

# Public Document Pack

## SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St. Boswells on Monday 4 July, 2022 at 10.00 am

Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

In Attendance:- Chief Legal Officer, Principal Planning Officer, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Democratic Services Officer (W. Mohieddeen).

### CHAIRMAN

Councillor Mountford welcomed everyone to the meeting and advised that the public business in this meeting was being livestreamed for public view and also recorded. By participating in the meeting, attendees had given consent for this. The recording would be available through the link to the event livestream on the Council website for public viewing for 180 days afterwards. The recording would then be automatically deleted after this time. Everyone was reminded that the Council did not allow any other recording of the meeting than this one.

Councillor Mountford welcomed Councillor Cox to her first meeting of the Committee.

#### 1. MINUTE.

There had been circulated copies of the Minute of the Meeting held on 13 June 2022.

#### DECISION

**AGREED to approve the Minute 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 and Housing Officer on Appeals to the Scottish Minutes and Local Reviews.

#### DECISION

**NOTED that:**

- (a) **There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 23rd June 2022. This relates to a site at:**

- |                                  |  |
|----------------------------------|--|
| • 18-19 Slitrig Crescent, Hawick |  |
|----------------------------------|--|

- (b) Review requests had been received in respect of:
- (i) Erection of dwellinghouse, Land South of Stable Cottage (Plot 4), Westcote, Hawick;
  - (ii) Erection of dwellinghouse and formation of new access, Land East of The Garden Cottage, South Laws, Duns; and,
  - (iii) Erection of dwellinghouse and associated works, Land East of 16 Hendersyde Avenue, Kelso.
- (c) The following reviews had been determined as shown:
- (i) Replacement windows, Craigard, Canongate, Denholm – Decision of Appointed Officer Overturned (Subject to Conditions);
  - (ii) Replacement windows, 18-19 Slitrig Crescent, Hawick – Decision of Appointed Officer Overturned (Subject to Conditions); and,
  - (iii) Erection of dwellinghouse, Land South West of Windrush Highend, Hawick – Decision of Appointed Officer Upheld.
- (d) There remained eight reviews previously reported on which decisions were still awaited when this report was prepared on 23 June 2022 relating to sites at:

• Land East of Delgany, Old Cambus, Cockburnspath	• East Lodge, Netherurd, Blyth Bridge, West Linton
• Land South East of Hardens Hall, Duns	• Land North East of Woodend Farmhouse, Duns
• Land North of Ivanhoe, Dingleton Road, Melrose	• Garden Ground of Greenrig, Blair Avenue, Jedburgh
• The Blue House near Swansfield Farm, Reston, Eyemouth	• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels

- (e) there remained one Section 36 PLI previously reported on which a decision was still awaited when the report was prepared on 23 June 2022 relating to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

*The meeting concluded at 12.40 pm.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
22/00271/FUL	Erection of new education building, extension to the existing Sports Pavilion, the partial demolition of the existing school buildings, the reconfiguration of car parking, playgrounds, soft landscaping, fencing, 3G sports pitches, lighting, CCTV cameras, amenity stores, sub-station and associated footpaths forming Community Campus.	Peebles High School and Associated Land, Springwood Road, Peebles

DECISION: Approved as per officer recommendation subject to the following conditions and informatives:

Conditions

1. No development shall commence except in full accordance with the scheme of phasing agreed under Condition 9, in relation to samples of materials and colours for all external materials relating to the main proposed school building and gym hall extension have firstly been submitted to and approved in writing by the Planning Authority. This should also include large scale detailing for key junctions/features around the main building. The development shall be carried out in accordance with the approved samples and detailing. Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. The new school building not to become operational until a scheme of details for the re-use of the "Science Block" is submitted to, and approved in writing by, the Planning Authority. The use of the "Science Block" then to be implemented in accordance with the approved scheme, including an agreed timescale for the works. Reason: To safeguard the historic and architectural interest of the building and ensure integration with the development of the remainder of the site.
3. No development to be commenced until further details of all ancillary buildings, compounds and associated boundary wall/fence screening have been submitted to, and approved in writing by the Planning Authority. The development shall then be carried out in accordance with the approved details. Reason: To ensure ancillary buildings and compounds are integrated within the development and are sympathetic to the surrounding area.
4. No development to be commenced except in full accordance with the scheme of phasing agreed under Condition 9, in relation to further details of all rooftop plant and machinery for the main proposed school building and any associated screening have been submitted to, and approved in writing by the Planning Authority. The development shall then be carried out in accordance with the approved details. Reason: To ensure rooftop plant is integrated into the design of the main school building and is sympathetic to the surrounding area.

5. The new synthetic and grass pitches will be designed and constructed by a recognised (e.g. SAPCA\* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development. \*SAPCA is The Sports and Play Construction Association ([www.sapca.org.uk](http://www.sapca.org.uk)) Reason: To ensure appropriate quality of replacement facilities.
6. The new synthetic running straight, jumps and throws will be designed and constructed by a recognised (e.g. SAPCA\* registered) specialist pitch contractor(s), details of contractor(s) and specification shall be submitted for the written approval of the planning authority prior to the commencement of development. \*SAPCA is The Sports and Play Construction Association ([www.sapca.org.uk](http://www.sapca.org.uk)) Reason: To ensure appropriate quality of replacement facilities.
7. The outdoor sports facilities will be fully operational and available for use not later than 1 year after the commencement of construction of the new school. Reason: To ensure timely construction of replacement facilities.
8. No development shall commence until details of the precise colour and design of fencing around the outdoor sports pitches have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure fencing is visually appropriate to the development and sympathetic to the surrounding area and nearby residential properties.
9. No development to be commenced until a scheme of phasing has been submitted to, and agreed in writing by, the Planning Authority. This shall include a programme for completion of the main elements within the development – the school building, gym hall extension and outdoor sports facilities (reflecting Condition 7). Once approved, the development then to be carried out in accordance with the approved scheme. Reason: To ensure the development is carried out in a structured and orderly manner which ensures minimum disruption to educational and sporting facilities on site.
10. No development to be commenced until details of all existing and proposed site, building and sports pitch levels have been submitted to, and approved in writing by, the Planning Authority. The development shall then be carried out in accordance with the approved levels, which shall not include any site raising adjoining Craigerne Lane Reason: To ensure levels within the site achieve a sympathetic visual appearance, avoid flood risk and make satisfactory provision for surface water drainage.
11. All trees marked for retention as shown on Site Plan Drawing No. PHS- OOBZZ- XX- DR- L- 0001 Rev P14 and within the submitted Arboricultural Assessment, to be retained both during construction and thereafter, unless permission is sought and obtained in writing from the Planning Authority for any further tree removals. The development shall remain outwith the Root Protection Area of the trees identified, the trees to be protected in accordance with BS5837 during construction work. Reason: To safeguard existing trees within the site.
12. No development shall take place until further details of all hard and soft landscaping works on the site have been submitted to and approved in writing by the Planning Authority. The details 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. all existing and proposed walling to be retained and erected, including retention of the stone walling and pillars on Springwood Road.

- iii. retention of fencing and hedging alongside and east of the gym hall
  - iv. all surfacing materials for the footpaths, steps and all other hard surfaces
  - v. precise location of all new trees, shrubs, hedges and grassed areas
  - vi. schedule of plants to comprise species, plant sizes and proposed numbers/density, including details of the native tree planting north and east of the pitches, all ornamental planting within the site and the alignment of new tree planting along the southern frontage of the main school building with Craigerne Lane
  - vii. comprehensive programme for completion, establishment and subsequent long term maintenance, completion being no later than the end of the concurrent or next available planting season to the new school building becoming operational. Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
13. No development hereby permitted shall commence except in full accordance with the scheme of phasing agreed under Condition 9, in relation to precise details for all hard landscaped areas, car parks and pedestrian access routes from the public road into the development site, have been submitted to the Council for approval. Details to include construction makeup, drainage, dimensions, gradients etc. Thereafter the approved details shall be fully implemented prior to the new school becoming operational. Reason: To ensure the development is constructed in an appropriate manner.
14. No development hereby permitted shall commence until the detailed design for a Puffin crossing, at the entrance to Victoria Park from Glen Road adjacent to the tennis courts, and localised footway widening on the west side of Glen Road has first been submitted to, then approved by the Council. Thereafter the approved details shall be fully implemented in accordance with the timescale within the scheme of phasing agreed under Condition 9. Reason: To improve pedestrian safety during and post construction phase of the development.
15. No development hereby permitted shall commence until precise details for restricting access to the staff car park to the west of the bus drop off area, to ensure the car park is not used as an informal drop-off area for parents, have been submitted to the Council for approval. Thereafter, the approved details shall be fully implemented in accordance with the timescale within the scheme of phasing agreed under Condition 9. Reason: To ensure the safety of the users of the school from external traffic movements.
16. No development hereby permitted shall commence until a Traffic Management Plan, relating to construction traffic, has been submitted in writing to the Council for approval. The Traffic Management Plan shall include details such as delivery routes, access routes, compound location, staff parking and mitigation measures to lessen the impact of these works on the public road network. Thereafter the works will proceed in accordance with the approved Traffic Management Plan. Reason: To ensure the safety of all road users during the construction phase of the development.
17. No development hereby permitted shall commence until a scheme of details for the provision of electric charging points has first been submitted to, then approved by the Council. Details shall include number, location, layout and associated infrastructure. Provision shall also be included for increasing the number of charging points to meet future demand. Reason: To ensure the development hereby permitted caters for sustainable travel modes of transport.

18. A Travel Plan shall be submitted to and agreed with the Council within 12 months of the new school becoming operational. Thereafter the agreed Travel Plan shall be fully adhered to unless otherwise agreed in writing. Reason: To ensure the school operates in a sustainable manner with regard to travel and transport.
19. The development not to obstruct, either during construction or operation, public promoted and local paths running down the western boundaries of the site/playing fields as highlighted in red and yellow on the drawing accompanying the Access Officer's consultation reply to the planning application dated 15 March 2022. Reason: To safeguard public access through and adjoining the site.
20. No development to be commenced except in full accordance with the scheme of phasing agreed under Condition 9, in relation to a detailed surface water drainage drawing is submitted to, and approved in writing by the Planning Authority, reflecting all existing and proposed levels, flow routes, attenuation measures and other SUDs features, based upon the drawings submitted with the Drainage Strategy and updated to reflect revisions, corrected contours etc. Reason: To ensure surface water is discharged without flood risk to either the site or surrounding properties.
21. 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 Reason: To safeguard on-site amenity and surrounding residential amenity.
22. All plant and machinery 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 safeguard on-site amenity and surrounding residential amenity.
23. All lighting shall be installed and operated to achieve the levels specified in the submitted light impact assessment by Atelier Ten ("Peebles High School Lighting Impact Assessment Revision 00 dated 10/2/22"), subject to any further mitigation as identified in Condition 31. Reason: To safeguard surrounding residential amenity.
24. The hours of operation of the sports pitches and associated floodlighting shall be restricted to 07:00 to 22:00, daily. Reason: To safeguard surrounding residential amenity.
25. The new outdoor sports facilities not to become operational until the completion of a scheme designed to protect neighbouring residential dwellings from noise break-out from the proposed games pitch, which has firstly been submitted to, and approved in writing by, the Planning Authority. The scheme should be designed in accordance with the mitigation measures proposed in the New Acoustics Noise Impact Assessment – Rev 01, Report no. 7373-01-01, dated 24th March 2022. Reason: To safeguard surrounding residential amenity.
26. Prior to commencement of development on site, a Bat Protection Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, the Bat Protection Plan shall be implemented as approved. Reason: To ensure that the development is carried out as proposed and to mitigate and compensate for the disturbance of a European Protected Species.

27. Vegetation clearance should be carried out outside the bird nesting season (March – August inclusive). Should it be necessary to clear ground during the bird nesting season the land shall be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts. Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
28. No building demolition works shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for Swallows, which shall be submitted to and approved in writing by the Planning Authority. Thereafter, the Protection Plan for Swallows shall be implemented as approved. Reason: To protect the ecological interest of the site in accordance with Local Development Plan policies EP2 and EP3.
29. No works shall commence until a Biodiversity Enhancement Plan for the site has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include the provision of compensatory nest boxes for swallows and details on the compensatory tree planting. The development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority. Reason: To protect the ecological interest of the site in accordance with Local Development Plan policies EP2 and EP3
30. No development shall take place until a construction environmental management plan, has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.
  - i. Risk assessment of potentially damaging construction activities.
  - ii. Identification of “biodiversity protection zones”.
  - iii. Method Statements to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features and the use of protective fences, exclusion barriers and warning signs.
  - iv. The times during construction when specialist ecologist need to be present on site to oversee works.
  - v. Responsible persons and lines of communication.
  - vi. The role and responsibilities on site of Ecological Clerk of Works (ECoW) or similar competent person.
  - vii. A Drainage Management Plan
  - viii. A Site Waste Management Plan
  - ix. The approved CEMP shall be implemented throughout the construction period and operational phase, as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. Reason: To ensure all construction operations are carried out in a manner that minimise their impact on the environment and to ensure compliance with Local Plan Development Policies EP1, EP2 and EP3.
31. No development shall commence until details of the lighting scheme for the site, during construction and operation, have been submitted to and approved in writing, by the Planning Authority. This shall include a reduction in the height of the new sports pitch floodlights to maximum 16m height, confirmation that the height reduction still complies with the light impact assessment by Atelier Ten (‘Peebles High School, Lighting Impact Assessment, Revision 00’, dated 10/2/22) and further mitigation in the form of lighting hoods/baffles for the floodlights, bat-aware bulb selection and details of the amenity lighting around the building and entrance area, including dimming and lighting hours. Reason: To ensure that the species affected by the development are afforded suitable protection during the construction and operation of the development.

Informatives

1. All work within the public road boundary must be carried out by a contractor first approved by the Council.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. If nesting birds are discovered after works commence, such works must stop and a competent ecologist must be contacted for advice.
3. The applicant is reminded that it is an offence to disturb, kill, injure or otherwise harm species protected by national and international law, such as badgers. Planning consent for a development does not provide a defence against prosecution in accordance with protected species legislation.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01302/FUL	Erection of dwellinghouse	Land South West Of West Lodge, Minto

Refused, contrary to officer recommendation, for the following reason:

The dwellinghouse would be contrary to Policy PMD5 of the Local Development Plan 2016 in that it would detract from the character and amenity of the surrounding area and would not respect the scale, form, design and density of the surrounding area. The erection of a house on this site would have an unacceptable adverse impact on the setting of the settlement on a prominent approach to the village.

#### NOTE

Ms. Susan Clew spoke against the application and Prof. Sally Haw on behalf of the applicant spoke in support.

#### VOTE

*Councillor Scott, seconded by Councillor Small, moved approval of the application as recommended by officers.*

*Councillor Richards, seconded by Councillor Moffat, moved refusal of the application on the grounds it would be contrary to Policy PMD5 in that it would detract from the character and amenity of the surrounding area and would not respect the scale, form, design and density of the surrounding area.*

*Members voted as follows:*

*Approval - 3 votes*

*Refusal - 5 votes*

*The application was accordingly refused.*



<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
21/00147/FUL & 22/00148/LBC	Erection of dwellinghouse with garage/plant room and formation of new access; and ground work to Lade to facilitate new dwellinghouse.	Land North Of Pirn View, Leithen Road, Innerleithen

22/00147/FUL

DECISION: approved as per officer recommendation subject to referral to Scottish Ministers, a legal agreement and the following conditions and informatives:

#### Conditions

1. The development shall be implemented in accordance with the plans and drawings approved under this consent, including finished ground and floor levels and site layout on drawing number 2021/02/103/E, unless otherwise agreed in writing with the Planning Authority or otherwise required by any other condition in this schedule. The development shall be implemented in a manner that safeguards the Listed lade from damage resulting from the development. Reason: To ensure that the development is carried out in accordance with the approved details and to safeguard the special architectural and historic interest of the Listed lade
2. No development shall commence until evidence confirming that a mains water and foul drainage connection have been approved by Scottish Water has been submitted for the written approval of the Planning Authority. The development shall be serviced only using the approved mains water and foul drainage services, unless otherwise agreed in writing with the Planning Authority. All surface water shall be managed in a manner that maintains run-off from the site at pre-development levels and, notwithstanding any reference otherwise, the soakaway shall not be sited within the compensatory storage area. Reason: To ensure the development is adequately serviced and manages surface water drainage
3. No development shall commence until a scheme for the repair and future maintenance of the lade has been submitted for the written approval of the Planning Authority. The repair and maintenance scheme shall be implemented in accordance with the approved details. The scheme shall include works for the repair and long term maintenance of the lade, in addition to a scheme for providing unhindered access by the Council as Flood Risk Management Authority to maintain the lade grille at the southern end of the site Reason: To safeguard the special architectural and historic interest of the Listed lade and minimise the potential risk of flooding to the development
4. The development shall be implemented in accordance with the Tree Protection Plan TPP0522 with retained trees protected with fencing in accordance with BS5837:12 during the development. Only those trees specified for removal shall be removed and all trees to be retained shall be so retained unless otherwise agreed for removal under the terms of Condition 5. Trees shall be removed in a manner that safeguards the Listed lade from any damage resulting from their removal. Reason: To safeguard trees of value to the landscape setting of the site and safeguard the Listed lade.
5. The removal of Woodlands 2 and 3 shall not be commenced until evidence has been provided in writing to the Planning Authority that a license has been obtained from

NatureScot for the disturbance of red squirrel habitat or that a license is not required. Reason: To protect the ecological interest of the site in accordance with Local Development Plan Policies EP2 and EP3

6. No tree felling referred to in the Tree Protection Plan TPP0522 shall be carried out (excepting the removal of Woodland 2 and 3 which shall be permitted to commence prior to part (b) being satisfied) until the following have been submitted for the written approval of the Planning Authority.
  - (a) A compensatory planting scheme for all trees proposed for removal within the Tree Protection Plan, including location, schedule, timescale for implementation and an aftercare scheme
  - (b) A long term management and maintenance scheme for all remaining trees, in addition to that of the compensatory planting provided to satisfy part (a). This shall include long term management, maintenance and successional/replacement planting.All tree felling, planting, management and maintenance shall be implemented in accordance with the approved details. Trees shall be removed and new trees planted in a manner that safeguards the Listed lade from any damage. Reason: To ensure the development has a sympathetic landscape and visual impact and to maximise the biodiversity value of the woodland in the long term.
7. Any noise emitted by plant and machinery on the premises shall 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. Reason: To protect the amenity of neighbouring residential properties.
8. The approved access, parking area and visibility splays specified on the approved plans shall be implemented prior to the occupancy of the dwellinghouse. The parking area shall be retained free from obstruction for the parking of vehicles and visibility splays shall be maintained in perpetuity, with rebuilt stone walling constructed so as not to obstruct the splays. The first two metres of the access must be constructed to the following specification, unless otherwise agreed in writing with the Planning Authority - 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. Reason: To ensure the development is adequately accessed and serviced in a manner that safeguards road safety.
9. The development shall be implemented in accordance with the external material specifications approved under this consent, subject to natural slate roofing being grey in colour; the natural stone specification and details of solar PV panels, which shall be black framed, being first agreed in writing with the Planning Authority; external flues being matt black in colour; and, rooflights on the east elevation of the dwellinghouse being black framed and fitted flush with the slates, all unless otherwise agreed in writing with the Planning Authority Reason: To ensure the development has a sympathetic visual impact.
10. Further details of the retaining wall, boulder banking, and compensatory storage levels alongside the eastern boundary, shall be submitted for the written approval of the Planning Authority before development commences. The development shall be implemented only in accordance with the approved details, and all ground alterations

within the site required to achieve the approved compensatory storage area shall be implemented prior to occupancy of the dwellinghouse, grass-seeded during the first seeding season following completion and kept free from obstruction thereafter.  
Reason: To ensure the development has a sympathetic visual impact and provides appropriate compensatory flood storage.

11. Notwithstanding the terms of the General Permitted Development (Scotland) Order 1992 (as amended) or any subsequent revision or replacement Order, there shall be no further development within the application site, unless a planning application for the same has been submitted to and approved by the Planning Authority. Reason: To safeguard the special architectural and historic interest of the Listed lade, to ensure the development has a sympathetic visual impact, and to safeguard the future maintenance of the compensatory storage area.
12. No building operation or vegetation clearance works shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for birds, which shall be submitted for the approval in writing of the Planning Authority prior to commencement of the development. The Species Protection Plan shall be implemented as approved. Reason: To protect the ecological interest of the site in accordance with Local Development Plan Policies EP2 and EP3
13. No development shall commence until the following have been submitted for the written approval of the Planning Authority
  - (a) A scheme for the provision of bird, squirrel and bat boxes within the site
  - (b) Details of the lighting scheme demonstrating compliance with BCT guidance on artificial lighting and bats.The lighting of the site shall comply with the approved scheme and boxes shall be implemented in accordance with the approved details prior to occupancy of the dwellinghouse Reason: To protect the ecological interest of the site in accordance with Local Development Plan Policies EP1, EP2 and EP3.
14. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

#### Informatives

All work within the public road boundary must be undertaken by a contractor first approved by the Council. If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions. Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:

- a. the flue should be terminated with a cap that encourages a high gas efflux velocity.
- b. the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

- c. the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
- d. if you live in a Smoke Control Area you must only use an Exempt Appliance ([www.smokecontrol.defra.gov.uk](http://www.smokecontrol.defra.gov.uk)) and the fuel that is approved for use in it.
- e. in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on [www.forestry.gov.uk](http://www.forestry.gov.uk).
- f. treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The biomass boiler should also be managed in a manner that limits the potential for emissions to cause a statutory nuisance.

22/00148/LBC

Approved as per officer recommendation subject to compliance with the schedule of conditions:

1. The development hereby permitted shall be begun before the expiration 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 by the Planning etc. (Scotland) Act 2006.
2. There shall be no alterations to the lade to facilitate the development of planning reference 22/00147/FUL or satisfy its schedule of conditions unless in accordance with a scheme of details that has first been submitted for the written approval of the Planning Authority. The alterations shall only be carried out in accordance with the approved details Reason: To safeguard the special architectural and historic interest of the Listed Building

#### NOTE

Ms. Kate Jenkins spoke in support of the application.