

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
by Microsoft Teams on Monday, 7
September 2020 at 10.00 am

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S. Hamilton, H. Laing, C. Ramage, N. Richards .

Apologies:- Councillor E. Small.

In Attendance:- Chief Planning Officer, Planning & Development Standards Manager, Lead Roads Planning Officer, Chief Legal Officer (N, McKinlay), Democratic Services Officers (F. Henderson and F. Walling).

1.0 **DECLARATIONS OF INTEREST**

Councillors J Fullarton and H. Laing declared an interest in Application 20/00523/FUL in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

2.0 **APPOINTMENT OF VICE CHAIRMAN**

With reference to paragraph 2 of the Minute of 26 June 2017, The Chairman proposed and it was unanimously agreed that Councillor Helen Laing be appointed to serve as the only Vice Chairman of the Committee. The Chairman thanked Councillors Aitchison, Anderson and Hamilton for undertaking Vice Chairmen duties in the past.

AGREED that Councillor H Laing be appointed to serve Vice Chairman of the Planning and Building Standards Committee.

3.0 **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 3 August 2020.

DECISION

APPROVED for signature by the Chairman.

ADJOURNMENT

The meeting adjourned at 1.30 p.m. and reconvened at 2 p.m.

4.0 **APPLICATIONS**

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

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

5.0 **INDICATIVE REGIONAL SPATIAL STRATEGIES FOR SOUTH OF SCOTLAND AND SOUTH EAST SCOTLAND**

The Chief Planning Officer was present at the meeting and gave a presentation on the two Indicative Regional Spatial Strategies (IRSS) that had been prepared to inform the development of the National Planning Framework (NPF). He explained that the Scottish

Borders Council was in the unique position of being involved in the preparation of two such strategies. The IRSS for the South of Scotland had been prepared jointly with Dumfries and Galloway Council and the IRSS for the South East Scotland in association with the five other SESplan authorities (City of Edinburgh, West Lothian, East Lothian, Midlothian and Fife Councils).

6.1 It was explained that the formal duty to prepare Regional Spatial Strategies had not yet been enacted but that Scottish Government had asked that indicative or interim strategies be prepared to inform the NPF. Regional Spatial Strategies are long term spatial strategies which identify:

- the need for strategic development
- the outcomes to which strategic development will contribute
- priorities for the delivery of strategic development
- proposed locations, shown in the form of a map or diagram

6.2 What had been prepared in both instances are 'light touch' but overarching documents that reflect existing projects, programmes and strategies such as SESplan, Scottish Borders Local Development Plan, the Borderlands Inclusive Growth Deal and the Edinburgh and South East Scotland City Region Deal. The IRSS was not promoting any new policies or projects but it was the opportunity to bring together existing strategic planning issues, economic development strategy and connectivity projects and give an indication of where we would want to see our region in 2050.

The South of Scotland IRSS focusses on the following themes:

- **Climate** - What development will we need to address climate change?
- **People** - How can planning support our quality of life, health and wellbeing in the future?
- **Economy** - What does planning need to do to enable an economy that benefits everyone?
- **Place** - How can planning improve and strengthen the special character of our places?
- **Connectivity** - What infrastructure do we need to plan to realise our long term aspirations?

The South East of Scotland IRSS builds on the strategy set out in SESplan and takes into account the emerging City Deal Regional Growth Framework and focusses on:

- **Regional Recovery and Renewal** - Tackling inequality, environmental improvement, economic renewal
- **Adaptable, a more resilient region** - Tackling climate change, building design and conservation
- **Accessible Region** - Tackling connectivity, infrastructure delivery, sustainable housing sites

6.3 Mr Aikman confirmed that both documents would be presented to Council on 25th September 2020 for ratification and that the South East of Scotland IRSS would also be considered by the SESplan Joint Committee on 21 September 2020.

**DECISION
NOTED.**

7.0 **APPEALS AND REVIEWS**

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

DECISION

NOTED that:-

- (a) there had been received an Appeal in respect of:-
- (i) **Erection of 52 holiday lodges with office, reception/shop and formation of associated roads and parking on Land North West of Willowdean House, Foulden – 20/00067/FUL**
- (b) there remained 2 appeals outstanding in respect of :-
- (i) **Land North of Carcant Lodge, Wull Muir Wind Farm, Heriot;**
 - (ii) **Land West of 1 Linthaugh Farm Cottage, Jedburgh**
- (c) Review requests had been received in respect of:-
- (i) **Erection of 15 No huts with associated access and car parking on Land East of Wester Deans, West Linton- 19/01256/FUL;**
 - (ii) **Siting of 3 No glamping pods and associated works on Land South Wset of Stouslie Farmhouse, Hawick – 20/00343/FUL;**
 - (iii) **Erection of dwellinghouse with detached garage on Land North West of Strathmyre, Old Belses, Jedburgh – 20/00486/FUL**
- (b) the decision of the Appointed Officer had been overturned in respect of:-
- (i) **part change of use from garage/storage and alterations to form workshop and storage for joinery business at Buccleuch Hotel, Trinity Street, Hawick – 19/01784/FUL, subject to conditions;**
 - (ii) **Erection of treehouse and walkway for use as holiday let accommodation and associated works on Land South West of Sandystones Farmhouse, Ancrum, Jedburgh - 20/00132/PPP, subject to conditions and Notification to Scottish Ministers);**
- (c) there remained two reviews previously reported on which decisions were still awaited when the report was prepared on 17 July 2020.

| |
|--|
| <ul style="list-style-type: none">• Garden Ground of 7 Heriot House, Heriot |
|--|

| |
|--|
| <ul style="list-style-type: none">• Garden Ground of Clifton Cottage, High Street, Kirk Yetholm |
|--|

The meeting concluded at 4.10 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|-------------------------|--|--|
| 20/00523/FUL | Erection of mixed use building comprising of office (Class 4) and storage (Class 6) and associated development including servicing, parking, re-profiling of existing shelter mound and demolition of adjacent harbour | Land North West of Fishmarket, Gunsgreen Quay Eyemouth |

Decision: Approved, subject to the following conditions:

1. 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.
2. No development shall commence until a scheme of details for the rerouting of the dive site access road has first been submitted to and agreed in writing by the Planning Authority. The scheme of details shall include plans and drawings of the rerouting and a timetable for delivery that ensures vehicular access is provided during the construction and operational stages of the development hereby approved. Thereafter, the rerouting of the dive site access road shall be delivered in strict accordance with the scheme of details, unless otherwise agreed in writing by the Planning Authority.
Reason: So that vehicular access to the dive site is maintained during the construction and operational stages of the development hereby approved.
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 by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition; and thereafter
- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

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

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

4. No demolition works shall take place to Smeaton's Wall until the applicant has secured the implementation of a programme of archaeological works (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 wall of historical interest.

5. Prior to any works to the existing screening mound, the precise details of any alterations to this mound shall first be submitted to and agreed in writing by the Planning Authority. The details shall include proposals any seeding/ planting details and a timetable for delivery, completion and ongoing maintenance. Thereafter, the development shall be carried out wholly in accordance with the approved details.

Reason: To secure control over the precise details of any alterations required to the existing screening mound, in the interests of landscape and visual interest.

6. Prior to the construction of the building hereby approved, precise details of the following items shall be submitted to and approved in writing by the Planning Authority:

- All external materials, colours and finishes including those of walls, roofs and windows (including details of glass colour/ tint and specification);
- West elevation mullion design;
- PV panels, including the colour of the frames, and details of any associated equipment;
- Antennae and any other rooftop plant or equipment;
- Guttering and rainwater goods;
- Surface materials (including details of Smeaton's Wall line reinstatement in paving stone);
- Fencing, gates, walls and edge protection, including car park screening;
- Crane;
- External lighting of the site; and
- Substation details.

Thereafter, the development hereby approved shall be carried out wholly in accordance with details that have first been agreed in writing by the Planning Authority.

Reason: To secure control over detailed design considerations and ensure a satisfactory form of development that contributes appropriately to its setting.

7. Prior to commencement of development, a Species Protection Plan (SPP) for otter, badger and breeding birds 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 SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
8. Prior to commencement of development, a Construction Environmental Management Plan incorporating the latest good practice guidelines and statutory advice (as outlined in *Nearr Na Gaoithe Operations & Maintenance Facility Outline Construction Environmental Management Plan, ITP Energised, 15/05/2020*) to protect the Berwickshire & North Northumberland Coastal SAC shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with a scheme that has first been approved in writing by the Planning Authority.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
9. Prior to construction of the building hereby approved a Biodiversity Enhancement Plan 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 scheme.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
10. Prior to construction of the building hereby approved, precise details of surface water drainage, and written evidence on behalf of Scottish Water that mains water and foul drainage connections shall be made available to serve the development, shall be provided for the written agreement of the Planning Authority. Thereafter, the agreed servicing and surface water drainage arrangements shall be made operational prior to occupancy of the development, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure the development is adequately serviced.
11. Prior to the development hereby approved becoming operational, the car parking arrangements shown on the approved site plan Reference 100 P-02 shall be formed and thereafter so retained, in perpetuity, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure adequate parking is provided prior to the development becoming operational.
12. Prior to the development hereby approved becoming operational, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
13. Prior to the development hereby approved becoming operational, details of siting and design of the proposed cycle storage facilities, including details of implementation and completion, shall be submitted to and agreed in writing by the Planning Authority. The facilities shall be implemented in accordance with the agreed scheme of details and shall be retained in perpetuity thereafter, unless otherwise agreed in writing by the Planning Authority.

Reason: To control the detail of the proposed cycle storage facilities, and to ensure they are delivered as part of the development.

Information for the applicant

1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. Flood Risk Officer Advice: adoption of water resilient materials and construction methods are strongly recommended.
3. SEPA Advice: The storage of fuel should comply with CAR General Binding Rule 28 to minimise pollution risk. We refer the applicant to pollution guidelines at: <https://www.netregs.org.uk/media/1475/gpp-2-pdf-jan-2018.pdf>. The car parking area should be designed to comply with GBR10. If the existing screen mound is contaminated and reused appropriately as part of the planning permission on site there are no waste implications. If the soils are contaminated or soils are needing to be discarded for any reason then they will be classed as waste. Therefore, there will be waste management licencing implications and SEPA's local regulatory team should be consulted. Details of regulatory requirements and good practice can be found on the SEPA website or contact a member of the regulatory services team at: ELB@sepa.org.uk

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|--|-------------------|
| 20/00413/FUL | Construction of earthen bank slurry lagoon | Legars Farm, Hume |

Decision: Approved subject to the following conditions and informative, as follows:-

1. No development shall commence until precise details of the colour(s) (to include BS or RAL numbers) for the fence and gates to be erected has first been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.
Reason: In the interests of the visual amenities of the area.
2. No development shall take place except in strict accordance with a scheme of tree and shrub planting on the areas immediately surrounding the proposed slurry lagoon, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance
 - iv. specific provision on the north-eastern side for dense planting to assist in the potential for limiting smell nuisance and visibility in that direction

Reason: To enable the effective assimilation of the development into its wider surroundings and to assist in limiting impacts on residential properties.

Informative:

The grant of planning permission does not alter the need for the applicant (or any operator) to comply with any other regulations or guidance pertaining to the use and operation of the development hereby approved, including in relation to any requirements associated with environmental pollution or nuisance.

NOTE

1. Mrs Elaine Scott-Mitchell, Neighbour spoke against the application and David Mair, Agri Design spoke in support of the application.

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|------------------------------|---|
| 20/00378/PPP | Erection of dwellinghouse | Land North East of Burnside Lower Green West Linton |

Decision: Refused, against Officer recommendation, for the following reasons:-

1. The proposed development represents an overdevelopment of a small site, giving rise to a cramped form of development, out of character with the surrounding Conservation Area and resulting in unacceptable impacts upon neighbouring residential properties, contrary to Policies PMD2, PMD5, EP9 and HD3 of the Scottish Borders Local Development Plan 2016.
2. The submitted application has not adequately demonstrated that safe access and satisfactory off-street parking provision can be achieved and therefore it is considered that vehicle movements associated with the development would give rise to road safety concerns, including interference with the free passage of vehicles and pedestrians using Back Road, contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016.
3. Insufficient evidence has been submitted to demonstrate that the proposed development can achieve an appropriate level of scale, massing, design and appearance that would be necessary to preserve and enhance the character of the West Linton Conservation Area at this location and therefore the application is contrary to the requirements of Policies EP9 and PMD2 of the Scottish Borders Local Development Plan 2016.

NOTE

1. Councillor Heather Anderson spoke against the application
2. Mr Ian Reid, West Linton Board of Trustees, Mrs Glenda Barton, Resident and Mr Graham Tulloch, Chairman of West Linton Community Council spoke against the application.

VOTE

Councillor Fullarton, seconded by Councillor Mountford moved that the application be approved as per the Officer recommendation.

Councillor Richards, seconded by Councillor Laing moved as an amendment, that the application be refused on the grounds that the development was contrary to Policies PMD2, PMD5, EP9 and HD3 of the Scottish Borders Local Development Plan 2016.

As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-

Motion – 2 votes

Amendment – 5 votes

The amendment was accordingly carried.

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|---|---|
| 20/00331/FUL | Demolition of existing building and erection of 14 No residential apartments and associated parking | Main Building West Grove Waverley Road Melrose |

Decision: Continued to seek revisions to enable an increase in on-site parking provision.

NOTE

Gavin Yuill, Camerons spoke in support of the application.

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|---------------------------------|--------------------------------------|
| 19/01138/FUL | Erection of 4 No dwellinghouses | The Orchard Back Road Newstead |

Decision: Approved subject to a legal agreement addressing contribution towards education, affordable housing and the Borders railway and the following conditions:

1. 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.
2. 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.
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.
3. A sample of all materials/colour finishes to be used on all exterior surfaces of the development hereby approved (walls, roofs, windows, doors) shall be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved samples.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and to the character of the Conservation Area.
4. The existing boundary walls (shown on the drawings hereby approved) shall be retained and repaired as necessary (with the exception of the section of wall required to be removed for the vehicular access or lowered to achieve the junction visibility splays) in accordance with a scheme of works that shall first be submitted to and approved in writing by the Planning Authority before the development commences. The repairs shall be completed before the first dwellinghouse hereby approved is occupied.
Reason: To secure the retention and repair of the historic wall, which contributes to the character of the Conservation Area.
5. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):

 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration

- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance.

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

6. Details of the surfacing materials for the vehicular access, internal access road, visitor parking spaces and driveways/parking spaces shall be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then be completed in accordance with the approved details.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and to the character of the Conservation Area.

7. Two parking spaces shall be provided within the curtilage of each dwellinghouse prior to the occupation of the dwellinghouse and then retained thereafter in perpetuity. The visitor parking spaces shall be provided before the first dwellinghouse is occupied.

Reason: To ensure the development is served by satisfactory on-site parking, in the interests of road safety.

8. No drainage system other than the public mains sewer shall be used to service the dwellinghouses hereby approved without the written consent of the Planning Authority. Prior to occupation of the dwellinghouses, written evidence shall be submitted to and approved in writing by the Planning Authority that the dwellinghouses have been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

9. No development shall 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 dwellinghouses, written confirmation shall be submitted to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. No water supply other than the public mains shall be used to supply the development 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.

10. Details of all surface water drainage shall be submitted to and approved in writing by the Planning Authority before the development commences. The surface water drainage arrangements shall follow sustainable urban drainage techniques and shall ensure that pre-development Greenfield run-off rates are not increased. The surface water drainage shall then be installed as approved before the dwellinghouses are occupied.

Reason: To ensure that the development is adequately serviced, does not increase run-off rates and does not have a detrimental effect on public health.

11. The site shall be cleared of vegetation outwith the bird breeding season (March to September) unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall first 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.

12. Details of the proposed culvert shall be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then be completed in accordance with the approved details/drawings.

Reason: Further information is required to ensure a satisfactory form of development.

13. Notwithstanding the details indicated on the approved drawings, the finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site in relation to Ordnance Datum and shall indicate the position of burn and culvert running through the site and show the cross-sections described in Table 9 of the FRA.

Reason: To ensure that any risk to the proposed development from flood risk is minimised.

Informatives

1. With respect to Condition 4, no repair works to the boundary wall enclosing the site to the north-west are to take place until the cavities have been inspected by a licenced bat worker.

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>

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.

2. The Council's Heritage and Design Officer advises that there are references to historic sundials in Newstead; should these or other historic elements remain, or be found during the course of the works, the Planning Authority should be notified to agree the best way forward.

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|---|--|
| 19/00819/FUL | Erection of dwellinghouse & installation of opaque panels to windows in Clinic building The Orchard | Garages South of Clinic and Clinic, Greenside Park St Boswells |
| 19/853/CON | Demolition of 3 Garages | |

DECISION: 19/00819/FUL - Approved subject to a legal agreement addressing development contributions towards education and the Borders railway and the following conditions:

1. 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.
2. The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, window frames and doors of the proposed dwellinghouse, which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting and safeguards the character and appearance of the Conservation Area.
3. The garden area to the front of the dwellinghouse hereby approved is to be enclosed by a hedge, as shown on Drawing Number 9366.1.02 Rev B (not a fence or wall or other means of enclosure). Details of the proposed hedge (species, plant sizes and proposed numbers/density) and a programme for completion and subsequent maintenance to be submitted to and approved in writing by the Planning Authority before the development commences.
Reason: To enhance the setting of the development and safeguard the character and appearance of the Conservation Area.
4. All planting, seeding or turfing comprised in the approved details of landscaping (lawn and hedge) shall be carried out in the first planting season following the occupation of the dwellinghouse or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
1. The developer shall give notice to the Planning Authority once the approved landscaping works have been completed.
Reason: To allow the Planning authority to inspect the works, in order to ensure that the works have been carried out as approved.
2. Details of how the pedestrian access strip (shown as No. 8 on Drawing Number 9366.1.02 Rev B) is to be demarcated and details of the materials for the paved area (shown as No. 10 on Drawing Number 9366.1.02 Rev B) to be submitted to and approved in writing by the Planning Authority before the development commences. The pedestrian access strip and paved area shall be completed in accordance with the approved details before the dwellinghouse is occupied.
Reason: To ensure safe pedestrian access is provided within the site.
3. The two parking spaces shown on Drawing Number 9366.1.02 Rev B to be completed and made available for use prior to the occupation of the dwellinghouse hereby approved and be retained thereafter in perpetuity.
Reason: To ensure that the development hereby approved does not have a detrimental impact on the parking available within the vicinity of the site, in the interests of road safety.
4. Engineering details for the new sections of tarmac footway (including dropped kerbs for pedestrians coming off the end of the footway) in Greenside Park are to be submitted to and approved in writing by the Planning Authority before the development commences. The sections of footway are then to be constructed in accordance with the approved details prior to the occupation of the dwellinghouse.
Reason: To ensure the footway is fit for pedestrian use.

5. Any damage to the footway in Greenside Park caused by the development hereby approved must be repaired prior to the occupation of the dwellinghouse, in accordance with a scheme of details which shall first be submitted to and approved in writing by the Planning Authority.
Reason: To ensure the integrity of the adjacent footway is not compromised.
6. 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.
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 drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
8. Access to the remaining garage and to the rear of the adjoining houses (former police houses) shall not be obstructed during the demolition of the garages or the construction of the dwellinghouse hereby approved.
Reason: To maintain existing rights of way.

Informatives

1. In respect of condition 6, the paved area (10) on the plan may be better suited if it was raised, rather than level with the surrounding area and be continued to meet the existing footway on Greenside Park. This would provide a safe access for pedestrians to and from the dwelling.
2. In respect of condition 8, all works within the road (including footway) must be carried out by a contractor first approved by the Council.

19/00853/CON: Approved subject the following conditions:

1. The development hereby permitted shall be carried out within three years of the date of this consent.
Reason: To comply with the provision of Section 66 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
2. Any damage to the adjacent public footway caused by the demolition hereby approved must be repaired (in accordance with a scheme of details first submitted to and approved in writing by the Planning Authority) within 2 months of completion of the demolition, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the integrity of the adjacent public footway is not compromised.
3. A scheme of works to protect the remaining garage during the demolition of the three garages and once the garages have been demolished (and before works commence on the dwellinghouse) shall be submitted to and approved in writing by the Planning Authority before the demolition commences. The scheme of works shall be implemented during and after demolition.
Reason: To ensure the existing garage is protected and left in a wind and water tight condition prior to the erection of the dwellinghouse.

Informative

1. All works within the road (including footway) must be carried out by a contractor first approved by the Council.

NOTE

1. Mr Denis Rodwell, Neighbour spoke against the application
2. Neil Mochrie, Agent spoke in support of the application

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|---|--|
| 20/00611/FUL | Variation of Condition 2 of planning consent 19/00945/FUL to allow car parking on approved site to comply with Covid 19 social distancing guidelines. | St Boswells Garage Border Toyota St Boswells |

DECISION: Approved, subject to the following conditions as follows:

1. The site hereby approved shall at all times be used in connection with, and ancillary to, the existing use of the premises as a garage and car showroom.
Reason: The Planning Authority does not consider the establishment of a separate planning unit to be appropriate in this edge of settlement location, to retain effective control of the site and to protect visual and residential amenity.
2. The existing hedge on the north east boundary of the site with the A68 trunk road as well as the existing trees within the site shall be retained unless otherwise agreed in writing by the Planning Authority.
Reason: To safeguard the visual amenities of the area.
3. This consent specifically excludes any type of lighting for the demonstration/training area, charging points, staff parking and car storage areas shown on approved drawing 191565/02 dated May 2020.
Reason: To safeguard the visual and residential amenities of the area.
4. No development shall take place except in strict accordance with a scheme of details indicating a physical buffer area, toward the south-eastern boundary with Hawthorn Lodge, which shall include measures to prevent vehicle movements within the agreed area and screen planting close to the boundary with the adjacent residential property.
Reason: To minimise any potential impacts of the development on the neighbouring residential property

NOTE

1. Mr Andrew Dow, Neighbour spoke against the application
2. Mr Archie MacLean, Applicant spoke in support of the application