

Public Document Pack

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells and via Microsoft Teams on Thursday, 15th June, 2023 at 10.00 am

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

Apologies:- Councillor E. Small

Also present:- Councillor S. Hamilton

In Attendance:- Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer (A. Scott), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Democratic Services Team Leader (L. McGeoch) and Democratic Services Officer (W. Mohieddeen).

1. **APPLICATIONS**

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

DECISION

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

The meeting concluded at 1.30 pm

This page is intentionally left blank

APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/00483/FUL	Change of use of garage blocks and alterations to form six dwellinghouses	Garage Blocks East of 132 Ramsay Road, Hawick

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

Conditions

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 proposed residential units shall meet the definition of "special needs housing" as set out in the adopted Local Development Plan 2016 and any 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 special needs housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including affordable housing and local schools.
3. 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.
4. Details of bin storage areas for waste and recycling and any external storage areas for the dwellings 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 dwellings are occupied.
Reason: To safeguard the visual appearance of the area.
5. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
6. 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 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.

7. 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 hereby approved
Reason: To ensure that the development does not have a detrimental effect on public health.
8. 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 hereby approved.
Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.
9. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.
Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

NOTE

1. Mr Darren Loftus, representing Voice of the Teries and participating via Microsoft Teams, spoke against the application. Ms Emma Garry, SBHA, spoke in support of the application.

Reference

23/00479/FUL

Nature of Development

Change of use of garage blocks and alterations to form three dwellinghouses

Location

Garage Blocks, Bothwell Court, Hawick

DECISION: Application continued for site visit to take place.

NOTES

1. Ms Evelyn Jackson spoke against the application. Ms Emma Garry, SBHA, spoke in support of the application.
2. Vote
Councillor Thomson, seconded by Councillor Moffat, moved that the application be continued to another Meeting for a site visit to take place.
Councillor Richards, seconded by Councillor Orr, moved as an amendment that a site visit not be held.

On a show of hands, Members voted as follows:

Motion – 4 votes

Amendment – 4 voted

The Chair used his casting vote in favour of the Motion and the application was continued pending a site visit taking place.

Reference

22/01588/FUL &
22/01587/LBC

Nature of Development

Reinstatement, alterations
and extensions to
dwellinghouse

Location

Cavers House

DECISION: Application continued for site visit to take place.

NOTE

1. Mr Paul Allison spoke against the application. Mr Gavin Yuill and Mr Fraser Bell (agents) and Ms Julie Sharrer (applicant) participating via Microsoft Teams spoke in support of the application.

Reference

23/00382/FUL

Nature of Development

Removal of condition 5 of
planning permission
21/00794/FUL pertaining to
visibility splay

Location

Land East of Thistle Brae,
The Hardens, Duns

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

Condition

1. The development shall be implemented in accordance with the approved plans and drawings pursuant to planning permission 21/00794/FUL. The schedule of conditions attached to planning permission 21/00794/FUL, excluding condition 5 of 21/00794/FUL which is removed by this permission, still apply to this development, together with the drawings/information approved by the Planning Authority to discharge those conditions.
Reason: To secure control over matters agreed and already controlled by and under conditions attached to the original planning permission.

NOTE

1. Mr Richard Wood spoke in support of the application.

Reference
22/01988/FUL

Nature of Development
Construction and operation
of battery energy storage
system facility with ancillary
infrastructure and access

Location
Land West Of Eccles
Substation, Eccles,
Coldstream

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

Conditions

1. The development hereby permitted shall be begun before the expiration of five 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. No development shall commence until the following precise details have been submitted to and agreed in writing with the Planning Authority;
 - i. The final site layout
 - ii. The design and appearance of all buildings and equipment to be installed within the site including their external material and colour finish.
 - iii. The design and appearance of all acoustic fencing, means of enclosure and gates including their material and colour finishReason: Further details are require to achieve a satisfactory form of development which respects the character and amenity of the rural area.
3. No development shall commence until a scheme of phasing has been submitted to agreed in writing by the Planning Authority. This shall include a programme for completion of the main elements within the development including the siting of the battery storage equipment, ancillary infrastructure, the construction access and the maintenance access. Once approved, the development shall then be carried out in accordance with the approve scheme.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
4. No development shall commence until a scheme of landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include;
 - i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. Indication of existing trees and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration and thereafter no trees or hedges shall be removed without the prior consent of the Planning Authority.
 - iii. Location of new trees, shrubs and hedges, which includes extending the landscaping around the northern boundary of the site and landscaping at the reinstated roadside verge following closure of the construction access.
 - iv. Schedule of plants to comprise species, plant sizes and proposed numbers/density
 - v. Programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until precise details of the access upgrades are submitted to and agreed in writing with the Planning Authority, the details shall include;
 - i. Visibility splays of 2m x 215m in either direction at the junction with the A697.
 - ii. Specification of the surfacing and kerbing of the new access between the carriageway of the public road and site gates.

iii. The laying of a white edge line in accordance with diagram 1010 of the Traffic Signs Regulations and General Directions 2016 across the new access with the carriageway of the public road.

Thereafter the development should be completed in accordance with the agreed details and retained in perpetuity thereafter, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the access is formed to an appropriate standard which conforms to road traffic regulations and protects the integrity of the public road.

6. Within 2 weeks of the development hereby approved being brought into use the construction vehicular access shall be permanently closed off in accordance with the details shown on the approved drawing (drawing no. ECB02). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the existing access shall not subsequently be reopened and no new access, other than that approved under this planning permission, shall be formed, laid out or constructed under the terms of Class 8 of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure that the development is carried out as proposed and to minimise the number of accesses into the development, in the interests of road safety.

7. No development shall commence until the detailed drainage design which complies with SUDs principles has first been submitted to, then approved in writing by the Planning Authority. Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site

8. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures has been submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and the scheme shall be implemented within 12 months of the final date electricity is exported from the site.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

9. No development shall commence until full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development have been submitted to and approved in writing by the Planning Authority. All lighting shall be provided and thereafter retained in accordance with the approved scheme.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the residential and visual amenity of the surrounding area.

10. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within any noise sensitive dwelling (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: In order to protect the residential amenity of nearby properties.

11. No works in connection with the development hereby approved shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Species Protection Plan for breeding birds.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
12. No development shall commence until a proportionate Biodiversity Enhancement Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Biodiversity Enhancement Plan.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
13. No development shall commence until a detailed Traffic Management Plan has first been submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved plan.
Reason: In the interests of road safety.

Informatives

With reference to Condition 5 it is recommended that:

1. Specification for access surfacing: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
2. Junction radius to be kerbed using 125mm by 255mm 45 degree splay kerbs.
3. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Note: Condition 13 added at the request of RPS Officer and Condition 1 amended to 5 years at the request of the applicant.

Reference

22/01993/FUL

Nature of Development

Erection of dwellinghouse

Location

Land Adjacent Rose
Cottage, Maxwell Street,
Innerleithen

DECISION: Refused contrary to officer recommendation for the following reasons:

The proposals are contrary to Policies PMD2 and PMD5 of the Scottish Borders Local Development Plan 2016 in that the site is not allocated for housing, the scale and density of the proposals are not appropriate for this site, and the erection of a house would result in inappropriate infill development. The proposals are also contrary to Policies EP9 and EP11 of the Scottish Borders Local Development Plan 2016 and Policy 7 of National Planning Framework 4 in that the erection of a house on this site will result in the loss of an area of green space and will not enhance the character of the conservation area.

NOTES

1. Mr Russell Blackhall, participating via Microsoft Teams, spoke against the application.
2. Vote
Councillor Scott, seconded by Councillor Moffat, moved that the application be approved as per officer recommendation.
Councillor Douglas, seconded by Councillor Orr, moved as an amendment that the application be refused on the grounds that the proposals are contrary to Policies PMD2 and PMD5 of the Scottish Borders Local Development Plan 2016 in that the site is not allocated for housing, the scale and density of the proposals are not appropriate for this site, and the erection of a house would result in inappropriate infill development; contrary to Policies EP9 and EP11 of the Scottish Borders Local Development Plan 2016 and Policy 7 of National Planning Framework 4 in that the erection of a house on this site will result in the loss of an area of green space and will not enhance the character of the conservation area.

On a show of hands, Members voted as follows:

Motion – 3 votes

Amendment – 5 votes

The application was accordingly refused.

This page is intentionally left blank