

# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council HQ, Newtown St. Boswells and via Microsoft Teams on Monday, 7 November, 2022 at 10.00 am

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

Apologies:- Councillor D. Moffat

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), and Democratic Services Officer (F. Henderson and W. Mohieddeen).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 3 October 2022.

**DECISION**

**AGREED to approve the Minute for signature by the Chair.**

2. **APPLICATION**

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

**DECISION**

**DEALT with the application 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 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 this report was prepared on 28 October 2022 which related to a site at:**

• <b>Land South West of West Lodge, Minto</b>	• <b>Land South West of Yethouse Farmhouse, Newcastleton</b>
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- (b) **Review requests had been received in respect of:**

- (i) **Erection of 3no holiday pods and associated parking, Land West of Burnmouth Church, Stonefalls, Burnmouth, Eyemouth;**
- (ii) **Erection of residential holiday let with associated facilities, Townfoot Hill, Land North West of Cunzieron House, Oxnam, Jedburgh;**

- (iii) Erection of holiday let accommodation, Land North East of Runningburn Farm, Stichill;
  - (iv) Erection of 2no dwellinghouses, Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside;
  - (v) Installation of soil vent pipe to front elevation, Hillside, Duns Road, Swinton, Duns;
  - (vi) Installation of photo voltaic array to the south facing roof, Mansefield, 91 High Street, Coldstream,;
- (c) The following reviews had been determined as shown:
- (i) Change of use from Industrial (Class 4,5,6) to Fitness Studio (Class 11) (retrospective), Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels – Decision of Appointed Officer Overturned (Subject to Conditions);
  - (ii) Erection of dwellinghouse, Woodland Strip, North of Springhall Farm, Kelso – Decision of Appointed Officer Upheld;
- (d) There remained nine reviews previously reported on which decisions were still awaited when the report was prepared on 28 October 2022 which related to sites at:

• Land East of 16 Hendersyde Avenue, Kelso	• Plot 1, Land North of Belses Cottage, Jedburgh
• Plot 2, Land North of Belses Cottage, Jedburgh	• Garden Ground of Cheviot View, Eden Road, Gordon
• Land West of 1 The Wellnage, Station Road, Duns	• Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside
• Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton	• Deanfoot Cottage, Deanfoot Road, West Linton
• Caddie Cottage, Teapot Street, Morebattle, Kelso	

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 28 October 2022 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

*The meeting concluded at 10.34 am.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
22/01129/PPP	Erection of dwellinghouse	Garden ground of The Croft, Chamber's Terrace, Peebles

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

1. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. Application for approval of matters specified in the conditions set out in this decision shall be made to the planning authority before whichever is the latest of the following:

(a) the expiry of three years from the date of this permission or;

(b) the expiry of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

3. No development shall commence until precise details of: the layout, siting, design and external appearance of the building; the means of access thereto; two off-street parking spaces (excluding garages); refuse and recycling bin storage and the landscaping and boundary treatments of the site, have first been submitted to and approved in writing by the planning authority. The development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

4. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall take place only in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

5. The layout details required by condition 1 shall include an arboricultural impact assessment. The assessment shall identify all existing trees within and adjacent to the

site and their root protection areas. The assessment shall also identify those trees to be retained and those proposed to be removed. The assessment shall also identify a suitable tree protection plan, demonstrating that these can be safeguarded by the design of the development and protected during construction works in accordance with BS5837:12 "Trees in relation to design, demolition and construction". The development shall be implemented in accordance with the approved assessment and protection plan and only those trees approved for removal shall be so removed, the remainder of trees within the site shall be retained, unless otherwise agreed in writing with the planning authority.

Reason: To enable the sympathetic assimilation of the development into its wider surroundings and to ensure that existing trees, including protected and unprotected trees that represent an important visual feature are retained and given adequate protection during construction.

6. No development shall commence until precise details of water supply and of both surface water and foul 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.

7. A design statement shall be submitted with the first approval of matters specified in conditions application for this site. The design statement shall outline the rationale in terms of the siting, design, scale, size, proportions and materials of the proposed dwellinghouse, boundary treatments and landscaping. The statement shall also demonstrate how the development relates to the context of the surrounding area and the setting of the adjacent house.

Reason: To ensure an appropriate scale and design of development that is in keeping with the character, and enhances the visual amenities, of the area.

8. The finished floor levels of the dwellinghouse hereby approved shall be consistent with those indicated on a scheme of details, which shall be submitted with the first approval of matters specified in conditions application for the site for approval in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

9. No development, vegetation removal or tree felling shall commence during the breeding bird season (March-August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to and approved in writing by the Planning Authority, and that shall include provision for a pre-development checking survey and mitigation.

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

10. Detailed plans for the vehicular access serving the site shall be submitted with the first application for approval of matters specified in conditions. The plans shall include details

showing the vehicular access from Chambers Terrace widened to 5.5m over the first 7.5m and the vehicular footway crossing also widened to match the width of the access (5.5m). The approved access arrangements shall be completed prior to the occupation of the dwelling hereby approved.

Reason, In the interests of road safety and to ensure two vehicles can pass in the junction.

### **Informatives**

1. In respect of condition 5, 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](http://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/bats_and_buildings.html)

[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

2. In respect of condition 9, 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 10, all works to the footway must be completed by a contractor on the Council's Approved List.