

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01173/FUL	Erection of poultry building and associated works	Hutton Hall Barns Hutton

Decision: Continued to allow Members to visit the site

NOTE

Mr McGregor, on behalf of Hutton Community Council spoke against the application
Mrs Angela MacLean, Applicant, spoke in favour of the application.

14/01186/MIN	Extension to quarry and associated works	Glenfin Quarry Neuk Cockburnspath
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Decision: APPROVED subject to a legal agreement to the provision of a bond to secure the restoration of the site and subject to the following planning conditions:

1. The development hereby permitted shall be carried out in strict accordance with the approved scheme of working detailed in the plans and specifications approved by the Local Planning Authority. No extraction shall take place below the maximum floor depth shown on the approved plans, and in any event, no lower than 184 metres Above Ordnance Datum within Area A (Phases 1-7) and 190 metres Above Ordnance Datum within Area B (Phases 8-13).

Reason: To ensure that the development is carried out in accordance with the approved details.

2. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:
Development at (Note 1)

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

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting

<http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. Planning permission is granted for a period of 30 years from the date of the commencement of the development. Unless an application is made and granted for its continuation or extension, the working of the quarry and all ancillary operations shall be discontinued within 30 years of the date of commencement of the development.

Reason: To ensure satisfactory development of the site and to safeguard the amenity of the area.

4. The rate of mineral removed from the land shall not exceed 100,000 tonnes per annum over any period of 3 years. Written records shall be kept by the operator of all HGV movements off site including the weight of mineral carried by each vehicle and that information shall be made available for inspection by the Planning Authority on an annual basis on the last day of March each year.

Reason: To safeguard the amenity of the surrounding area and avoid excessive extraction levels.

5. Notwithstanding the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no buildings, plant or machinery, including that of a temporary nature, shall be erected, placed or installed without the prior consent of the Planning Authority.

Reason: In order that the Planning Authority retains effective control of the development in the interests of amenity.

6. The hours of operations for all working, with the exception of measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays and not at all on Sundays, unless with the prior agreement of the Planning Authority. In addition, no operations shall be permitted on 25 and 26 December and 1 and 2 January.

Reason: To adequately protect the residential amenity of surrounding residential properties.

7. No development shall commence until the applicant and /or the operator of the quarry provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all the decommissioning, site restoration and aftercare costs of the development. Thereafter:

- (a) No development shall commence on the site until the applicant and /or the operator of the quarry has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is acceptable in all respects.

- (b) The applicant and /or the operator of the quarry shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent. If at any stage of the operations a bond or other financial provision is not in place, all operations at the quarry shall cease. Operations shall only recommence once a replacement bond or other financial provision is accepted by the Planning Authority.

- (c) The bond or other financial provision will be subject to a five yearly review which shall include a monitoring statement of extracted and reinstated levels, paid for by the applicant and /or the operator of the quarry, from the Commencement of Development, to be conducted by a competent independent professional (Compliance Monitoring Officer) who has relevant experience within the quarrying sector and provided to the Company, the landowners (if different), and the Planning Authority.

Reason: To ensure suitable provisions are made for restoration of the site, and to minimise the longer term visual impacts of the development.

8. No development shall commence until a detailed scheme for the restoration and the after care of the site to be submitted and approved by the Planning Authority. This will provide full details of final restoration contours, levels, gradients, volume of imported material and provide for satisfactory reinstatement of surface drainage. The scheme shall include details for the phased programme for the restoration of the site. Once the restoration and aftercare scheme has been agreed in writing with the Planning Authority, the development shall only commence in strict accordance with the agreed details unless any variation are agreed with the Planning Authority.

Reason: To ensure the satisfactory restoration and aftercare of the site.

9. No landfill or waste shall be deposited on the site other than quarry waste arising from the site or soil forming material without the express written permission of the Planning Authority to deposit landfill or waste.

Reason: To safeguard the amenity of the surrounding area.

10. No extraction or encroachment of machinery or deposit of equipment, spoil or other material to be permitted outwith the site boundaries.

Reason: To protect the amenity of the surrounding area and ensure that development is operated within the limitations of its site.

11. No development shall commence until precise details of all amenity bunds have been submitted to and agreed in writing with the Planning Authority. Details to be submitted shall include levels, height, formation and vegetated finish. Once the details of the amenity bunds have been agreed no extraction shall commence within Area A or Area B until the amenity bunds illustrated on Drawing No's 8007C1, 8013C1 and Section Drawing Fig 2 have been completed in accordance with the approved details.

Reason To protect the amenity of the surrounding area and the setting of Scheduled Ancient Monument prior to extractive work commences within the affected areas.

12. No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a **Written Scheme of Investigation** outlining a **Desk Based Assessment, Geophysical Survey and Evaluation**. The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
- The developer shall allow sufficient time in advance of development for all archaeological works to be conducted to the satisfaction and written approval of the Planning Authority.
- The developer shall allow the archaeologist(s) access to all areas where development is to be undertaken and where positive geophysical results are possible to conduct all survey and excavation work required.
- Results shall be submitted at least one month prior to development to the Planning Authority for review and agreement in writing in the form of a **Desk-based Assessment, Geophysical Survey and Evaluation Report**.
- In the event that the report highlights areas of archaeological potential these shall require further targeted evaluation prior to development.
- If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented prior to development.
- Significant archaeological finds will undergo appropriate post-excavation research and publication subject to a separate Post-Excavation Research Design

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.

13. In the event that significant archaeological features, finds or deposits are identified and deemed as such by the Council's Archaeology Officer, either during the course of archaeological investigation or development, the developer shall ensure that these are recovered by a by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority and undergo a programme of post-excavation research in accordance with a **Post-Excavation Research Design** (PERD) approved in writing by the Planning Authority. The requirements of this are:

- The results of all post-excavation research and analyses will be submitted to the Planning Authority and disseminated appropriately through publication and community engagement within one year of the final on-site archaeological investigations and reporting.
- The applicant's archaeological contractor shall ensure that the full archive of materials and records be submitted to Treasure Trove and the National Monuments Record of Scotland within one year of the completion of post-excavation research and archived appropriately according to national guidelines.

Reason: Development of the site has resulted in the recovery of significant archaeological materials that will add to regional or national knowledge, and it is therefore desirable to conduct appropriate work to preserve and disseminate the full archaeological record of the site's history.

14. No fencing or any other structures shall be erected within the site of Ewieside Hill, fort Scheduled Ancient Monument unless evidence is submitted to the Planning Authority to prove that the developer has obtained Scheduled Monument Consent for the works from Historic Environment Scotland acting on behalf of the Scottish Ministers and thereafter the prior approval is given from the Planning Authority in consultation with the Councils Archaeologist for such works.

Reason: The siting of post and wire fencing or any other means of enclosure within the site of the Scheduled Ancient Monument is inappropriate unless the statutory consent is given for such works.

15. During operation hours a free field equivalent continuous noise level (LAeq) 1hour 55db shall be applicable for all quarry operations excluding soil and overburden handling activities and other works in connection with landscaping at Glenfin Quarry Extension at any noise sensitive property existing at the time of this application.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

16. During operational hours a free field equivalent continuous noise level (LAeq) 1hour 70db shall be applicable to soil and overburden handling works in connection with landscaping at the nearest noise sensitive property and limited to a period not exceeding 8 weeks in one calendar year at any one property.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

17. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise from the site, the applicant shall at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise from the site in line with PAN50. This report shall be provided to the Planning Authority within 3 months of the request. If the report demonstrates that the site is not in compliance with Condition 15 and 16 relating to noise all site activities will cease until the applicant has proposed a scheme of mitigation and this has been approved by the Planning Authority. Thereafter the development shall resume in strict accordance with the agreed scheme.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

18. No development shall commence until a scheme for monitoring of dust levels has been submitted to and agreed in writing with the Planning Authority. The scheme shall include the details and location of dust monitoring equipment which is to be positioned at locations around the site. Once approved the development shall commence in strict accordance within the agreed scheme and the operator and on request the operator shall furnish the Planning Authority with particulars of measurements recorded by the equipment.

Reason: To safeguard the amenity of the surrounding area.

19. No development shall commence until a dust management plan has been submitted to and agreed in writing with the Planning Authority. The dust management plan should cover the following topics:

1. Mitigation measures

2. Copy of the dust action plan as mentioned in part 3 of the environmental statement
3. The max height of stock piles
4. Complaints procedure

Once the dust management plans has been agreed the development shall be carried out in strict accordance with the agreed details.

Reason: To safeguard the amenity of the surrounding area.

20. Visual assessments of dust emissions shall be made at least once every working day by the operator with additional inspections at times of strong or gusting wind and during periods of warm, dry weather. Remedial action shall be taken immediately in the case of abnormal visible emissions. A record of all irregular dust conditions shall be kept by the operator for inspection by the Planning Authority in the event of a valid complaint from an affected residential property and the operator shall implemented the mitigation measures agreed within the dust management plan to resolve adverse dust emissions from the site.

Reason: To safeguard the amenity of the surrounding area

21. No site clearance or disturbance of habitats which could be used by breeding birds, grassland, scrub, hedgerows and trees, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority.

Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.

Reason: To minimise the potential impact on wildlife habitats.

22. No development shall commence until supplementary surveys for badger activity have been carried out by a suitably qualified person. The results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site shall be agreed with the Planning Authority.

Reason: To minimise the potential impact of the development on badgers.

23. No development shall take place until the developer has provided to the Planning Authority either of the following;

- a) a copy of the relevant badger development licence or
- b) a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To ensure that appropriate permissions are in place to avoid potential impacts of the development on badgers.

24. No development shall commence until a Species Mitigation and Management Plan (including measures for bats, otter, badger and breeding birds) is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To compensate for potential habitat loss associated with the development.

25. No development shall commence until a Landscape and Habitat Restoration Plan, including measures for woodland habitat creation, standing open water and wetland creation, species rich grassland and measures for bats, breeding birds and reptiles is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To compensate for potential habitat loss associated with the development.

26. No mineral extraction activities shall take place until the site drainage improvement works illustrated on Figure 2, 3, & 4 and detailed within the Site Surface Drainage Strategy Document (all dated 27 January 2015) have been properly completed to the specification agreed by SEPA.

Reason: To ensure that site drainage system is improved to a satisfactory level to accommodate additional run-off from the extended area.

27. The development shall continue to operate in strict accordance with the undernoted vehicle requirements;

- Wheel washing facilities shall be used to preclude quarry debris being carried onto the public road.
- All vehicles carrying minerals or mineral waste from the site shall be sheeted to prevent escape of loss materials or dust leaving the site.
- An area for parking of vehicles visiting the site shall be maintained during the quarries operational house.

Reason: To avoid road safety issues being caused by vehicles exporting goods from the site and provide suitable parking areas.

28. The development shall continue to be operated in strict accordance with the undernoted operative requirements;

- No blasting shall be undertaken on site.
- All plant and machinery on site shall be installed and maintained in such a manner to minimise the release of dust and wherever possible incorporate dust suppression equipment.
- Buildings housing crushers, screens and other stone processing machinery shall be maintained in a wind and watertight condition to contain dust created by the operation of machinery as far as reasonably possible.
- The conveyor shall be fully enclosed to prevent the emission of dust.
- All stockpiled material shall be stored within the existing quarry area.
- All measures shall be taken to ensure that no flooding, siting, pollution or erosion of any water course or adjoining land is caused by the operations of the site.
- All oil, fuel or lubricant within the site shall be stored within a bund or other means or other means of enclosure constructed to the satisfaction of the Planning Authority to prevent contamination of topsoil, sub soil or water courses.
- Secure fencing shall be provided to the working are and any vertical faces remaining on cessation of working.
- No additional settling ponds shall be formed without the prior approval of the Planning Authority.
- Details of the colour of any plant and equipment shall be agreed with the Planning Authority before it is brought onto site to minimise the visibility within the wider landscape.

Reason: To ensure that the quarry is operated in appropriate manner which safeguards the amenity of the surrounding area.

29. No development shall commence until precise details of the diversion to Right of Way, reference BB8 has been submitted to and agreed in writing the Planning Authority. The details shall make clear if it is proposed to temporarily or permanently divert the right of way and thereafter the agreed route shall be made available and kept free from obstruction during the operation of the quarry. If the route is to be temporarily diverted, the developer shall ensure that the original route is usable on completion of the site restoration.

Reason: To ensure that reasonable rights of access are exercised.

Informatives

1. The notes below should be completed for Condition 2 as follows:

Note 1: Insert address or describe the location of the development

Note 2: Delete subject to conditions if the planning permission is not subject to any conditions

Note 3: Insert the name and address of the developer

Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)

Note 5: Insert the description of the development.

Note 6: Insert the application reference number.

2. Should a volume of water greater than 10m³/day be extracted from the site then a Controlled Activities Regulations (CAR) licence will be required from SEPA.

**15/00978/FUL &
15/01318/CON**

**Demolition of Former Stable Building
and Erection of Dwellinghouse**

**Stable Building
North of 11 Market Sq.
Coldstream**

Decision: APPROVED subject to a legal agreement addressing contribution towards (Education & Lifelong Learning – Berwickshire High School), and the following conditions and informatives:

1. The development hereby approved shall be carried out wholly in accordance with amended drawing S1 – Design Proposals (dated October 2015 and received 26 October 2015).
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. With an allowance for freeboard, the finished ground floor level should be set no lower than 18.24mAOD.
Reason: In order to protect the property and its occupants from a predicted 1 in 200 year flood event.
4. No development shall take place until an additional plan has been submitted to and approved in writing by the Planning Authority indicating two parking spaces, not including any garage, together with an area to be made available for turning, to be provided within the courtyard area adjacent to the dwelling hereby approved. The parking and turning areas so approved shall be provided prior to the occupation of the dwelling and retained thereafter in perpetuity.
Reason: To ensure that two parking spaces and a turning area are made available clear of the public road.
5. No demolition works or roof stripping and removal works to commence during the breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.
Reason: In the interests of local biodiversity and protected species.
6. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.
The requirements of this are:
 - 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.
 - 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.

- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- 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).
- 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
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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:

- 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.
- Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- 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.
- 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.
- Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- 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. 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) 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,
- b) 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.
- c) 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).
- d) 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.
- e) 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.

9. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

10. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. In relation to Condition No 2 above, consideration should be given to the potential reuse of salvaged materials from the down takings (including pantiles if they are capable of being reused).
2. In relation to Condition No 3 above it is recommended that the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188 in order to receive flood warnings from SEPA.