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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 25th March, 2019 at 10.00 am

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meetings held on 4 March 2019.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

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

3. **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) **An Appeal had been received in respect of replacement windows at The Honey House, The Row, Longformacus – 18/01627/LBC;**

(b) **there remained four appeals outstanding in respect of:-**

- **Land West of Whitslaid (Barrel Law), Selkirk**
- **March Street Mills, March Street, Peebles (17/00063/PPP)**
- **March Street Mills, March Street, Peebles (17/00064/CON)**
- **Greenloaning, The Loan, West Linton**

(c) **Review Requests had been received in respect of :-**

- (i) **Variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no. windows in lieu of air conditioning at Deans Bar, 3 Orrock Place, Hawick – 17/01368/FUL;**

(ii) **Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure – 18/00681/FUL;**

(iii) **Erection of dwellinghouse with detached garage on Plot 3 Land North East of The Old Church, Lamberton – 18/00961/FUL**

(d) **there remained five reviews outstanding in respect of:-**

<ul style="list-style-type: none">Storage Units, Farknowes, Langshaw Road, Galashiels	<ul style="list-style-type: none">Bruce Motors Redburn Garage, Peebles Road, Galashiels
<ul style="list-style-type: none">Land East of Rose Cottage, Maxwell Street, Innerleithen	<ul style="list-style-type: none">Mansfield Bar, 16 Mansfield Road, Hawick
<ul style="list-style-type: none">Sunnybrae, Midlem, Selkirk	

The meeting concluded at 10.50 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01661/FUL	Variation of condition 1 of planning consent 09/01043/FUL to extend the commencement time period	Chapel, Brothers of Charity St Aidans Gattonside Melrose

Decision: Approved subject to the following conditions, informatives and a new Section 75 Agreement:

CONDITIONS

1. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority. The phasing scheme shall include the conversion of Gattonside House, all new build works, all accesses, roads, parking areas, paths and path links, cycle storage, play area and water and drainage services
Reason: To ensure that the development of the site proceeds in an orderly manner, that does not undermine the character and setting of the Listed Building.

2. No development shall commence until a survey identifying trees to be removed and retained, and a constraints and root protection area plan, for trees located to the east and south of Plot 35 is submitted to and approved in writing by the Planning Authority. No trees within the grouping shall be removed unless with the written approval of the Planning Authority and those to be retained shall be protected with fencing during the construction works in accordance with BS5837
Reason: To establish the risk to trees not identified on the original tree survey and constraints/protection plans

3. Aside from any additional trees to be removed under Condition 2, only those trees identified on drawing 1722/04 shall be removed, with the exception of trees 47 and 52 which shall be retained, unless prior written approval is granted by the Planning Authority. All trees to be retained shall be protected with fencing in accordance with BS5837 and all works within root protection areas shall be subject to specifications to be first agreed with the Planning Authority
Reason: To ensure only those trees identified for removal are removed and that remaining trees which contribute to the landscape setting and character of the site are retained

4. Notwithstanding drawing 1722/01, no development shall commence until a revised and expanded landscape plan to 1:200 or 1:500 scale is submitted to and approved in writing by the Planning Authority. The plan shall include details of tree, shrub and hedge planting and landscaping including location and a schedule including sizes, species and numbers/density and an implementation scheme. The scheme shall include a full maintenance programme for all planting, landscaping and open space areas throughout the site, including the low lying land to the south, specifying short term (including replacements for felled planting) and long term maintenance (including identification of responsibilities for maintenance)
Reason: Revisions to the planting and landscaping scheme submitted with the application are considered necessary to ensure that the development is sympathetic to the landscaping setting and character of the site

5. No development shall commence until details of all proposed finished floor and ground levels throughout the application site, including revised ground levels on Plots 25 and 26, and sections

through Plots 27, 28 and 35 have first been submitted to and approved in writing by the Planning Authority and once approved the development shall be carried out in accordance with the approved details

Reason: To ensure that alterations to ground levels and finished floor levels are sympathetic to the landscaping setting and character of the site

6. No development shall commence until, and notwithstanding the location and layout of the SUDs basin on the approved layout, a revised scheme is first submitted to and approved in writing by the Planning Authority and, once approved, the works shall proceed only in accordance with the approved revised scheme

Reason: In order to minimise excavation required to accommodate the SUDs basin and, therefore, minimise its visual impact

7. All boundary walls and hedges shall be retained with the exception of those specified for removal to provide accesses in accordance with the approved site layout, unless otherwise approved in writing by the Planning Authority under the terms of any other planning condition on this consent. All new boundary walls and fences shall be subject to the prior approval of the Planning Authority regarding route, design, height, materials and colours

Reason: To retain walls and hedges which contribute to the character and setting of the site and ensure that new walls or fences are sympathetic to the character and appearance of the Conservation Area

8. No development shall commence until a detailed plan and specification (including dimensions, design, construction and surfacing specifications as appropriate) for: the new vehicular access north of Gattonside House, including details of wall alterations and new gatepiers; improvements to the existing access from the B6360; a pedestrian access north of plots 39-42 (including location); a minor vehicular access onto Bakers Road; cycle storage provision; and, street lighting throughout the application site, has first been submitted to and approved in writing by the Planning Authority and, once approved, the works shall be implemented in accordance with the approved details and specifications in order of the phasing scheme agreed under Condition 1.

Reason: Further information is required on all access works, and lighting of the road network, to safeguard road and pedestrian safety in a manner which is sympathetic to the landscaping setting and character of the site

9. Notwithstanding drawing 1722/01, a revised surfacing specification for the road network within the site, and for the path from Gattonside House along its entire route to the east, shall first be submitted to and approved in writing by the Planning Authority and, once approved, the works shall only be carried out in accordance with the approved specification. Samples of all road, parking and path materials throughout the application site shall be submitted for the prior approval of the Planning Authority

Reason: In the interests of securing a surfacing specification which is sympathetic to the character of the site and encourages safe pedestrian movement

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure, hard surface or enclosure placed on plots 25-27, 35 or 39-44 (inclusive) unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.

Reason: The Planning Authority considers that any further development could prejudice a satisfactory layout and could have a harmful effect upon the character and appearance of the Conservation Area

11. Plot 1 shall not incorporate a first floor window on its northern gable facing Plot 2

Reason: To ensure a satisfactory relationship between the two dwellinghouses

12. All single garages and carports identified on the approved layout shall be subject to the prior approval of the Planning Authority in terms of designs, dimensions and materials
Reason: Further information on these elements of the development are required in order to ensure they will have a sympathetic visual impact
13. Notwithstanding the description of the materials and external colours in the application, no development shall commence until precise details of the materials and colours to be used in the construction of the external walls and roofs of the buildings, and a design specification for all windows and doors, have first been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials and colours require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
14. No development shall commence until a specification for the play area, including equipment, boundary treatment, levels, and a future maintenance programme has first been submitted to and approved in writing by the Planning Authority and once approved the works shall be implemented in accordance with a phasing scheme approved under Condition 1 and maintained thereafter in accordance with the approved maintenance programme
Reason: To ensure the adequate provision and maintenance of play facilities within the site
15. No development shall commence until a scheme of road safety measures has first been submitted to and approved in writing by the Planning Authority. The road safety measures shall include traffic calming on the B6360; improvements to the Lowood Bridge junction; improvements to off-site pedestrian links and public transport facilities; improvements to Baker's Road; the means of closing off the West Lodge access to the development; and, an implementation programme for all works. Once approved, the works shall be carried out in accordance with the approved scheme and implementation programme.
Reason: To minimise the impact of the development on the surrounding road network, encourage pedestrian movement and public transport use and ensure that access and egress to and from the site is provided only from the approved junctions onto the public road network
16. No development shall commence until the means of water supply and foul drainage is agreed with the Planning Authority. A surface water drainage scheme, for the construction and post-construction period of the development, incorporating the SUDs basin and the future maintenance of the same shall be submitted for the approval of the Planning Authority. The scheme shall include information which demonstrates that it shall accommodate the disposal of surface water in a manner which does not affect the water quality of the River Tweed SSSI/SAC
Reason: To ensure the development is adequately serviced in a manner which includes the sustainable disposal of surface water which does not adversely affect the SSSI/SAC
17. No development shall commence until a Landscape Habitat Management Plan, including mitigation and enhancement measures identified in the Ecological Impact Assessment, Landscape Plan and Bird Community Assessment, and a 'Badger Friendly' Site Management Plan are first submitted to and approved in writing by the Planning Authority and, once approved, the works shall be carried out in accordance with the approved plan
Reason: To safeguard nature conservation interests including wildlife habitats
18. No development, including demolitions and alterations to Gattonside House, shall commence until a copy of any European Protected Species licence (bats) that may be required is submitted to and approved in writing by the Planning Authority and the works shall proceed only in accordance with the terms of the licence. If felling or management of trees identified as having potential for bat roosts is required, checking surveys will be required in advance of tree work. Mitigation shall comprise soft-felling of trees, timing of works and provision of a proportionate number of bat boxes and compensatory tree replacement.
Reason: To safeguard nature conservation interests including wildlife habitats.

19. No works shall commence during the breeding bird season (March-August) without the express written permission of the Planning Authority.
Reason: To safeguard nature conservation interests including wildlife habitats.
20. No development shall commence until a repeat badger survey is undertaken in accordance with a scheme of details which shall first be submitted to and approved in writing by the Planning Authority. Works shall only proceed in accordance with the agreed measures.
Reason: To safeguard nature conservation interests including wildlife habitats.
21. No development shall commence until a scheme is submitted to and approved in writing by the Planning Authority which identifies and assesses potential contamination on site. The scheme shall contain details of proposals to investigate and remediate potential contamination. Written confirmation from the Planning Authority that the scheme has been implemented and (if appropriate), monitoring measures are satisfactorily in place, shall be required 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 potential contamination of the site is adequately addressed
22. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. 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 conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. 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.
23. No development shall commence on the conversion of Gattonside House until further details of the materials and finishes/colours of the proposed external windows (chapel) and of the external door, including design and materials (west elevation), have first been submitted to and approved in writing by the Planning Authority and carried out only in accordance with the approved details. All approved rooflights shall be of 'conservation' specification installed with integral flashings.
Reason: To safeguard the character and setting of the Listed Building
24. 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:
- a. Development at (Note 1)
 - b. 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.
 - c. The development comprises (Note 5)
 - d. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).
Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

Informatives

1. **Relevant scheme:** All conditions above relate to the details of the development and supporting information that was granted planning consent on 11 February 2016, under application reference 09/01043/FUL.
2. SEPA recommend production of a Site Waste Management Plan
3. Conservation Area Consent will be required for demolition of existing buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997
4. The Notes required of Condition 24 should be completed as follows:
 - Note 1: Insert address or describe the location of the development
 - Note 2: Delete “subject to conditions” if the planning permission is not subject to any conditions
 - Note 3: Insert the name and address of the developer
 - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
 - Note 5: Insert the description of the development.
 - Note 6: Insert the application reference number.

Reference

18/00181/LBC
18/00182/FUL
18/01286/LBC
18/01287/FUL

Nature of Development

Scheme 1 – Internal & External alterations, change of use from hotel and alterations to form 11 flats
Scheme 2 – Internal and external alterations and conversion of existing building to form 8 flats and Erection of 3 flats

Location

Castle Venlaw Hotel
Edinburgh Road
Peebles

Decision: Approved all four applications, subject to clearance from Scottish Ministers in relation to 18/00181/FUL and the schedule of conditions and informative set out below:

18/00181/LBC & 18/01286/LBC

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. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: To comply with the provisions of section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.
3. The development hereby approved shall be carried out only in strict accordance with details of the materials, finish and colour to be used on the external walls and roof and details of the proposed windows of the proposed extension which shall first have been submitted to and approved in writing by the planning authority. Once approved, the works shall be carried out according to the approved drawings and details.

Reason: To ensure a satisfactory form of development, which safeguards the character of the listed building.

4. No development shall commence until copies of the approved building warrant drawings for the development hereby approved are to be submitted to the planning authority.

Reason: To enable a review of the impact on detailed requirements and whether any additional consents are required and to ensure a satisfactory form of development, which safeguards the character of the listed building.

18/00182/FUL & 18/01287/FUL

1. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a written scheme of investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the planning authority before the commencement of development. Thereafter the developer shall ensure that the programme of archaeological works is implemented fully and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

2. The development hereby approved shall be carried out only in strict accordance with details of the materials, finish and colour to be used on the external walls and roof and details of the proposed windows of the proposed extension which shall first have been submitted to and approved in writing by the planning authority. Once approved, the works shall be carried out according to the approved drawings and details.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

3. No development shall take place except in strict accordance with a scheme of details for hard and soft landscaping of all parts of the site not covered by buildings, which shall first have been submitted to and approved in writing by the planning authority. The scheme of details so approved shall include:

1. A scaled plan showing vegetation, including trees, to be retained and planted;
2. proposed hardstanding and boundary treatment;
3. a schedule detailing sizes, numbers and densities of all proposed trees and shrubs
4. sufficient specification to ensure successful establishment and survival of new planting.

Reason: To ensure satisfactory form, layout and assimilation of the development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and shall be maintained

thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

5. Only the trees identified on site, in the approved plans and agreed in writing by the planning authority shall be removed.

Reason: The existing trees represent an important visual feature which the planning authority considers should be substantially maintained.

6. A scheme of details to be submitted for approval, which detail improvement works to enhance and add to the current passing provision on the single track public road. Once agreed, the scheme of details will have to be implemented in full prior to occupation of any of the apartments.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

7. Parking layout and strategy to be agreed in writing and implemented fully prior to occupation of any of the apartments.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

8. Bin storage facilities to be agreed in writing following consultation with the council's Refuse team and implemented prior to occupation of any of the apartments. Should bin storage be accommodated adjacent to the existing building then adequate turning facilities for the refuse vehicles will have to be accommodated.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

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

10. At least 6 weeks prior to the development commencing, the developer must prepare and submit a construction method statement for approval by the planning authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation;
- Vehicle movement;
- Protection and monitoring of private water supplies;
- Noise mitigation/ equipment maintenance;
- Dust – mitigation and management;
- Lighting – prevention of nuisance;

- Complaints procedure/ communication of noisy works to receptors.
Reason: To protect the amenity of nearby residential properties from disturbance resulting from construction operations.

11. No demolition shall be undertaken during the breeding bird season (March to September inclusive), unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to the planning authority for approval. The SPP shall incorporate provision for mitigation and a pre-development checking survey.

Reason: To limit the potential for adverse impacts on breeding birds, in the interest of biodiversity.

12. No demolition shall take place until a Preliminary Roost Assessment (PRA) is first submitted to and approved in writing by the planning authority. The PRA shall incorporate provision for mitigation and the need for any further bat survey to be carried out. In the event of a further bat survey being required this must be submitted to and approved in writing by the planning authority before demolition commences.

Reason: To limit the potential for adverse impacts on bats, in the interest of biodiversity.

Informative

1. The Control of Pollution Act 1974 allows the council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday and public holidays – no permitted work (except by prior written agreement with the planning authority).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

2. In relation to Condition 12 above, a preliminary roost assessment can be carried out at any time of year and will identify the need for any further bat survey. Presence/absence surveys can only be carried out May-August (low suitability), May-September (moderate-High suitability).

NOTE

Mr Derek Scott, Agent, spoke in support of the application.