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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

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, 9th January, 2023 at 10.00 am

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

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

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 5 December 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 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 Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:

(a) **There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 21 December 2022 which related to a site at Land West of Slipperfield House, Slipperfield Loch, West Linton;**

(b) **Review requests had been received in respect of:**

(i) **Erection of Class 4 joinery workshop with associated access and parking, Land North and East of Clay Dub, Duns Road, Greenlaw;**

(ii) **Alterations and extension to dwellinghouse, 17 George Street, Eyemouth;**

(iii) **Alterations and extensions to dwellinghouse, Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth;**

(c) **The following reviews had been determined as shown:**

- (i) **Erection of dwellinghouse, Plot 1, Land North of Belses Cottage, Jedburgh – Decision of Appointed Officer Overturned (Subject to Conditions),**
 - (ii) **Erection of dwellinghouse, Plot 2, Land North of Belses Cottage, Jedburgh – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement),**
 - (iii) **Erection of dwellinghouse, Garden Ground of Cheviot View, Eden Road, Gordon – Decision of Appointed Officer Upheld (Terms of Refusal Varied),**
 - (iv) **Erection of two dwellinghouses with access and associated works, Land West of 1 The Wellnage, Station Road, Duns – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement),**
 - (v) **Demolition of agricultural building, erection of dwellinghouses with ancillary accommodation, Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement),**
 - (vi) **Erection of dwellinghouse, Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside – Decision of Appointed Officer Overturned (Subject to Conditions),**
 - (vii) **Erection of 3 no holiday pods and associated parking, Land West of Burnmouth Church, Stonefalls, Burnmouth, Eyemouth – Decision of Appointed Officer Upheld,**
 - (viii) **Replacement windows and door (retrospective), Caddie Cottage, Teapot Street, Morebattle, Kelso – Decision of Appointed Officer Overturned,**
 - (ix) **Alterations and extension to dwellinghouse, Deanfoot Cottage, Deanfoot Road, West Linton – Decision of Appointed Officer Upheld,**
 - (x) **Installation of soil vent pipe to front elevation, Hillside, Duns Road, Swinton, Duns – Decision of Appointed Officer Upheld,**
 - (xi) **Installation of photo voltaic array to the south facing roof, Mansefield, 91 High Street, Coldstream – Decision of Appointed Officer Overturned (Subject to Conditions);**
- (d) **There remained 7 reviews previously reported on which decision were still awaited when the report was prepared on 21 December 2022 which related to sites at:**

<ul style="list-style-type: none"> • Land East of 16 Hendersyde Avenue, Kelso 	<ul style="list-style-type: none"> • Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh
<ul style="list-style-type: none"> • Land North East of Runningburn Farm, Stichill 	<ul style="list-style-type: none"> • Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside
<ul style="list-style-type: none"> • Land West of Pease Bay Holiday Home Park, Cockburnspath 	<ul style="list-style-type: none"> • Land South West of Castleside Cottage, Selkirk
<ul style="list-style-type: none"> • Land South West of Corstane Farmhouse, Broughton 	

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 21 December 2022 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.**

The meeting concluded at 10.30 pm.

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APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/00877/FUL	Partial demolition of buildings, erection of 3no dwellinghouses with detached garage block and erection of 2no industrial units.	Langlands Mill, Langlands Place Newtown St Boswells

DECISION: Approved as per officer recommendation and subject to a 'clawback clause' being included in the Section 75 Agreement. The clawback clause shall secure additional development contributions (over and above the figure suggested by the DV and agreed by the applicant - £5000 per dwelling), in the event that the residential sales exceeds the enhanced level of Gross Development Value as set out in the DV Valuation Report. The decision is also 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 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 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. The two light industrial units hereby approved shall only be used for Class 4 (office, research and development or light industry) of the Schedule of The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure that the use remains compatible within the site and to safeguard residential amenities.
- 5. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials and colour finishes to be used in the construction of the external walls, roofs, window frames, doors, balustrades, roller shutter doors and garage doors of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except 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.
- 6. The finished floor levels of the dwellinghouses and light industrial units hereby approved shall be consistent with those indicated on a scheme of details which shall be submitted to and approved in writing by the Planning Authority before the development commences. Such details shall indicate the existing and proposed levels throughout the application site, including the courtyard and parking spaces, 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 or on visual amenities.
- 7. Details of boundary treatments (walls, gates, fences) including position, extent, height, materials, design and colour finish (around the site or between plots) to be submitted to and approved in writing by the Planning Authority before the development commences. The approved boundary treatments then to be erected in accordance with the approved details.
Reason: To safeguard the visual amenities of the area.
- 8. Details of bin storage areas for waste and recycling and any external storage areas for the light industrial units 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 light industrial units are occupied.

Reason: To safeguard the visual appearance of the area.

9. Any noise emitted by plant and machinery used in the light industrial units will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (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: To protect the residential amenity of nearby properties.

10. Prior to commencement of development, details confirming the construction of the communal courtyard to be submitted to and approved in writing by the Planning Authority. Thereafter the courtyard to be constructed as per the approved details prior to first occupation of either the dwellinghouses or light industrial units.

Reason: To ensure the development hereby approved is served by an adequate form of access.

11. Prior to commencement of development, a scheme of details of the proposed improvements to the lane adjacent to the northern boundary of the site to be submitted to and approved in writing by the Planning Authority. Thereafter the improvements to be implemented in accordance with the approved scheme and completed prior to first occupation of either the dwellinghouses or light industrial units.

Reason: To ensure the development hereby approved is served by an appropriate form of access.

12. Core path 140, to be kept open and free of obstruction for walkers, cyclists and horse riders, before, during and after any development in this location.

Reason: To ensure rights of access are maintained during the construction period and upon completion of the development.

13. The construction phase of the development to be carried out in accordance with the requirements and mitigation contained within the Construction Method Statement.

Reason: To protect the Special Area of Conservation and SSSI.

14. 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 and light industrial units 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.

15. 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 and light industrial units hereby approved

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

16. 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 and light industrial units hereby approved.

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

Informatives

1. In respect of condition 9, all plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
2. In respect of condition 11, improvements to the lane should be such that all potholes are repaired and a level surface capable of supporting a 14 tonne axle loading is provided.