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## SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Via Microsoft Teams on Monday, 28th June, 2021 at 10.00 am

Present:- Councillors S Mountford (Chairman), J. Fullarton, S. Hamilton, H. Laing, D. Moffat, N. Richards, E. Small.  
Apologies:- Councillor A. Anderson, C. Ramage.  
In Attendance:- Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer, Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

### 1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 31 May 2021.

#### **DECISION**

**APPROVED for signature by the Chairman.**

### 2. **APPLICATIONS**

There had been circulated copies of a report 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. **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 the Installation of bill board signage at Lidl UK GmbH, Wilton Park, Hawick – 20/01544/ADV;**
- (b) **An Enforcement Notice had been issued in respect of the enlargement of garden and erection of sheds and drinking hut at 1 Broad Street, Eyemouth – 20/001998/UNDEV;**
- (c) **the Appeal in respect of the erection of two dwellinghouses and removal of Condition No. 4 from Planning Consent 20/00691/FUL on Land West of 8 Ballantyne Place, Peebles had been dismissed – 20/00691/FUL;**
- (d) **There remained no appeals previously reported on which a decision was still awaited when the report was prepared on 18 June 2021.**
- (e) **A review request had been received in respect the erection of dwellinghouse with outbuildings and associated work including new access on Land South West of Rachan Woodlands, Broughton – 21/00030/PPP;**

- (f) The decision of the appointed Officer had been overturned (subject to conditions) in respect of Replacement windows at the Angling Club, 5 Sandbed, Hawick – 20/01236/FUL;
- (g) The decision of the appointed Officer had been upheld in respect of the erection of a dwellinghouse on Land East of The Bungalow Edington, Chirnside – 21/00045/FUL
- (h) there remained three reviews previously reported on which a decision was still awaited when the report was prepared on 18 June 2021 and related to the site at:

<ul style="list-style-type: none"> <li>• Linden, Causewayend, Ancrum, Jedburgh</li> </ul>	<ul style="list-style-type: none"> <li>• Site East of Dogcraig Cottage Scotsmill, Peebles</li> </ul>
<ul style="list-style-type: none"> <li>• Land West of The Old Barn Westwater, West Linton</li> </ul>	

*The meeting concluded at 12.25 pm*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01541/FUL	Erection of 13 No. dwellinghouses and associated infrastructure	Land South and West of Swinton Primary School Coldstream Road Swinton

Decision: Approved subject to the following conditions and informatives:

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 until the developer has submitted an updated Written Scheme of Investigation (WSI) to detail a revised programme of archaeological works for Phase 2. Thereafter, upon the written approval from the Planning Authority of the updated WSI, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.  
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
3. No development shall commence until details of surface water drainage have first been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the agreed details.  
Reason: to control surface water drainage and control flood risk.
4. No development shall commence during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for breeding birds that shall be submitted to and approved in writing by the Planning Authority.  
Reason: to protect breeding birds which may be active within the site.
5. Prior to the erection of each dwellinghouse hereby approved, notwithstanding references to materials finishes and colours on the approved drawings, a schedule of the external materials, finishes and colours of all dwellinghouses shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved schedule of materials, finishes and colours.  
Reason: The materials and colours require further consideration to ensure they are visually sympathetic to the surrounding area.
6. Within one calendar month of the commencement of development, a scheme of details for the interim Community Amenity Use space shall be submitted to the Planning Authority for written approval. The scheme of details shall include:
  - a) Details of means of enclosure;
  - b) Details of maintenance;
  - c) Details of rights of access and use;
  - d) A timeline for delivery and future maintenance.Thereafter, the Community Amenity Use space shall be enclosed, formed, managed, operated and maintained in strict accordance with the agreed in writing scheme of details

for a period of ten years from the date of this consent, unless otherwise agreed in writing by the Planning Authority.

Reason: to secure control over the interim use of the Community Amenity Use space hereby approved, and to contribute to addressing the first site requirement of the LDP site allocation.

7. Within one calendar month of the commencement of development, a timetable for the delivery of both the Core Path 73 upgrade works shown on drawing number J3576-006 and the delivery of the vehicular access link to Well Field shown on the approved site plan L(-1)104 Rev C, shall be submitted for the written agreement of the Planning Authority. Thereafter, the Core Path shall be upgraded in accordance with the details shown on drawing number J3576-006 and the vehicular access link to Well Field (L(-1)104 Rev C) shall both be delivered within the agreed in writing timetable.

Reason: To ensure the development benefits from an adequate standard of pedestrian and future vehicular access connectivity.

8. Within one calendar month of the commencement of development, notwithstanding the details provided in the approved drawings, a revised scheme of soft landscaping and future maintenance, including a timetable for implementation, shall be submitted for the written approval of the Planning Authority. Thereafter, the development shall be carried out and maintained wholly in accordance with the agreed scheme of hard and soft landscaping, and boundary treatments within the development hereby approved shall accord with the hereby approved Boundary Treatment Details drawings L(-1)103 Rev E, all unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the development assimilates acceptably into the surrounding landscape and satisfies placemaking objectives for the new development.

9. The two units hereby approved on plots 20 and 21 shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.

Reason: The permission has been granted subject to the provision of two units for on-site affordable housing.

10. Throughout the construction period of the approved development, Core Path 73 shall remain open and unobstructed, unless temporary rerouting is provided in accordance with details which have first been submitted to and approved in writing by the Planning Authority.

Reason: to prevent access across Core Path 73 being obstructed during construction.

11. Public water mains and public foul sewer connections shall be functional prior to the occupancy of each dwellinghouses hereby approved, unless otherwise agreed in writing by the Planning Authority. Thereafter, no water supply or foul drainage arrangements shall be used other than the public water mains and public sewer 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.

#### Information for the applicant

1. Care should be taken to protect the water environment and to follow SEPA's standard regulatory advice in relation to good practice in development.

2. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

#### **NOTES**

1. Dr Ewan Knox spoke against the application in relation to the proposed site for the village hall which he considered to be inadequate. Mr Jamie Hudson spoke in support of the application on behalf of the applicants.
2. Members noted the officer recommendation to enter into a legal agreement covering the use of community amenity land but agreed that the Section 75 should make specific reference to the provision of a village hall.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/01355/FUL	Erection of eight holiday lodges, installation of ground solar panel array and formation of associated access and parking	Land East of Thirlestane Castle, Lauder

Decision: Approved subject to the following conditions and informatives:

1. The development hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The occupation of the holiday units shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.  
Reason: The accommodation on the site is not designed for permanent occupation and permanent residential use would be contrary to the council's housing in the countryside policies.
2. No development shall commence 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. 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.

4. Detailed floor plans and elevation drawings of the proposed lodges, including external materials and colour/finishes, details of the decking, cycle storage and bins store 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 details.

Reason: To protect the visual amenities of the area.

5. Details of all fencing and gates (position, height, material, colour/finish) to be submitted to and approved in writing by the Planning Authority before the development commences. The fences and gates shall then be installed in accordance with the approved details before the lodges are occupied. The existing wall at the entrance to the site adjacent to the B6362 shall be retained.

Reason: To protect the visual amenities of the area.

6. Precise details of the solar panels hereby approved shall be submitted to and approved in writing by the Planning Authority before the development commences. The frames and supports of the solar array shall be dark grey and matt finished. The solar panels shall then be installed in accordance with the approved details.

Reason: To protect the visual amenities of the area and the special qualities of the Designed Landscape.

7. Precise details of the ground source heat pumps, including noise levels, shall be submitted to and approved in writing by the Planning Authority before the development commences. The ground source heat pumps shall then be installed in accordance with the approved details.

Reason: To protect the visual amenities of the area and the amenities of occupiers of the lodges and nearby houses.

8. Precise details of the surfacing materials for the access road, passing places and car parking spaces to be submitted to and approved in writing by the Planning Authority before the development commences. The access track, passing places and car parking spaces shall be formed in accordance with the approved details before the lodges are occupied. The car park

Reason: To protect the visual amenities of the area and to ensure the lodges can be accessed safely.

9. Prior to commencement of development the visibility splay shown on Drawing Number 19-B689-PL06 A: Access Plan shall be provided and the visibility splay shall be maintained to the agreed level thereafter in perpetuity.

Reason: To ensure safe access and egress to the site in perpetuity.

10. Prior to the development becoming operational the existing junction with the B6362 to be upgraded in accordance with the specification detailed in Informative Note 1 and the car parking area to be completed in accordance with Drawing Number 19-B689-PL06 A: Access Plan.

Reason: To ensure safe access to and egress from the site and to provide for displaced parking.

11. Prior to the development becoming operational the private access to be surfaced from the B6362 to a point where it no longer serves the parking area to a specification first submitted to and approved in writing by the Planning Authority.  
Reason: To protect the integrity of the public road and to help prevent loose material being dragged onto the public road in the interests of road safety.
12. Prior to the commencement of development precise details of the measures to be put in place to prevent the flow of water onto the public road shall first be submitted to and approved in writing by the Planning Authority. The approved measures to be installed and fully functional before the first lodge is occupied.  
Reason: In the interest of road safety and to prevent the free flow of water onto the public road.
13. The Southern Upland Way shall be kept open and free from obstruction at all times while the cable and any other associated infrastructure required to serve the solar panels is installed, unless details of a temporary diversion have first been submitted to and approved in writing by the Planning Authority.  
Reason: To ensure the right of way is kept open for walkers.
14. An Evacuation Plan demonstrating safe access to and egress from the site during a flood event to be submitted to and approved in writing by the Planning Authority before the development commences. The lodge development shall then be managed in accordance with the approved Evacuation Plan.  
Reason: The road bridge across the Leader Water and part of the B6362 to the west of it, are prone to flooding.
15. Details of waste disposal and waste management to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be operated in accordance with the approved details.  
Reason: To ensure the site is adequately serviced and managed.
16. The water supply and foul water drainage arrangements shall be installed and operational before the lodges hereby approved are occupied.  
Reason: To ensure the site is adequately serviced.
17. Details of all proposed signage and advertisements within the site and at the entrance to the site (position, size, material, colour, design, content) to be submitted to and approved in writing by the Planning Authority before the development commences. The signage then to be installed in accordance with the approved details.  
Reason: To protect the visual amenities of the area.
18. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
  - ii. location of new trees, shrubs, hedges and grassed areas;
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
19. Prior to commencement of development, a Species Protection Plan (SPP) for otter, bats, badger and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

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

20. Prior to commencement of development a Construction Environmental Management Plan (CEMP) incorporating the latest good practice guidelines and statutory advice (including as outlined GPP1, GPP2, GPP4, GPP5 and PPG6) to protect River Tweed Special Area of Conservation and local waterbodies and biodiversity, shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved CEMP.

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

21. Prior to commencement of development, a Biodiversity Enhancement Plan (BEP) including measures outlined in the Biodiversity Enhancement Plan (Findlay Ecology Services, March 2021) shall be submitted to and approved in writing by the Planning Authority. No development shall be undertaken except in accordance with the approved BEP.

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

22. Prior to commencement of development a sensitive lighting scheme incorporating the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK) to protect bats, and including details of the position and height of the lighting columns along the access road and for each lodge, shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved lighting scheme

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3 and to prevent light pollution and disturbance to residential properties.

### Informatives

1. In respect of condition 10, the specification for the access is as follows: a 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (roadbase) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. In respect of condition 14, the Council's Flood Protection Officer recommends that the applicant installs a non-return valve in the drainage pipe to reduce the risk of flood waters entering the pipe and raising up to the proposed holiday lodges.
3. In respect of condition 16, the design of the septic tank and outflow drain should be acceptable to SEPA. A CAR Construction Site Licence, including a Construction Environmental Management Plan, would be required by SEPA if the site is >4ha.
4. In respect of condition 17, Advertisement Consent may be required for the proposed signage.

### **NOTE**

Mr Edward Maitland-Carew, applicant spoke in support of the application.