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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, 4th September, 2023 at 10.00 am

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

Apologies:- Councillors V. Thomson

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), 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 7 August 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 Appeals to the Scottish Ministers and Local Review.

DECISION

NOTED that:

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

(i) **Installation of illuminated signage (retrospective) – 23/00332/ADV – reporter’s decision: sustained.**

(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:**

• 32 Dunglass Road, Coldstream	• Keppel Gate, Nettingflat, Heriot
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(c) **The following reviews had been determined as shown:**

(i) **Erection of agricultural building (retrospective), Ravelaw Farm, Duns – 22/00576/FUL – Decision of Appointed Officer Overturned (Subject to a**

Legal Agreement);

- (ii) Alterations and dormer extension to dwellinghouse, 11 Tweed Avenue, Peebles – 22/00788/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);**
 - (iii) Erection of dwellinghouse, Land South of Greenbraehead Farmhouse, Greenbraehead, Hawick – 22/00869/PPP – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);**
 - (iv) Erection of 2no dwellinghouses, Land South of 1 Kelso Road, Coldstream – 22/01416/PPP – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);**
 - (v) Erection of 4 no dwellinghouses, Land West of Greenburn Cottage, Auchencrow – 22/01666/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
 - (vi) Erection of dwellinghouse with detached garage, Land West of The Old Barn Westwater, West Linton – 22/01739/FUL – Decision of Appointed Officer Upheld;**
 - (vii) Erection of dwellinghouse with access, landscaping and associated works, Land South and West of Greywalls, Gattonside – 22/01824/PPP – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);**
 - (viii) Demolition of shed and erection of dwellinghouse (approval of all matters specified in planning permission 20/00874/PPP), Land North West of Rosebank Cemetery Lodge, Shedden Park Road, Kelso – 22/01903/AMC – Decision of Appointed Officer Overturned (Subject to Conditions);**
 - (ix) Installation of timber gates (retrospective), Church House, Raemartin Square, West Linton – 22/01935/FUL – Decision of Appointed Officer Overturned;**
 - (x) Erection of dwellinghouse with outbuilding and formation of new access (approval of all matters specified in conditions of planning permission 21/00030/PPP), Land at Rachan Woodlands, Broughton – Decision of Appointed Officer Overturned (Subject to Conditions);**
 - (xi) Change of use of shop and alterations to form 2 no dwellinghouses, Shop, 22-24 South Street, Duns – 23/00026/FUL;**
 - (xii) Change of Use from Class 4 to Class 2 Veterinary Practice, 2 Rowan Court, Cavalry Park, Peebles – 23/00056/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);**
 - (xiii) Erection of a dwellinghouse with access, landscaping, garden space, and associated works, Land West of Greywalls, Gattonside – 23/00260/PPP – Decision of Appointed Officer Upheld (Terms of Refusal Varied);**
- (d) There remained 8 reviews previously reported on which decisions were awaited when the report was prepared on 24 August 2023 which related to sites at:**

<ul style="list-style-type: none"> • Land South of Ebbastrand, Coldingham Sands, Coldingham 	<ul style="list-style-type: none"> • Land North of Belses Cottage, Jedburgh
<ul style="list-style-type: none"> • Land South of Headshaw Farmhouse, Ashkirk, Selkirk 	<ul style="list-style-type: none"> • Land Northeast of The Bungalow, Crosshill, Chirnside
<ul style="list-style-type: none"> • Site Adjacent The Steading Whiteburn Farm, Lauder 	<ul style="list-style-type: none"> • W Pearce and Sons St Ronan's Works, 2 Miller Street, Innerleithen
<ul style="list-style-type: none"> • 22 Weensland Park, Hawick 	<ul style="list-style-type: none"> • U-Stor Business Units, Spylaw Road, 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 24 August 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 10.37 am.

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APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/00249/FUL	Extension to the existing substation and erection of two hybrid synchronous compensators	Land North 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 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. No development shall commence until a scheme of phasing has been submitted to and agreed in writing by the Planning Authority. This shall include a programme for completion of the main elements within the development, including extension of the existing substation, siting of two Hybrid Synchronous Compensators, erection of buildings to house the two Hybrid Synchronous Compensators and commencement of landscaping works. 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.

3. Prior to the installation of the two Hybrid Synchronous Compensators, precise elevation drawings of the two buildings which will house this apparatus, including external finishes and colours shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details.
Reason: Final details of the structures to house the Hybrid Synchronous Compensators are required to ensure a satisfactory form of development which respects the character and amenity of the rural area.

4. No development shall commence until a scheme of landscaping works has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include;
 - a) Existing and finished ground levels in relation to a fixed datum (preferably ordnance) to illustrate the full extent of all ground works including how the site levels tie in with surrounding topography.
 - b) 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.
 - c) Location of all 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.
 - d) Landscaped treatment for the embankment within the site compound
 - e) Schedule of plants to comprise species, plant sizes and proposed numbers/density
 - f) Programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.

5. 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

6. 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.

7. On receipt of any noise complaint relating to plant and machinery noise associated with the development hereby approved, the site operators shall:

- a) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the site operator shall, at its expense, employ a consultant to assess an appropriate background level and the level of noise immissions from the plant on site at the complainant's property. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to.
- b) The methodology for the assessment of the background level and the rating level of noise immissions shall be undertaken in accordance with BS 4142:2014+A1:2019. The assessment procedure shall be submitted for approval by the Planning Authority prior to assessment. The proposed time of day for assessing the background level shall be those times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (a), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- c) The site operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken within 2 months of the date of the written request of the Planning Authority unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the assessment. The instrumentation used to undertake the measurements shall be calibrated and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions. The assessment shall contain recommended mitigation measures that should ensure compliance with the condition if non-compliance is determined.

Reason: To ensure Condition 7 is adhered to and nearby residential amenity is protected

8. 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.

9. 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.

10. 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 the 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 approve 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.

11. No development shall commence until the following Ecological Mitigation Measures 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. The submitted details shall include:
- a) a Species Protection Plan (SPP) for badgers and otters
 - b) evidence that a Badger licence has been obtained from NatureScot
 - c) a SPP for breeding birds which shall include a pre-development supplementary survey, in the event that development works are sought to be commenced during the breeding bird season (March to August)
 - d) a proportionate Biodiversity Enhancement Plan

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

Informatives

1. The applicant is advised that they should ensure that they are satisfied that the development can remain operational during and flooding and further flood risk advise is available within Section 5 of SEPAs standing advice on flood risk.

NOTE

1. Mr Denis O’Kane, Scottish Power Energy Networks, spoke in support of the application.

Reference
23/00787/FUL

Nature of Development
Erection of dwellinghouse

Location
Land North East of The
Lodge Philiphaugh Mill
Ettrickhaugh Road, Selkirk

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 by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until evidence confirming that mains water and foul drainage connections have been approved by Scottish Water has been submitted for the written approval of the Planning Authority. The development shall be serviced only using the approved mains water and foul drainage connections, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is adequately serviced.
3. The development shall be implemented in accordance with the plans and drawings, including external material specifications, approved under this consent unless otherwise required by any other condition in this schedule.
Reason: To ensure the development has a sympathetic visual impact.
4. The development shall be serviced only using mains water and foul drainage connections, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is adequately serviced.
5. Development shall be implemented in accordance with the ecological mitigation measures approved under Conditions 11 and 12 of 19/01687/PPP and under 22/00019/AMC, where applicable to the approved site.
Reason: To ensure suitable ecological mitigation is implemented during construction of the development.
6. Hedging specified on the approved site plan 10349-CSY-XX-XX-D-A-1302 Rev C shall be implemented to the same specifications as approved for Plots 1-6 under 22/00019/AMC within the first planning season following completion of the development and subsequently maintained in accordance with the measures agreed under that consent for Plots 1-6.
Reason: To ensure the development has a sympathetic landscape and visual impact.
7. Surface water drainage within the site shall be provided to the same specification as approved for Plots 1-6 under 22/00019/AMC prior to occupancy of the dwellinghouse, and the parking area/driveway shall be of permeable construction unless alternative means are otherwise agreed in writing with the Planning Authority.
Reason: To ensure sustainable management of surface water.
8. Protective fencing, of a specification that accords with BS5837:12, shall be erected along the route shown on the approved site plan (10349-CSY-XX-XX-D-A-1302 Rev C) prior to development commencing and shall be retained until development is complete.

No works shall be carried out within the protected areas unless compliant with BS5837:12.

Reason: To minimise risk to trees with public amenity value.

9. Bin storage shall be provided within the site in accordance with the approved site plan 10349-CSY-XX-XX-D-A-1302 Rev C prior to the dwellinghouse being occupied sufficient for one general waste and one recycling wheelie bin and subsequently retained unobstructed for such purposes.

Reason: To ensure the visually sympathetic and accessible storage of bins.

10. The parking area specified on the approved site plan 10349-CSY-XX-XX-D-A-1302 Rev C, and access to and improvement works, including footway, on Ettrickhaugh Road (all in accordance with 22/00019/AMC) shall be implemented prior to occupancy of the dwellinghouse. The parking area shall be subsequently retained free from obstruction for the movement and parking of at least two cars.

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety.

11. The approved dwellinghouse shall not be completed prior to the completion of all houses within plots 1-5 approved under 22/00019/AMC.

Reason: To ensure the development has a sympathetic visual impact

Informatives

1. The new footway, turning head, road widening, drainage, and any enhanced street lighting required on Ettrickhaugh Road is currently subject to a Road Construction Consent (22/01420/RCC) and these features will potentially be adopted by the Council upon satisfactory completion. The carriageway widening will have to tie in with the existing carriageway in a manner acceptable to the Council as Roads Authority. All prospectively adoptable work must be undertaken by a contractor first approved by the Council.
2. Scottish Water advise that there is live infrastructure in the proximity of the site that may impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via their Customer Portal for an appraisal of the proposals.
3. It is recommended that the Applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188; review the Online Planning Advice on Flood Risk; develop an evacuation plan for the building during times of flood warning and adopt water resilient materials and construction methods as appropriate within the development. Flood protection products such as floodgates and air-vent covers should also be considered for the development. Details of these can provided by SBC Flood & Coastal Management team who will be able to offer advice and provide discounts for the products.

NOTE

1. Application requires referral to Scottish Ministers due to outstanding objection from SEPA.