

Public Document Pack

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, 5th June, 2023 at 10.00 am

Present:- Councillors J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott and E. Small

Apologies:- Councillors V. Thomson

In Attendance:- Principal Planning Officer (C. Miller), Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson) and Democratic Services Officers (F. Henderson and W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 24 April 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. **APPLICATIONS**

There had been circulated copies of a report by the Chief Planning and Housing Officer on applications for planning permission which required consideration by the Committee.

DECISION

DEALT with the applications as 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 decision had been received in respect of:

(i) Installation of signage to gable wall (retrospective), 1 Hall Street, Galashiels – 22/01589/ADV – reporter’s decision: dismissed;

(b) There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 19 May 2023 which related to sites at:

• The Old Cow Shed, Lennel, Coldstream	• 68 High Street, Coldstream
--	------------------------------

(c) Review requests had been received in respect of:

- (i) Erection of dwellinghouse, Land South of Greenbraehead Farmhouse, Greenbraehead, Hawick – 22/00869/PPP;
- (ii) Demolition of shed and erection of dwellinghouse (approval of all matters specified in planning permission 20/00874/PPP), Land North West of Rosebank Cemetery Lodge, Shedden Park Road, Kelso – 22/01903/AMC;
- (iii) Erection of dwellinghouse with detached garage, Land South of Headshaw Farmhouse, Ashkirk, Selkirk – 22/01947/FUL;
- (iv) Erection of dwellinghouse with outbuilding and formation of new access (approval of all matters specified in conditions of planning permission 21/00030/PPP), Land at Rachan Woodlands, Broughton – 22/01973/AMC;
- (v) Amendment to Condition 3 of planning application 19/01646/PPP pertaining to occupation of dwellinghouse, Land South East of Tarf House, West Linton – 23/00236/FUL;

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

- (i) Erection of Class 4 joinery workshop with associated access and parking, Land North and East of Clay Dub, Duns Road, Greenlaw – 22/00032/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);
- (ii) Alterations and extension to dwellinghouse, 17 George Street, Eyemouth – 22/00371/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);
- (iii) Erection of holiday let accommodation, Land North East of Runningburn Farm, Stichill – 22/00575/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);
- (iv) Erection of boundary fence (retrospective), 100 Abbotseat, Kelso – 22/00679/FUL – Decision of Appointed Officer Overturned;
- (v) Siting of shepherds hut and siting of cabin (retrospective) to form holiday let accommodation, Land South West of Corstane Farmhouse,

Broughton – 22/00959/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);

(vi) Erection of 2no dwellinghouses, Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside – 22/00961/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);

(vii) Alterations and extensions to dwellinghouse, Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth – 22/01125/FUL – Decision of Appointed Officer Upheld (Terms of Refusal Varied);

(e) There remained 15 reviews previously reported on which decisions were awaited when the report was prepared on 19 May 2023 which related to sites at:

• Land South West of West Loch Farmhouse, Peebles	• Ravelaw Farm, Duns
• Land West of Greenburn Cottage, Auchencrow	• The Millers House Scotsmill Kailzie, Peebles
• Land South of Ebbastrand, Coldingham Sands, Coldingham	• Ratchill Farmhouse, Broughton
• Land at Disused Railway Line Rachan, Broughton	• Scott House, Douglas Square, Newcastleton
• Land West of The Old Barn Westwater, West Linton	• Paddock West of Hardens Hall, Duns
• 11 Tweed Avenue, Peebles	• Land North of Belses Cottage, Jedburgh
• 2 Rowan Court, Cavalry Park, Peebles	• Land South of 1 Kelso Road, Coldstream
• Church House, Raemartin Square, West Linton	

(f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 13 April 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 1.25 pm

This page is intentionally left blank

APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/01734/FUL	Erection of 110 dwellinghouses including associated roads, drainage and landscaping.	Land North of Allanbank House, Manse Road, Lauder

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

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 Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

3. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a

reasonable opportunity to record the history of the site.

5. No development to be commenced until a scheme of details for the play facilities shown on Site Development Plan AL PL 01 G is submitted to, and agreed in writing by, the Planning Authority. Once approved, the play facilities then to be completed in accordance with the details at a stage agreed within the Phasing Plan and maintained thereafter in accordance with the agreed scheme.
Reason: To ensure that the development is provided with childrens' play facilities.
6. No development shall commence until samples of materials and colours for all buildings within the development, and the plot layout distribution for those colours, has first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved samples.
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
7. The landscaping proposals shown on the approved drawings shall be carried out in accordance with a programme of implementation and maintenance that shall first be submitted to, and agreed in writing by, the Planning Authority.
Reason: Further information is required to achieve an acceptable landscape scheme for the site.
8. No development to be commenced until an Arboricultural Impact Assessment, Tree Protection Plan and method statement are submitted to, and approved in writing by, the Planning Authority, including the woodland boundary, access routes and trees within the site. Once approved, the development to proceed in accordance with the agreed details.
Reason: To safeguard existing woodland and protect the natural environment at the site.
9. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of boundary treatments has first been submitted to and approved in writing by the Planning Authority. The scheme shall include the layout/route of all proposed walls and fencing, and their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme and shall be implemented in accordance with an agreed schedule.
Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.
10. No development to be commenced until proposals for the retention, future maintenance and treatment at the access junctions of the roadside wall along the southern edge of the B6362 are submitted to, and approved in writing by, the Planning Authority. Works to the wall and maintenance are then to be undertaken in accordance with the agreed proposals, including timing for the works.
Reason: To safeguard the visual amenity of the area.
11. Prior to commencement of development, a Species Protection Plan for badger shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a predevelopment supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2, EP3 and NPF4 Policies 3 and 4
12. Prior to the commencement of development, the developer shall provide to the Planning Authority a copy of the relevant Species Licence for badgers.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2, EP3 and NPF4 Policies 3 and 4

13. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority a comprehensive Species Protection Plan for bats, including a sensitive lighting scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved plan.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3 and NPF policies 3 and 4

14. No development shall be undertaken during the bird breeding season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3 and NPF policies 3 and 4

15. Prior to the commencement of development, the developer shall submit for approval by the Planning Authority, details of the proposed Biodiversity Enhancement scheme for the site which shall include measures for soil management, breeding birds, bats, badgers and reptiles. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and NPF4 policies 3 and 4.

16. No development shall 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 all roads, parking spaces, EV charging points, footpaths, drainage, the SUDs/open space features, new planting and all, or a substantial proportion, of the dwellinghouses within each phase.

Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure, services and landscaping.

17. Samples of the surfacing materials for the proposed roads, footpaths and parking spaces to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development is then to be completed in accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

18. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

19. No development to be commenced until a fully designed and detailed surface water drainage scheme with SUDs features, attenuation and outfall, is submitted to, and approved in writing by, the Planning Authority in liaison with Scottish Water or SEPA. The scheme shall include an implementation and maintenance programme. The scheme then to be implemented in accordance with the approved details.

Reason: To ensure the sustainable disposal of surface water in a manner that safeguards neighbouring land/property and to ensure future maintenance for the scheme.

20. No development shall commence until written evidence is provided on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply. The development then to be implemented fully in accordance with the drainage drawings, numbered 147383/8005 A, 147383/8003 A and 147383/8004 A .
Reason: To ensure the development can be adequately serviced.

21. The footpath links shown to the north-eastern and south-eastern corners of the development, together with the footpath along the southern side of the B6362, to be completed at an agreed stage within the development, in line with the agreed phasing plan and once precise details of the route, geometry and construction of each footpath have been submitted to, and approved in writing by, the Planning Authority, This shall include a form of barrier or bollard system to prevent usage of the link to Allanbank Gardens by vehicles.
Reason: In the interests of road and pedestrian safety.

22. No development to be commenced until revised upper floor front elevation window designs are submitted to, and approved in writing by, the Planning Authority in relation to house types A10 and A27. Those house types then to be constructed in accordance with the agreed window designs.
Reason: To safeguard the visual amenity of the area

23. No development to be commenced on Plots 17, 18 and 25 until revised window positions for the houses on those plots are submitted to, and approved in writing by, the Planning Authority to better address the linear park bordering the plots. The houses then to be developed in accordance with the revised designs.
Reason: In the interests of visual amenity and placemaking.

24. No development to be commenced on Plots 9 and 22 until revised window proposals for the houses on those plots are submitted to, and approved in writing by, the Planning Authority to minimise overlooking between houses. The houses then to be developed in accordance with the revised designs.
Reason: In the interests of residential amenity.

25. No development to be commenced until a revised drawing is submitted to, and approved in writing by, the Planning Authority detailing an additional four communal parking spaces within the affordable housing element of the development. The spaces then to be completed in accordance with the programme set by Condition 16.
Reason: In the interests of road safety.

Informatives

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.

All works within the public road boundary must be undertaken by a contractor first approved by the Council.

2. Development should be carried out in a manner consistent with British Standard guidance on construction works, to maintain neighbouring amenity, in particular BS5228

NOTES

1. Ms Eve McCurrich (agent) and Ms Emma Garry (SBHA) spoke in support of the application.

Reference

23/00131/PPP

Nature of DevelopmentResidential development
with access, landscaping
and associated works**Location**Land East of Kirkwell
House, Preston Road, Duns

DECISION: Refused as per officer recommendation for the following reasons:

1. The proposal is contrary to Policies PMD2, PMD4, HD3 and EP13 of the Local Development Plan 2016, Policies 9 and 14 of NPF4 and the “Placemaking and Design” SPG as the site is outwith the Development Boundary for Duns and the development would not constitute a justifiable extension to the settlement, in that it is not a job generating development, not affordable housing, there is no shortfall in the 5 year effective housing land supply and there are no significant community benefits sufficient to justify development outwith the Development Boundary. The proposed development would also cause significant adverse effects on the landscape setting of the settlement, local landscape character, visual and residential amenity, representing a prominent and elevated greenfield incursion out of character with the settlement pattern and surroundings.
2. The development is contrary to Policy ED10 of the Local Development Plan 2016 and Policy 5 of NPF4 as the development would result in the permanent loss of prime quality agricultural land which is a valuable and finite resource. Furthermore, the land has not been demonstrated to be necessary for housing or infrastructure development, alternative sites are available and the proposal is neither small scale nor directly related to a rural business.

NOTES

1. Councillor Orr declared an interest in the application in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion of the application
2. Mr David Adams spoke against the application. Mr Tim Ferguson (agent) spoke in support of the application.

Reference

21/01804/FUL

Nature of Development

Erection of 8 no
dwellinghouses with
ancillary building/garage,
associated access and
landscaping

Location

Land south west and south
east of Bowbank Cottages,
Bellfield Road, Eddleston

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

Conditions

- 1 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 Unless otherwise required by conditions elsewhere in this schedule, the development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 Unless otherwise agreed in writing and in advance by the planning authority, prior to any development commencing on site, a scheme will be submitted to identify and assess potential contamination on site. No construction work shall commence until that scheme has been submitted to and approved in writing by the planning authority. Once approved the works shall thereafter be implemented in accordance with the scheme.

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. That 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 planning authority prior to addressing parts b, c, d, and e of this condition;

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) which will validate and verify the completion of works for the written approval of the planning authority;
- e) submission, if necessary, of monitoring statements at periods to be agreed with and for such time period as is considered by the planning authority to be appropriate.

Written confirmation from the planning authority that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required 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 planning authority.

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.

- 4 Notwithstanding the description of the materials on the drawings and supporting statements, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, windows, doors and roofs of the buildings have been submitted to and approved in writing by the planning authority. Where necessary, colours shall be specified by means of a RAL or BS4800 code. Once approved, no development shall be undertaken otherwise in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 5 Notwithstanding the approved drawings and further to condition 4 above, no development shall commence until revised drawings have been submitted to and approved in writing by the planning authority showing amended roofing proposals and materials. The proposed roofing materials shall show the greater part of the roofs finished in natural slate (or a suitable alternative to be agreed in writing by the planning authority). Once approved, the development shall not be undertaken otherwise in complete accordance with the approved details.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 6 Notwithstanding the approved plans, no development shall commence until revised drawings have been submitted to and approved in writing by the planning authority showing a revised layout for plots 2 and 8. The revised layout shall comply with the Council's approved supplementary planning guidance note – Privacy and Sunlight Guide (July 2006) regarding privacy and overlooking distances between windows of principal rooms (Table 1). Once approved, the development shall not be undertaken otherwise in accordance with the approved revision.
Reason: In order to safeguard the privacy and amenity of adjoining proprietors.
- 7 Notwithstanding the approved plans, no development shall commence until revised drawings have been submitted to and approved in writing by the planning authority showing a revised fenestration layout or scheme of mitigation for the properties on plots 3; 4; 6 and 7. Once approved, the development shall not be undertaken otherwise in accordance with the approved revisions.
Reason: In order to safeguard the privacy and amenity of adjoining proprietors.
- 8 No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include, as a minimum:

- i. location of new trees, shrubs, hedges and grassed areas;
- ii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- iii. location and design, including materials, of walls, fences and gates;
- iv. a programme for completion and subsequent maintenance.

Once approved, the development shall be implemented in accordance with the approved drawings. None of the trees identified for retention within the application site shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the planning authority.

Reason: To ensure the satisfactory form, layout and assimilation of the development within the wider area.

- 9 Notwithstanding the approved plans, no development shall commence until an updated Tree Protection Plan (per section 5.5 of BS 5837:2012 Trees in relation to design, demolition and construction - recommendations) and an updated Arboricultural Method Statement have been submitted to and approved in writing by the planning authority. That plan shall show: the footprint of proposed buildings in relation to the existing trees with a clear indication of those being retained, those being removed to accommodate the development (or due to condition as detailed in the approved Arboricultural Impact Assessment, Report 1); details and location of protective fencing. Once approved, the protective fencing shall be erected in accordance with the approved details prior to development commencing and shall be retained until the completion of construction works. Any groundworks within the root protection areas of trees shall be undertaken only by means of hand digging and works within the RPAs should be kept to an absolute minimum to limit any potential negative impact on the trees.
Reason: To ensure that existing trees representing an important visual feature are retained and given adequate protection during construction.
- 10 No development, vegetation removal or works to trees shall commence during the breeding bird season (March-August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds, to include provision for a pre-development checking survey and mitigation, that shall be submitted to and approved in writing by the planning authority. Thereafter the works shall not be undertaken otherwise in accordance with the approved details.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3 and NPF4 policies 1, 3 and 4.
- 11 No development shall commence unless in accordance with a construction method statement that has been submitted to and approved by the planning authority. The method statement should detail issues relating to the control of noise and nuisance from the site during the construction phase and control of run-off and pollution from the site.
Reason: In the interest of the amenity of the neighbouring properties.
- 12 No development shall commence until a scheme of details has been submitted to and approved by the planning authority, showing the improvement works to the junction of the A703 and the D19-1 Bellfield Road. The scheme of details shall include engineering details of the altered kerbing and any associated alterations to the roadside drainage, along with the required visibility splays. All works to be carried out by a contractor first approved by the council prior to works commencing on site. Thereafter, the junction improvements shall be retained in perpetuity.
Reason: In the interest of road safety.
- 13 No development shall commence until the existing private road is upgraded to adoptable standards from the application site boundary to where the private road meets the D19-1 Bellfield Road adjacent to the church. The works will be subject to Road Construction

Consent. The development shall be served throughout by roads and pavements constructed to the council's adoptable standards.

Reason: To achieve a satisfactory form of development and in the interest of road safety.

- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an archaeological evaluation. That will be formulated by a contracted archaeologist and approved in writing by the planning authority. Access should be afforded to allow investigation by a contracted archaeologist(s) who shall be nominated to and agreed in writing by the planning authority. The archaeologist(s) shall be allowed to conduct a programme of evaluation prior to development. That will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the planning authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. Any significant data and finds shall undergo post-excavation analysis, the results of which will be submitted to the planning authority

Reason: The site is within an area where ground works may interfere with or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 15 No development shall commence until precise details of surface 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.

- 16 No water supply other than the public mains water supply shall be used to supply the development without the written agreement of the planning authority. No drainage system other than the public mains sewer shall be used to service the properties without the written consent of the planning authority. No development shall commence until evidence has been provided to the planning authority that the proposed dwellinghouses are to be connected to the public water and foul drainage networks. Thereafter, the dwellinghouses shall not be occupied until the above connections are made. All services shall be maintained throughout occupancy of the dwellinghouses

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and that the development is connected to the foul drainage network.

- 17 The finish of the flues shall be matt black or dark grey, unless otherwise agreed in writing with the planning authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

Informatives

- 1 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 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 7, mitigation may include amongst other things, deletion or relocation of windows or the fitting of obscure glazing, the degree of which should be specified.
- 4 Solid fuel stoves
If a stove is to be installed with an output of more than 45kw, contact should be made with the council's Environmental Health Service to provide further information in order that a screening assessment can be carried out. Stove installations can cause smoke and odour complaints and planning permission for the flue's installation does not indemnify the applicant in respect of statutory nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted planning permission, including for changes to the height and position of the flue. The flue should be terminated with a cap that encourages a high gas efflux velocity. The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly. The appliance should burn only fuel of a type and grade that is recommended by the manufacturer.

NOTES

1. Ms Karen Adams (Eddleston CC) participating via Microsoft Teams, spoke against the applications. Mr Gavin Yuill (agent) spoke in support of the application.

Reference
23/00422/FUL

Nature of Development
Erection of 25 high
telecommunications Lattice
Tower and associated
ancillary works.

Location
Land North of Flatt Farm,
Newcastleton

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

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 Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. The mast and all antennae, dishes and other fixtures on the mast hereby approved, shall all be coloured dark green (RAL 6009 or equivalent) and all ground based equipment shall be coloured dark green (RAL 6009 or equivalent) and all finishes shall be non-reflective/matt, unless an alternative scheme of colours has been agreed in writing with the Planning Authority.
Reason: To integrate the development sympathetically with the setting and landscape
4. No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary surveys, that shall be submitted to and approved in writing by the Planning Authority.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3
5. Prior to the commencement of the development hereby approved, a detailed 'Method Statement' in relation to all works within the Root Protection Area (RPA) of retained trees shall be submitted to and approved in writing by the Planning Authority. Specific issues to be dealt with in the Method Statement:
 - a) A scaled plan and section (s), where relevant, showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees.
 - b) A written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant.
 - c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - d) A specification for ground protection within tree protection zones.
 - e) Arboricultural supervision and inspection by a suitably qualified tree specialist.The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

6. Prior to commencement of development a Construction Method Statement incorporating the latest good practice guidelines and statutory advice to protect the water environment, shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme.

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

7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity Enhancement scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To enhance the ecological interest in accordance with Local Development Plan policy EP3 and NPF4 policy 3.

8. Prior to the commencement of development, the developer shall submit for approval in writing by the Ministry of Defence, details of the proposed aviation safety lighting scheme to be fitted to the Lattice Tower.

Reason: In the interests of air traffic safety

9. During construction of the mast hereby approved, no cranes exceeding a height of 15.2m above ground level to the tip of any jib or other point shall be used. Where the crane(s) is to be extended above 15.2m above ground level, precise details of the dates that the crane is to be present at site, its specific location within the site, and the specific timing of the height extension shall be provided via DIO-safeguarding-statutory@mod.gov.uk no less than 28 days before its arrival at site.

Reason: In the interests of air traffic safety

10. Prior to the commencement of development, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information:

- a) Precise location of development.
- b) Date of commencement of construction.
- c) Date of completion of construction.
- d) The height above ground level of the tallest structure.
- e) The maximum extension height of any construction equipment.

Reason: In the interests of air traffic safety and to ensure aeronautical charts and mapping records are amended accordingly.

11. Any noise emitted by plant and machinery used within the development shall not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

12. No development shall commence until a detailed traffic management plan is submitted to and approved in writing by the planning authority. No development shall take place except in strict accordance with the recommendations of the approved plan.

Reason: In the interests of road safety and to ensure the application site is adequately served by the public road network.

Informatives

1. The applicant is reminded that it is an offence to disturb, kill, injure or otherwise harm species protected by national and international law. Planning consent for a development does not provide a defence against prosecution in accordance with protected species legislation.

In the event that bats are discovered following the commencement of works, works must stop immediately and the developer must contact NatureScot for further guidance. Works can only recommence by following any guidance given by NatureScot. The developer and all contractors are to be made aware of accepted standard procedures of working with bats at www.bats.org.uk.

2. The MOD advises that mobile threat transmitters systems operate in this location, and these could potentially interfere with mobile networks.
3. The MOD must emphasise that the advice provided within their letter is in response to the data and information detailed within the developer's document, submitted in support of application 23/00422/FUL, as referred to in the consultation letter dated 29th March 2023, received from Scottish Borders Council. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.
4. In order to reduce emissions and to adapt to current and future impacts of climate change, the applicant should consider using renewable energy technologies (including, but not limited to solar PV panels) to power the telecommunications equipment hereby approved.

NOTES

1. Mr Charlie Coffee spoke against the application.