

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

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held via Microsoft Teams on Monday, 1 February 2021 at 10.00 a.m.

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Present:- Councillors S Mountford (Chairman), A. Anderson, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small.  
Apologies:- Councillor J. Fullarton.  
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer, Solicitor (Fraser Rankine), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

## **1. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 11 January 2021.

### **DECISION**

**APPROVED for signature by the Chairman.**

### **MEMBER**

Councillor Richards left the meeting following consideration of Application 20/00789/S36 - Whitelaw Brae Wind Farm, Fruid, Tweedsmuir.

### **DECLARATION OF INTEREST**

Councillor Laing declared an interest in Application 20/01133/FUL – Land South East of 12 The Orchard, Reston in terms of Section 5 of the Councillors Code of Conduct and left the meeting prior to the discussion.

## **2. APPLICATIONS**

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

### **DECISION**

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

## **3. UPDATED SUPPLEMENTARY PLANNING GUIDANCE: PLANNING BRIEF – FORMER BORDERS COLLEGE, GALASHIELS**

There had been circulated copies of a report by the Chief Planning and Housing Officer which sought approval of updated Supplementary Planning Guidance (SPG) in the form of a Planning Brief for the Former Borders College site on Melrose Road, Galashiels. If approved, the Guidance would become a material consideration in the determination of planning applications. The Planning Brief would replace a Planning Brief previously adopted in 2009 for the site which was out of date on a number of component parts. The updated SPG would ensure reference to up to date policies and site requirements to be addressed which would help provide relevant guidance to enable the satisfactory development of the site. Colliers requested that the original Planning Brief be updated as they were marketing the site and eager to encourage the redevelopment of the derelict site and provided an initial draft. It was proposed that the updated Supplementary Planning Guidance be subject to public consultation for a period of 6 weeks. Following consultation, it was intended that if substantive comments were received a report would be brought back to the Planning and Building Standards Committee to seek final agreement. Mr Johnston was present via Microsoft Teams and detailed the background to the site and highlighted the main changes

to the brief. He thereafter answered Members questions and undertook to check the ownership of an area of trees to the south of the site. He also commented on the difficulties of bringing old buildings back into use and the difficulty of preserving them when they were not listed.

## **DECISION**

### **AGREED:-**

- (a) **The document as updated Supplementary Planning Guidance in the form of a Planning Brief (Appendix A) to the report to be used as a basis for six week public consultation; and**
- (b) **that authority be delegated to the Chief Planning and Housing Officer to approve the final document as Supplementary Planning Guidance if there were no substantive comments arising from the public consultation.**

## **4. 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) **the Reporter had sustained appeals against refusal in respect of :-**
  - (i) **the erection of poultry building, upgrade of access junction, formation of access road, and associated works (Shed 5) at Hutton Hall Barns, Hutton– 20/00347/FUL; and**
  - (ii) **the erection of poultry building and associated works (Shed 6) at Hutton Hall Barns, Hutton – 20/00347/FUL**
- (b) **there remained outstanding two appeals previously reported on which decisions were still awaited when the report was prepared on 21 January 2021.**

• <b>Land North West of Willowdean House, Foulden</b>	• <b>Land North East of Burnside, Lower Green, West Linton</b>
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- (c) **a review had been received in respect of the erection of a dwellinghouse with integral garage on Land North East of Balcladach, Easter Ulston, Jedburgh – 20/00956/PPP;**
- (d) **there remained one review previously reported on which a decision was still awaited when the report was prepared on 21 January 2021 and related to the site at:**

• <b>Garden Ground of Clifton Cottage, High Street, Kirk Yetholm</b>
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- (e) **there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 21 January 2021 and related to sites at:**

• <b>Crystal Rigg Wind Farm, Cranshaws, Duns</b>	•
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*The meeting concluded at 11.25 a.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/00789/S36	Variation to operating life from 25-30 years and clarification on drawing listed as Annex E on consent	Whitelaw Brae Wind Farm Fruid Tweedsmuir

Decision: That the Council indicate to the Scottish Government that it does not object to the application to extend their operating life of the wind farm to 30 years and refer to the original FEI Site Layout as Annex E of the S36 consent, subject to the imposition of the relevant conditions and informative notes of the original consent which remain necessary to adequately control this development, including an adjustment to Condition 15 to include Schedule 1A species.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/01133/FUL	Erection of rail station platforms, waiting shelters, footbridge and lifts with associated access, car parking, servicing and landscaping	Land South East of 12 The Orchard Reston

Decision: Approved subject to the following conditions and informatives:

**Conditions**

1. The development hereby approved shall not be carried out other than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed in writing 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 Construction Method Statement has first been submitted to and approved in writing by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed, unless otherwise agreed in writing by the Planning Authority. The plan must address the following:
  - Hours of operation
  - Noise mitigation/ equipment maintenance
  - Dust – mitigation and management
  - Lighting – prevention of nuisance
  - Complaints procedure/ communication of noisy works to receptorsReason: To protect the amenity of nearby residential properties.
3. Prior to the commencement of development, a Species Protection Plan (SPP) for 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 EP2 and EP3.
4. Prior to the commencement of development, a hedge protection plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, hedge protection barriers

shall be erected in accordance with the agreed hedge protection plan before development commences and no works or storage shall be carried out within the protected areas unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the existing hedge on The Orchard which contributes to the amenity of the surrounding area.

5. Within six weeks of the date of this consent, A Data Structure Report (DSR) shall be submitted to the Planning Authority in strict accordance with the details set out within Sections 5.1 to 5.5 of the Written Scheme of Investigation (WSI) produced by CFA Archaeology (dated 27 November 2020). All further measures detailed within Sections 5.1 to 5.5 of the WSI shall be carried out as required by the Planning Authority to a timescale first agreed in writing with the Planning Authority.

Reason: The site is within an area where archaeological evaluation was required to satisfy LDP policy EP8 (Archaeology). The reporting sought under this condition is required to formally confirm the results of the evaluation work carried out.

6. Within four months of the date of this consent, a proportionate Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Planning Authority. The BEP shall include a timetable for delivery of enhancement measures. Thereafter, no development shall be undertaken except in accordance with the approved in writing BEP, the provisions of which shall be delivered in strict accordance with the agreed timetable for delivery.

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

7. Within four months of the date of this consent, details of the design of the proposed SUDS pond, any landscaping of the SUDS pond and any means of enclosure thereto shall be submitted to and approved in writing by the Planning Authority. The SUDS pond shall be designed to ensure pre-development run-off levels are maintained or reduced. Thereafter, the agreed scheme shall be delivered in full in accordance with a timetable first agreed in writing with the Planning Authority.

Reason: to control the design, functionality and appearance of the SUDS scheme in the interests of visual impact and flood risk.

8. Within four months of the date of this consent, a site plan and scheme of details showing final proposed site levels shall be submitted to and approved in writing by the Planning Authority. This shall include levels and design information for the stairs/ footpaths to demonstrate they will be not be at risk of flooding. Thereafter the development shall be completed in strict accordance with the agreed details.

Reason: to provide satisfactory control over the development hereby approved, and in the interests of reducing flood risk for the development.

9. Within four months of the date of this consent, details and, where requested, samples, of the external materials to be used in the footbridge and lift-shaft structures hereby approved shall be submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

10. Within six months of the date of this consent, a revised scheme of details for hard and soft landscaping, boundary treatments and means of enclosure shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:

- a) A site plan showing details of proposed soft and hard landscaping and boundary planting/ fencing/ walling;
- b) A detailed design drawing for the layout at the north end of The Orchard, including details of the measures to close off the end of The Orchard to vehicular traffic;

- c) A detailed design drawing for the layout for the area from the south end of The Orchard to the underpass;
- d) Details of materials for hard surfaces;
- e) Details of boundary planting/ fencing/ walling design.
- f) Details of species numbers and plant sizes for planting;
- g) Commitment to replacement of the existing hedge where damaged or removed;
- h) A timetable for planting and replacement of planting over the first 3 years from the completion of the development;
- i) Details of on-going maintenance.

Thereafter, the development shall be carried out wholly in accordance with the agreed scheme of details and any boundary planting shall be carried out by the end of the first planting season following the commencement of operations, unless otherwise agreed in writing by the Planning Authority.

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

11. No works shall commence on the roundabout hereby approved until such time as Stages 1 and 2 of a Road Safety Audit have been submitted to, and approved in writing by the Planning Authority in relation to the proposed roundabout on the B6438. All design amendments and remedial works identified through these stages of the audit shall thereafter be carried out within a timescale first agreed in writing with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in regards to road safety.

12. Stage 3 of the Road Safety Audit required by Condition 11 shall be submitted to the Planning Authority for consideration within 1 month of completion of the construction works associated with the proposed roundabout on the B6438. All remedial works identified through this stage of the audit to be carried out within a timescale agreed with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in relation to road safety.

13. Stage 4 of the Road Safety Audit required by Condition 11 to be submitted one year after completion of the roundabout on the B6438. All design amendments and remedial works identified through this stages of the audit to be carried out within a timescale agreed with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in relation to road safety.

14. Prior to the closure of the existing vehicular access to The Orchard, the new access road and access to the B6438 shall be completed to a specification first agreed by the Planning Authority, including the new vehicular link to The Orchard. Thereafter, the existing access to The Orchard shall be closed to vehicular traffic within 5 days of the new access becoming operational.

Reason: To ensure vehicular access to The Orchard is maintained at all times and to prevent a proliferation of accesses onto the B6438 in the interests of road safety.

15. Prior to the development hereby approved becoming operational, a revised lighting assessment and lighting plan (including the locations of all proposed lighting columns) shall be submitted to and agreed in writing by the Planning Authority. The lighting plan shall meet the Environmental Zone 02 standard, shall incorporate warm lighting and shall incorporate the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK) to protect bats. Thereafter, the development shall operate in strict accordance with the agreed lighting plan and the development shall use no additional external lighting without the prior written approval of the Planning Authority.

Reason: To protect residential amenity, landscape quality, and the ecological interest in accordance with Local Development Plan policies PMD2, HD3, EP1, EP2 and EP3.

16. Prior to the development hereby approved becoming operational, a revised noise impact assessment and noise plan (incorporating details of the siting and specification of public address system proposals and their hours of operation) shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall operate in strict accordance with an agreed noise plan and the development shall use no additional external public address systems without the prior written approval of the Planning Authority.  
Reason: To protect residential amenity in accordance with Local Development Plan policies HD3.
17. Prior to the development hereby approved becoming operational, the car parking and access road shall be completed as per drawing 161778-BNU-DRG-ECV-000100 Rev B01.01, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure the development is served by adequate parking provision.
18. Prior to the development hereby approved becoming operational, a scheme of details for cycle parking facilities shall be submitted to, and approved by the Planning Authority. Thereafter the agreed cycle parking facilities shall be installed in accordance with the approved details before the development becomes operational.  
Reason: To ensure adequate cycle parking facilities are provided in the interests of sustainable transport.
19. Prior to the development hereby approved becoming operational, a scheme for the monitoring and expansion of car parking within the approved development shall be submitted to and approved by the Council. The scheme shall include proposals to extend the car park once the usage reaches an agreed level. Thereafter, monitoring of car parking within the development shall be carried out and reported to the Planning Authority in accordance with the agreed scheme and the car park shall be extended when usage reaches an agreed level.  
Reason: To ensure the development is served by adequate parking at all times.
20. Throughout the construction period of the approved development, Core Path 97 shall remain open and unobstructed, unless where prior notification has been provided to the Planning Authority or Countryside and Access Team at least five days in advance and subject to any temporary rerouting that has received the prior written approval of the Planning Authority.  
Reason: to maintain access across Core Path 97 during construction as far as is practicable.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no development shall be carried out within either (a) the triangular portion of land to the far west of the site as shown on Location Plan 161778-BNU-DRG-ECV-000005 REV P1 or (b) the area within the site to the north of the internal car park road labelled OPEN GROUND TO PLANTED WITH WILDFLOWER MIX on site plan drawing 161778-BNU-DRG-EAR-000101 REV B01.01, unless an application for planning permission in that regards is first submitted to and approved in writing by the Planning Authority.  
Reason: to safeguard (a) vehicular and pedestrian connectivity to the neighbouring allocated Local Development Plan housing site AREST004 and (b) further opportunities for future car parking expansion within the site.
22. Prior to the development hereby approved becoming operational, a scheme of details for the provision of road signage shall be submitted to and approved in writing by the planning authority. The road signage shall be implemented in full compliance with the approved scheme of details before the development is operational, and shall be retained in perpetuity thereafter.  
Reason: To ensure appropriate road signage is in place and in the interests of road safety.

23. Within 4 months of the date of this consent, a revised site layout plan showing dedicated taxi parking arrangements shall be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the revised, and approved site plan, unless otherwise agreed in writing by the planning authority. The approved taxi parking arrangements shall be retained in perpetuity thereafter unless otherwise agreed in writing with the planning authority.  
Reason: To ensure adequate provision is made for parking taxis and to encourage sustainable modes of transport.

#### Informatives

1. To note with reference to any further adjacent planning application, the brick railway building was identified as being of moderate bat roost potential but only a single dusk emergence survey was carried out. It is unclear why two surveys (one dusk and one dawn) were not carried in accordance with good practice guidance and the Council's bat survey guidance at: [https://www.scotborders.gov.uk/downloads/file/2960/bats\\_technical\\_advice\\_note](https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note)  
A small, non-breeding soprano pipistrelle roost (2-3 bats) was found in the brick railway building. The survey report recommended three activity surveys should be carried out to fully assess the status of the roost and inform a licence from SNH (NatureScot).
2. The Roads Planning Service advise that Roads Construction Consent will be required for the potentially adoptable roads within the site; only contractors first approved by the Council may working within the public road boundary; Road Safety Audits to be carried out per GG 119 (formerly HD 19/15) of the Design Manual for Roads and Bridges.
3. Members unanimously agreed that the proposed station development would benefit from on site public toilet and café/kiosk facilities. The applicant may wish to consider whether these facilities can be provided.