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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 3RD JULY, 2023

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS AND VIA MICROSOFT TEAMS on MONDAY, 3RD JULY, 2023 at 10.00 AM

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,

23 June 2023

BUSINESS	
1.	Apologies for Absence
2.	Order of Business
3.	Declarations of Interest
4.	Minute
	(a) Minute - 5 June 2023 (Pages 3 - 20) Consider Minute of the Meeting held on 5 June 2023 for approval and signature by the Chair. (Copy attached.)
	(b) Minute - 15 June 2023 (Pages 21 - 32) Consider Minute of the Meeting held on 15 June 2023 for approval and signature by the Chair. (Copy attached.)
5.	Applications Consider the following applications for planning permission:
	(a) Garage Blocks, Bothwell Court, Hawick - 23/00479/FUL (Pages 33 - 44) Change of use of garage blocks and alterations to form three dwellinghouses. (Copy attached.)
	(b) Cavers House - 22/01588/FUL & 22/01587/LBC (Pages 45 - 62) Reinstatement, alterations and extensions to dwellinghouse. (Copy attached.)
	(c) Land East of Kingledores Farm (Glenkerie), Broughton - 22/01887/FUL (Pages 63 - 76) Variation of Condition 1 to extend operational life of wind farm by additional 10 years. (Copy attached.)

6.	Appeals and Reviews (Pages 77 - 86) Consider briefing note by Chief Planning and Housing Officer. (Copy attached.)
7.	Any Other Items Previously Circulated
8.	Any Other Items which the Chair 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

Please direct any enquiries to William Mohieddeen
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Public Document Pack Agenda Item 4a

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
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(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

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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 Development

Residential 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.

Public Document Pack Agenda Item 4b

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 Thursday, 15th June, 2023 at 10.00 am

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

Apologies:- Councillor E. Small

Also present:- Councillor S. Hamilton

In Attendance:- Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer (A. Scott), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Democratic Services Team Leader (L. McGeoch) and Democratic Services Officer (W. Mohieddeen).

1. **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.

The meeting concluded at 1.30 pm

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APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/00483/FUL	Change of use of garage blocks and alterations to form six dwellinghouses	Garage Blocks East of 132 Ramsay Road, Hawick

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

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 proposed residential units shall meet the definition of "special needs housing" as set out in the adopted Local Development Plan 2016 and any accompanying Supplementary Planning Guidance 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.
Reason: The permission has been granted for special needs 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 affordable housing and local schools.
3. 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.
4. Details of bin storage areas for waste and recycling and any external storage areas for the dwellings to be submitted to and approved in writing by the Planning Authority before the development commences. The bin storage areas and external storage areas then to be installed in accordance with the approved details before the dwellings are occupied.
Reason: To safeguard the visual appearance of the area.
5. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses hereby approved, and no water supply arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses hereby approved
Reason: To ensure that the development does not have a detrimental effect on public health.
8. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses hereby approved.
Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.
9. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.
Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

NOTE

1. Mr Darren Loftus, representing Voice of the Teries and participating via Microsoft Teams, spoke against the application. Ms Emma Garry, SBHA, spoke in support of the application.

Reference

23/00479/FUL

Nature of Development

Change of use of garage blocks and alterations to form three dwellinghouses

Location

Garage Blocks, Bothwell Court, Hawick

DECISION: Application continued for site visit to take place.

NOTES

1. Ms Evelyn Jackson spoke against the application. Ms Emma Garry, SBHA, spoke in support of the application.
2. Vote
Councillor Thomson, seconded by Councillor Moffat, moved that the application be continued to another Meeting for a site visit to take place.
Councillor Richards, seconded by Councillor Orr, moved as an amendment that a site visit not be held.

On a show of hands, Members voted as follows:

Motion – 4 votes

Amendment – 4 voted

The Chair used his casting vote in favour of the Motion and the application was continued pending a site visit taking place.

Reference

22/01588/FUL &
22/01587/LBC

Nature of Development

Reinstatement, alterations
and extensions to
dwellinghouse

Location

Cavers House

DECISION: Application continued for site visit to take place.

NOTE

1. Mr Paul Allison spoke against the application. Mr Gavin Yuill and Mr Fraser Bell (agents) and Ms Julie Sharrer (applicant) participating via Microsoft Teams spoke in support of the application.

Reference

23/00382/FUL

Nature of Development

Removal of condition 5 of
planning permission
21/00794/FUL pertaining to
visibility splay

Location

Land East of Thistle Brae,
The Hardens, Duns

DECISION: Approved as per officer recommendation, subject to the following condition:

Condition

1. The development shall be implemented in accordance with the approved plans and drawings pursuant to planning permission 21/00794/FUL. The schedule of conditions attached to planning permission 21/00794/FUL, excluding condition 5 of 21/00794/FUL which is removed by this permission, still apply to this development, together with the drawings/information approved by the Planning Authority to discharge those conditions.
Reason: To secure control over matters agreed and already controlled by and under conditions attached to the original planning permission.

NOTE

1. Mr Richard Wood spoke in support of the application.

Reference
22/01988/FUL

Nature of Development
Construction and operation
of battery energy storage
system facility with ancillary
infrastructure and access

Location
Land West Of Eccles
Substation, Eccles,
Coldstream

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 five 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. No development shall commence until the following precise details have been submitted to and agreed in writing with the Planning Authority;
 - i. The final site layout
 - ii. The design and appearance of all buildings and equipment to be installed within the site including their external material and colour finish.
 - iii. The design and appearance of all acoustic fencing, means of enclosure and gates including their material and colour finishReason: Further details are require to achieve a satisfactory form of development which respects the character and amenity of the rural area.
3. No development shall commence until a scheme of phasing has been submitted to agreed in writing by the Planning Authority. This shall include a programme for completion of the main elements within the development including the siting of the battery storage equipment, ancillary infrastructure, the construction access and the maintenance access. Once approved, the development shall then be carried out in accordance with the approve scheme.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
4. No development shall commence until a scheme of landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include;
 - i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. Indication of existing trees and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration and thereafter no trees or hedges shall be removed without the prior consent of the Planning Authority.
 - iii. Location of new trees, shrubs and hedges, which includes extending the landscaping around the northern boundary of the site and landscaping at the reinstated roadside verge following closure of the construction access.
 - iv. Schedule of plants to comprise species, plant sizes and proposed numbers/density
 - v. Programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until precise details of the access upgrades are submitted to and agreed in writing with the Planning Authority, the details shall include;
 - i. Visibility splays of 2m x 215m in either direction at the junction with the A697.
 - ii. Specification of the surfacing and kerbing of the new access between the carriageway of the public road and site gates.

iii. The laying of a white edge line in accordance with diagram 1010 of the Traffic Signs Regulations and General Directions 2016 across the new access with the carriageway of the public road.

Thereafter the development should be completed in accordance with the agreed details and retained in perpetuity thereafter, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the access is formed to an appropriate standard which conforms to road traffic regulations and protects the integrity of the public road.

6. Within 2 weeks of the development hereby approved being brought into use the construction vehicular access shall be permanently closed off in accordance with the details shown on the approved drawing (drawing no. ECB02). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the existing access shall not subsequently be reopened and no new access, other than that approved under this planning permission, shall be formed, laid out or constructed under the terms of Class 8 of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure that the development is carried out as proposed and to minimise the number of accesses into the development, in the interests of road safety.

7. No development shall commence until the detailed drainage design which complies with SUDs principles has first been submitted to, then approved in writing by the Planning Authority. Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site

8. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures has been submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and the scheme shall be implemented within 12 months of the final date electricity is exported from the site.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

9. No development shall commence until full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development have been submitted to and approved in writing by the Planning Authority. All lighting shall be provided and thereafter retained in accordance with the approved scheme.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the residential and visual amenity of the surrounding area.

10. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: In order to protect the residential amenity of nearby properties.

11. No works in connection with the development hereby approved shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Species Protection Plan for breeding birds.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
12. No development shall commence until a proportionate Biodiversity Enhancement Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Biodiversity Enhancement Plan.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
13. No development shall commence until a detailed Traffic Management Plan has first been submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved plan.
Reason: In the interests of road safety.

Informatives

With reference to Condition 5 it is recommended that:

1. Specification for access surfacing: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
2. Junction radius to be kerbed using 125mm by 255mm 45 degree splay kerbs.
3. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Note: Condition 13 added at the request of RPS Officer and Condition 1 amended to 5 years at the request of the applicant.

Reference

22/01993/FUL

Nature of Development

Erection of dwellinghouse

Location

Land Adjacent Rose
Cottage, Maxwell Street,
Innerleithen

DECISION: Refused contrary to officer recommendation for the following reasons:

The proposals are contrary to Policies PMD2 and PMD5 of the Scottish Borders Local Development Plan 2016 in that the site is not allocated for housing, the scale and density of the proposals are not appropriate for this site, and the erection of a house would result in inappropriate infill development. The proposals are also contrary to Policies EP9 and EP11 of the Scottish Borders Local Development Plan 2016 and Policy 7 of National Planning Framework 4 in that the erection of a house on this site will result in the loss of an area of green space and will not enhance the character of the conservation area.

NOTES

1. Mr Russell Blackhall, participating via Microsoft Teams, spoke against the application.
2. Vote
Councillor Scott, seconded by Councillor Moffat, moved that the application be approved as per officer recommendation.
Councillor Douglas, seconded by Councillor Orr, moved as an amendment that the application be refused on the grounds that the proposals are contrary to Policies PMD2 and PMD5 of the Scottish Borders Local Development Plan 2016 in that the site is not allocated for housing, the scale and density of the proposals are not appropriate for this site, and the erection of a house would result in inappropriate infill development; contrary to Policies EP9 and EP11 of the Scottish Borders Local Development Plan 2016 and Policy 7 of National Planning Framework 4 in that the erection of a house on this site will result in the loss of an area of green space and will not enhance the character of the conservation area.

On a show of hands, Members voted as follows:

Motion – 3 votes

Amendment – 5 votes

The application was accordingly refused.

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 JULY 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00479/FUL

OFFICER: Stuart Small
WARD: Hawick and Denholm
PROPOSAL: Change of use of garage blocks and alterations to form three dwellinghouses
SITE: Garage Blocks, Bothwell Court, Hawick
APPLICANT: Scottish Borders Housing Association
AGENT: Edwards Architecture Ltd

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE:

This application was considered by the PBS Committee on 15 June 2023 where members agreed to continue the application for a site visit, scheduled to take place on Thursday 29th June 2023.

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 3 July 2023.

SITE DESCRIPTION:

The application site is located on the western edge of Hawick around half a mile west of the Town Centre. The site is currently occupied by a forecourt with two blocks of 10 garages. The garages are accessed from Mayfield Drive onto Bothwell Court. The existing garages are of brick construction featuring a pebbledash render. The application site is surrounded by existing residential properties and there are existing pedestrian routes around the garages.

PROPOSED DEVELOPMENT:

This application proposes to convert the existing garages into three residential bungalows for the elderly or those living with a disability. Two 1 bedroom semi-detached bungalows will be created on the north side of the site, each with a floorspace of 50 square metres, and one two bedroom detached bungalow will be created on the south side of the forecourt with a floorspace of 61 square metres.

The existing brickwork of the garages is to be cleaned and re-pointed where required. The proposed new bungalows will feature a single ply membrane roof in dark grey, weatherboard entrance feature, white render walls and black uPVC rainwater goods. The proposed bungalows will be provided with four dedicated car parking spaces and vehicular turning. A bin storage areas are shown to the west of the site.

PLANNING HISTORY:

There is no planning history associated with this site.

REPRESENTATION SUMMARY:

A petition containing 1,198 signatures objecting to the planning application was received. 52 individual letters of objection have also been received. These can be viewed in full on Public Access.

The objection comments raised the following planning issues:

- Contrary to Local Plan.
- Garages are well used.
- Over intensification of the site.
- Poor design.
- Inaccurate plans.
- Inadequate screening.
- Impact on garden boundary wall.
- Unsuitable materials to be used.
- Unsuitable housing for the elderly and people with disabilities.
- Limited access to nearby amenities and facilities.
- Inadequate access.
- Impact on site drainage.
- Fire safety.
- Noise / smell.
- Poor public transport links.
- Loss of privacy / impact on neighbouring amenity.
- Loss of light / overshadowing.
- Loss of parking.
- Loss of view.
- Forecourt used by emergency services.
- Impact on road safety.
- Proposals contrary to Equality Act.

APPLICANTS' SUPPORTING INFORMATION:

- Design and Access Statement
- Parking analysis
- Desktop Site Investigation

DEVELOPMENT PLAN POLICIES:

The development plan currently comprises National Planning Framework 4 and the Local Development Plan 2016.

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 12 - Zero waste

Policy 14 - Design, quality and place

Policy 16 - Quality homes

Policy 22 – Flood risk and water management

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill development
HD1: Affordable and special needs housing
HD3: Protection of Residential Amenity
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance

PAN 61 - Planning and sustainable urban drainage systems 2001;
PAN 79 – Water and drainage 2006;
Affordable Housing 2015
Contaminated Land Inspection Strategy 2001
Development Contributions 2022
Householder Development (incorporating Privacy and Sunlight Guide) 2006
Placemaking and Design 2010
Sustainable Urban Drainage Systems August 2020
Waste management 2015.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Education and Lifelong Learning: No response

Housing Section: No objection

Contaminated Land Officer (CLO): No objection subject to condition. CLO advises that all reports have been submitted in draft form and do not consider the development as currently being applied for. Critically the assessment places reliance upon the fact the sites will be 100% hardstanding however the submitted drawings include for soft landscaping associated with the dwellings. This also fails to consider the lawful use of the site as requires to be considered.

Section 2.1 of the reports recommends further details of the development should be sought from the consultant. This is a critical consideration within the reporting and development of the Conceptual Site Model (CSM) and such information should be accurately reflected in the final reporting. In developing the CSM the nature of the historic site use and the potential uses/ activities undertaken should be considered alongside residual uncertainty. It is assumed activities including vehicle storage, maintenance, and other ancillary activities may have been undertaken which should be considered in the change of use to a more sensitive residential use.

The qualitative assessments presents a risk ranking however it is unclear how this has been arrived at. Commonly such risk evaluation assessments consider probability and consequence. To facilitate review it would be requested the derivation of these

assessments and any methodology used is cited, if this is an in house assessment the basis of this and the associated definitions should be presented. The reports refer to controlled waters although a change in legislation brought about a change in terminology where the use of the term 'controlled waters' is no longer applicable in Scotland. Further consideration should be given to risks to the water environment including identifying receptors.

Roads Planning Service: No objection subject to condition. The amended plan, whilst generally meeting the comments made in the RPS initial response, further improvements to the parking layout to make the spaces more useable could be made. As the north-eastern and south-western spaces are against walls, it would make sense for these bays to be wider. The north-western and south-eastern spaces have room in the turning head and bin storage to open the doors, these could be slightly narrower.

Statutory Consultees

Community Council: General comments. The main thrust of the comments raised by residents was that there remained, in their view, many unanswered questions to queries raised by them. The CC's comments are as follows:

The mono pitched roof construction of the proposals are out of character with the existing traditional concrete tile pitched roofs within both the area of Mayfield and Ramsay Road.

The off-site pre-manufactured panels (modern day pre-fabs) are inconsistent with the traditional constructed houses within the areas of Mayfield and Ramsay Road.

With the amount of empty housing stock in Hawick which are owned by SBHA, HCC considers it may be more beneficial to local building contractors that these houses be reconfigured to provide good quality affordable housing.

As this development is aimed at those living with disabilities and/or older people with limited mobility, the door to the shower room in one of the properties in Bothwell Court and all the properties in Ramsay Road should open out for easy accessibility and not as shown on the plans (entering inwards).

Looking at parking at both sites, there is one single parking place allocated to each property, and it is suggested that all parking should be disabled, thus giving more space for disabled/elderly to exit their cars. This would however result in a problem, as there is not considered to be enough space to accommodate this observation, and this should have been looked into at the design stage.

As this development is for older, infirm people, there is also no provision for parking for carers or visitors, resulting in parking in adjoining streets.

Given that the entrances to both sites (shown grey on the plans) are not adopted by SBC, it would then be up to SBHA to clear the entrances in snowy/icy conditions – the CC query if this is going to be the case.

Looking at the location of both developments, accessibility to the local bus network (H1 and H2 service) is very poor, with no immediate access to a bus stop at either location. Given that these homes are for the older person, the CC would consider that this would be a priority.

The statement 'integrated into existing communities' is misleading as the development at Ramsay Road is at the edge of the existing development, at the end of a cul-de-sac, with no outlook from any of the proposed properties, which we feel would be very constricting.

The CC suggest that as these proposed developments are for the older person, with or without a disability, and if the proposal was granted that a condition of planning should be added that they are for that purpose only.

Scottish Water: No objection, advice provided on establishing water connection.

KEY PLANNING ISSUES:

- Whether the principle of development would comply with Policy PMD5 of the Local Development Plan and Policy 9 of NPF4;
- Landscape and visual effects;
- Impacts on neighbouring amenity;
- Road safety and parking impacts;
- Whether the development would be adequately serviced.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the development boundary for Hawick and so must be assessed principally against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. 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.

The proposed site is within the development boundary of Hawick and the established land use in the surrounding area is solely residential. An additional 3 residential bungalows would not detract from the character or amenity of the surrounding area. It is a relatively small site for three new dwellings but given the scale and massing of the proposed units they will sit comfortably within the surrounding area. The design of the new dwellings would be different from the surrounding housing stock although given the modest nature of the new dwellings and their size this should not detract from the character of the area. Parking issues have been the matter of discussions with the RPS despite revisions to the layout but RPS are satisfied that this can be dealt with by condition. Services would not be affected adversely although conditions are recommended. The development would not impact significantly upon the amenity of

adjoining properties although this is considered in more detail later in the report. Given the proposed development would appear to comply with the above criteria, the development considered to be in accordance with the principal aims of policy PMD5.

Policy 9 of NPF4 supports development proposals that will result in the sustainable reuse of brownfield land and buildings. The leases on the existing garages have ended and now sit vacant, the proposed redevelopment of the site would allow for this site to be restored to full use in the form of three new homes for the elderly or those living with disability.

The principle of development is agreeable when applying Policy PMD5 of the LDP, and Policy 9 of NPF4. As a result, the key considerations for this application will be whether the additional impacts (discussed below) posed by this proposal are acceptable.

Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

The applicant has submitted a Design and Access Statement which states that the proposal will convert the existing two blocks of garages into three innovatively designed residential bungalows. The proposal will utilise existing walls of the garages in the creation of the proposed dwellings to allow them to sit comfortably into the existing urban grain. The proposed dwellings would sit marginally higher than the existing garage walls but as they are single storey properties the height increase would not be significant. The roofs of the proposed dwellings would be mono-pitched to create a 'saw-tooth arrangement'. The proposed design of the bungalows whilst different to the surrounding character of the area is not considered to be harmful. The existing garages are dated and the replacement dwellings would improve the visual appearance of the site.

In order to comply with Development Plan Policies and the "Placemaking" SPG, any layout and density would have to be appropriate to their surroundings and be compatible with, and respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, instead the importance of interest and variety is stressed. As the proposed application would replace two blocks of 10 garages the density of the site would not be intensified significantly and it is considered that the proposed new dwellings would sit comfortably within the site and not constitute overdevelopment. The layout and density complies with the Local Plan Policies and Guidance in that that it would not be inappropriate for the area nor would it cause any demonstrable harm to the surrounding residential area. For that reason, the proposal is considered to be compliant with the Local Development Plan Policies, NPF4 Policies and the relevant guidance on placemaking and design.

Neighbouring Amenity

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 also states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Furthermore,

Policy 16 of NPF4 provides guidance in relation to the impact of new development on neighbouring residential amenity.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties. The Supplementary Planning Guidance seeks to prevent any loss of privacy from new developments and requires a minimum of 18m between windows directly opposite to prevent any overlooking.

The proposed garages are located in close proximity to existing residential properties in Bothwell Court and the roofs of the proposed new dwellings are slightly higher than the existing roofline of the garages. It is considered that the marginal increase of the roofs of the proposed dwellings will not result in a material loss of light to existing neighbouring properties to the detriment of residential amenity.

In terms of privacy, the proposed new dwellings are located within close proximity to existing properties in and around Bothwell Court but all of the windows on the proposed new units are located on the front elevations apart from the rear bedroom window of the 2 bedroom bungalows. This rear bedroom window will be positioned at a high level in the gable to mitigate the potential for any overlooking.

In terms of any overlooking and loss of privacy of proposed dwellings it is acknowledged that there will be window to window overlooking of principal rooms below the minimum 18m distance referred to in our SPG. However, these privacy standards may not be appropriate for all situations and will be best determined by the local context. Given the proposed use of the dwellings by the elderly or those with disabilities it is felt that reasonable level of passive surveillance would be acceptable in this case.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns and will comply with Policies 16, PMD5, HD3 of the development plan.

Vehicular Access, Road Safety and Parking

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Vehicular access would be from the existing access point to the garages from Bothwell Court. The Roads Planning Service have suggested improvements can be made to the parking layout to make the spaces more usable. They have suggested a condition be added requiring further details of the parking area to be submitted and approved prior to development commencing.

Roads Planning Service are satisfied that no road safety issues will arise as a result of the development and that any additional parking that may be required for the dwellings can be accommodated on the neighbouring street network.

During consideration of the application at the June meeting of the PBS Committee, RPS advised that the road serving the garages at Bothwell Court is adopted as a public road to its extremity at the east end where it joins with an adopted footpath. This path links with another adopted road known as Wallace Court. At present, the road

adjacent to the existing garages is a shared surface road for its whole width in that vehicles are able to drive on it and pedestrians use it as a connecting route. It is acknowledged in objections that the eastern end of the road is currently used as a drop-off for disabled access to properties and occasionally for access for emergency services. Alternative pedestrian routes are restricted by the presence of steps. Third parties are concerned that the current proposal will prevent vehicular access to the eastern end of the road.

RPS have advised that a redetermination of right of passage order would be required for the existing road if, following redevelopment of the site, vehicular access would not be available. In light of concerns raised by objectors to this planning application, objections could also be submitted in relation to the right of passage order application.

RPS recommend that the area shown in pink on the Proposed Site Plan should be retained as a shared surface public road. This area needs to change so that it appears as a pedestrian dominant community space which discourages vehicle movement, but does not preclude it. A detailed design for this area is required. This can be covered by condition and applicant informative.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required. The CLO has assessed the proposal and requires further investigations to be carried out, however the CLO has confirmed that this can be secured via planning condition.

Waste

Policy 12 of NPF4 requires residential development proposals to provide information on the storage and management of waste. The proposed site plan shows two discreet areas for bin storage on the site. This will provide ample storage for waste on site.

Water and Drainage

Policy IS9 of the LDP states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system. Policy 22 of NPF4 states that development proposals will manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer.

The water supply would be from the Scottish Water mains supply and foul water drainage would be to the foul sewer. Scottish Water confirmed in their consultation response that there is sufficient capacity at this time.

Conditions would secure mains water supply and foul drainage and surface water drainage via SUDS.

Ecology

There are no ecological designations affected, nor ecological impacts requiring an assessment. Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include planting and/or bird/bat boxes as appropriate.

Development Contributions

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. The Design and Access Statement states that the proposed development will provide housing for older people and those living with a disability. Our Housing Strategy Officer has confirmed that this scheme is identified in the Council's current SHIP 2023-2028. The Registered Social Landlord will be Scottish Borders Housing Association. To satisfy Policy HD1 a planning condition will be placed on the application to ensure that the development does not become unrestricted open market housing.

CONCLUSION

Subject to compliance with the schedule of conditions and informatives, the development will accord with the relevant provisions of the National Planning Framework 4 and 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 the following conditions and informatives:

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 proposed residential units shall meet the definition of "special needs housing" as set out in the adopted Local Development Plan 2016 and any accompanying Supplementary Planning Guidance 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.
Reason: The permission has been granted for special needs 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 affordable housing and local schools.
3. 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.
4. No development shall commence until a scheme of details has first been submitted to and approved in writing by the Planning Authority showing precise details of the proposed parking area and shared surface community space (shown hatched pink on the approved site plan). Thereafter the parking area and shared surface community space shall be constructed as per the approved scheme of details and be fully implemented prior to the occupation of the first dwellinghouse hereby approved, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the parking area and community space is formed to an appropriate standard.

5. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses hereby approved, and no water supply arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
7. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses hereby approved
Reason: To ensure that the development does not have a detrimental effect on public health.
8. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses hereby approved.
Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.
9. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.
Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

Informatives

1. The north-eastern and south-western parking bays should be 3m wide, with the north-western and south-eastern bays being 2.5m wide. This will allow for the parking bays to be more easily used by people with mobility issues.
2. In relation to Condition 4 above, the shared surface community space shall be retained as a shared surface public road. This area should appear as a pedestrian dominant community space which discourages vehicle movement, but does not preclude it.

DRAWING NUMBERS

Plan Ref

Location Plan
21045 - HUSK - PL - DR - 01 - A - 0005 - P01
21045 - HUSK - DR - EX - 01 - A - 2000 - P01
21045 - HUSK - EX - DR - 01 - A - 0005 - P01
21045 - HUSK - PL - DR - 01 - A - 0003 - P01
21045 - HUSK - PL - DR - 01 - A - 0300 - P05
21045 - HUSK - PL - DR - 01 - A - 1001 - P01
21043 - EARCH - PL - XX - DR - A - 0851 - P01
21043 - EARCH - PL - XX - DR - A - 0850 - P01
21045 - HUSK - PL - DR - 01 - A - 0501-P06

Plan Type

Location Plan
Location Plan
Topographical Survey
Existing Site Plan
Existing Elevations
Proposed Elevations
Proposed Boundary Plan
Daylight Assessment Existing
Daylight Assessment Proposed
Proposed Site Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing 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.

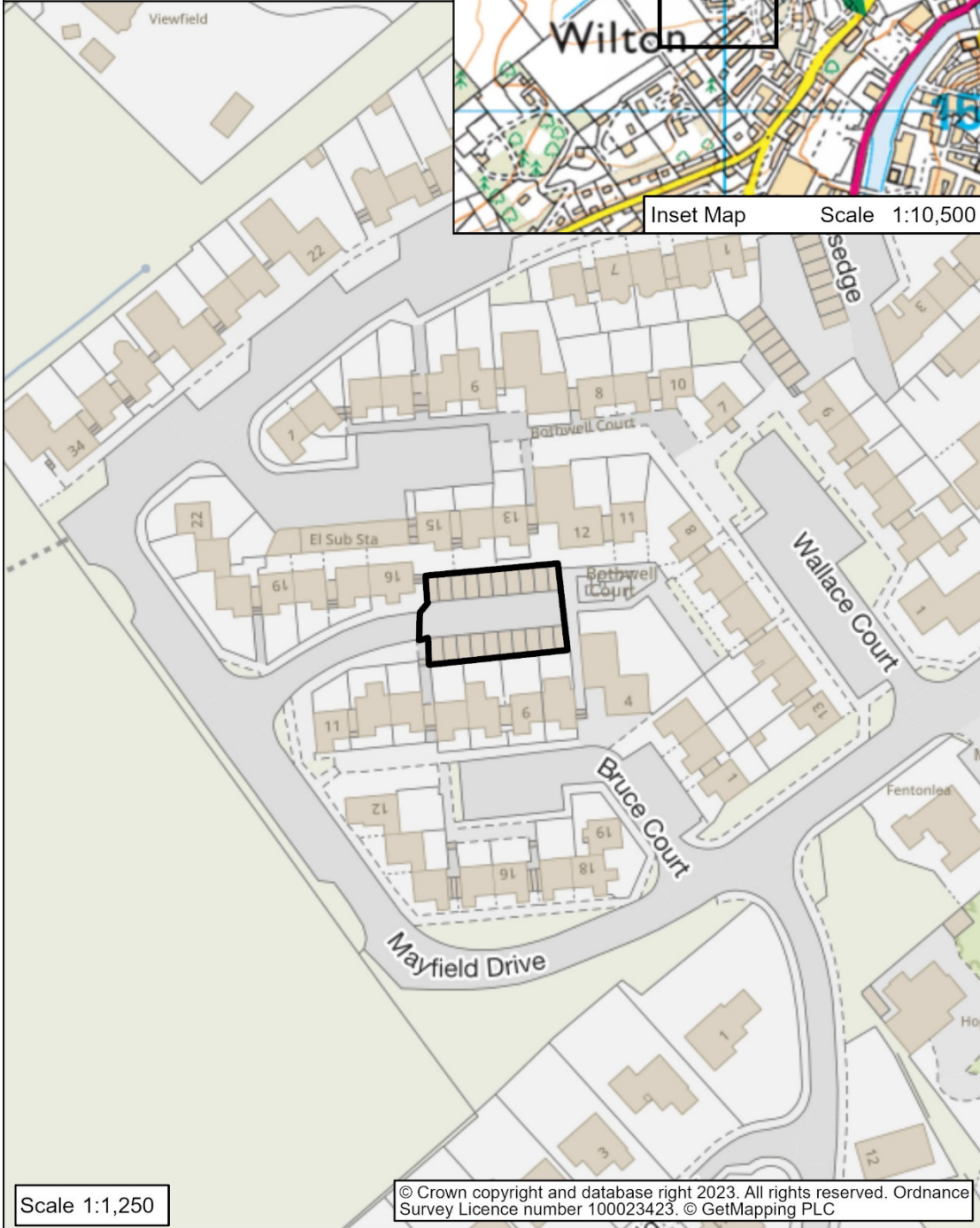
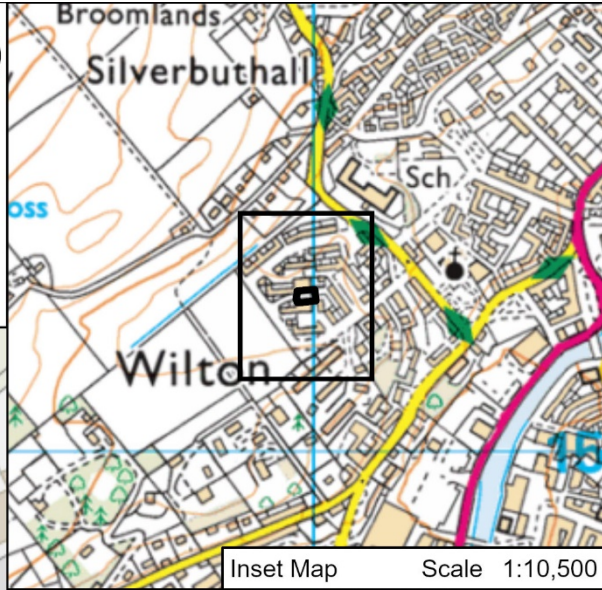
Author(s)

Name	Designation
Stuart Small	Assistant Planning Officer



23/00479/FUL

Bothwell Court Hawick



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 JULY 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01588/FUL & 22/01587/LBC

OFFICER: Alla Hassan
WARD: Hawick and Denholm
PROPOSAL: Reinstatement, alterations and extensions to dwellinghouse
SITE: Cavers House
APPLICANT: Ms Julie Sharrer
AGENT: CSY Architects

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE:

Both applications were considered by the PBS Committee on 15 June 2023. Members agreed to defer determination of the applications until they had visited the site. The applications were subsequently continued and a site visit scheduled for Thursday 29th June.

PLANNING PROCESSING AGREEMENT:

A planning processing agreement is in place to allow the application to be determined by 10th August 2023.

UPDATE REPORT

Since the applications were considered at the PBS meeting on 15 June 2023, it has been brought to our attention that European protected species may be occupying the site. The Council's Ecologist has advised that further surveys, including terrestrial and eDNA surveys of the pond should be carried out pre-determination. The applicant's agent has been made aware and has been asked to carry out the relevant surveys. At the time of writing the update report, survey reports/findings have not been submitted and further consultation with SBC's Ecologist have not taken place. A verbal update will be provided at the meeting.

SITE DESCRIPTION

The application site is a Category B listed building which is currently a ruin and is identified on the Buildings at Risk Register. It is accessed via a private track and there are a number residential dwellings to the north.

The site is subject to the following site constraints:

- Core Path (DENH/128/3)
- Situated within the Teviot Valleys Special Landscape Area
- Within an archaeologically sensitive location
- Parts of the site are at risk of surface water flooding
- Parts of the woodland subject to a Tree Preservation Order

- The River Tweed Special Area of Conservation (SAC) and Site of Scientific Interest (SSSI) located approximately 1.5km to the west of the site.
- Kirkton Burn Meadow SSSI approximately 1.2km to the south of the site

PROPOSED DEVELOPMENT

Full Planning Permission and Listed Building Consent is sought for the restoration, adaptation and extension of Cavers House, upgrades to the surrounding landscape, provision of parking and associated/ ancillary works.

The design and use of the proposal has been amended to address concerns raised by the case officer and internal consultees. The initial proposal was for a Class 7 use (Hotel, bed and breakfast or hostel). This has now been revised to Class 9 (house) only.

This report covers both applications.

DETERMINATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

The applications require to be determined by the planning committee under the Council's scheme of delegation as a substantial body of opposition exceeding five objections from separate households has been received.

PLANNING HISTORY

21/00937/LBC – Works to restore 13th century piscina located within the ruins of Cavers House – application withdrawn

21/00936/FUL – Change of use of forestry land to increase area of garden ground, erection of a temporary welfare building and associated access road – application withdrawn

REPRESENTATION SUMMARY

A total of 92 representation letters across both applications have received. Some of those were from the same households/persons received during several rounds of consultations. The principal grounds of objection can be summarised as follows.

- Adverse impacts on residential amenities
- Inadequate access/ road safety
- Increased traffic
- Lack of sufficient parking
- Harmful to the listed building
- Harmful to trees and landscape
- No water supply
- Track ownership disputes
- B&B/ commercial development inappropriate
- Lack of business plan to support B&B/ commercial use
- Poor design
- Harmful to local ecology
- Potential land contamination

Twelve letters of support were also received raising the following points:

- Proposal helps to safeguard and important building
- Will benefit the local economy and local area

- Legal matters over access are not material considerations

In addition, 1 general comment was received confirming that part of the site is subject to an active conditional felling permission.

APPLICANT'S SUPPORTING INFORMATION

In support of the application, the following were submitted:

- Design and access statement
- Traffic management plan
- Arboricultural impact assessment
- Historic landscape appraisal
- Woodland management Plan
- Conservation statement and heritage impact assessment
- Ecology assessment
- Structural appraisal

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4 (NPF4)

Policy 1 – Sustainable places

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 6 – Forestry, woodland and trees

Policy 7 – Historic assets and places

Policy 9 – Brownfield, vacant and derelict land and empty buildings

Policy 12 – Zero waste

Policy 13 – Sustainable transport

Policy 14 – Design, quality and place

Policy 16 – Quality homes

Policy 17 – Rural homes

Policy 20 – Blue and green infrastructure

Policy 22 – Flood risk and water management

Policy 29 – Rural Development

Scottish Borders Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality standards

HD2 – Housing in the countryside

HD3 – Protection of residential amenity

EP1 – International nature conservation sites and protected species

EP2 – National nature conservation sites and protected species

EP3 – Local biodiversity

EP5 – Special Landscape Areas

EP7 – Listed Buildings

EP8 – Archaeology

EP13 – Trees, woodlands and hedgerows

IS2 – Developer Contributions

IS5 – Protection of access routes

IS7 – Parking provision and standards

IS8 – Flooding
IS9 – Waste water treatment standards and SUDS
IS13 – Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Development Contributions (2011) Updated 2023
Landscape and Development (2008)
Local Landscape Designations (2012)
Sustainable Urban Drainage Systems (2020)
Trees and Development (2020)
Waste Management (2015)
Placemaking and Design (2010)
Guidance on Householder Development (2006)

CONSULTATION RESPONSES:

Please note that full responses have been published online but for the purposes of brevity; consultee responses are summarised below.

Scottish Borders Council Consultees

Heritage and Design Officer: No objections however design amendments requested with respect to the following:

- Design development required for the junction between the north elevation and fourth storey / roof terrace.
- Design development required to the battlement walkway (removal of glazed balustrade).
- Confirmation of approach to gate piers, well, steps and any other surviving features within the grounds.
- Confirmation of current condition and nature of ha-ha and proposed works to ha-ha (could be conditioned if required).
- Improved door design to door within the bow
- Transoms should be retained where these exist

The applicant has revised the scheme in line with the aforementioned comments. The amended proposal is considered to be acceptable and further details can be adequately controlled via condition. As a result, no objections are raised subject to conditions.

Archaeology Officer: No objections subject to conditions and informative

Roads Planning Service: No objection to the principle of development however, additional information was requested with respect to the provision of parking, a Traffic management Plan, proposed improvements to the access and confirmation that these works can be carried out on land out with the applicants control. The applicant has addressed the outstanding matters to the satisfaction of the roads officer and therefore no objections are raised subject to conditions.

Outdoor Access Officer: Initially requested further information with respect to non-vehicular use, signage and additional details of surfacing and boundary treatment to the core path. The applicant has provided this to the satisfaction of the outdoor access office therefore no objections raised subject to an informative.

Landscape Architect: Initially requested further information/ clarification in the form a detailed inventory and appraisal of the historic landscape and remaining features, the submission of a tree survey (including an Arboricultural Impact Assessment (AIAI) and a Woodland Management Plan. Those have been submitted to satisfaction of the landscape architect and therefore no objections are raised subject to conditions.

Ecology Officer: A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. This confirmed the main following points:

- Signs of badgers found near the site boundary
- Site has negligible suitability for roosting bats however the habitat is suitable for commuting and foraging bats
- Structure provides limited opportunity for breeding birds although woodpigeon nests were identified in cervices
- Shed appears to be used as perch by Barn Owls
- Trees and habitats suitable for reptiles and amphibians, although no evidence was found

Following this, the Ecology officer raised no objections but requested the submission of an Arboricultural Assessment in relation to the proposed tree removal. This has been provided by the applicant and considered by the Ecologist. No objections are raised subject to conditions and informative.

Environmental Health Service: No objections subject to condition

Contaminated Land Officer: No objection subject to condition

Flood Officer: No objections

Statutory Consultees

Denholm and District Community Council: Objected to both the original and revised proposal, mainly on the following grounds:

- use of single track road to access and serve the site to the proposal, which is not owned by the applicant
- disruption and inconvenience to neighbours and track users
- lack of visibility on track will adversely impact road safety

Historic Environment Scotland: Supportive of application

Architectural Heritage Society of Scotland: No reply

Scottish Civic Trust: No reply

Scottish Water: No objections

Non-Statutory Consultees

The Society for the Protection of Ancient Buildings (SPAB Scotland): Objected to the overall form, scale and detailing of the proposed extensions which are considered to be harmful to the special interest and significance of the tower and its setting.

KEY PLANNING ISSUES:

The key planning issues with these applications are whether the proposed development constitutes appropriate development in accordance with the National planning Framework (NPF4) Local Development Plan 2016, particularly as regards to roads safety, access, siting, scale, form and design of the development; and impact on the listed building.

ASSESSMENT OF APPLICATION:

Policy Principle

Policy 9 of the NPF4 is supportive of the reuse of brownfield derelict land and buildings. Policy 17(viii) also supports the reinstatement of former dwellings. The principle of the proposal is therefore considered to be acceptable at the national level. This is further reflected in Policy HD2(d) of the Local Plan which supports the restoration of houses provided that its overall design is acceptable to the host building and wider landscape setting. Consequently, the principle of a residential dwelling is supported; however it is considered vital that a condition strictly controlling its use solely as Class 9 is attached to any forthcoming consent.

Design and Impact on the Listed Building

The application site is a part-demolished Category B listed towerhouse, constructed of sandstone of varying sizes with a mix of squared rubble and random rubble with ashlar quoins. Some sections have been altered with brickwork. The remaining structure consists of a basement and five upper floors. There is no roof and the interior structure is no longer evident.

The supporting Conservation Statement confirms that the existing structure is of evidential, historical, aesthetic, socio-economic and archaeological value. It has been subject to numerous changes over time therefore much of the original evidential fabric has been lost or modified through time.

The proposal has been submitted following an earlier pre-application undertaken by the applicants in December 2020. The proposal involves significant works to retain and extend the ruin including; the refurbishment of the tower and Georgian building remains, the addition of extensions to the north and south (one more traditional and the other hybrid/ contemporary) and the reinstatement of associated landscaping including the reconstruction of walled gardens. Traditional material palette is proposed which consists of restoring and repairing existing stone, harling, slate roofs and timber fenestration details. The supporting structural appraisal confirms that the existing structure can be adequately repaired, structurally strengthened and incorporated into the proposed refurbishment scheme

It is accepted that the proposed extensions are substantial and will change the character and appearance of the existing building. However, the proposals have been amended and are now in line with the Heritage and Design Officers' initial comments. The revised scheme is now considered to be acceptable and details in relation to materials, methodology and repair schedule and their potential implications can be suitably controlled via condition. It is considered that the proposals will positively contribute to the historic evolution of the building. The alterations and extensions have been sensitively designed, including contemporary architecture, helping to improve its legibility and securing its long-term viability. As amended, the proposals will conserve, protect and enhance the character, integrity and setting of the listed building, compliant with the aims of Policy EP7 of the LDP and Policy 7 of NPF4.

Road safety and parking

The site is accessed via a private track that lies outwith the ownership of the applicant. The roads officer has been consulted on the proposal and no objections were raised to the principle of development. However, additional information was requested with respect to the provision of parking, a Traffic Management Plan, proposed improvements to the access and confirmation that these works can be carried out on land outwith the applicant's control.

As noted above under representation, the majority of the objections received were on the grounds of inadequate/unsafe access and an unacceptable increase in the level of traffic. Furthermore, concerns were also raised that the applicant does not have any rights/ ownership to upgrade the track, as part of the remedial works needed to provide a satisfactory access.

It should be noted that matters regarding ownership and rights of access are not strictly planning matters afforded full weight in the decision making process. Legal rights of access and ownership would normally fall outwith the realms of planning. However, in this case, for the proposed development to be considered favourably, improvement works to the existing access are required to provide an adequate access. This would involve land outwith the applicant's ownership, and failure to deliver the required level of improvements could prejudice implementation of the whole development.

Consequently, reasonable assurance is needed that upgrades to the access which include; the widening and tarmacking of the access and trimming back overhanging branches to provide adequate visibility can be implemented and secured via conditions. This must meet the 6 tests of enforceability as set out in the Planning Circular 4/1998 (the use of conditions in planning permission). The applicants have provided a solicitor's letter (originally submitted for a previous application on the site) confirming that they have a legal right of access, and to carry out some works for its upgrade.

On that basis, it is considered that there is a reasonable prospect that the required level of road improvements can be implemented. Precise details of the extent of works required to improve the access can be secured via an appropriately worded suspensive planning condition requiring the works to be carried out before development commences. Provided the works required by RPS are carried out in a satisfactory manner, there will be no harm in terms of vehicular access or road safety as a result of the proposed development.

With respect to parking, there is ample space for the provision of four car parking spaces turning. This will ensure adequate parking and turning is available, in accordance with the standards set out in the LDP.

On balance, and following receipt of legal confirmation of the applicant's right to carry out some upgrading works to the track, it is considered that the proposal will not have an unacceptable adverse impact on road safety or parking.

Outdoor Access

The access track to the site is classified as a Core Path (128). The tarmac track, including verges is currently used by non-vehicular path users. As noted above, a large number of objections were received on the grounds of making this access unsafe to existing users. The Outdoor Access Officer has been consulted on the proposal and did raise initial concerns that the tarmac track may result in less room for walkers, cyclists and horse riders. However, the applicant has provided further clarification on this matter, confirming that the access will be maintained and additional signage will be added to improve its legibility. The Outdoor Access Officer is satisfied with this approach subject an informative reminding the applicant that the access must remain for public use.

Residential Amenity

Due to the siting of the proposal and considerable distances to the nearest neighbours. There are considered to be no significant adverse impacts in terms of overlooking, loss of privacy, daylight, sunlight, or overshadowing. However, it is acknowledged that there will be an increase in noise and activity generated by the comings and goings of the future occupants of the proposal and construction workers during the construction phase.

The supporting Traffic Management Plan states that the construction period will be approximately 18 months and there will be a maximum of 50 workers at peak times. Whilst it provides some mitigation measures to minimise adverse impacts on amenities and users of the path, it is considered important that a detailed construction Method Statement is submitted and approved, prior to development. Additionally, a condition will also be attached to restrict construction work times.

Subject to compliance with the terms of the suggested conditions, the proposals are considered to have an acceptable impact on the residential amenity of nearby properties.

Archaeology

The remains of the standing tower house are of national significance with significant archaeological evidential information. As noted by the archaeology officer, archaeological finds/ and or deposits will be present and therefore formal historic building recording will be required of those remains, the new walled garden and the renovation and repair of the ha-ha boundary feature. Furthermore, with respect to the debris and below-ground work of the house and immediate area, a programme of archaeological works will also need to be carried out. Such matters can be sufficiently conditioned with any forthcoming consent. This will ensure full compliance with development plan policies covering archaeology and the historic environment.

Ecology

The Preliminary Ecological Assessment submitted identifies that the site as providing low suitability to support protected species, and sets out recommendations for the site's ecological enhancement. The Ecology Officer has reviewed the supporting information and requested an Arboricultural Assessment due to the removal of some of the trees. This has been provided and the Ecology officer is satisfied that there will be no adverse impacts on local biodiversity as a result of the proposal subject to conditions and informative.

It is also considered that the nearby Site of Special Scientific Interest and Special Area of Conservation, including their qualifying features, will not be at risk from the proposed development.

Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include additional planting and/or bird/bat boxes as appropriate.

Trees, landscaping and visual impacts

The site consists of tree groups and woodlands whereby some are subject to a Tree preservation Order (SBC33). The applicant has submitted an Arboricultural Impact Assessment Woodland Management Plan and Historic Landscape Appraisal in support of the application. Those have been reviewed by the Arboricultural officer who is satisfied that the only a modest number of trees will be removed to accommodate the proposal. Furthermore, the trees covered by the TPO will not be adversely affected by the proposal.

Consequently, subject to the attachment of conditions, the proposal will have an acceptable impact on the existing trees woodlands, biodiversity and the wider Special Landscape Area.

Services

The application form states that the proposal will be connected to the mains water supply but foul drainage will be via a new septic tank, discharged to land via a soakaway.

Scottish Water have raised no objections and confirm that there is sufficient capacity to in the Robertson Treatment Works to service the development. However, there is no waste water infrastructure in the immediate vicinity.

The Environmental Health Officer has been consulted on the proposal and has raised no objections to the proposed drainage arrangement. Notwithstanding this, a condition will be attached requesting written confirmation from Scottish Water that the development can be adequately serviced. Additionally, a condition is also recommended, requesting further details of the foul drainage strategy, to ensure that there are no adverse impacts to public health as a result of the proposal. Surface water drainage shall follow sustainable drainage techniques and can also be covered by condition.

Flood risk

The Council's internal planning mapping records indicate that parts of the site are prone to surface water flooding. The vulnerable areas only relate to small section of the northern and south western boundaries. The Council's flood officer has no objections to the proposed development. The development is considered compliant with relevant development plan policies covering flooding.

Land Contamination

The application site appears to have been previously used by the military and is therefore potentially contaminative. Consequently, the contaminated land officer has requested that a pre-commencement condition requiring investigation, and where required remediation. On that basis, there are considered to be no adverse impacts on land contamination as a result of the proposal.

Waste storage

There is considered to be ample space within the curtilage of the proposal to accommodate refuse storage. Notwithstanding, a condition is recommended, requiring precise details to be submitted and approved.

Contributions

A legal agreement will be necessary to secure financial contributions towards Denholm Primary School in order to comply with Policy IS2.

CONCLUSIONS

Subject to a legal agreement, conditions and informatives the development will accord with the relevant provisions of the Development Plan and there are no material considerations that would justify a departure from these provisions. Furthermore, and subject to conditions, it is considered that the development will not detract from the special architectural and historic interest of the Listed Building.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

22/01588/FUL

I recommend the application be approved subject to a legal agreement and the following conditions and informatives:

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. The use of the development hereby permitted shall fall within Use Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, and no other use shall be permitted unless further written consent is obtained from the Planning Authority.
Reason: to allow the Planning Authority the ability to exercise control future intensification of the application site.
4. 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 EP3 and NPF4 policy 3.
5. Prior to commencement of development, a Species Protection Plan for badgers shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
6. Prior to commencement of development, a Species Protection Plan for breeding birds and barn owls shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority 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.
8. No development shall take place unless in strict accordance with the tree protection measures and Method Statement contained in the Arboricultural Impact Assessment (TD Tree & Land Services Ltd, March 2023).

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.

9. Only the trees identified on site (as per approved Arboricultural Impact Assessment) and agreed in writing by the Planning Authority shall be removed.

Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.

10. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which shall be first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. Details of proposed tree planting (including species, sizes, indicative numbers) which is referred to but not detailed at Item T1 of the Operations Schedule 2023-2028 Woodland Management Plan
- ii. Details of all fencing and boundary treatment
- iii. Details of all surfaces

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

11. No development shall take place except in strict accordance with the Woodland Management Plan. All works, amendments and updates to the plan must be agreed in writing by the Planning Authority and thereby implemented.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

12. 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.
- 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.

13. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

This should include historic building recording and evaluation work, but it may not be limited to these aspects alone;

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

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. 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.

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.

Reason: To preserve by record a building of historical interest.

16. No development shall commence until precise engineering details for the upgrading of the access route (to include construction and visibility) have first been submitted to and approved in writing by the Council. Thereafter, the agreed upgrading works to the access track shall be completed in accordance with the agreed details prior to the commencement of development hereby approved.
Reason: To ensure the access route is suitable for the anticipated vehicular traffic generated by the development hereby approved.
17. The parking area and access specified on the approved site plan shall be implemented prior to the occupancy of the dwellinghouse and subsequently retained free from obstruction for the parking of four vehicles in perpetuity thereafter.
Reason: To ensure the provision of adequate off-street parking.
18. Before any works commence a scheme shall be submitted to and approved in writing by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in accordance with BS.5906. The approved scheme shall be implemented upon occupation of the development and thereafter retained.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse.
19. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
20. The development hereby permitted shall not be commenced before a fully detailed foul drainage strategy, demonstrating that there will be no negative impact to public health has been submitted to and approved by the Planning Authority.
Reason: in the interests of public health.
21. No development shall commence until detailed proposals for surface water drainage have first been submitted to and approved in writing with the planning authority. The dwellinghouse hereby approved shall not be occupied until the approved surface water drainage arrangements are installed. All hardstanding areas shall be drained by means of porous surfacing, or drained to a permeable or porous area or surface within the application site. All drainage measures shall be maintained in perpetuity in order to manage surface water run-off within the site.
Reason: To ensure surface water is sustainably managed.
22. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development.
23. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.
Reason: To ensure satisfactory form of development.

24. Construction or remediation work comprising the use of plant, machinery, or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of residential amenity.
25. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall include:
- Details of sequence of operations
 - Details of segregated pedestrian walkway
 - Site delivery management and frequency
 - Site waste management
 - Site lighting during
 - Noise dust and dirt mitigation measures
- Reason: In the interest on residential amenities, road safety and public access to core path.

Informatives

1. 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 ALGAO Scotland Historic Building Recording Guidance can be found at; [ALGAO Scotland Buildings Guidance 2013.pdf](#).
3. The responsibility of any tree works identified lies with the land owner. Any constraints in relation to trees, such as felling licences, should be applied for through the relevant Government Body. All tree works will be carried out by qualified arborists in accordance with British Standard BS3998:2010.
4. With regards to Condition 16, the required engineering details should include the proposed construction makeup, clarification over which area this is to be implemented, areas where vegetation is to be trimmed back to provide adequate visibility and areas where widening is to be provided to allow vehicles to pass within the carriageway.
5. Core path 128 is on the shared use tarmac road and corridor and includes the verge of the route. Core Path 128 is outwith the curtilage of a residential property. Public rights of access apply for non-vehicular path users on the Core path. There is public interest for recreation to use the Core path and woodland area to access locations where it is possible to view the outside of the derelict building of Cavers House.

22/01587/LBC

I recommend the application be approved subject to compliance with the following schedule of conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until the following have been submitted to and approved in writing by the planning authority:
 - a) Schedule, with methodology and specifications, for repairs to existing fabric at Caver House, the walled garden and other landscape features
 - b) Details of internal wall finishes, including materials (which shall be vapour open) and treatment of historic features.
 Thereafter, no development shall take place except in strict accordance with the approved details.
 Reason: To ensure satisfactory preservation of this Listed Building

3. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.
 Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which preserves the Listed Building

4. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.
 Reason: To ensure satisfactory preservation of this Listed Building

DRAWING NUMBERS

9430/0-LP	Location Plan
9430-3.02 Rev A	Existing Site Plan
9430/3-15 Rev A	Existing floor plans
9430/3-17 Rev A	Existing Elevations
9430/3-18 Rev A	Existing 3D views
9430/3-19 Rev A	Proposed plans 1
9430/3-20 Rev A	Proposed plans 2
9430/3-22 Rev A	Proposed Elevations
9430/3-21 Rev C	Proposed Roof Plan
9430-0-PL-02C	Proposed Site Plan
9430/3-23 Rev A	Proposed Sections
9430/3-24 Rev A	Proposed 3D views
9430/3-25 Rev A	Contextual Elevations 1
9430/3-26 Rev A	Contextual Elevations 2
9430/3-27 Rev A	Walled Garden
9430/3-28 Rev A	Proposed Owl House
Drawing 1	Plan of Wooden Fingerposts

Reports

Cavers Castle Traffic management Plan dated 22.02.2023
 Arboricultural Impact Assessment dated March 2023
 Historic Landscape Appraisal dated March 2023
 Woodland Management Plan 2023-2028
 Conservation Statement dated September 2022
 Preliminary Ecological Assessment (PEA) dated September 2021
 Structural Appraisal dated September 2022

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

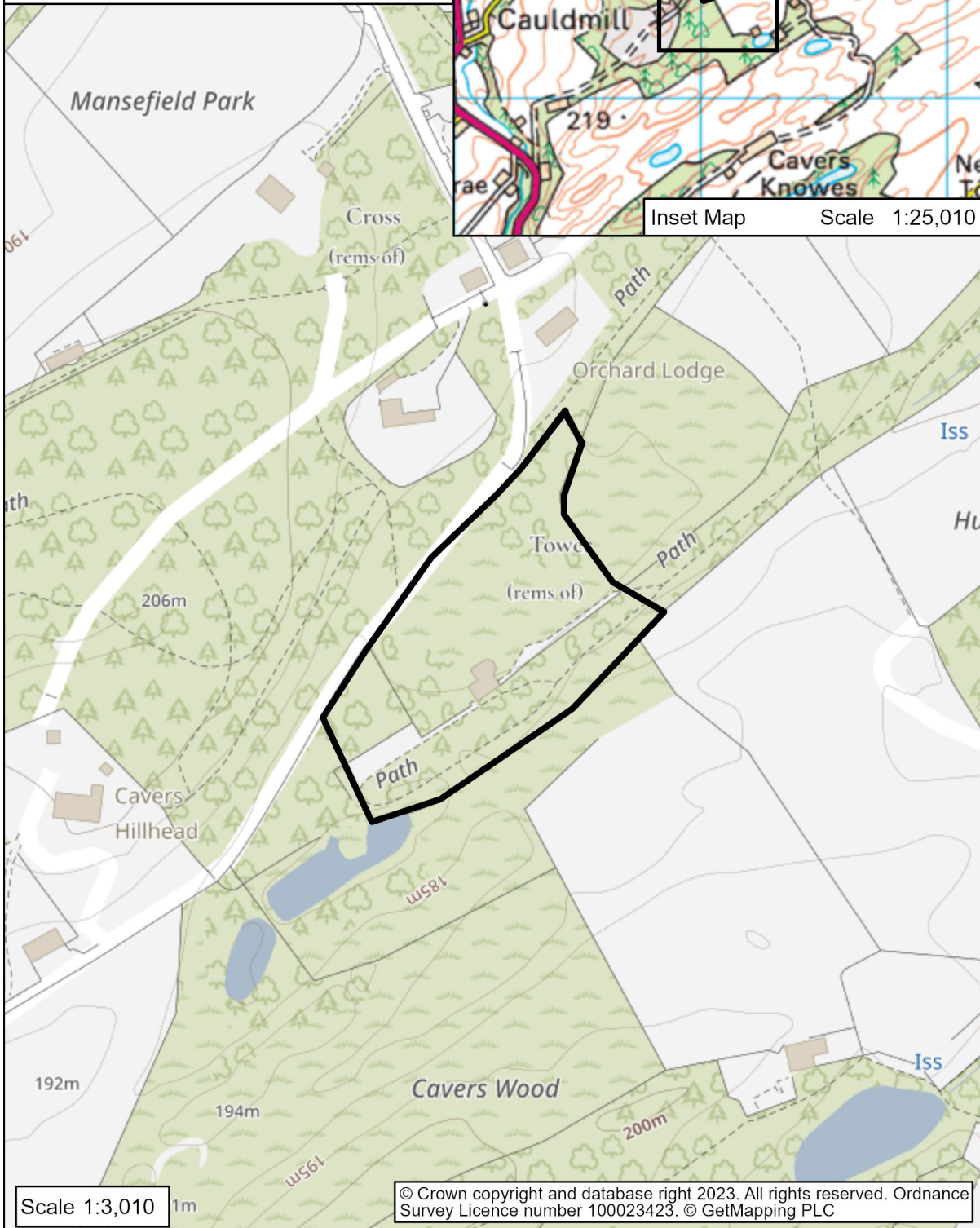
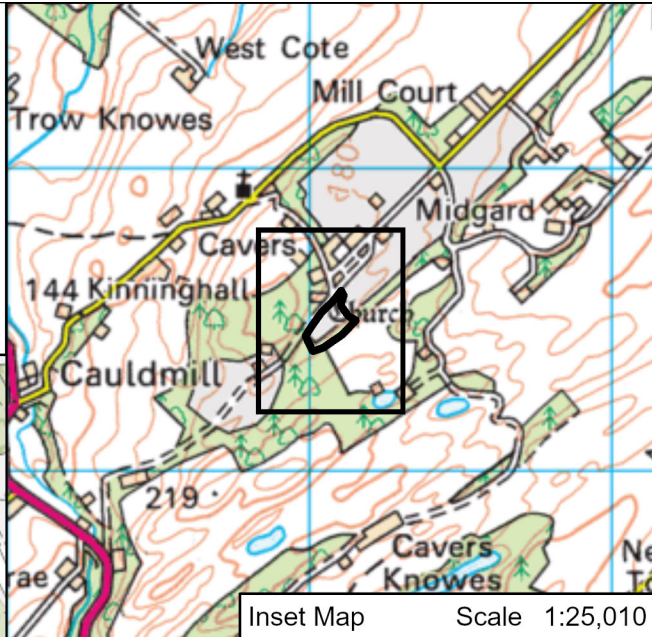
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Alla Hassan	Assistant Planning Officer



22/01587/LBC & 22/01588/FUL
Cavers House, near Hawick



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 JULY 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01887/FUL

OFFICER: Mr Craig Miller
WARD: Tweeddale West
PROPOSAL: Variation of Condition 1 to extend operational life of wind farm by additional 10 years
SITE: Land East of Kingledores Farm (Glenkerie), Broughton
APPLICANT: Glenkerie Wind Farm Limited

PLANNING PROCESSING AGREEMENT:

A timescale for response has been agreed with the applicant for this application to be considered at the 3 July meeting of the PBS Committee.

SITE DESCRIPTION

The application site is the Glenkerie Wind Farm which is located approximately 5km north of Tweedsmuir in the Upper Tweed Valley, west of the A701.

PLANNING HISTORY

Glenkerie Wind Farm was consented under application reference 07/02478/FUL in September 2009 with hub heights of 60 and 80m. The scheme was for 11 wind turbines generating up to 22MW, becoming operational in 2012. Condition 1 limits the operational life of the wind farm for 25 years up to 2037. A Section 75 Agreement was also entered into in relation to the restoration bond, black grouse, heath and mire mitigation measures.

An extension to the wind farm was granted in July 2015 for six further turbines up to 100m tip height (13/00552/FUL) but this was not built. The consent remains extant, however, due to there being no enforceable timescale for commencement being placed on the consent when granted on appeal.

PROPOSED DEVELOPMENT

The Section 42 application variation seeks amendment to Condition 1 of the original implemented planning consent and not the extension consent. Condition 1 reads:

*“This permission shall be for a period of 25 years from the date of final commissioning. Within twelve months of the end of the period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land restored to its former condition, or other such condition as may agree, to the satisfaction of the Planning Authority.
Reason: The anticipated design life of the wind farm is 25 years.”*

The request is to increase the operational life from 25 to 35 years, meaning if granted, the amended Condition 1 would allow the wind farm to continue operating until February 2047. This would be achieved by simply substituting the number “25” with “35” and keeping all the wording of Condition 1 the same otherwise. The variation makes it clear that no physical elements of the scheme are changing. The same turbines and all ancillary elements remain as originally proposed.

In assessing a Section 42 application, the Authority must have regard to the applicant’s reasons for seeking variation to a Condition. The applicant has stated the following:

“Within their portfolio, Ventient has a number of wind farms that are significantly older than Glenkerie. Ventient has developed considerable in-house engineering capability to allow them to safely operate their wind farms for longer and are currently showing this on wind farms that are over 20 years old. Ventient has conducted Engineering Life Extension analysis on a number of wind farms, which provides information on the needs of each individual wind farm but also gives assurance that other wind farms in the portfolio can operate beyond the term of their original planning consent.

The proposed extended period of generation would enable Glenkerie to generate renewable energy for a longer period of time which would contribute to the Scottish Government’s target on CO 2 reduction levels.”

The application for variation has been supported by:

- Supporting letter
- An Environmental Report with 5 Appendices (including re-appraisal of landscape, ecology and cultural heritage assets)
- Four volumes of the original Environmental Statement
- Habitat Management Plan Status report

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

ED9: Renewable Energy Development

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP7: Listed Buildings

EP8: Archaeology

EP9: Conservation Areas

EP10: Gardens and Designed Landscapes

EP13: Trees, Woodlands and Hedgerows

EP15: Development Affecting the Water Environment

IS2: Developer Contributions

IS5: Protection of Access Routes

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Proposed Local Development Plan 2020:

IS5: Protection of Access Routes

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crisis;

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity;

Policy 4: Natural Places;

Policy 5: Soils;

Policy 7: Historic Assets and Places; and

Policy 11: Energy.

OTHER PLANNING CONSIDERATIONS:

Adopted SBC Supplementary Planning Guidance (SPG) and other documents:

- Renewable Energy 2018
- Biodiversity 2005
- Local Landscape Designations 2012
- Developer Contributions 2011
- Visibility Mapping for Windfarm Development 2003
- Ironside Farrar Study on Wind Energy Consultancy Landscape Capacity and Cumulative Impact 2016
- Borders Landscape Assessment 1998 Ash Consulting Group- updated SNH 2019

Scottish Government Policy and Guidance:

- The Climate Change (Scotland) Act 2009
- The Scottish Renewable Action Plan 2009
- 2020 Routemap for Renewable Energy in Scotland – Update 2015
- Scottish Planning Policy and Electricity Generation Policy Statement 2013
- Onshore Wind Turbines – Planning Advice 2014
- The Paris Agreement 2016
- Climate Change Plan 2018
- Scottish Energy Strategy 2017
- Climate Change (Emissions Reductions Targets) (Scotland) Act 2019
- Climate Change Committee Progress Report 2019
- Climate Change Committee Annual Report 2020
- Update to Climate Change Plan 2020
- Advisory Group Report on Economic Recovery 2020
- UK Energy White Paper 2020
- UK Net Zero Strategy 2021
- CCC Report 2021
- Intergovernmental Panel on Climate Change – Report and Statements 2021/22
- Onshore Wind Policy Statement 2022
- Programme for Government 2022
- British Energy Security Strategy 2022
- Draft Energy Strategy and Just Transition Plan 2023

Scottish Government On-line Advice:

- Circular 3/2011 Environmental Impact Assessment (Scotland) Regulations
- PAN 69 Flood Risk 2015
- PAN 60 Planning for Natural Heritage 2008
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 75 Planning for Transport
- PAN 81 Community Engagement Planning with People
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Development 2016

Historic Environment Scotland Publications:

- Historic Environment Scotland Policy Statement April 2019

Nature Scot Publications:

- Siting and Designing Windfarms in the Landscape Version 3 February 2017
- Visual Representation of Wind Farms Version 2.2 February 2017
- Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012
- Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015
- Onshore Wind Energy 2022

Other Publications:

- ETSU-R-97: The Assessment and Rating of Noise from Wind Farms

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objections.

Landscape Officer: No objections. Wind farm been in operation since 2012 and accepts applicant's findings that there will be no additional landscape or visual effects beyond those already assessed and approved. NPF4 also supports life extensions to wind farms and concludes that wind farm areas will be used as such in perpetuity.

Archaeology Officer: No objections. Any new archaeological sites are largely within the vicinity of the wind farm and there would be no direct impacts, all but one having limited visibility. One new site in the Kingledores Valley. Cultural Heritage re-assessment accepted, no new impacts or sites impacted.

Ecology Officer: Queries Habitat Management Plan and S75 issues, relating to monitoring of heath/mire improvement measures and the details/programme for black grouse habitat improvement.

Access Officer: Response awaited.

Flood Risk Officer: No objections.

Statutory Consultees

Ministry of Defence: Response awaited.

Historic Environment Scotland: No comments.

SEPA: No objections as the proposal suggests no change other than operational life and the original conditions on 07/02478/FUL still apply.

South Lanarkshire Council: Response awaited.

Dumfries and Galloway Council: No objections.

Tweedsmuir Community Council: No objections to the operational life increase although now note that the Scottish Government suggest a £5000 per installed MW Community Benefit. This increase should be considered by SBC in determining the application.

Skirling Community Council: Response awaited.

Manor, Stobo and Lyne Community Council: Response awaited.

Other Consultees

Scotways: Response awaited.

REPRESENTATION SUMMARY

One conditional support representation was received on the basis that if Community Benefit can be considered on a S42 application, then it should be raised from £2500 to £5000 per MW.

KEY PLANNING ISSUES:

Whether an increase in operating life to 35 years will cause unacceptable adverse landscape, visual or any other material planning impacts over and above the impacts of the turbines already consented and erected. Assessed against the provisions of the Development Plan and other relevant guidance.

ASSESSMENT OF APPLICATION:

A Section 42 application is a planning application which seeks to vary or omit one or more planning conditions attached to the original consent. If such applications relate to a development which was originally classified as a "Major" application, then the S42 applications are also treated the same way. This means that the final decision on the applications is not a delegated matter and must be taken by the Committee, irrespective of the recommendation or number of objections.

Circular and case law suggests the following for S42 assessment:

- Section 42 applications must be considered in terms of the development plan and any relevant material considerations;
- While Councils should consider only the conditions to which any new permission should be granted, this does not prevent consideration of the overall effect of granting the consent

- BUT primarily where the previous permission has lapsed or is incapable of being implemented;
- In such cases, this may involve reconsideration of the principle of development in light of any material change in the development plan policies, but will not require consideration of new in every case

As the original consent and development has been implemented, established advice is that in such cases, only the conditions and any amended conditions should be considered – not the principle of the whole development. In the particular circumstances of this development, consideration should be given primarily to the effects and impacts of the variation of Condition 1 imposed on the original consent, to allow for an additional 10 years of operating life. Nevertheless, if a consent is issued, then it becomes a stand-alone permission and all original conditions should still be applicable alongside any revised condition agreed as a result of the S42 consideration. This can be achieved by a specific condition referring to all original conditions. There can be agreement reached thereafter, if any of the original conditions have already been discharged.

Planning Policy Principle

The applicant has developed the capability to safely operate their wind farms for longer than the original temporary consent lifespans. The proposed extended period of generation would enable Glenkerie, for example, to generate renewable energy for a longer period of time, which would continue to contribute to the Scottish Government's target on CO2 reduction levels.

The applicant has explained the added weight that NPF4 now gives to renewable energy developments, in Chapter 4 of the Environmental Report. Whilst their report concludes that the LDP should be considered out of date in being based upon SPP and NPF3, it is not accepted that there is an incompatibility between NPF4 and the LDP, Policies 11 and ED9 supporting renewable energy schemes subject to relevant environmental criteria. Therefore, NPF4 should not prevail over the LDP and both elements of the Development Plan should be used in assessing and supporting this proposal for life extension of an existing wind farm.

Taking into account that the only variation sought is the operating life extension and in considering the requirements of the Development Plan (principally Policy ED9, NPF4 Policy 11 and the Renewable Energy SPG), the main impacts likely to result from the increased operating life involve landscape and visual effects, residential amenity, ecology, ornithology and cultural heritage. This report considers these matters below.

Landscape and Visual Impact

The continued presence and operation of the wind farm for a further ten years would only create additional potential landscape and visual impact issues if there had been new landscape designations at the site or in the area, if new wind farms have been consented since the original consent which would lead to unacceptable cumulative impacts or if there had been any significant change to the numbers and position of residential receptors nearby.

The site lies within the Tweedsmuir Uplands Special Landscape Area and is close to, and lying to the south-west of, the boundary of the Upper Tweed National Scenic Area. Local Development Plan Policy ED9 requires landscape and visual impacts to be considered, taking into account designated Wild Land, the Landscape Capacity Study and other guidance such as that produced by Nature Scot. Cumulative and residential

impacts are also to be considered, mitigation to minimise the operational impacts of turbines requiring to be demonstrated. In terms of landscape and visual impacts, Policy ED9 is supported by more specific Policies such as PMD2, HD3, EP4, EP5, EP10 and EP13. The Policies generally seek to protect landscape and visual amenity and, in all cases, seek any adverse impacts either to be capable of investigation and successful mitigation, or to be outweighed by the socio-economic benefits of the proposal.

In terms of any change to landscape designations, the 2012 SBC Local Landscape Designations SPG changed the status of the former Area of Great Landscape Value to a Special Landscape Area and actually slightly reduced the area coverage, albeit not in any areas that would particularly affect consideration of the Glenkerie site. The site was, therefore, already in an AGLV when it was originally approved and the change in status to an SLA has not shifted the Policy position to any significant extent. Policy EP5 continues to seek landscape protection, requiring the planning balance to be applied to any proposals that would have significant adverse impacts. The original scheme was also consented in proximity to the Upper Tweed National Scenic Area and the boundary and Policies for protection and socio-economic balance continue to apply since the original consent was granted. The Talla-Hart Fells Wild Land Area is a new designation since the original wind farm was considered.

NPF4 has a similar test and balance with Policy 11 seeking mitigation for significant landscape and visual impacts, whilst specifically identifying that such impacts are to be expected. Policy 11 also supports extending the life of wind farms and criterion f) accepts that whilst consents may continue to be time-limited, areas identified for wind farms are expected to be suitable for such use in perpetuity. There is a specific prohibition against wind farms in National Parks and National Scenic Areas, Policy 4 being referred to for any proposals that would impact on national designations (such as National Scenic Areas). Policy 4 has a general presumption against any development that will have an unacceptable impact on the natural environment and also advises against development affecting national or locally designated landscape areas unless outweighed by social, economic or environmental benefits.

Landscape and Visual Impacts are discussed in para 3.3 of the Environmental Report and Appendix 4. This states the methodology for a re-assessment of impacts, taking into account, not just Development Plan Policies, but also revised guidance published since the original wind farm consent. It concludes that the life extension would cause no additional landscape and visual amenity effects, remaining the same throughout the operating life extension, as assessed with the original wind farm proposal.

If anything, there has been a Policy shift in NPF4 to make it clearer that only nationally designated landscapes are fully protected from wind farm development within their boundaries and that significant landscape/visual impacts are to be expected elsewhere, mitigation and the socio-economic balance needing to be applied in assessing schemes. As the position with designated landscapes was very similar when the original Glenkerie scheme was approved, the national and local policy position with regard to impacts on landscape and visual effects would clearly support the continued operation of the Glenkerie wind farm, there being no physical changes to the scheme nor increased impacts on landscape and visual amenity. Whilst the Wild Land Area (WLA) has since been designated 14km from the site, the impacts of operational life extension are considered acceptable as the WLA was designated with the wind farm in place and, also, NPF4 Policy 4 makes it clear that there should be no buffer protection to such areas.

This is also the opinion of the Council Landscape Officer who accepts the findings of the Landscape and Visual Impact Section of the Environmental report and raises no

objections. She notes that the wind farm has been in operation since 2012 and accepts the applicant's findings that there will be no additional landscape or visual effects beyond those already assessed and approved. She also notes that NPF4 specifically supports life extensions to wind farms and concludes that wind farm areas will be used as such in perpetuity. It is, therefore, concluded that a life extension of 10 years would comply with national and local Development Plan Policies in relation to landscape and visual impacts.

There should also be consideration of cumulative impacts in terms of extending the operating time over which the effects would be experienced. This is presented by the applicant in Figure 5 of Appendix 4, taking into account the unimplemented Glenkerie extension, Clyde, Clyde Extension and Whitelaw Brae. Other schemes have emerged even since Figure 5 was compiled, including one at scoping stage now at Oliver Forest, south of Glenkerie in the Upper Tweed Valley. Although there have been a number of schemes consented and proposed in the vicinity since the original Glenkerie scheme was approved, the supporting Environmental Report correctly points out that all these later wind farms were considered acceptable, in cumulative terms, in consideration of the existing Glenkerie wind farm, thus the continued presence of Glenkerie for a further 10 years should not create cumulative landscape and visual additional impacts that would justify denying the extension. Given the latest NPF4 position on the perpetuity of wind power at existing wind farm sites, extensions of operating life should no longer, in any case, cause any significant cumulative landscape and visual amenity effects.

In terms of the lengthening of residential amenity effects, the original Environmental Statement stated that very limited numbers of local residences were expected to experience significant effects. As that was considered acceptable at the time of the original wind farm consideration and as NPF4 now expects wind farms to remain in perpetuity on site, the lengthening of operating life should no longer be a significant material consideration in relation to residential amenity impacts when there are no changes to the turbines themselves. It is also known that there has been no material increase in the number of residential properties within any zone of significant impact of the existing Glenkerie wind farm.

Overall the proposed variation is judged to have no additional residual effects which would give rise to unacceptable landscape or visual impacts, when considering the requirements of Local Development Plan Policies, NPF4 Policies and the advice within the "Renewable Energy" SPG.

Cultural Heritage

The continued presence and operation of the wind farm for a further ten years would only create a potential cultural heritage issue if there had been new designations of assets within the site or the site was within the setting of such new designations. Local Development Plan Policy ED9 requires impacts on the historic environment and their settings to be considered and mitigation demonstrated. Policy EP8 subdivides assets into three importance tiers but, in all cases, seeks any adverse impacts either to be capable of investigation and successful mitigation, or to be outweighed by benefits of the proposal. NPF4 has a similar test and balance, Policy 11 seeking mitigation for impacts on the historic environment and the more detailed Policy 7 setting mitigation or benefit tests where adverse impacts are identified.

Cultural Heritage impacts are discussed in para 3.4 of the Environmental Report and Appendix 5. This states the methodology for a re-assessment of impacts, concluding that the life extension would cause no direct impacts and the same or lesser impacts on the setting of the scheduled monuments of Glenkerie Burn and Worm Hill Cairn.

The reassessment concludes that the impacts, which were previously identified and considered acceptable in the planning balance, remain the same for the operating life extension, as agreed with the original wind farm proposal.

The Council Archaeology Officer accepts the findings of the Cultural Heritage section of the Environmental Report and raises no objections. He notes that there have been several new archaeological sites identified in the vicinity of the wind farm but none of these are within the site and most are in river valleys with very limited intervisibility with the wind farm. One new site has been added in the Kingledores Valley but this is from documentary evidence rather than in situ remains, the Officer not considering that the impacts of a further ten years operating life would have any significant adverse effects on this site.

The conclusion is that the extension to operating life will not exacerbate cultural heritage impacts already created by the presence and operation of the wind farm, any new sites in the vicinity being generally concealed from the wind farm and the impacts on the site in the Kingledores Valley not being sufficient to oppose the life extension. Consequently, the application is considered to be in compliance with LDP Policies ED9 and EP8 – and with NPF4 Policies 7 and 11.

Ecology and ornithology

The continued presence and operation of the wind farm for a further ten years would only create potential ecological and ornithological issues in that the extension to operating life has the potential to increase the risk of bird collision and disturbing habitats. Local Development Plan Policy ED9 requires impacts on natural heritage (including birds) to be considered and mitigation demonstrated. Policies EP1-3 protect international to locally important wildlife and natural habitats, requiring any adverse impacts either to not affect the integrity of sites or species, be capable of successful mitigation, or to be outweighed by the public interest of the proposal. NPF4 has a similar test and balance, Policy 11 seeking mitigation for impacts on the natural environment and the more detailed Policy 4 setting mitigation or benefit tests where adverse impacts are identified.

An assessment of the effects of an extended 10 year operating life is stated at para 3.2.4 and Appendix 3. Most ecological impacts were identified to be as a result of wind farm construction, the main risks during operation being curlew collision risk and bat impacts. The re-assessment has concluded that there will continue to be minor impacts only and that the presence of the turbines since 2012 will have allowed bats and birds to become more accustomed to them, lessening the impacts despite the 10 year life extension request.

The Environmental Report also identified that a Habitat Management Plan (HMP) was agreed as part of Conditions 25 and 26 of the original consent. This set out a series of habitat improvement measures and a monitoring programme for checking implementation. Following a monitoring visit last year, further new planting and improvement measures were identified for implementation and it is suggested that five yearly monitoring is continued through the 10 year life extension. Ultimately, the Environmental Report continues to assess the site as low bird risk and the extension request is likely to cause no new effects on ecology or ornithology, assisted by the mitigation agreed and being implemented in the HMP.

In addition to the HMP and continued monitoring, the original consent was also subject to a Section 75 Agreement which is reproduced in Appendix 2 of the Environmental Report. This set out agreement on a restoration bond together with mitigation for heath,

mires and black grouse. A clause in the Agreement requires the amount of the bond to be reviewed every five years and this can simply continue into the extended operating life of the wind farm, if consented (albeit needing a new or revised S75). With regard to the other measures, these were required to be submitted, with a timetable for implementation, prior to commencement of the wind farm. The works for heath and mires were discharged though payment for off-site works, that work having been carried out – albeit with no evidence on monitoring since implementation. With regard to black grouse, there is no information on file to confirm what programme of works was agreed and how this has been implemented and monitored.

These gaps in the implementation of Conditions 25, 26 and the Section 75 Agreement in relation to heath, mires and black grouse habitat have been noted by the Ecology Officer and the applicant was contacted for a response. They have replied with a Habitat Management Plan Status Report which detailed the following:

Upland habitat management – bracken control, fencing, heather burning, creation of wetland habitats all undertaken and a contribution of nearly £50,000 under the S75 Agreement in 2010 for blanket bog restoration by Tweed Forum. The mitigation measures were meant to be monitored in early years but the first monitoring only occurred in 2022 which identified various remedial works. The applicant has undertaken to agree those works with the Ecology Officer then monitor on four further occasions until the end of the new operating life.

Kingledores Burn Management Plan – 14 new woodland plots planted in 2012, borrow pits, scrapes and ponds for standing water, additional otter holts. Monitoring was again not carried out in the early years and although there have been recent otter and water surveys, the applicant suggests a new monitoring schedule to the end of the operating life.

Woodland Management Plan – new planting as above and hedging carried out, together with 20 habitat boxes which are all still intact. Monitoring again not carried out and the applicant suggests a new monitoring schedule.

Habitat Restoration – agreed techniques were used during and post construction.

The response of the Ecology Officer is awaited at the time of writing this report, albeit it is noted that the Habitat Management Plan Status Report makes no direct comments on black grouse mitigation, implementation or monitoring. It is likely discussions will continue on this and Members will be updated verbally at Committee. However, it is anticipated that any omissions in mitigation or gaps in monitoring can be addressed under the original conditions (re-imposed by Condition 2 below) and by either an amended or new S75 Agreement, the Agreement covering restoration bond renewal and black grouse mitigation and monitoring. Subject to these, it is not anticipated that there will be any ecological or ornithological reason to oppose the ten year operating life extension.

Socio-Economics

LDP Policy ED9 and NPF Policy 11 both require the socio-economic benefits and scale of contribution to renewable energy targets/greenhouse gas emission reductions to be assessed in the overall planning balance.

The Environmental Report submitted with the S42 application assesses the relevant benefits, stating that the continued operating life results in five full time technician jobs being sustained and spin-off benefits to local services from those maintaining and

servicing the wind farm. The report also raises the issue of Community Benefit, even though it identifies that it is not a material benefit in assessment of a planning application. The applicant states that the current agreed fund is £3,361 per MW which will be tracked for inflation and will continue to be paid until the expiry of the original 25 year period – 2037. From that point onwards, the fund will then be increased by 25% of whatever the figure is at that time.

The one public representation has raised this issue, suggesting that if it is correct that Community Funds can now be considered material in the planning process, then the amount should be raised from £2500 to £5000 in line with current Government guidance. This is also the suggestion of Tweedsmuir Community Council. NPF4 is relatively new and Policy 11 is untested yet on whether Community Fund is a material planning factor. Criterion c) and Policy 25 (Community Wealth Building) do suggest that development should be assessed against its contribution to maximising net economic impact, but it is still unclear whether this refers to Community Funds rather than other forms of benefit outlined in the Policies.

At this stage, it is not considered appropriate to introduce the Community Fund into the planning application process and planning control, especially when it has not been part of the planning application process to date and can continue at its current level (inflation-indexed) until the expiry of the original 25 year operating life of the wind farm. Furthermore, the applicant has confirmed the current figure is £3,361 which is above the £2,500 identified by the third party representation and will raise it by 25% during the S42 operating life extension. This would take it to £4,201 at current levels but will be significantly higher from 2037 onwards. Given the uncertainty over whether Community Funds can be taken into account under NPF4, it is suggested that an Applicant Informative be placed on the consent to advise that the Community Fund contribution per MW matches current Government guidance at the time when the ten year operating life extension commences.

In terms of contributions to renewable energy targets and greenhouse gas reductions, the supporting Environmental Report states the contribution that the development can make towards these targets. It identifies that it can continue to output 22MW of electricity, sufficient to power 15,456 homes per annum. Its contribution to the identified “climate emergency” and supporting legislation is undeniable, if relatively modest, in comparison with the larger turbines and schemes now being proposed elsewhere in the Borders. Nevertheless, this is an important contribution with little or no additional impact on the environment, given that it is simply an operating life increase with no alteration to the number, location or height of turbines. For those reasons, the application should be supported as it is fully in compliance both with national and local renewable energy Policy.

Other Issues

Table 2.1 in the supporting Environmental Report lists the other material factors that were scoped out of the assessment of environmental impacts likely to be most relevant in relation to a 10 year operating life extension. This includes hydrology, hydrogeology, noise, transport, infrastructure and safety. The reasons for the scoping out of these factors is provided in Table 2.1 and the reasons are accepted. These issues were either adequately controlled during the construction of the site and discharge of relevant conditions, or are controlled in operation of the wind farm, such as noise levels to noise-sensitive properties.

Extending the operating life of an approved and operational wind farm will comply with the terms of the Development Plan and national planning guidance which firmly

supports continued electricity generation at an existing wind farm site and now acknowledges the perpetuity of the use, if not the current turbines, at such sites.

CONCLUSION

Provided all the previously imposed conditions are applied to the S42 variation and a new or revised S75 Agreement concluded, it is considered that the impacts arising from a 10-year extension to the wind farm operating life would not be significant. The proposed development is, therefore, consistent with the Development Plan and does not raise any other material considerations that would justify departure from the Development Plan

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions and a new or revised legal agreement:

1. This permission shall be for a period of 35 years from the date of final commissioning. Within twelve months of the end of the period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land restored to its former condition, or other such condition as may agree, to the satisfaction of the Planning Authority.

Reason: The anticipated design life of the wind farm is 35 years.

2. With the exception of the Condition hereby amended as above, the development shall be implemented in accordance with the plans, drawings, supporting information and schedule of conditions approved under application 07/02478/FUL and in accordance with all agreements/approvals under the terms of those conditions.

Reason: To ensure the development is implemented and operated in accordance with all measures within the approved schedule of conditions under the original wind farm planning consent, to ultimately ensure compliance the Development Plan and relevant planning policy guidance.

Informative

1. The Community Fund contribution per MW should match current Government guidance at the time when the ten year operating life extension commences.

DRAWING NUMBERS

Drawing Number	Description
Figure 1.1	Site Location Plan
Figure 1.2	Site Layout

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing 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.

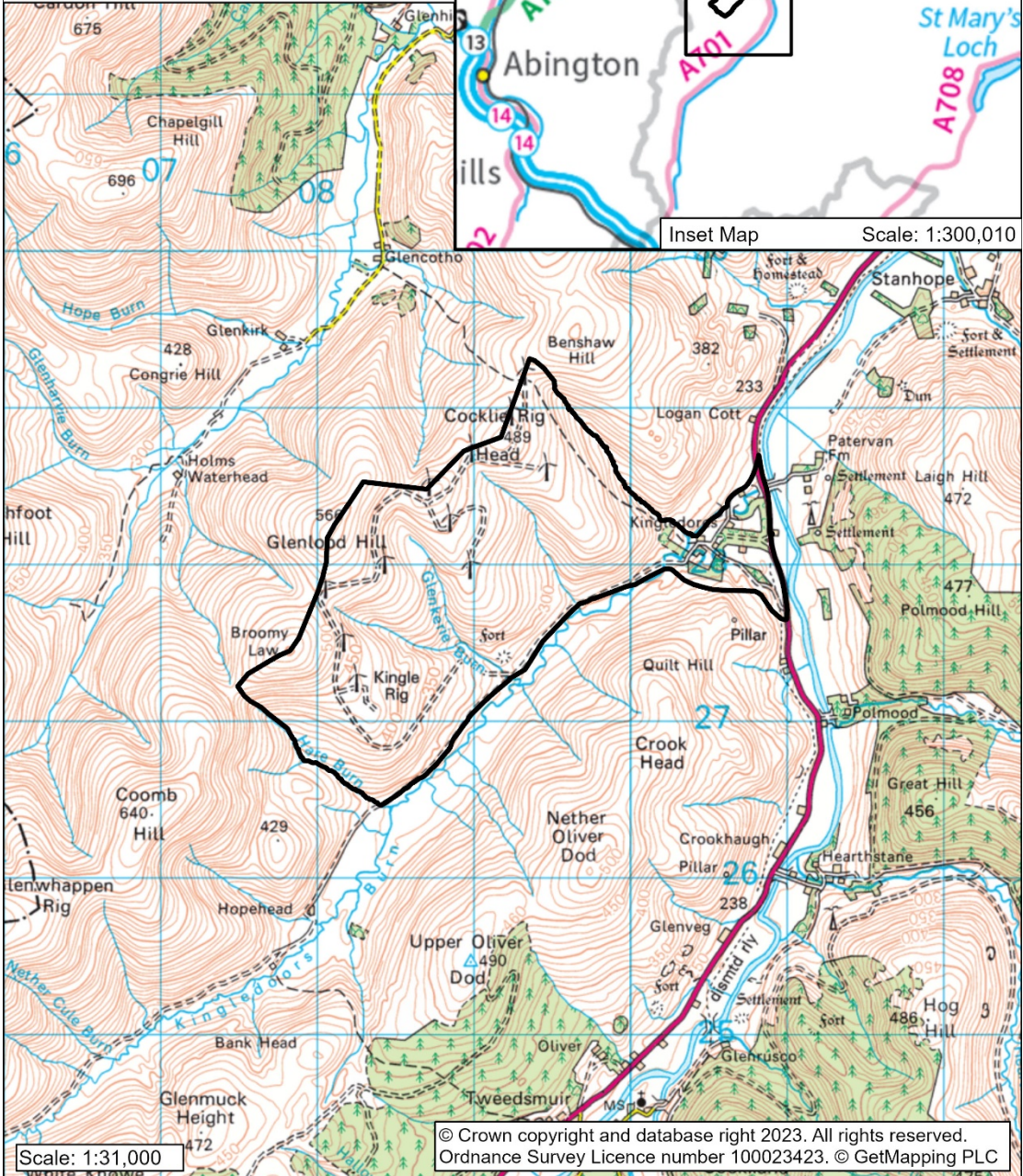
Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



22/01887/FUL

Glenkerie Wind Farm



PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

3rd July 2023

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

- 2.1.1 Reference: 23/00332/ADV
Proposal: Installation of illuminated signage (retrospective)
Site: 35 Horsemarket, Kelso
Appellant: Mr Anthony Khoury

Reason for Refusal: The signage, by reason of the size, scale, design and materials, is contrary to Policy 14 of National Planning Framework 4 in terms of creating distinctive places and policies PMD2, EP9 and IS16 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance on Shop Fronts and Shop Signs in that the signage has an adverse detrimental impact on the traditional character of the host building and the character and appearance of the conservation area.

Reasons for Appeal: Refusal was based on the size, design and material used for the new shop sign, along with an illuminated strip light. Existing shop fronts in the near vicinity have similar installations, with some gaining planning approval. The new signage is not entirely different from other shop fronts, and the applicant feels he has been unfairly singled out with an enforcement notice.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

- 2.1.2 Reference: 23/00430/CLPU
Proposal: Erection of a double garage
Site: 32 Dunglass Road, Coldstream
Appellant: Mr & Mrs M & A Anderson

Reason for Refusal: The proposed development is not permitted under Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Reasons for Appeal: The proposed development is situated entirely within the residential curtilage of 32 Dunglass Road and is fully consistent with the Permitted Development rights granted under Class 3A.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

2.2 Enforcements

Nil

2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

3.1.1 Reference: 22/01962/CLPU
Proposal: Change of Use of an existing agricultural building to dwellinghouse
Site: The Old Cow Shed, Lennel, Coldstream
Appellant: Mr C Brass

Reason for Refusal: Appeal against non-determination of application.

Reason for Appeal: An application for Prior Approval (22/01123/PNCOU) was not responded to within the 28 day period and therefore the development proposed is considered to be lawful. Scottish Borders Council issued a decision notice on this application. A legal opinion was sought and shared with the Council's Legal Service inviting the withdrawal of the ostensible decision notice. The invitation was declined. An application for a Certificate of Lawful Proposed Use or Development was then submitted, but no decision was issued by the Council within the statutory timeframe for determination.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The reporter, Paul Cackette, advised that the Council did not determine the certificate of lawful proposed use application within the required 28 day period, as stated in the Act. On that non-determination, the application was therefore deemed to have been refused by them. The agricultural building at the appeal site was used as such in the past. The use is stated as ceasing in mid 2018. The building is currently vacant. The reporter accepts the appellant's confirmation of that use and the dates of that use, for the purposes of this appeal. The proposal is to only convert part of the building to a dwellinghouse and leave the remaining section as an agricultural store. The development would result in the partial change of use of the building which would create a mixed use of the resulting building. The development would therefore

fail to comply with Class 18B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The reporter concluded that refusal would have been well founded and therefore that a certificate should not be granted. The appeal is therefore refused.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

3.1.2 Reference: 23/00072/LBC
Proposal: Installation of insulated plasterboard system to walls
Site: 68 High Street, Coldstream
Appellant: Mrs Joanne Noade

Reason for Refusal: The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016 as the proposed development would have an adverse impact on the interior of the listed building.

Reasons for Appeal: The Appellant states that the existing lounge, dining & kitchen cornice is being retained and will be physically unaffected by the installation. This is also the case with the timber panelled window shutters. The skirting's that will be affected will be replaced with like for like profiles which have been recorded and will be purpose made in the installers workshop.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Ailie Callan, advised that the council referred to policy 7 of the National Planning Framework 4 2023 and policy EP7 of the Scottish Borders Local Development Plan 2016. As this is an appeal against the refusal of listed building consent, the development plan does not have primacy in decision making. However, the policies provide an indication of how the council intends to achieve the statutory aims under section 14 of the Act, and the reporter has taken them into account in their consideration. The proposal is for the installation boarding to a number of first floor interior walls of a C listed building which was listed in October 1983. Reference in the listing to the first floor relate to the 12 pane sash windows with aproned panels and two sash windows on the side elevation. The reporter saw on the site inspection that these features would be unaffected by the proposal. Information relating to the specification of the proposed insulation material was clarified on the site inspection, and subsequently confirmed by the appellant in writing. This related to the depth of insulation board and where they would be installed. Although the insulation would protrude from the wall, the wooden window architrave surrounds would be retained and remain visible. The proposed tapered angle of the top of the insulation would ensure the corncicing would remain visible. Taking all this in to consideration the reporter feels that the proposal would not result in any significant alteration to the integrity or appearance of the interior of the building and therefore allows the appeal subject to a condition and advisory note.

[Please see the DPEA Website for the full Appeal Decision Notice](#)

3.2 Enforcements

Nil

3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

4.1 There remained no appeals previously reported on which decisions were still awaited when this report was prepared on 22nd June 2023.

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 22/01824/PPP
Proposal: Erection of dwellinghouse with access, landscaping and associated works
Site: Land South and West of Greywalls, Gattonside
Appellant: Mr & Mrs N & C Cameron

Review against non-determination of Application.

5.2 Reference: 22/01236/FUL
Proposal: Erection of dwellinghouse
Site: Land Northeast of The Bungalow, Crosshill, Chirnside
Appellant: Miss Janette Hall

Reason for Refusal: The proposed development is contrary to Local Development Plan policy PMD5 (Infill Development). The proposal would amount to over-development of the site, also known as 'town cramming', resulting in a dwellinghouse with a poor level of amenity which would relate poorly to the surrounding streetscene and would harm the setting of the neighbouring listed building. Consequently, the proposed development is also contrary to National Planning Framework 4 policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place), and Local Development Plan policies PMD2 (Quality Standards), EP7 (Listed Buildings) and HD3 (Protection of Residential Amenity). This conflict with the development plan is not overridden by other material considerations.

5.3 Reference: 22/01905/FUL
Proposal: Demolition of stable and erection of dwellinghouse
Site: Site Adjacent The Steading Whiteburn Farm, Lauder
Appellant: Ms Elaine McKinney

Reason for Refusal: The proposal is contrary to policy 17 of National Planning Framework 4 and policy HD2 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 as the site is outwith the defined boundaries of the building group and sense of place and does not relate well to the existing houses within the building group in terms of their spacing. The development would read as isolated and divorced from the group, to the detriment of the character, amenity and setting of the building group.

5.4 Reference: 22/01936/FUL
Proposal: Erection of raised decking (retrospective)

Site: 33 Weensland Park, Hawick
Appellant: Mr Thomas Kemp

Reason for Refusal: The development is contrary to Policy HD3 of the Scottish Borders Local Development Plan (2016) and Policy 16 of the National Planning Policy Framework 4 (2023), in that the raised decking, by reason of its scale, height and positioning would result in an unacceptable impact in terms of outlook, overlooking and loss of amenity and privacy to neighbouring residential properties and their associated garden grounds.

5.5 Reference: 23/00026/FUL
Proposal: Change of use of shop and alterations to form 2 no dwellinghouses
Site: Shop, 22 - 24 South Street, Duns
Appellant: Mr Hugh Garratt

Review against non-determination of Application.

5.6 Reference: 23/00129/FUL
Proposal: Erection of dwellinghouse
Site: W Pearce and Sons St Ronan's Works, 2 Miller Street, Innerleithen
Appellant: Mr Alex Clapperton

Reason for Refusal: The proposed development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would introduce a Highly Vulnerable Use (as defined in SEPA's Flood Risk and Land Use Vulnerability Guidance) into a flood risk area, with potential displacement of flood water and loss of flood plain storage, thus placing additional residential property and persons at risk of flooding, and potentially increasing flood risk to other properties. The resulting risk of harm is not overridden by other material considerations.

5.7 Reference: 23/00260/PPP
Proposal: Erection of a dwellinghouse with access, landscaping, garden space, and associated works
Site: Land West of Greywalls, Gattonside
Appellant: Mr & Mrs N & C Cameron

Review against non-determination of Application.

6 REVIEWS DETERMINED

6.1 Reference: 22/00933/FUL
Proposal: Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility
Site: Land South West of West Loch Farmhouse, Peebles
Appellant: Mr Richard Spray

Reasons for Refusal: 1. The development would be contrary to policy ED7 of the Local Development Plan 2016 in that the applicant has not

demonstrated any overriding economic and/or operational need for the proposed Class 5 and Class 6 business operation to be located in this particular countryside location. This conflict with the development plan is not overridden by other material considerations. 2. The proposed development would be contrary to policy HD3 of the Local Development Plan 2016 in that the applicant has not provided any information in relation to how noise generated by the proposal would impact on residential amenity within the locality. This conflict with the development plan is not overridden by other material considerations. 3. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed bunds would not be appropriate to the landscape setting of the site. The development would not, therefore, be compatible with or respect the character of the surrounding area. These conflicts with the development plan are not overridden by other material considerations. 4. The proposed dwellinghouse does not comply in principle with policy HD2 of the Local Development Plan 2016 in that it would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 5. The development would be contrary to policy EP13 in that no account has been taken of trees immediately adjacent the site. The applicant has failed to prove that the development would not have an adverse effect on trees which are an important landscape feature. No overriding case for the development as proposed has been substantiated. 6. The development would be contrary to policies EP1, EP2 and EP3 of the Local Development Plan 2016 in that the applicant has failed to prove that the development would not have an adverse effect on protected species which may be present on the site. These conflicts with the development plan are not overridden by other material considerations.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.2 Reference: 22/01612/FUL
Proposal: Alteration and extension to dwellinghouse
Site: Ratchill Farmhouse, Broughton
Appellant: Mrs Jane Prady

Reason for Refusal: The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the following criteria require that developments: h) create a sense of place based on a clear understanding of the context and are designed in sympathy with Scottish Borders architectural style; i) are of a scale, massing and height appropriate to the existing building; j) are finished externally in materials which complement the existing building; k) respect the character of the surrounding area and neighbouring built form. The proposed development is unsympathetic to the building which it would extend in terms of form, scale, height, massing and materials and would not complement that building. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers

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

6.3 Reference: 22/01811/FUL
Proposal: Modification of condition No.1 of planning permission 15/01355/FUL to allow the holiday chalet to be occupied as dwellinghouse
Site: Land at Disused Railway Line Rachan, Broughton
Appellant: Mr I Maxwell

Reason for Refusal: The development would be contrary to policies PMD1 and HD2 of the Local Development Plan 2016 and supplementary planning guidance on New Housing in the Borders Countryside in that no information has been submitted to demonstrate that the proposal is incapable of being operated as a viable holiday accommodation business. Granting permission would result in unsustainable development in a rural location. The resultant dwellinghouse would be isolated and physically segregated from the dispersed Rachan building group. As a result, the development would represent sporadic and unjustified housing development in the countryside. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.4 Reference: 22/01982/FUL
Proposal: Installation of photo voltaic array to roof
Site: Scott House, Douglas Square, Newcastleton
Appellant: Mr Alistair Hodgson

Reason for Refusal: The proposed development is contrary to Policies PMD2, ED9 and EP9 of the Local Development Plan (2016) and Policies 7 and 11 of the National Planning Framework 4 in that the pv panels would fail to preserve and enhance the character and appearance of Newcastleton Conservation Area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

Method of Review: Review of Papers

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

7 REVIEWS OUTSTANDING

7.1 There remained 16 reviews previously reported on which decisions were still awaited when this report was prepared on 22nd June 2023. This relates to sites at:

• Ravelaw Farm, Duns	• Land West of Greenburn Cottage, Auchencrow
• The Millers House Scotsmill Kailzie, Peebles	• Land South of Ebbastrand, Coldingham Sands, Coldingham

• 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	• Land South of Greenbraehead Farmhouse, Greenbraehead, Hawick
• Land North West of Rosebank Cemetery Lodge, Shedden Park Road, Kelso	• Land at Rachan Woodlands, Broughton
• Land South of Headshaw Farmhouse, Ashkirk, Selkirk	• Land South East of Tarf House, West Linton

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 22nd June 2023. 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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