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SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held via Microsoft Teams on Monday, 6th September, 2021 at 10.00 am

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

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer, Solicitor (Fraser Rankine), Democratic Services Officers (F. Henderson & D. Hall).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 2 August 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 Replacement Windows at Rowanside, The Row, Longformacus, Duns – 21/00338/LBC.
- (b) The Reporter had dismissed an appeal in respect of the Installation of bill board signage at Lidl UK GmbH, Wilton Path, Hawick – 20/01544/ADV. ;
- (c) There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 26 August 2021 related to the site at 1 Broad Street, Eyemouth – 20/01327/FUL;
- (d) Review requests had been received in respect of:-
 - (i) the Erection of dwellinghouse on Land adjacent Carnlea, Main Street, Heiton – 20/01327/FUL;
 - (ii) the Erection of 4 no dwellinghouse with associated infrastructure and access on Land South of Crunzion Cottage, Earlston Road, Stow, Galashiels – 20/01620/PPP; and

- (iii) the Erection of dwellinghouse on Land East of Renton Bush, Reston – 21/00624/PPP.
- (e) The decision of the appointed Officer had been overturned in respect of:-
- (i) change of use of site to business and industrial land with associated perimeter security fence at Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth (subject to conditions) – 20/00809/FUL; and
 - (ii) replacement windows and door at Linden, Causewayend, Ancrum, Jedburgh (subject to conditions) - 20/00962/FUL;
 - (iii) the Erection of dwellinghouse with associated access at the site at East of Dogcraig Cottage, Scotsmill, Peebles (Subject to conditions and Legal Agreement) – 20/01350/PPP;
 - (iv) the Erection of dwellinghouse with outbuildings and associated work including new access on Land South West of Rachan Woodlands, Broughton (Subject to conditions and Legal Agreement) – 21/00030/PPP; and
 - (v) the Erection of dwellinghouse on Land West of The Old Barn Westwater, West Linton (Subject to Conditions and Legal Agreement)– 21/00285/PPP
- (f) There remained three reviews previously reported on which a decision was still awaited when the report was prepared on 26 August 2021 and related to the site at:
- | | |
|---|--|
| • Penvalla, Broughton | • 3 Rowan Court Suite 3, Cavalry Park, Peebles |
| • Slaters Yard off Charlesfield Road, St Boswells | |
- (g) There remained one S36 PLI previously reported on which a decision was still awaited when the report was prepared on 26 August 2021 related to the site at Crystal Rigg Wind Farm, Cranshaws, Duns.

The meeting concluded at 11.33 am

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|-------------------------|---|---|
| 21/00442/FUL | 3 mobile shepherds huts, formation of car parking area and access track | Land South West Of Branxholm Park House, Hawick |

Decision: Approved subject to the following conditions and Informatives

1. The occupation of the shepherds huts hereby approved shall be restricted to genuine holidaymakers for individual periods not exceeding 3 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area and to retain effective control over the development.
2. No development shall commence until precise details including the colour finish of the external materials of the shepherds huts have been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the visual amenity of the area.
3. No trees within or immediately surrounding the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of Planning Authority.
Reason: The existing tree(s) represent an important visual feature that the Planning Authority considered should be substantially maintained.
4. No development shall commence until a scheme of hard and soft landscaping works, has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. Existing landscaping features, walls, hedgerows and trees to be retained, protected and, in the case of damage, restored
 - iii. Any trees proposed for removal
 - iv. Location and design, including materials, of any walls fences and gates
 - v. soft and hard landscaping works including new tree and hedge planting
 - vi. Screen planting to the south west and north-west boundaries of the site
 - vii. A programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until a scheme of details outlining improvements to the access road and parking specification have been submitted to and approved in writing with the Planning Authority. Details of the scheme shall include;

- i. Precise details of the passing place
- ii. Location and design of signage to be erected along the access track to control the safe movement of vehicles
- iii. Precise details of all surfacing materials to be used on all roads, footpaths and parking spaces

Once approved the works shall be completed prior to occupation of the first shepherds hut.

Reason: To ensure the road access network is capable of accommodating the increase in vehicular traffic associated with this development.

6. No development shall commence until a scheme of waste storage for each shepherds hut is submitted to, and approved in writing by the Planning Authority. Once approved, the development then to be operated in accordance with the approved scheme.

Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

7. No development shall commence until precise details of the water supply and disposal of surface water drainage have first been submitted to and approved in writing by the Planning Authority. Details of the proposed water supply shall be included in a report prepared by a suitably qualified person, 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 provisions of the approved report and the disposal of surface water drainage shall be implemented prior to the first occupation of the shepherds huts hereby approved.

Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

8. The new septic tank private drainage system shall be installed prior to occupation of the first shepherds hut and thereafter the system shall be maintained and managed to ensure it remains within a suitable working condition.

Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on amenity and public health.

Informatives

1. Persons using the accommodation may access existing paths and tracks and the proposed tracks for non-vehicular recreational access to nearby roads, farmland and woodland. The public have a right of responsible access to most land and water in Scotland under the Land Reform (Scotland) Act 2003. The Act also confirms responsibilities of landowners. If this development is approved alongside neighbouring application, it should be expected that there will be a proportional increase in the numbers of persons accessing the surrounding tracks and land in this immediate area, by walking, including dog-walking, and also possibly, cycling and horse riding.
2. The Scottish Outdoor Access Code is recommended to be promoted to inform visitors at this accommodation if approved. The code can be seen at www.outdooraccess-scotland.scot

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|---|---|
| 21/00382/FUL | Erection of 4 no timber glamping pods with associated pathways and lighting | Land South Of Glenormiston House Innerleithen Coach |

Decision: Approved subject to the following conditions and Informatives

1. The occupation of the pods shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: A permanent residential development in this location would conflict with the established planning policy for this rural area.

2. The existing stables building shall be used only for purposes ancillary to the management of the development (excluding any leisure or entertainment use by visitors), including provision of storage facilities associated with its operation, and shall not be used for any other purpose

Reason: To ensure the development complies with the Local Development Plan 2016 with regards to development in the countryside and safeguards neighbouring amenity

3. No development shall commence except in strict accordance with a landscape scheme (which shall comprise a parkland planting scheme incorporating the application site and the applicant's land to the north, west and south-west), which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. location of new trees, shrubs, hedges and grassed areas
- ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iii. programme for completion and subsequent maintenance.

Reason: To enable the effective assimilation of the development into its wider surroundings, all to minimise its landscape and visual impacts within the Special Landscape Area and Designed Landscape.

4. No development shall commence until the following have been implemented in accordance with details first submitted to and approved in writing by the Planning Authority:

- i. improvements to the surfacing of the Glenormiston road;
- ii. alterations to the site junction,
- iii. and provision of signage at the site entrance and both road entrances (Glenormiston and Velvet Hall junctions) onto the A72

Details shall include specifications for all the works, and legal confirmation that the works can and will subsequently be retained in perpetuity throughout the operational use of the development

Reason: To ensure the site is accessed in a manner which minimises potentially adverse effects on road safety

5. Prior to commencement of development, a Species Protection Plan for badger 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 SPP.

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

6. No development 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 approved in writing by the Planning Authority.

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

7. No lighting shall be installed until further details have been submitted to and approved in writing by the Planning Authority that include their number and location (notwithstanding the approved plan), height, design, colour and light spread, and demonstrate compliance with good practice guidelines for bat impacts (Guidance Note 8/18 (2018): Bats and artificial lighting in the UK)

Reason: To limit the potential visual impact of the lights on the Special Landscape Area, Designed Landscape and neighbouring amenity and to protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3

8. Trees shall be protected during the construction period in accordance with a Tree Protection Plan which has been submitted to and approved in writing by the Planning Authority prior to development commencing. No trees within the application site shall be felled, lopped or otherwise disturbed during or after construction without the prior written approval of the Planning Authority

Reason: To safeguard trees that provide landscape value to the setting of the site, Special Landscape Area and Designed Landscape

9. No pod shall be occupied until the parking area, path and bin storage area have all been implemented/made available for use, and until the deck fencing and post and wire fencing have been implemented in accordance with the approved plans and drawings and all shall be retained throughout occupancy of the development. The use of the site for tourist accommodation (and incidental activities) authorised under this consent shall be limited to the application site and shall not extend into the remaining field beyond the path and post and wire fencing

Reason: To ensure the development is adequately serviced with parking provision, path facilities and bin storage, and to mitigate potential impacts on neighbouring amenity

10. No pod shall be occupied unless with a) the approved foul drainage scheme in operation (unless an alternative arrangement has been submitted to and approved in writing by the Planning Authority), and b) unless with an approved water supply

in operation, in accordance with a report demonstrating an adequate water supply in terms of quality and quantity (and any necessary mitigation measures), which has been submitted to and approved in writing by the Planning Authority. The foul drainage shall be maintained in accordance with a scheme which shall be agreed in writing with the Planning Authority prior to development commencing
Reason: To ensure the development is adequately serviced

11. All pods, decks and deck fencing shall be unstained/naturally stained timber; all glazing framing shall be to the same specification as the pods or dark grey or black in colour; all servicing (including power routes) of the development shall be underground, and, the surfacing of the path shall comprise compacted stone of a detailed specification first agreed in writing with the Planning Authority
Reason: To minimise the landscape and visual impacts of the development on the Special Landscape Area and Designed Landscape
12. All pods and decking shall be sited in accordance with the approved levels, and the path shall be provided to a maximum 1 in 20 gradient on existing ground levels, unless otherwise agreed in writing with the Planning Authority. Any ground altered to facilitate the pods shall be graded to the minimum practicable slope and grass seeded during the first planting season following commencement of development
Reason: To minimise the landscape and visual impacts of the development on the Special Landscape Area and Designed Landscape

Informatives

1. It is the applicant's responsibility to ensure no existing services (such as drainage or water supply routes) within the site are affected by the development.
2. With regard to Condition 3, the applicant is recommended to commission a professional landscape architect in order to achieve a suitable landscape scheme that sympathetically integrates the development into the Special Landscape Area and Designed Landscape
3. The provision of signage to address the requirements of Condition 4 may require Advertisement Consent.
4. The water supply requirements for Condition 10 shall comprise:
 - 1) 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.
 - 2) The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
 - 3) 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”.

- 4) The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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, the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”). For all other supplies, the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the 2017 Regulations”).

If the supply falls under the remit of the 2017 Regulations, it will also require to be sampled / monitored on at least an annual basis, and the local authority will also require to carry out a risk assessment of the supply. As such, if the development is the sole reason for the supply falling into this category, the applicant should contact the Environmental Health Department of Scottish Borders Council prior to the occupation of the building(s) to ensure that compliance with the legislative provisions is able to be secured.

NOTE

Mrs Jennifer Jamieson-Ball spoke against the application.

Mr Erik Smolenski, Applicant spoke in support of the application.

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