

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held via Microsoft Teams on Monday, 26 April at 10.00 a.m.

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

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Planning Officer (Craig Miller), 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 29 March 2021.

DECISION

APPROVED for signature by the Chairman.

2. APPLICATION

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

DECISION

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

3. 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 remained two appeals previously reported on which a decision was still awaited when the report was prepared on 14 April 2021 and related to the sites at:**

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| <ul style="list-style-type: none">• Land West of 8 Ballantyne Place, Peebles |
| <ul style="list-style-type: none">• Land East of Knapdale, 54 Edinburgh Road, Peebles |

- (b) **a review request had been received in respect of the Erection of boundary fence (retrospective) at 1 Raeburn Lane, Selkirk – 20/01234/FUL;**

- (c) **There remained one review previously reported on which a decision was still awaited when the report was prepared on 14 April 2021 and related to the site at:**

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| <ul style="list-style-type: none">• Angling Club, 5 Sandbed, Hawick |
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- (d) **There remained one S36 PLI previously reported on which a decision was still awaited when the report was prepared on 14 April 2021 and related to:-**

- **Crystal Rigg Wind Farm, Cranshaws, Duns**

The meeting concluded at 12.25 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00090/FUL	Erection of 64 dwellinghouses and associated Infrastructure	Former Earlston High School Earlston

Decision: Approved, with powers delegated to Officers to secure appropriate noise mitigation, subject to a legal agreement (covering development contributions towards play space) and the following conditions:

1. The residential units hereby approved shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and 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 affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof materials for the approved buildings (which shall include more than one wall render colour), and full details of the surfacing of all shared surfaces and footways have first been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To ensure the material finishes respect the character and appearance of the surrounding area.
3. Notwithstanding the details illustrated on Drawing No L(02)H-01, no development shall commence until revised elevation drawings of House Type H-J have first been submitted to an agreed in writing with the Planning Authority. The amended elevations shall include additional architectural interest through the use of additional and complementary materials as well as adjustments to the fenestration. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: Further details are required to ensure the external appearance of the colony units respects the character of the surrounding area.
4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority, thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. soft and hard landscaping works
 - iii. precise design of nodes/feature planters
 - iv. a programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until a revised masterplan has first been submitted to and agreed in writing by the Planning Authority which provides one additional disabled

car parking space. Once agreed the development shall be completed in accordance with the approved details.

Reason: To ensure sufficient parking provision is provided.

6. No development shall commence until a scheme of details relating to the following pedestrian improvements and the provision of cycle storage facilities has first been submitted to and agreed in writing with the Planning Authority. Thereafter, the development shall be completed in accordance with the agreed details. The details shall include;
 - i. improvements to the pedestrian route to the west of the site via the industrial estate;
 - ii. improvements to the pedestrian link to the north of the site past the tennis courts;
 - iii. provision of cycle storage facilities to serve the colony units; and
 - iv. a programme for completion.

Reason: To ensure that the development hereby approved is served by appropriate pedestrian and cycle storage facilities upon completion.

7. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the development of the estate proceeds in an orderly manner.

8. No development shall commence until a Traffic Management Plan has first been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details. The details shall include;

- i. access arrangements for construction traffic
- ii. temporary traffic measures required during the construction period
- iii. access arrangements for staff traffic during the construction phase

Reason: To ensure the traffic associated with the construction of the development does not have a detrimental impact on the existing road network within the vicinity of the site and its users, particularly with regards the adjacent school premises.

9. No development shall commence until a scheme of mitigation measures designed to reduce noise levels across the development site generated by operations carried out within the Station Road business and industrial site shall first be submitted to and agreed in writing with the Planning Authority. The scheme of measures shall reflect the recommendations of the submitted RMP Noise Impacts Assessment (Former Earlston High School, Earlston TD4 6HE - Technical Report R-8461-RRM-RGM, dated 8th May 2019, and Addendum (Ref:L-8461C-RRM-RGM) to Noise Impact Assessment Ref: R-8461-RRM-RGM, dated 11th September 2019) and any other additional measures which may be informed by subsequent Noise Impact Assessments. Once agreed, the scheme of mitigation measures shall be implemented prior to the occupation of the first dwellinghouse hereby approved.

Reason: To ensure that the residential amenity of the development will not conflict with operations undertaken at the adjacent Station Road Industrial and Business site.

10. No development shall commence until a scheme submitted by the Developer to identify and assess potential contamination on site has first been submitted to and approved in writing by the planning authority. Thereafter no construction work shall commence unless in strict 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.

11. No development shall commence 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.

12. No development shall commence until written evidence is provided to the Planning Authority that mains water and foul drainage connections are available to serve the development. All public mains services shall be provided prior to occupancy of the dwellinghouses hereby approved and shall be maintained thereafter throughout occupancy of the dwellinghouses

Reason: To ensure the development is adequately serviced and to maintain existing surface water run-off levels from the site.

13. No development shall commence until precise details of the design of the SUDS scheme has first been submitted to and approved in writing with the Planning Authority. The sustainable urban drainage system shall comply with CIRA C753 SuDS Manual. Once approved the development shall be carried out in strict accordance with the agreed details. Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

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

14. No development shall commence until a Construction Environmental Management Plan incorporating the good practice guidelines and statutory advice to protect the River Tweed SAC has first been submitted to and agreed in writing in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
15. No development shall commence until a Species Protection Plan (SPP) for bats, otter, badger and breeding birds has first been 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.
16. No development shall commence until a Landscape and Habitat Management Plan (LHMP) has first been submitted to and approved in writing by the Planning Authority. The LHMP shall incorporate provision for measures identified in the Ecological surveys including planting of native trees and shrubs and SuDS enhancements. No development shall be undertaken except in accordance with the approved in writing LHMP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
17. No development shall commence until a sensitive lighting scheme to safeguard protected species incorporating the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK) to protect bats has first been submitted to and approved in writing 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

Informatives

1. The applicant shall give consideration to the provision of additional electric vehicle and electric cycle charging points and associated infrastructure.
2. The applicant shall give consideration to the use of sustainable construction techniques and inclusion of appropriate measures to maximise the efficient use of energy and resources. This shall include, but is not limited to, the use of solar panels and air source heat pumps.