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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 Chambers, Council Headquarters, Newtown St Boswells and via Microsoft Teams on Monday, 27th March, 2023 at 10.00 am

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

Apologies:- Councillors J. Cox and V. Thomson

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 6 March 2023.

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) **An appeal decision had been received in respect of New quarry for Sand and Gravel Extraction, Land West of Slipperfield House Slipperfield Loch, West Linton – 21/00152/FUL – reporter’s decision: sustained.**

(b) **There remained 2 appeals previously reported on which decisions were still awaited when the report was prepared on 17th March 2023 which related to sites at:**

• 1 Hall Street, Galashiels	• The Old Cow Shed, Lennel, Coldstream
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- (i) **Erection of dwellinghouse and associated work, Land South of Ebbastrand, Coldingham Sands, Coldingham – 22/01357/FUL;**
 - (ii) **Formation of access and boundary fence (retrospective), The Millers House Scotsmill Kailzie, Peebles – 22/01421/FUL;**
 - (iii) **Alteration and extension to dwellinghouse, Ratchill Farmhouse, Broughton – 22/01612/FUL;**
 - (iv) **Modification of condition No.1 of planning permission 15/01355/FUL to allow the holiday chalet to be occupied as dwellinghouse, Land at Disused Railway Line Rachan, Broughton – 22/01811/FUL; and,**
 - (v) **Installation of photo voltaic array to roof, Scott House, Douglas Square, Newcastleton – 22/01982/FUL;**
- (c) **There remained 11 reviews previously reported on which decisions were still awaited when the report was prepared on 17 March 2023 which related to sites at:**

• Land North East of Runningburn Farm, Stichill	• Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside
• Land South West of Castleside Cottage, Selkirk	• Land South West of Corstane Farmhouse, Broughton
• Land North and East of Clay Dub, Duns Road, Greenlaw	• 17 George Street, Eyemouth
• Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth	• Ravelaw Farm, Duns
• Land South West of West Loch Farmhouse, Peebles	• 100 Abbotseat, Kelso
• Land West of Greenburn Cottage, Auchencrow	

- (d) **There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 17 March 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.**

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

4. WIND FARM APPLICATIONS

With reference to paragraph 6 of the Minute of the Meeting held on 6 March 2023, the Lead Planning Officer advised Members that the Cloich Wind Farm application was being prepared for consideration by the Committee at its meeting to be held 24 April 2023. A visit to the application site was to be scheduled in the week prior to the meeting when the application would be considered.

**DECISION
NOTED the update.**

The meeting concluded at 10.30 am.

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APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/01205/FUL	Variation of Conditions 6 and 7 of planning permission 97/00640/MIN to enable night time operation of the existing asphalt plant	Land South West of Cowieslinn Quarry, Peebles

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

1. a) The hours of operations for all working, with the exception of the asphalt plant and measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 0700 hours and 2000 hours Mondays to Fridays and 0700 hours to 1200 hours on both Saturdays and Sundays. In addition, no operations shall be permitted on 25th and 26th December and 1st and 2nd January.
 b) In addition to the hours of operation stipulated in part a), the asphalt plant shall be permitted to operate between the hours of 2000 hours and 0100 hours Mondays to Fridays on up to 50 occasions per calendar year.
 c) Notwithstanding the terms of part (b) above, the asphalt plant operator may make a written request to the Planning Authority to increase its quota from 50 night-time operations in any calendar year (as specified within part (b) above). The Planning Authority will then decide, in writing, whether to increase the annual quota to number of occasions it deems appropriate.
 Reason: In the interests of amenity.
2. a) Minerals shall only be dispatched from the site between 0700 hours and 1800 hours on Mondays to Fridays and 0700 hours and 1200 hours on Saturdays, with no movements on Sundays.
 b) Notwithstanding the terms of part (a) above, the dispatch of asphalt shall be permitted between the hours of 1800 hours and 0100 hours Mondays to Fridays on the occasions the asphalt plant is permitted to operate outwith the usual hours of operation stipulated within Condition 1(a).
 Reason: In the interests of amenity.
3. With the exception of the Conditions hereby amended as above, the development shall be implemented in accordance with the schedule of conditions approved under applications 97/00640/MIN and 01/00669/FUL and in accordance with all agreements/approvals under the terms of those conditions.
 Reason: To ensure the development is implemented and operated in accordance with all measures within the approved schedule of conditions under the original quarry planning consent and quarry extension planning consent, to ensure compliance the Development Plan and relevant planning policy guidance.
4. Notwithstanding the terms of any conditions under previous consents at the site, no night-time working of the asphalt plant to commence until a scheme of site lighting together with bund and planting screening of the site and access road is submitted to, and approved in writing by, the Planning Authority. The lighting and screening then to be implemented and operated in accordance with the approved scheme.
 Reason: To safeguard residential and ecological receptors in the vicinity of the site.
5. Notwithstanding the terms of any conditions under previous consents at the site, no night-time working of the asphalt plant to commence until a Noise Monitoring Plan for the night-time operation of the asphalt plant and associated vehicles is submitted to, and approved in writing

by, the Planning Authority. The Plan then to be implemented and operated in accordance with the approved details.

Reason: To safeguard residential receptors in the vicinity of the site.

Reference

22/01206/FUL

Nature of Development

Variation of Conditions 6 and 7 of planning permission 09/00468/MIN to enable night time operation of the existing asphalt plant

Location

Land South West of Cowieslinn Quarry, Peebles

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

1. a) The hours of operations for all working, with the exception of the asphalt plant and measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 0700 hours and 2000 hours Mondays to Fridays and 0700 hours to 1200 hours on both Saturdays and Sundays. In addition, no operations shall be permitted on 25th and 26th December and 1st and 2nd January.
b) In addition to the hours of operation stipulated in part a), the asphalt plant shall be permitted to operate between the hours of 2000 hours and 0100 hours Mondays to Fridays on up to 50 occasions per calendar year.
c) Notwithstanding the terms of part (b) above, the asphalt plant operator may make a written request to the Planning Authority to increase its quota from 50 night-time operations in any calendar year (as specified within part (b) above). The Planning Authority will then decide, in writing, whether to increase the annual quota to number of occasions it deems appropriate.
Reason: In the interests of amenity.
2. a) Minerals shall only be dispatched from the site between 0700 hours and 1800 hours on Mondays to Fridays and 0700 hours and 1200 hours on Saturdays, with no movements on Sundays.
b) Notwithstanding the terms of part (a) above, the dispatch of asphalt shall be permitted between the hours of 1800 hours and 0100 hours Mondays to Fridays on the occasions the asphalt plant is permitted to operate outwith the usual hours of operation stipulated within Condition 1(a).
Reason: In the interests of amenity.
3. With the exception of the Conditions hereby amended as above, the development shall be implemented in accordance with the schedule of conditions approved under applications 01/00669/FUL and 09/00468/MIN and in accordance with all agreements/approvals under the terms of those conditions.
Reason: To ensure the development is implemented and operated in accordance with all measures within the approved schedule of conditions under the original quarry planning consent and quarry extension planning consent, to ensure compliance the Development Plan and relevant planning policy guidance.
4. Notwithstanding the terms of any conditions under previous consents at the site, no night-time working of the asphalt plant to commence until a scheme of site lighting together with bund and planting screening of the site and access road is submitted to, and approved in writing by, the Planning Authority. The lighting and screening then to be implemented and operated in accordance with the approved scheme.
Reason: To safeguard residential and ecological receptors in the vicinity of the site.
5. Notwithstanding the terms of any conditions under previous consents at the site, no night-time working of the asphalt plant to commence until a Noise Monitoring Plan for the night-time operation of the asphalt plant and associated vehicles is submitted to, and approved in writing

by, the Planning Authority. The Plan then to be implemented and operated in accordance with the approved details.

Reason: To safeguard residential receptors in the vicinity of the site.