction which accesses the site as detailed in the drawing (Dwg No EC21062:95:001) submitted by Blyth + Blyth dated 9 May 2016, in support of the application, but excluding the right turn lane. The access shall be constructed in accordance with details that shall first be submitted and approved in writing by the Planning Authority, in consultation with Transport Scotland.  
Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved; to maintain safety for both the trunk road traffic and the traffic moving to and from the development; to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road; and to ensure that water run-off from the site does not enter the trunk road.
9. No development shall commence until a Traffic Management Plan for construction traffic has first been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland.  
Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development
10. The full junction on the A68(T) as detailed in the drawing dated 9 May 2016 (Dwg No EC21062:95:001), submitted by Blyth + Blyth in support of the application, shall be constructed prior to the occupation of the development hereby approved.  
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.
11. The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway; the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.  
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.
12. Wheel washing facilities shall be provided within the site.  
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety
13. No development shall commence until a detailed plan identifying the precise location of traffic bollards (Glasdon Admiral bollard or similar) to be erected within the trunk road verge, either side of the proposed access at agreed locations has first been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter the development shall be carried out in complete accordance with the approved details before the development is operational.  
Reason: To ensure that road safety is improved by highlighting the location of the access.
14. No development shall commence until a Parking Study has first been submitted to and agreed in writing by the Planning Authority in consultation with Transport Scotland. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that sufficient parking spaces are provided within the development.

15. No development shall commence until detailed plans are first submitted to and approved writing by the Planning Authority in consultation with Transport Scotland. The plans shall illustrate the following information;

- a) Pedestrian connections to and from the nearest bus stop on the A68.
- b) Plans to demonstrate replacement of the nearest bus stop on the A68
- c) Plans to demonstrate how the existing access road will be physically stopped up.

Thereafter the development shall be carried out in complete accordance with the approved details before the development hereby approved is operational.

Reason: To ensure sufficient access to the development by sustainable transport methods and in the interests of road safety.

16. 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.

17. 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.

18. No development shall 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 public health.

19. Waste arising from the development shall not be disposed of other than in complete accordance with Chapter 2 Section 5.5 of the Environmental Statement, unless he otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

20. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition;

and thereafter

- a) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

- c) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.  
Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.  
Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

21. No development shall commence until an Ecological Clerk of Works (ECoW) has been appointed to carry out pre-construction ecological surveys, to inform a Construction Environmental Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP) and Species Protection Plan, ("the ECoW works"). The terms of the appointment shall be submitted for the approval in writing by the Council, as Planning Authority, in consultation with SEPA and SNH. The terms shall include the requirement to
- a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and
  - b) Require the ECoW to report to the Company's nominated construction project manager, the Planning Authority, SNH and SEPA any incidences of non-compliance with the ECoW works.
- Reason: To ensure the protection of the Tweed SAC and European protected species.

22. No development shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP shall include:
- a) Risk assessment of potentially damaging construction activities
  - b) Identification of biodiversity protection zones
  - c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works include the use of protective fences, exclusion barriers and warning signs
  - d) A Drainage Management Plan
  - e) A Site Waste Management Plan
  - f) An Accident Management Plan
  - g) Responsible persons and lines of communication
  - h) The role and responsibilities on site of an ecological clerk of works ECoW
  - i) Actual location of outfall and abstraction as identified in the CAR Licence.
- The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.
- Reason: To ensure the protection of the River Tweed SAC and European protected species.

23. No development shall commence until a Species and Habitat Protection Plan including supplementary surveys and measures for Ground Water Dependent Terrestrial Ecosystems (GWDTEs), bats, otter, badger, breeding birds and amphibia as appropriate has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
- Reason: To ensure the protection of the River Tweed SAC, European protected species and GWDTEs.

24. No development shall commence until a Landscape and Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including through woodland creation and management, conservation management of grassland and wetlands, provision of a scheme of bat and bird boxes, an artificial otter holt and provision of appropriate access and interpretation, 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 scheme.  
Reason: To ensure the protection of the River Tweed SAC, European Protected species and enhancement of the ecological interest.
25. No development shall commence until a surface water management plan is submitted to and agreed in writing by the Planning Authority in accordance with the recommendations of the flood risk assessment. Thereafter the development shall be carried out in accordance with the approved details.  
Reasons: To ensure appropriate management of surface water

### Informatives

- 1) Transport Scotland:  
The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement
- 2) Environmental Health:  
Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence 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. The Applicants should liaise with the Councils Licensing Section to establish whether or not the proposed staff accommodation requires to be licenced as a House in Multiple Occupation. [liquorandlicensing@scotborders.gcsx.gov.uk](mailto:liquorandlicensing@scotborders.gcsx.gov.uk)
- 3) SEPA  
The applicants should contact SEPA's local team to discuss their draft Pollution Prevention Plan (PPP) in due course. No construction can commence until a PPP is agreed in accordance with the construction site licence CAR/L/1178951.
- 4) With regards to Condition 14, the Applicant should be advised that the Parking Study is required due to discrepancies within the Visitor Appraisal Study. Parking is based on visitor numbers and car occupancy which is stated as being assumed to be 2.7 people per car but Paragraph 2.7 in the same report states that Department of Transport figures indicate 1.51 people per car. This discrepancy must be resolved and the Parking Study should also include

figures from similar development types to validate the assumed figures in the Transport Statement, based on the Visitor Appraisal Study.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00347/FUL	Erection of poultry building, upgrade of access Junction, formation of access road, and associated works (Shed 5 )	Hutton Hall Barns Hutton

DECISION: Refused, contrary to Officer recommendation, for the following reasons:

The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would not respect the amenity and character of the surrounding area. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on the landscape when viewed in combination with existing poultry units.

The development would be contrary to Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in the permanent loss of prime quality agricultural land. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on this finite resource.

The development would be contrary to Policy EP1 – International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in an unacceptable adverse cumulative impact on the integrity of local biodiversity. It has not been adequately demonstrated that the erection of an additional poultry unit in this location would not adversely affect the integrity of the site.

Note:

Mrs Angela MacLean, Applicant spoke in support of the application.

**VOTE**

*Councillor Ramage, seconded by Councillor Anderson moved that the application be continued to allow for a site visit.*

*Councillor Moffat, seconded by Councillor Richards moved as an amendment that the application be determined at the meeting.*

*As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-*

*Motion – 4 votes*

*Amendment – 4 votes*

*There being an equality of Votes the Chairman exercised his casting vote in favour of the amendment to determine the application at the meeting..*

*The Amendment was accordingly carried and Members continued their consideration of the application..*

**VOTE**

*Councillor Moffat, seconded by Councillor Richards moved that the application be approved.*

*Councillor Laing, seconded by Councillor Fullarton moved as an amendments that the application be refused on the grounds that the development was contrary to Policies ED1, EP6, ED10 of the Scottish Borders Local Development Plan 2015 and that the precise wording be delegated to Officers in consultation with the Chairman, Councillors Laing and Fullarton .*

*As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-*

*Motion – 3 votes*

*Amendment – 5 votes*

*The amendment was accordingly carried.*

**Reference**

**Nature of Development**

20/00470/FUL

Erection of poultry building and  
Associated works (Shed 6)

Hutton Hall Barns  
Hutton

DECISION: Refused, contrary to Officer recommendation, for the following reasons:

The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would not respect the amenity and character of the surrounding area. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on the landscape when viewed in combination with existing poultry units.

The development would be contrary to Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in the permanent loss of prime quality agricultural land. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on this finite resource.

The development would be contrary to Policy EP1 – International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in an unacceptable adverse cumulative impact on the integrity of local biodiversity. It has not been adequately demonstrated that the erection of an additional poultry unit in this location would not adversely affect the integrity of the site.

**VOTE**

*Councillor Moffat, seconded by Councillor Richards moved that the application be approved.*

*Councillor Laing, seconded by Councillor Fullarton moved as an amendments that the application be refused on the grounds that the development was contrary to Policies ED1, EP6, ED10 of the Scottish Borders Local Development Plan 2015 and that the precise wording be delegated to Officers in consultation with the Chairman, Councillors Laing and Fullarton .*

*As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-*

*Motion – 3 votes*

*Amendment – 5 votes*

*The amendment was accordingly carried.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00390/FUL	Erection of 4 No. poultry buildings together with Associated infrastructure including link corridor, store rooms, egg packing facilities staff facilities, loading bay, installation of 4 No feed bins, underground dirty water containment tank, drainage attenuation pond and formation of new access	Falsidehill Farm Kelso

DECISION Approved subject to the following conditions and informative:

1. No development shall commence until an Operational Management Plan is submitted to, and approved in writing by, the Planning Authority. The Plan to include the methods of operation and management of the use, including ventilation, noise, odour and lighting control and transport. Once approved, the development then to be operated in accordance with the Plan.  
Reason: To ensure that the operation of the use has no unacceptable impacts upon the amenity of the surrounding area or neighbouring residential properties, by ensuring that all potential sources of nuisance are appropriately managed and controlled.
2. No development shall commence until a Waste Management Plan is submitted to, and approved in writing by, the Planning Authority. The Plan to include details of the nature and frequency of manure removal from the site, and methods to ensure odour control including the use of sheeted/covered trailers. Once approved, the development then to be operated in accordance with the Plan.  
Reason: To ensure that the operation of the use has no unacceptable impacts upon the amenity of neighbouring residential properties that may be on the route of manure removal movements.
3. No development shall commence until a Heavy Goods Vehicle (HGV) Management Plan is submitted to, and approved in writing by the Planning Authority. The Plan to include details of the route, frequency and hours of intended HGV movements and to avoid use of the public road through Hume village. Once approved, the development then to be operated in accordance with the Plan.  
Reason: To ensure that heavy vehicle traffic movements associated with the use have no unacceptable impacts upon the amenity of neighbouring residential properties.
4. No development shall commence until:
  - a) details of materials to be used on all exterior surfaces of the development hereby permitted have first been submitted to and approved in writing by the Planning Authority;
  - b) details of the design and siting of external food storage bins/ silos and ventilation chimneys have first been submitted to and approved in writing by the Planning Authority; and
  - c) design proposals for the placement of any photovoltaic panels and security lighting have first 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. Notwithstanding the details supplied in support of the planning application, including the Planting Plan, no development shall commence until a detailed Landscape and 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, including revised planting details and species as recommended by the Council Landscape Officer in her email dated 18 August 2020

- b) Retention of the existing stone dyking and hedgerows on the site boundaries with details of the matching stone dyke treatment on the access radii and any boundary fencing and gates
- c) Final details of the width, height and profile of all earth bunding, including an increase in height at the feed silos
- d) A full management and maintenance schedule for the new planting, including the procedure for replacement of any trees or planting that fail to establish.

The approved Landscape and Management Plan shall be implemented in accordance with the approved details before the end of the first planting season following commencement of operation of the development hereby permitted

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.

6. No development shall commence until precise details of four passing places on the "C" class road between the site and the A6089 are submitted to, and agreed in writing by, the Planning Authority. Once agreed, the passing places to be completed in accordance with the agreed details prior to the use becoming operational, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure adequate access to the site and to protect the public road edge.

7. The vehicular accesses to the site shall be constructed and surfaced to the specification of the Council prior to the development becoming operational, including visibility splays of 2.4m by 215m in both directions and measures to prevent the flow of water onto the public road.

Reason: To ensure adequate access to the site and to protect the public road edge

8. No development shall commence until a scheme of foul and surface water drainage is submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The scheme to include the following:

- a) Greenfield run-off rates being demonstrated to be limited to their existing rate;
- b) The attenuation pond being installed as proposed and to mitigate against a 1 in 100 plus climate change flood event;
- c) details of the flow control at the attenuation pond; and
- d) Details of any culverts, watercourse crossings or alterations to crossings.

Reason: To safeguard the water environment and ensure the development is adequately serviced

9. No development shall commence until a Species Protection Plan and Biodiversity Enhancement Plan are submitted to, and approved in writing by, the Planning Authority. The Plans to be based upon the species mitigation outlined in the Preliminary Ecological Appraisal. The development then to proceed in accordance with the approved Plans.

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

### Informatives

1. SEPA have provided the following regulatory advice for the development:

- This proposal is below the PPC 2012 Schedule 1 threshold therefore SEPA have no remit in relation to odour or noise. The Enforcing authority is the Local Authority Environmental Health Department. Please also note the points below in relation to regulatory requirements for the applicant.
- Surface water proposals must adhere to General Binding Rule (GBRs) 10, 11 & 21.
- Vehicle Wash areas must adhere to Pollution Prevention Guidelines 13.
- All slurry stores built or substantially altered after 1 September 1991 must adhere to the Silage, Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 – known as

SSAFO: All slurry and manure storage and spreading must adhere to General Binding Rule (GBR) 18.

- Any abstractions over 10m<sup>3</sup> per day must be authorised by SEPA. Please contact your local office for further information.
  - Foul effluent from the offices should be served by an appropriately sized septic tank/treatment plant and soak away (where suitable). An application for registration will be required if under 15pe, otherwise a licence. The system must be designed in accordance with the Building Standard Technical Handbook Section 3 – Environment.
  - All relevant oil storage (domestic storage of more than 2500 litres and all other oil storage of more than 200 litres) must adhere to the Water Environment (Oil Storage) (Scotland) Regulations 2006 (link to SEPA Website Oil Storage Advice).
2. With regards to Condition 6 the passing places should be formed as per SBC approved specification DC-1/DC-1a.
  3. With regards to Condition 7, the specification for the vehicular access to the site shall be a 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1.
  4. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
  5. With regard to Condition 8, the scheme of drainage should comply with the provisions of the CREW Rural SUDS manual and the advice in Sections 1 and 2 of the SEPA consultation response to the application, dated 11 May 2020.

#### NOTE

Mr Ian Pick, Agent spoke in support of the Application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/00789/S36	Variation to operating life from 25-30 years, increasing tip height from 133.5m to 136.5m and clarification on drawing listed as Annex E on consent	Whitelaw Brae Wind Farm, Fruid Tweedsmuir

That the Council indicate to the Scottish Government that it does not object to the application to increase the height of all turbines by 3m, extend their operating life to 30 years and refer to the original FEI Site Layout as Annex E of the S36 consent, subject to the imposition of the relevant conditions and informative notes of the original consent which remain necessary to adequately control this development, including an adjustment to Condition 15 to include Schedule 1A species.