

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00981/FUL	Demolition of stable block and erection of dwellinghouse with associated works	Land South West of Weathercote Rig, The Loan, Gattonside

Decision: Continued to next available meeting to allow Members to visit the site.

Note:

Mr Charles Humphries spoke against the application

Mr Gavin Yuill spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01203/PPP	Erection of dwellinghouse	Land Adjacent to Laidlaws, Spottiswoode, Gordon

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

1. Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site until all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the layout and siting of the proposed development;
- b) Full details of the external appearance and finishing materials of the proposed development;
- c) A landscaping scheme (full details specified in condition 2);
- d) Full details of the proposed vehicular and pedestrian access to the development from the road;
- e) Full details of the proposed car parking/vehicle turning area(s) for the proposed development;
- f) Full details of the proposed means of disposal of foul and surface water from the development;
- g) Full details of a bin storage area(s).

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;

- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences and gates etc.;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

3. No development shall commence until a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief has been undertaken. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority prior to any works commencing on site. Access should be afforded to allow investigation by a contracted archaeologist(s) which will first be agreed to by the Planning Authority. The archaeologist(s) shall 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. Any significant data and finds must 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.

4. No development shall commence until visibility splays of 2.4 metres by 43 metres in either direction at the junction with the private road have been provided. Thereafter, they must permanently retained and maintained as such, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the development is served by an acceptable form of access.

5. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the minor public road between the site and Pyatshaw have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

6. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the private road between the site and junction with the public road have first been submitted to and

be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

7. The dwellinghouse hereby approved shall not be occupied until the junction between the private road and public road (D51/5) has first been upgraded to the following specification for the first 6 metres from the carriageway edge:

- 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Reason: To ensure the property is served by safe access from the public road and to protect the integrity of the public road.

8. The development hereby approved shall not be occupied until parking for two vehicles, excluding garages, has been provided within the curtilage of the dwellinghouse. Once provided, the car parking area shall thereafter be permanently retained and maintained as such.

Reason: To ensure the property is served by adequate parking at all times.

9. No development shall commence until a report, prepared by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The development shall not be brought into use until the private water treatment system has been installed in accordance with the approved details. Once provided, it shall be permanently retained and maintained as such.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. No works in connection with the development hereby approved 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 agreed in writing by the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved Species Protection Plan.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no buildings, other than those approved under condition 1 shall be erected on the site under the terms of Class 3A of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no means of enclosure, other than that approved under condition 2 shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

Informatives

1. In respect of conditions 5 and 7, all work within the public road boundary must be undertaken by a contractor first approved by the Council.
2. In respect of conditions 5 and 6, passing places to be constructed to standard specification DC-1.
3. In respect of condition 1, the access to the site from the private road should be constructed as a vehicular crossing to standard specification DC-2.
4. In respect of conditions 6 and 8, as the site is served via a private road, the applicant should satisfy themselves that there is a suitable legal agreement between themselves and other parties whose property take access from the private road. This agreement should cover the responsibility for maintaining and upgrading the private road if necessary.
5. In respect of condition 9, the following information should be provided:
 - (i) A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
 - (ii) The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
 - (iii) The estimated maximum average volume of water provided by the supply in cubic metres per day (m³/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”.
 - (iv) The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.
 - (v) Where there are existing users of the supply:
 - (a) the addresses of all properties served;
 - (b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;
 - (c) the current use of all properties served – i.e. as above;
 - (d) information identifying if and how the development will impact on the existing users; and
 - (e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
 - (vi) Where there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
 - (a) information identifying if and how the development will impact on these other supplies; and

- (b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.
- (vii) Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
- (viii) Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, it will be classed as an "Exempt" (formerly "Type B") private water supply and the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations"). If there is any commercial use of the supply, it will be classed as a "Regulated" supply and the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ("the 2017 Regulations"). Additionally, the supply will require to be sampled (monitored) on at least an annual basis and Scottish Borders Council will be required to undertake a risk assessment of the supply and reviews of said risk assessment periodically.

Finally, if for any reason the supply to be used is or will be a Regulated supply, it is an offence for the development to use it unless a risk assessment (or a review of an existing risk assessment) has been carried out by Scottish Borders Council at least 8 weeks before said intended first use by the development. It is also an offence for the development to use the supply prior to Scottish Borders Council confirming (by notice to the applicant) that it may be used by the development, on the basis that the intended use does not constitute a potential danger to human health. As such, the applicant must contact the Environmental Health Department of Scottish Borders Council sufficiently in advance of the intended occupation of the building(s) to ensure that compliance with these legislative provisions is able to be secured.

Note:

Councillor D Moffat moved that the application be continued to allow Members to visit the site, but did not receive a seconder.

As a site visit was not approved Councillor D Moffat then moved that the application be rejected, but did not receive a seconder.

Reference
21/01205/PPP

Nature of Development
Erection of dwellinghouse

Location
Land North of Lawn Park House, Spottiswoode, Gordon

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

1. Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site until all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the layout and siting of the proposed development;
- b) Full details of the external appearance and finishing materials of the proposed development;
- c) A landscaping scheme (full details specified in condition 2);
- d) Full details of the proposed vehicular and pedestrian access to the development from the road;
- e) Full details of the proposed car parking/vehicle turning area(s) for the proposed development;
- f) Full details of the proposed means of disposal of foul and surface water from the development;
- g) Full details of a bin storage area(s).

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained as per BS 5837:2012 and marked accurately on a topographic survey;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences and gates etc.;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

3. No development shall commence until a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief has been undertaken. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority prior to any works commencing on site. Access should be afforded to allow investigation by a contracted archaeologist(s) which will first be agreed to by the Planning Authority. The archaeologist(s) shall 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. Any significant data and finds must 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.
4. No development shall commence until visibility splays of 2.4 metres by 43 metres in either direction at the junction with the private road have been provided. Thereafter, they must permanently retained and maintained as such, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure the development is served by an acceptable form of access.
5. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the minor public road between the site and Pyatshaw have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.
Reason: To ensure the increased traffic associated with the development can be safely accommodated.
6. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the private road between the site and junction with the public road have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.
Reason: To ensure the increased traffic associated with the development can be safely accommodated.
7. The dwellinghouse hereby approved shall not be occupied until the junction between the private road and public road (D51/5) has first been upgraded to the following specification for the first 6 metres from the carriageway edge:
 - 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.Reason: To ensure the property is served by safe access from the public road and to protect the integrity of the public road.
8. The development hereby approved shall not be occupied until parking for two vehicles, excluding garages, has been provided within the curtilage of the dwellinghouse. Once provided, the car parking area shall thereafter be permanently retained and maintained as such.
Reason: To ensure the property is served by adequate parking at all times.
9. No development shall commence until a report, prepared by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating

the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The development shall not be brought into use until the private water treatment system has been installed in accordance with the approved details. Once provided, it shall be permanently retained and maintained as such.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. No works in connection with the development hereby approved 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 agreed in writing by the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved Species Protection Plan.

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

11. The large common lime tree (*Tilia x europaea*) contained within the application site shall not be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no buildings, other than those approved under condition 1 shall be erected on the site under the terms of Class 3A of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no means of enclosure, other than that approved under condition 2 shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

Informatives

1. In respect of conditions 5 and 7, all work within the public road boundary must be undertaken by a contractor first approved by the Council.
2. In respect of conditions 5 and 6, passing places to be constructed to standard specification DC-1.
3. In respect of condition 1, the access to the site from the private road should be constructed as a vehicular crossing to standard specification DC-2.
4. In respect of conditions 6 and 8, as the site is served via a private road, the applicant should satisfy themselves that there is a suitable legal agreement between themselves and other parties whose property take access from the private road. This agreement should cover the responsibility for maintaining and upgrading the private road if necessary.

5. In respect of condition 9, the following information should be provided:

- (i) A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
- (ii) The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
- (iii) The estimated maximum average volume of water provided by the supply in cubic metres per day (m³/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”.
- (iv) The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.
- (v) Where there are existing users of the supply:
 - (a) the addresses of all properties served;
 - (b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;
 - (c) the current use of all properties served – i.e. as above;
 - (d) information identifying if and how the development will impact on the existing users; and
 - (e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
- (vi) Where there are other properties’ private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
 - (a) information identifying if and how the development will impact on these other supplies; and
 - (b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.
- (vii) Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
- (viii) Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days’ reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, it will be classed as an “Exempt” (formerly “Type B”) private water supply and the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”). If there is any commercial use of the supply, it will be classed as a “Regulated” supply and the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the 2017 Regulations”). Additionally, the supply will require to be sampled (monitored) on at least an annual basis and Scottish Borders Council will be required to undertake a risk assessment of the supply and reviews of said risk assessment periodically.

Finally, if for any reason the supply to be used is or will be a Regulated supply, it is an offence for the development to use it unless a risk assessment (or a review of an existing risk assessment) has been carried out by Scottish Borders Council at least 8 weeks before said intended first use by the development. It is also an offence for the development to use the supply prior to Scottish Borders Council confirming (by notice to the applicant) that it may be used by the development, on the basis that the intended use does not constitute a potential danger to human health. As such, the applicant must contact the Environmental Health Department of Scottish Borders Council sufficiently in advance of the intended occupation of the building(s) to ensure that compliance with these legislative provisions is able to be secured.

Note:

Councillor D Moffat proposed that the application be continued to allow Members to visit the site, but did not receive a seconder

Councillor D Moffat proposed that the application be rejected, but did not receive a seconder.