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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Committee Room 2, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on Monday, 7th August, 2023 at 10.40 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 and Democratic Services Officer (W. Mohieddeen).

MEETING

Due to technical issues in the Council Chamber, the meeting was moved to Committee Room 2, Council Headquarters, Newtown St Boswells and commenced at 10.40 am.

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 3 July 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. 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.

3. APPEALS AND REVIEWS

There had been circulated copies of a briefing note by the Chief Planning and Housing Officer on Appeal to the Scottish Ministers and Local Review.

DECISION

NOTED that:

(a) **An appeal had been received in respect of:**

(i) **Erection of Stable, Keppel Gate Nettlingflat, Heriot - 23/00648/CLEU**

(b) **There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 21 July 2023 which related to sites at:**

• 35 Horsemarket, Kelso	• 32 Dunglass Road, Coldstream
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- (c) A review request had been received in respect of:
- (i) Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10, U-Stor Business Units, Spylaw Road, Kelso – 23/00325/FUL;
- (d) The following reviews had been determined as shown:
- (i) Formation of access and boundary fence (retrospective), The Millers House, Scotsmill, Kailzie, Peebles – 22/01421/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);
- (ii) Erection of dwellinghouse, Paddock West of Hardens Hall, Duns – 22/01740/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);
- (iii) Amendment to Condition 3 of planning application 19/01646/PPP pertaining to occupation of dwellinghouse, Land South East of Tarf House, West Linton – 23/00236/FUL;
- (e) There remained 20 reviews previously reported on which decisions were awaited when the report was prepared on 21 July 2023 which related to sites at:

• Ravelaw Farm, Duns	• Land West of Greenburn Cottage, Auchencrow
• Land South of Ebbastrand, Coldingham Sands, Coldingham	• Land West of The Old Barn Westwater, West Linton
• 11 Tweed Avenue, Peebles	• Land North of Belses Cottage, Jedburgh
• 2 Rowan Court, Cavalry Park, Peebles	• Land South of 1 Kelso Road, Coldstream
• Church House, Raemartin Square, West Linton	• Land South of Greenbraehead Farmhouse, Greenbraehead, Hawick
• Land North West of Rosebank Cemetery Lodge, Shedden Park Road, Kelso	• Land at Rachan Woodlands, Broughton
• Land South of Headshaw Farmhouse, Ashkirk, Selkirk	• Land South and West of Greywalls, Gattonside
• Land West of Greywalls, Gattonside	• Land Northeast of The Bungalow, Crosshill, Chirside
• Shop, 22 – 24 South Street, Duns	• Site Adjacent The Steading Whiteburn Farm, Lauder
• W Pearce and Sons St Ronan's Works, 2 Miller Street, Innerleithen	• 22 Weensland Park, Hawick

- (f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 21 July 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/00033/FUL	Change of use and alterations to derelict building to form recreational hut with new access and parking (retrospective)	Building East Of Peel Lodge, Craigmyle Park, Peel, Galashiels

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 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. This consent shall only permit the conversion and adaptation of the existing building in accordance with the approved plans and drawings, unless otherwise amended by any other condition in this schedule. It shall not purport to grant permission for the erection of a new building nor for any extensive rebuilding which would be tantamount to the erection of a new building.
Reason: To ensure the development is implemented in accordance with the approved plans and drawings, and complies with the statutory Development Plan

3. The development shall be implemented in accordance with the approved plans and drawings, including external material specifications and retention of yard, walls and railings, and subject to:
 - a) The roofing material being matt finished, and the frames of the solar panels being black
 - b) Design details and colours of the doors and windows, and the colour(s) of exposed rafter ends and eave/verge fascias (which shall all be timber), being implemented in accordance with details approved in writing by the Planning Authority
 - c) All external walls including cills, lintels and quoins, being constructed of either stone salvaged from the existing building or matching stone
 - d) Notwithstanding the approved site plan 002, no extension to the existing building is approved under this consent
 Reason: To ensure the development is sympathetic to the character of the building and its setting

4. The use of the building shall be limited to purposes wholly ancillary to the management and recreational use of the woodland within which it is located only by the owner of the building and woodland. The building shall not be sold or leased separately from the woodland, which incorporates the area identified in blue on the approved location plan 001. It shall not be used for any other purpose, including residential, holiday letting or other commercial or business purposes, and sleeping accommodation shall be limited to intermittent overnight use only by the owner.
Reason: To ensure the use of the building complies with the statutory Development Plan and does not have an adverse impact on the amenity of the surrounding area

5. No development shall commence under this consent until a Construction Method Statement has been submitted for the approval in writing of the Planning Authority, which

incorporates measures to minimise risk to the integrity of the Glenkinnon Burn SAC and SSSI. Where water and/or drainage services are required, details of the same shall be included in the CMS.

Reason: To minimise the risk of the construction of the development, and services where required, of adversely impacting the Glenkinnon Burn SAC or SSSI

6. No development shall commence under this consent until the applicant/developer has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant/developer and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the applicant/developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report

Reason: To preserve by record a building of historical interest.

7. No development shall commence under this consent 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

8. The development shall be implemented in accordance with the method statement tree protection measures specified in "Tree Survey and Arboricultural Impact Assessment – Sam Lowe Tree Management – November 2022". There shall be no provision of external water or drainage measures to service the development unless in accordance with details that demonstrate that trees will be safeguarded in accordance with BS5837:12 and National Joint Utility Guidelines 4 during their installation, which have been submitted to and approved in writing by the Planning Authority. The installation of all services shall comply with the approved details

Reason: To safeguard the integrity of the woodland, including trees subject to Tree Preservation Order

9. The access, parking and turning area shall be implemented in accordance with the approved plans and drawings prior to the use of the building commencing under this consent, subject to the initial two metres being constructed in accordance with the specification in Informative Note 3; the top surfacing finish being agreed in writing with the Planning Authority; surface water drainage being sustainably managed to ensure no off-site run-off; and all banking to be graded to the lowest practicable level outwith tree protection barriers. Following implementation, the access, parking and turning area shall be retained free from obstruction.

Reason: To ensure the development is adequately serviced with off-street parking in the interests of safeguarding road and pedestrian safety, has minimal visual implications and sustainably manages surface water

10. There shall be no external storage of bins associated with the consented use unless in accordance with details which have first been submitted to and approved in writing with the Planning Authority

Reason: To ensure that external storage of waste, where required, is visually sympathetic and appropriate to setting

Informatives

1. The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to the Council's Environmental Health Service.
2. For the purposes of this Planning Permission, intermittent use described in Condition 4 should comprise overnight stays not exceeding periods of two nights within any calendar week and which shall occur during no more than two weeks in any calendar month
3. In relation to Condition 9 above, the initial two metres of the access track shall constructed in accordance with the following specification: 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

NOTE

Mr Adam Elder, participating via Microsoft Teams, and Mr Dudley Kitching, spoke in support of the application.

Reference

23/00777/FUL

Nature of Development

Installation of communication lattice tower 35m high c/w headframe on new 6.5m x 6.5m RC concrete base and associated ancillary works

Location

Land at Menzion Forest Block, Quarter Hill, Tweedsmuir

DECISION: Refused for the following reasons:

1. The proposed telecommunications mast is contrary to Policy 24 (e) of National Planning Framework 4 in that development would not minimise visual and amenity impacts. The proposed mast would also be contrary to Policy 25 of National Planning Framework 4 in that it does not contribute to community and local economy development that focuses on community and place benefits.
2. The proposed telecommunications mast is contrary to Policy ED6 of the Scottish Borders Local Development Plan 2016 in that it will have an adverse impact on the natural environment, particularly landscape and visual impact. The proposed development is also contrary to Policy IS15 (a) in that equipment would not be positioned or designed sensitively and would have an adverse effect on the environment, in particular, the Tweedsmuir Upland Special Landscape Area. The developers have not adequately demonstrated that an alternative location has been sought.

VOTE

Councillor Richards, seconded by Councillor Scott, moved that the application be approved as per officer recommendation.

Councillor Thomson, seconded by Councillor Small, moved as an amendment that the application be refused on the grounds that it would be contrary to NPF4 policies 24 and 25. The proposed development contravened policy 24 (e) that the proposed development would not minimise visual and amenity impacts. The proposed development contravened policy 25 in that it did not contribute to community and local economy development that focused on community and place benefits. The proposed development contravened policy ED6 of the Local Development Plan in that it would have an adverse impact on the natural environment, particularly landscape and visual impact. The proposed development was contrary to policy IS15 A in that equipment would not be positioned or designed sensitively and would have an adverse effect on environment in particularly Tweedsmuir Upland Special Landscape Area. The developers had not adequately demonstrated that an alternative location had been sought.

On a show of hands, Members voted as follows:

Motion - 4 votes
Amendment - 5 votes

The amendment was accordingly carried.

NOTE

Mr Matthew Toomey spoke against the application.

Reference

23/00816/FUL

Nature of Development

Replacement tank, new
tanker layby and associated
work

Location

Land South of Olivers
Transport Ltd, Main Street,
Eccles

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 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. Within 2 months of the effluent tank being installed, the fence and gate, as shown on the approved drawing (drawing no. 2122-814-SW-100-4 6), shall be erected on site, unless otherwise agreed in writing by the Planning Authority. Thereafter, the fence and gate shall be permanently retained and maintained, as such.
Reason: To ensure the timeous installation and completion of the fence and in the interests of the visual amenities of the area.

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - a) The location of new trees, scrubs or hedges;
 - b) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
 - c) A programme for the implementation, completion and subsequent management of the proposed landscaping.All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.
Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

4. The proposed development hereby approved shall not be brought into use unless the lay-by has been provided in accordance with the approved scheme as shown on the approved drawing (drawing no. 2122-814-SW-100-2 5). Thereafter, the lay-by shall be permanently retained and maintained, as such.
Reason: To ensure the development is served by safe access from the public road.

Informatives

1. All work within the public road boundary must be undertaken by a contractor first approved by the Council.

VOTE

Councillor Richards, seconded by Councillor Small, moved that the application be approved as per officer recommendation.

Councillor Thomson, seconded by Councillor Moffat, moved as an amendment that the application be refused on the grounds that the application be refused on the grounds that it contravened NPF4 policy 14 (c) in that the proposed development was poorly designed and would be detrimental to the amenity of the surrounding area. The proposed development contravened policy PMD2 (k) of the Local Development Plan as it was not compatible nor respectful to the surrounding area.

On a show of hands, Members voted as follows:

Motion	-	6 votes
Amendment	-	3 votes

The motion was accordingly carried.

NOTE

Mr Gregg Pearson (Leitholm, Birgham and Eccles CC) spoke against the application.

Reference

23/00249/FUL

Nature of Development

Extension to the existing substation and erection of two hybrid synchronous compensators

Location

Land North Of Eccles Substation, Eccles, Coldstream

DECISION: Continued to a future meeting to allow the applicant to provide additional supporting information.

VOTE

Councillor Douglas, seconded by Councillor Moffat, moved that the application be continued to a future meeting to allow the applicant to provide additional supporting information.

Councillor Scott, seconded by Councillor Cox, moved as an amendment that the application be not continued and determined at the meeting.

On a show of hands, Members voted as follows:

Motion - 6 votes

Amendment - 3 votes

The motion to continue the application to a future meeting was accordingly carried.

NOTE

The Committee agreed that the applicant should submit the following supporting information:

1. The total acreage of the application site;
2. The total acreage of Todrig Farm;
3. The percentage of agricultural land lost to the proposed development and the potential impact this would have on the viability of the farm;
4. What the applicant's long-term plans for the substation were? Was there a strategic plan in place for the future development of the wider substation site? If so, a copy should be submitted for members consideration;
5. Had the applicant considered any other sites for the proposed substation extension? If so, what sites were considered?
6. Was the applicant aware of other proposals for energy infrastructure from other providers at this site? If so, what was proposed and where?

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