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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 7TH NOVEMBER, 2022

A BLENDED MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on MONDAY, 7TH NOVEMBER, 2022 at 10.00 AM. Members may attend either in person or online.

All attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.

J. J. WILKINSON,
Clerk to the Council,

1 November 2022

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 8) Minute of Meeting held on 3 October 2022 to be approved and signed by the Chairman. (Copy attached.)
5.	Application (Pages 9 - 18) Consider the application for planning permission in respect of the erection of a dwellinghouse on garden ground of The Croft, Chamber's Terrace, Peebles – 22/01129/PPP. (Copy attached.)
6.	Appeals and Reviews. (Pages 19 - 24) Consider report by Chief Planning and Housing Officer. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- **Need to ensure a fair proper hearing**
- **Must avoid any impression of bias in relation to the statutory decision making process**
- **Must take no account of irrelevant matters**
- **Must not prejudge an application,**
- **Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting**
- **Must avoid any occasion for suspicion and any appearance of improper conduct**
- **Must not come with a pre prepared statement which already has a conclusion**

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

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**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTES of Blended Meeting of the
PLANNING AND BUILDING STANDARDS
COMMITTEE held in Council Chamber,
Council Headquarters, Newtown St. Boswells
and via Microsoft Teams on Monday 3
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., 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. **APPLICATION**

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 a.m.

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 the 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 in that the design of the houses was not compatible with the conservation area and would therefore have an adverse impact on the said 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.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 NOVEMBER 2022

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01129/PPP

OFFICER: Ranald Dods
WARD: Tweeddale East
PROPOSAL: Erection of dwellinghouse
SITE: Garden ground of The Croft, Chamber's Terrace, Peebles
APPLICANT: Mr Alistair Grandison
AGENT: Ericht Planning

PLANNING PROCESSING AGREEMENT: 11 November 2022

SITE DESCRIPTION

The site, located within the conservation area, is overgrown garden ground to the north of the property known as The Croft. The site measures roughly 2050sqm. To the west lies the category C listed Ravenscraig; to the east is the modern property of No. 4 Croft Gardens whilst to the north lies 13 and 15 Caledonian Road (both category C listed) and the garden ground of the unlisted Nethercroft. An un-adopted access track from Caledonian Road runs between the site and Ravenscraig. An un-adopted access, serving No. 4 Croft Gardens, runs from Chamber's Terrace to the site. The site does not have a street frontage.

A number of trees are located within and adjacent to the site. Most notable are three mature limes within the site and two mature limes immediately adjacent to the site boundary but within the ground of No. 4 Croft Gardens. A number of other trees of varying species lie within and adjacent to the site, principally the southwestern corner.

PROPOSED DEVELOPMENT

The application is made for planning permission in principle for the erection of a single dwellinghouse on the site. An indicative floor plan and a supporting statement have been provided. The submissions demonstrate that a single house could be accommodated on the site.

PLANNING HISTORY

There is some planning history associated with this site.

Application 94/01475/OUT (former reference T149/94) was submitted for the erection of eight dwellinghouses and although that number was not accepted, the permission was granted in September 1994. Whilst a further application (95/01329/REM - former reference T107/95) was received for four houses to the east of The Croft, no further applications were submitted within the timeframes set out in the decision notice. Although it is a material consideration, the outline permission was granted almost 30 years ago and the degree of weight that can be attached to it is negligible.

REPRESENTATION SUMMARY

The application was advertised and neighbours notified. In total, five material representations were received from three individual households. The material grounds contained in those representations can be summarised as follows: effect on setting of listed buildings; privacy;

amenity; impact on trees; application contains insufficient information; impact on conservation area; increased traffic; parking issues; pedestrian safety. Members can view copies of all representations in full on *Public Access*.

Given the number of individual objections and those received from the community council and Peebles Civic Society, in terms of the current Scheme of Delegation, the application is required to be determined by committee.

APPLICANTS' SUPPORTING INFORMATION

- Planning supporting statement
- Indicative plan
- Photographs of site
- Tree survey

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2 – Quality standards
PMD5 – Infill development
HD3 – Residential amenity
EP7 – Listed buildings
EP8 – Archaeology
EP9 – Conservation areas
EP13 – Trees, woodlands and hedgerows
IS2 – Developer contributions
IS7 – Parking provision and standards
IS9 – Waste water treatment standards and sustainable urban drainage

OTHER PLANNING CONSIDERATIONS:

The following supplementary planning guidance notes are material considerations:

SPG – Development contributions 2015, updated April 2022
SPG – Placemaking and design 2010
SPG – Privacy and sunlight guide 2006
SPG- Sustainable urban drainage systems 2020
SPG – Trees and development 2008
SPG – Waste management 2015

CONSULTATION RESPONSES:

The following were consulted on the application. Their comments are summarised below:

Scottish Borders Council Consultees

Roads Planning Service (RPS): Objection as the private access which would be utilised to serve this proposed development is single track in nature and is not wide enough for two vehicles to pass where it meets the public road. Allowing further development is likely to increase the chances of conflict to the detriment of road safety. As the application stands, Roads did not feel able to offer a positive recommendation. Roads noted that position could change were the applicant be able to demonstrate how the access could be widened to accommodate two-way movements where the access meets the public road.

Heritage and Design Officer (HDO): The key considerations from a heritage perspective are whether the proposed works would preserve or enhance the historic character and appearance of the conservation area and whether there is sufficient information to understand the heritage impact of the proposals.

The HDO stated that to determine its impact on the conservation area and neighbouring listed buildings, further information would be required on the scale, siting and indicative design of the building. It was also noted that sections through the site and showing the indicative proposals would be useful to understand the topography, level-changes and relationship with the adjacent buildings/area.

Archaeology Officer: No objection. It is unlikely that any archaeological finds, features and/or deposits will be found within the site. There are no archaeological conditions or informatives necessary for this application.

Landscape Architect: The Landscape Architect assessed the tree survey that had been submitted with the application. She noted that this was likely to be an accurate reflection of the trees on the site. The mature lime trees on and adjacent to the site have been categorised as category A and the other trees on site as category C. She noted that all the trees will make some contribution to the amenity of the conservation area and that she remains to be convinced that there is adequate room for a development while retaining all the trees. In terms of policy EP13, the acceptability of the proposal may come down to deciding whether category C trees (1-3 and 9-15 identified in the tree survey) are worthy of retention. It was also noted that if PPP were to be accepted, it would be likely that those trees would be lost it would then come down to whether the Category A trees can be sufficiently protected.

Statutory Consultees

Scottish Water: No objection. The site would be fed from Bonnycraig Water Treatment Works and serviced by Peebles Waste Water Treatment Works.

Community Council: Objects to the application. The community council (CC) considered the site to be in a sensitive location and may impact adversely on adjoining properties. The CC considered that there was insufficient information in terms of position, size and height of any buildings and on the impact on the adjacent trees. Whilst the CC objected to the proposal, they stated that their position may change on the submission of a detailed application.

Other Consultee

Peebles Civic Society: Objected to the application on the basis that a PPP application is inadequate due to the complexity and sensitivity of the site in relation to the surrounding trees, properties and also potential issues with regards to access. They also noted that without details about the footprint of the proposed building (or its height), it was not possible to judge the impact on the surrounding trees and neighbouring properties. Additionally, comments were made regarding access to the site.

KEY PLANNING ISSUES:

- Whether, in principle, a dwellinghouse could be accommodated on the proposed site without conflicting unacceptably with planning policies relating to (a) infill development; (b) placemaking; (c) residential amenity; (d) the historic environment (e) trees and (f) road safety.
- Whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

ASSESSMENT OF APPLICATION:

Principle

The site is located within the settlement envelope and conservation area of Peebles as defined by the Scottish Borders Local Development Plan 2016 (LDP). It is an unallocated infill site and the principle of the development proposal does not, in the main, conflict with the terms of the LDP. The principle of development has been accepted previously on this site but that was considered under a different development plan and the material weight, which can be attached

to that, is negligible given the considerable time that has passed since that decision was made. An assessment is made below in terms of the current Local Development Plan.

Planning policy – infill development

The council is generally supportive to suitable infill development provided it meets certain criteria. Such development will usually be unplanned and policy PMD5 is intended to ensure its careful assessment. The policy applies to all areas within development boundaries, not just areas where the predominant use is residential. It may apply to areas of mixed use, town centres or areas of established industrial use, or utilities and their landholdings which, due to changes to technology and new practices may become surplus to requirements. There are six general principles, which are the starting point for the consideration of new houses on infill sites. Provided other policy criteria and material considerations are met, the LDP confirms that development on non-allocated, infill or windfall site, within development boundaries will be approved where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or ‘town and village cramming’;
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

In this case, the site is within the settlement envelope of Peebles and the established land use in the surrounding area is residential. The development of a house, subject to an appropriate design being achieved, is unlikely to detract from the character and amenity of the surrounding area. A single house is unlikely to lead, either singularly or cumulatively, to over-development although it is acknowledged that the site has constraints imposed on it due to mature trees and access arrangements. The application aims to establish the principle of development and, although a drawing has been supplied in support of the proposed development, that is indicative. It does, however, demonstrate that it would be entirely possible to introduce a house which could respect the prevailing context of the site. The precise design details of the house will be assessed through any subsequent Approval of Matters Specified in Conditions or Full application that may be submitted, should Members be minded to support this application although the pattern of density evident in the surrounding area would not be compromised through development of a single house.

The site would be accessed from Chamber’s Terrace via the private road to the east of the site. Further consideration will be given below, however in this instance, the access can be considered as suitable to service one additional house.

There are no educational capacity issues. The site can be connected to the public water and foul drainage network and there is more than sufficient space within the site to locate waste and recycling containers.

It would appear to be feasible to develop a house on the site without resulting in overshadowing or detriment to amenity of existing properties, given the distances between the existing properties. Furthermore, it would appear that the location of a house as shown on the indicative site plan, taking into account the need to site the development outwith the root protection areas of the trees to be maintained, and accounting for the level difference between the site and the properties on Caledonian Road, could be accommodated on the site. The precise details of window locations would be a matter for consideration on the submission of an AMC or FUL planning application. These aspects would have to be examined again with the submission of a detailed design should the principle be agreed.

Given the proposed development would appear to comply with the above criteria, the principle of a single house on the site is accepted and considered to be in accordance with the principal aims of policy PMD5. That acceptance is subject to conditions aimed at achieving a satisfactory design and layout of the site.

Layout and design

Although a drawing has been submitted which demonstrates that it may be possible to locate a house on the site, the layout is indicative and does not form part of the suite of drawings that will accompany the decision notice. Members should be aware that limited weight should be attached to the layout, however that should help guide and inform Members consideration of the acceptability or otherwise of the principle of development. What can be said from the indicative layout is that there does appear to be sufficient space within the site to accommodate a single house with turning and parking space for two vehicles.

As the application is made to establish the principle of development, no detailed design of the proposed house has been submitted. Given this is a site adjacent to listed buildings and within the conservation area, albeit not visible from the public realm, the expectation is that any design would be of a higher quality than for sites in less sensitive locations. The selection of materials is also important to allow better integration of the development into the area. Should Members consider the principle to be acceptable and in accordance with policy, then these matters can be covered by suitably worded planning conditions. The HDO also noted that sections through the site and showing the indicative proposals would be useful to understand the topography, level-changes and relationship with the adjacent buildings/area and it is expected that these drawings would form part of further applications.

Impact on conservation area

As noted above, the HDO stated that to determine its impact on the conservation area and neighbouring listed buildings, further information would be required on the scale, siting and indicative design of the building. That having been said, the application site is not visible from the public realm and, with a suitably high quality design of house, the impact on the character and appearance of the conservation area is likely to be neutral. Subject to approval of final design and materials through the detailed application process, it is likely that development of the site would have a neutral effect on the conservation and would ensure compliance with policy EP9 of the LDP.

Impact on setting of listed buildings

The site is located to the south and to the east of Category C listed buildings. It is acknowledged that the HDO did not raise a particular concern about the impact of the proposed development on the setting of those buildings. The true effect on the setting can be assessed only with the submission of detailed plans rather than the indicative drawing included in this proposal. As with the impact on the conservation area, a modest single house with an acceptable design and external finish assessed through a detailed application is unlikely to be detrimental to the setting of the listed buildings ensuring compliance with policy EP7.

Impact on residential amenity

As the application has been made for permission in principle only at this stage, the impacts on residential amenity cannot reasonably be assessed and would be a matter for consideration in further applications. The concerns raised in representations regarding privacy and residential amenity are noted but these matters will be considered in full following the submission of a detailed application(s). In those applications, the applicant will be required to demonstrate that any proposed design would not have an unacceptable adverse impact on residential amenity by way of overlooking, loss of privacy, loss of sunlight or daylight. That could take the form of, for example, diagrams to show what shadow would be cast over neighbouring properties and the relative distance and offset to nearby windows to habitable rooms. The councils approved supplementary planning guidance note on Privacy and

Sunlight would be used to ensure compliance with relevant LDP policies covering the protection of residential amenity.

Archaeology

Members will note that the council's Archaeology Officer has not objected to the proposed development, having stated that the site is unlikely to have any archaeological deposits present.

Impact on trees

There are three mature lime trees within the site and two immediately adjacent to the eastern boundary. Those are of high value to the site and this part of the conservation area. A number of smaller, generally self-seeded trees are also present within the site. Those are of a lower quality and add to private amenity rather than the character or appearance of the wider conservation area. The Landscape Architect is concerned that it may not be possible to locate a house on the site whilst retaining all the trees. The applicant subsequently confirmed that the high value trees (trees 6, 7 and 8 within the site together with 4 and 5 adjacent – shown on the plan attached to the arboricultural report) would be retained and the lower category trees would be removed. Trees 16 to 21 lie outwith the site boundary and do not form part of this application. Any proposals to remove them would require appropriate permission from both the neighbouring landowner and the local authority (given they are located in the conservation area). Should Members consider the proposal to be acceptable, to accord with policy EP13, tree protection could be ensured by suitably worded planning conditions covering the trees proposed for retention, both within and outwith the site.

Developer contributions

The proposals, if granted, will require the payment of developer contributions towards education provision and the Peebles bridge study / traffic management. This would ensure compliance with policy IS2 of the LDP. The contributions would be secured by means of a legal agreement.

Road safety, access and parking

The RPS originally objected to the proposal on the grounds that it would result in extra vehicular traffic on a sub-standard access to the detriment of road safety. However, the particular circumstances of the site are that: the access would serve a total of only two houses; the number of vehicle movements associated with two houses is likely to be very low; Chamber's Terrace is approximately 9.5m wide and within the 20mph zone; the traffic volume along Chamber's Terrace is low. Following further discussions, RPS has removed their objections and are now able to support the application provided the existing access from Chambers Terraced is widened over the initial length to allow two vehicles to pass at the entrance. This matter can be covered by a suitably worded suspensive condition.

Subject to the suggested condition, it is considered that the proposed access can, on balance, be accepted. Had more than one additional house been proposed or had other circumstances been different, a different conclusion may have been reached. The site is sufficiently large to enable the provision of turning space and parking for two vehicles, the precise details of which can be agreed at the detailed application stage.

Services

The application form indicates that the site will be connected to the public water mains and foul drainage network. Scottish Water has commented that the precise details of water supply and of both surface water and foul water drainage can be secured by condition and the building warrant process.

Bin Storage

The precise location of refuse and recycling bin storage is not shown on the indicative site plan but there appears to be sufficient space within the site to accommodate waste and recycling containers.

CONCLUSION

The principle of development of a single house on the site is acceptable, albeit the final design would have to be the subject of further applications. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards the Peebles Bridge study / traffic management and education provisions together with the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the planning authority before whichever is the latest of the following:
(a) the expiry of three years from the date of this permission or;
(b) the expiry of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 3 No development shall commence until precise details of: the layout, siting, design and external appearance of the building; the means of access thereto; two off-street parking spaces (excluding garages); refuse and recycling bin storage and the landscaping and boundary treatments of the site, have first been submitted to and approved in writing by the planning authority. The development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 4 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall take place only in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 5 The layout details required by condition 1 shall include an arboricultural impact assessment. The assessment shall identify all existing trees within and adjacent to the site and their root protection areas. The assessment shall also identify those trees to

be retained and those proposed to be removed. The assessment shall also identify a suitable tree protection plan, demonstrating that these can be safeguarded by the design of the development and protected during construction works in accordance with BS5837:12 "Trees in relation to design, demolition and construction". The development shall be implemented in accordance with the approved assessment and protection plan and only those trees approved for removal shall be so removed, the remainder of trees within the site shall be retained, unless otherwise agreed in writing with the planning authority.

Reason: To enable the sympathetic assimilation of the development into its wider surroundings and to ensure that existing trees, including protected and unprotected trees that represent an important visual feature are retained and given adequate protection during construction.

- 6 No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter, no development shall take place except in strict accordance with the approved scheme. All surface water drainage shall comply with the SUDS manual (C753) and maintain existing pre-development run off levels.

Reason: To ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties and that surface water is managed in a sustainable manner that does not increase off-site run-off.

- 7 A design statement shall be submitted with the first approval of matters specified in conditions application for this site. The design statement shall outline the rationale in terms of the siting, design, scale, size, proportions and materials of the proposed dwellinghouse, boundary treatments and landscaping. The statement shall also demonstrate how the development relates to the context of the surrounding area and the setting of the adjacent house.

Reason: To ensure an appropriate scale and design of development that is in keeping with the character, and enhances the visual amenities, of the area.

- 8 The finished floor levels of the dwellinghouse hereby approved shall be consistent with those indicated on a scheme of details, which shall be submitted with the first approval of matters specified in conditions application for the site for approval in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

- 9 No development, vegetation removal or tree felling shall commence during the breeding bird season (March-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, and that shall include provision for a pre-development checking survey and mitigation.

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

- 10 Detailed plans for the vehicular access serving the site shall be submitted with the first application for approval of matters specified in conditions. The plans shall include details showing the vehicular access from Chambers Terrace widened to 5.5m over the first 7.5m and the vehicular footway crossing also widened to match the width of the access (5.5m). The approved access arrangements shall be completed prior to the occupation of the dwelling hereby approved.

Reason: In the interests of road safety and to ensure two vehicles can pass in the junction.

Informatives

- 1 In respect of condition 5, any trees to be felled should be surveyed by a qualified person before felling.

The applicant is advised that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (Tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

- 2 In respect of condition 9, all wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.
- 3 In respect of Condition 10, all works to the footway must be completed by a contractor on the Council's Approved List.

DRAWING NUMBERS

1. 1 of 1 Location Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

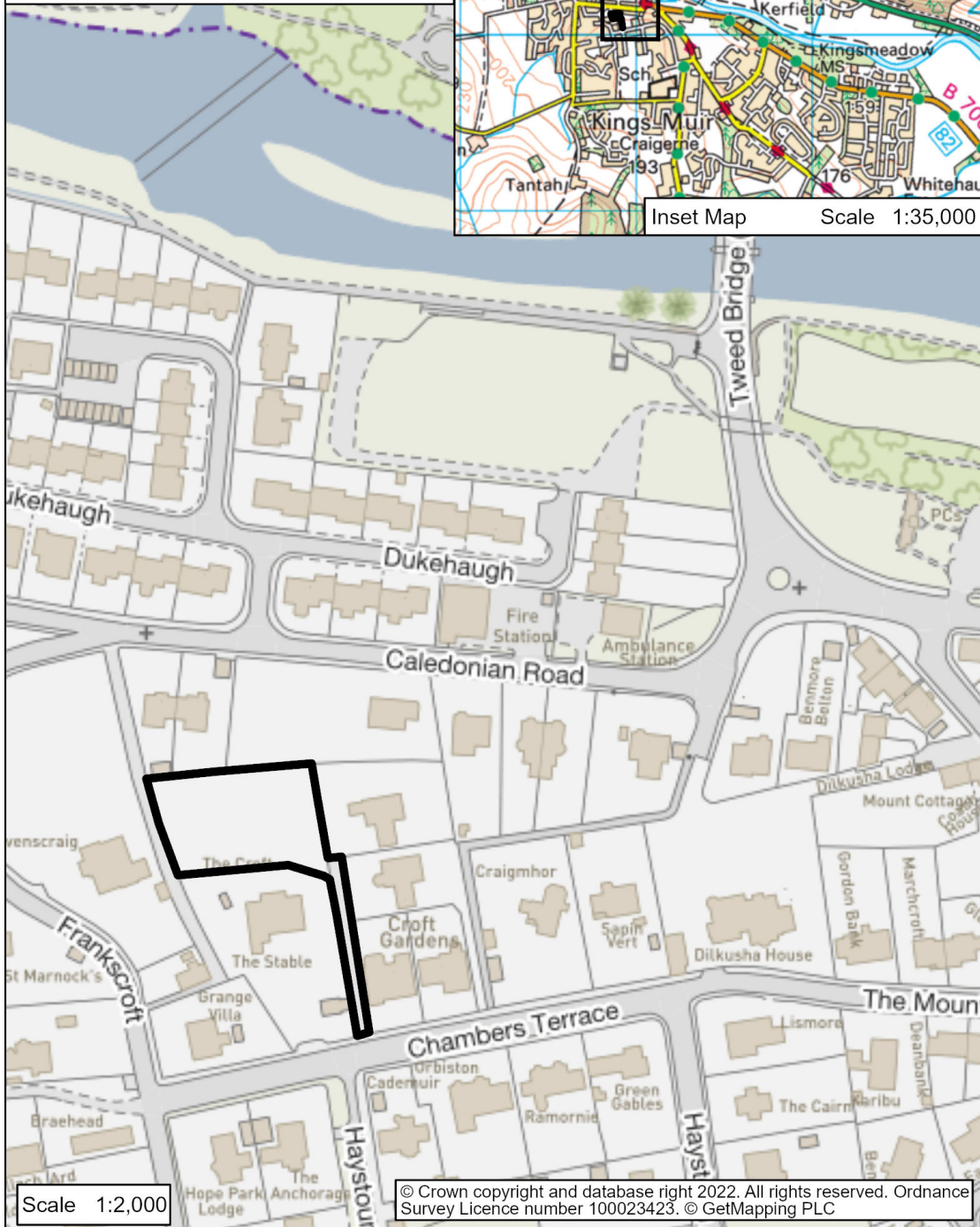
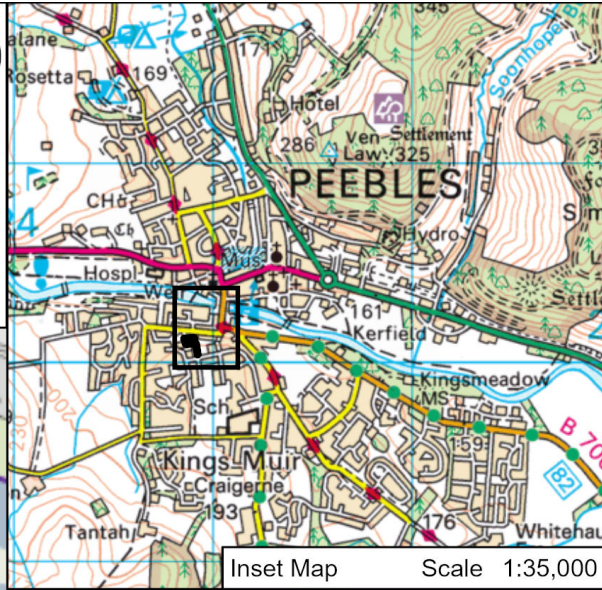
Author(s)

Name	Designation
Ranald Dods	Planning Officer



22/01129/PPP

Garden Ground Of
The Croft
Chambers Terrace
Peebles



PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

7th November 2022

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 2 appeal previously reported on which a decision was still awaited when this report was prepared on 28th October 2022. This relates to a site at:

- | | |
|--|---|
| • Land South West of West Lodge, Minto | • Land South West of Yethouse Farmhouse, Newcastleton |
|--|---|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 22/00297/FUL
Proposal: Erection of 3 no holiday pods and associated parking
Site: Land West of Burnmouth Church, Stonefalls, Burnmouth, Eyemouth
Appellant: Stonefalls Development Partnership

Review against non-determination of Application.

- 5.2 Reference: 22/00464/FUL
Proposal: Erection of residential holiday let with associated facilities
Site: Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh
Appellant: Mr Peter Hedley

Reasons for Refusal: 1. The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient information has been submitted to demonstrate that the proposal is capable of being developed and operated as a viable holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape. The need to site the development in this particular rural location has not been adequately justified. Furthermore, the proposal has not fully assessed the requirement of Policy ED7 to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings. The proposed development would appear divorced from the operation of Swinside Townfoot Farm and within a previously undeveloped field. As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that its siting and design would not respect and be compatible with the character of the surrounding area, and would result in a significantly adverse impact upon existing landscape character and rural visual amenity.

- 5.3 Reference: 22/00575/FUL
Proposal: Erection of holiday let accommodation
Site: Land North East of Runningburn Farm, Stichill
Appellant: James Neil And Son

Reasons for Refusal: 1. The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient information has been submitted to demonstrate that the proposal is capable of being developed and operated as a viable holiday accommodation business in this location, potentially resulting in unsustainable development in an undeveloped rural landscape. The need to site the development in this

particular rural location has not been adequately justified. Furthermore, the proposal has not fully assessed the requirement of Policy ED7 to reuse existing buildings, brownfield sites and/or to locate the proposal adjacent to existing buildings. The proposed development would appear divorced from the operation of Runningburn Farm and wedding venue, and within previously undeveloped land. As a result, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. 2. The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that its siting and design would not respect and be compatible with the character of the surrounding area, and would result in a significantly adverse impact upon existing landscape character and rural visual amenity. The proposed private vehicular access to the site would pass through a working farm steading which would conflict with agricultural movements and would result in adverse impacts on road safety and design standards contrary to PMD2.

5.4 Reference: 22/00961/PPP
Proposal: Erection of 2no dwellinghouses
Site: Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside
Appellant: Mr & Mrs O McLaren

Reasons for Refusal: 1. The development is contrary to Policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group and no other supporting justification has been presented. This conflict with the development plan is not overridden by any other material considerations. 2. The proposed development is contrary to Local Development Plan 2016 policies PMD2 (Quality Standards) and HD3 (Protection of Residential Amenity) as the erection of dwellinghouses at this location would be incompatible with neighbouring farm uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units. Other material considerations do not justify a departure from the development plan in this regard.

5.5 Reference: 22/00965/FUL
Proposal: Installation of soil vent pipe to front elevation
Site: Hillside, Duns Road, Swinton, Duns
Appellant: Mr William Dryburgh

Reason for Refusal: The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan 2016 in that the route of the proposed soil vent pipe would adversely impact upon the character and appearance of the dwellinghouse and Swinton Conservation Area.

5.6 Reference: 22/01089/FUL
Proposal: Installation of photo voltaic array to the south facing roof
Site: Mansefield, 91 High Street, Coldstream
Appellant: Mr Patrick Jenkins

Reason for Refusal: The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan

2016, in that the proposed siting of fifteen solar panels on a visible elevation of the dwellinghouse would have a significant visual impact on the traditional roof which would adversely impact upon the character and appearance of Coldstream Conservation Area. Furthermore, the proposal would set an undesirable precedent that could lead to the incremental erosion of the character and appearance of Coldstream Conservation Area.

6 REVIEWS DETERMINED

- 6.1 Reference: 22/00127/FUL
Proposal: Change of use from Industrial (Class 4,5,6) to Fitness Studio (Class 11) (retrospective)
Site: Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels
Appellant: Ms Daina McFarlane

Reason for Refusal: The development would be contrary to Policy ED1 of the Local Development Plan 2016 in that it would result in the loss of floorspace allocated for Classes 4-6 and the exception criteria within the policy are not satisfied. The loss of floorspace allocated for Classes 4-6 will have an adverse impact on the development of businesses within these Classes seeking to locate within the industrial estate. Other material considerations are not sufficient to outweigh the harm resulting from the incremental loss of allocated floorspace.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.2 Reference: 22/00188/PPP
Proposal: Erection of dwellinghouse
Site: Woodland Strip, North of Springhall Farm, Kelso
Appellant: Mr Kevin Stewart

Reasons for Refusal: 2. The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the principle of a new vehicular access onto this derestricted 'A' class road (A698) in this rural area would be detrimental to the safety of users of the road. The economic case presented does not outweigh these road safety concerns. 3. The proposal is contrary to Policy EP13 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss and harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset. 4. The proposal is contrary to Policy EP10 of the Scottish Borders Local Development Plan 2016, in that it would result in further loss and damage to the quality and integrity of the Designed Landscape and it has not been demonstrated that development would safeguard or enhance the landscape features, character or setting of Hendersyde Park.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 9 reviews previously reported on which decisions were still awaited when this report was prepared on 28th October 2022. This relates to sites at:

• Land East of 16 Hendersyde Avenue, Kelso	• Plot 1, Land North of Belses Cottage, Jedburgh
• Plot 2, Land North of Belses Cottage, Jedburgh	• 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
• Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton	• Deanfoot Cottage, Deanfoot Road, West Linton
• Caddie Cottage, Teapot Street, Morebattle, Kelso	•

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained one S36 PLI previously reported on which a decision was still awaited when this report was prepared on 28th October 2022. This relates to a site at:

• Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick	•
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Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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Email: PLACEtransrequest@scotborders.gov.uk