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SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells and via Microsoft Teams on Monday, 3rd October, 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:- Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer (A. Scott), Solicitor (F. Rankine), Democratic Services Team Leader.

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 5 September 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 an application for planning permission which required consideration by the Committee.

DECISION

DEALT with the applications a detailed in Appendix I of this Minute.

3. **APPEALS AND REVIEWS.**

There had been circulated copies of a briefing note by the Chief Planning and Housing Officer on Appeal to the Scottish Ministers and Local Review.

DECISION

NOTED that:

- (a) **an appeal had been received against the refusal of the planning application for the erection of dwellinghouse on Land South West of West Lodge, Minto;**
- (b) **an appeal had been received against enforcement action in respect of the siting of static caravan clad in timber and land engineering works undertaken on Land South West of Yethouse Farmhouse, Newcastleton;**
- (c) **review requests had been received in respect of:**
 - (i) **Demolition of agricultural building, erection of dwellinghouses with ancillary accommodation on Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton;**
 - (ii) **Replacement windows and door (retrospective), Caddie Cottage, Teapot Street, Morebattle, Kelso;**

(iii) Alterations and extension to dwellinghouse at Deanfoot Cottage, Deanfoot Road, West Linton.

(d) the following reviews had been determined as shown:

(i) Erection of dwellinghouse, Land North East of Woodend Farmhouse, Duns – Decision of Appointed Officer overturned;

(ii) Erection of dwellinghouse, Land West of Cavers, Hillhead, Cavers, Hawick – Decision of Appointed Officer Upheld;

(iii) Change of use of barn and alterations and extension to form dwellinghouse, Land North of Carterhouse, Jedburgh - Decision of Appointed Officer Upheld,

(e) There remained seven reviews previously reported on which decisions were still awaited when the report was prepared on 25 August 2022 which related to sites at:

• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels	• Land East of 16 Hendersyde Avenue, Kelso
• Plot 1, Land North of Belses Cottage, Jedburgh	• Plot 2, Land North of Belses Cottage, Jedburgh
• Woodland Strip, North of Springhall Farm, Kelso	• Garden Ground of Cheviot View, Eden Road, Gordon
• Land West of 1 The Wellnage, Station Road, Duns	• Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside

(f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 23 September 2022 which related to a site at: Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.15 am

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/00323/FUL	Erection of two dwellinghouses with associated access	Land West and North of Village Hall, Smailholm

DECISION: Approved as per officer recommendation and the following conditions:

1. The development shall be implemented in accordance with the plans and drawings approved under this consent, unless otherwise agreed in writing with the Planning Authority
Reason: To ensure that the development is carried out in accordance with the approved details.
2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. No development shall commence until precise details of:
 1. the PV Solar panels and the fixing/ mounting details to the roofs (Panels to be mounted flat to the surface of the platform unless otherwise agreed.)
 - ii. Large scale details (drawings) of key junctions of the houses hereby approved, including doors (including reveals and threshold), windows (including reveals and cills), eaves, skews, ridge and chimneys. (Window and door reveals should be deep)
 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 require further consideration to ensure a satisfactory form of development, which contributes appropriately to the conservation area.
4. No development shall commence until written confirmation from Scottish Water confirming that public mains water and public foul drainage connections are available to serve this site, has first been submitted to and approved in writing by the Planning Authority. The development shall be serviced only using the approved public mains water and foul drainage arrangements, unless otherwise agreed in writing with the Planning Authority. All surface water drainage shall be managed in accordance with SUDS principles in a manner that maintains surface water run-off from the site at pre-development levels.
Reason: To ensure the development is adequately serviced and manages surface water drainage
5. Parking and turning for four vehicles (two spaces per dwelling) shall be provided within the curtilage of the site prior to occupation of the first dwelling hereby approved and retained thereafter in perpetuity.
Reason: To ensure the dwelling is served by adequate parking provision and turning at all times.
6. No development shall commence until engineering details, including construction details and a long section drawing, for the roadside footway and the pedestrian link between the site and the village hall have first been submitted to and agreed in writing by the Council. Thereafter the roadside footway and the pedestrian link to be constructed in accordance with the approved details prior to occupation of the first dwelling.
Reason: To ensure safe pedestrian access.

7. The vehicular access to the site as shown on site plan L(-1) 101 C hereby approved to be formed to Council standard specification DC-6 prior to occupation of the first dwelling.
Reason: In the interests of road safety and to allow for safe servicing of the properties hereby approved.
8. 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 Local 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 (new trees to be planted at a ratio of 2:1 replacement.)
 - 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.
9. No development shall commence until precise details of all boundary treatments, which shall include a scheme of hedging forward of any privacy fencing as well as the height and design of fences, has first been submitted to and approved in writing by the Planning Authority. The boundary treatments shall be implemented only in accordance with the approved details, and planting shall be implemented during the first planting season following completion of the development.
Reason: To ensure the development has a sympathetic visual impact for the conservation area.
10. Before any part of the development hereby approved is commenced, the trees identified for retention on drawing number L(-1) 101 C shall be protected by a barrier in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction and the barriers shall be removed only when the development has been completed.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are protected and retained.
11. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 12. Prior to the felling of those trees identified for removal on approved drawing L(-1) 101 C a breeding bird checking survey shall be carried out by a suitably qualified person and the results of the survey submitted to the planning authority for written approval. Where nesting birds have been identified, no development shall take place during the breeding bird season (March – September) unless otherwise agreed in writing by the planning authority.

Reason: In the interests of biodiversity and in order to protect breeding birds

- 13. Prior to the occupation of the houses hereby approved, refuse and recycling bin stances for both plots shall be provided in accordance with details, which shall first be submitted to and approved in writing by the planning authority.

Reason: To ensure adequate provision is made for eth storage of bins.

Informative

- 1. The Roads Planning Service advises that the proposed roadside hedge is set back from the private drive to allow for a small grinding margin for vehicles. Only contractors first approved by the Council may work within the public road boundary.

NOTES

- 1. Mr Will Grime spoke against the application.
- 2. Vote
Councillor Thomson, seconded by Councillor Scott, moved that the application be approved as per the officer recommendation
Councillor Moffat, seconded by Councillor M. Douglas, moved as an amendment that the application be refused on the grounds that it was contrary to Policy EP9 of the Local Development Plan in that the design of the houses was not compatible with the conservation area and would have an unacceptable adverse impact on the character and appearance of the conservation area.

On a show of hands Members voted as follows:-

Motion – 5 votes

Amendment – 3 votes

The Motion was accordingly carried and the application approved.

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