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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 2/3, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on Monday, 8th January, 2024 at 10.00 am

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

Apologies:- Councillors A. Orr

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Lead Officer Heritage and Design (D. McLean), Heritage and Design Officer (S. Roberts) and Democratic Services Officer (W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 4 December 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. **APPLICATIONS**

There had been circulated copies of the Minute of the Meeting held on 4 December 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

3. **SUPPLEMENTARY PLANNING GUIDANCE: NEWSTEAD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

There had been circulated copies of a report by Director Infrastructure and Environment that sought adoption of the Newstead Conservation Area Appraisal and Management Plan as Supplementary Planning Guidance, following public consultation. A Conservation Area Appraisal and Management Plan (CAA & MP) aimed to identify the special architectural and historic interest of a conservation area and provide guidance on its management. CAA & MPs were intended to provide clarity in the planning process, provide robust decision-making under adopted planning policy, inform local communities, promote the heritage of the area, and may assist funding applications. They fulfilled the Council's statutory duty to review its area for conservation area designation and to formulate proposals for their preservation and enhancement. Newstead CAA & MP was the first of a proposed programme for review of all 43 conservation areas in the Scottish Borders. The Draft Newstead CAA & MP was subject to public consultation for a period of 12 weeks from 22 May – 14 August 2023. A public meeting was held on 13th June and nine comments were received in response to the consultation. These responses were reviewed and used to inform a finalised CAA & MP. This finalised CAA & MP, in Appendix A of the report, was recommended for adoption as Supplementary Planning Guidance. The Heritage and Design Officer and Lead Heritage and Design Officer summarised the report and answered Members' questions. The Heritage and Design Officer advised that the purpose of the report was to provide clarity for homeowners,

developers and planners to know what is trying to be achieved in the conversation area. Community feedback was summarised in the report and included concerns about creeping change in the conservation area and clarity over what the conservation area meant for the community. The Chair thanked officers for the level of detail into the report.

**DECISION
AGREED to:**

- (a) Adopt the Newstead Conservation Area Appraisal and Management Plan as Supplementary Planning Guidance to the Local Development Plan; and,**
- (b) Authorise the Chief Planning Officer to monitor and review the CAA & MP and to make such minor revisions as are necessary during its lifetime to ensure that the document remains up-to-date and consistent with any change in local circumstances and with prevailing planning policy.**

4. 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 Erection of Advert on Gable, 2 Gladstone Street, Hawick – 23/00041/ADVERT – reporter’s decision: sustained;**
- (b) There remained 1 appeal previously reported on which a decision was still awaited when this report was prepared on 18 December 2023 which related to a site at Land East of Kirkwell House, Preston Road, Duns;**
- (c) Review requests had been received in respect of:**
 - (i) Erection of dwellinghouse, Land West of The Garden House, Brieryards, Hornshole Bridge, Hawick – 22/00532/PPP;**
 - (ii) Erection of dwellinghouse with access and associated works, Land East of Mos Eisle, Teviothead – 23/01007/PPP;**
 - (iii) Erection of dwellinghouse, Land Adjacent Carnlea, Main Street, Heiton – 23/01065/FUL;**
- (d) The following reviews had been determined as shown:**
 - (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 – Decision of Appointed Officer Overturned (Subject to Conditions and Informative);**
 - (ii) Erection of boundary fence (retrospective), 24 - 1 Ettrick Terrace, Hawick – 23/00847/FUL – Decision of Appointed Officer Overturned (Subject to Conditions)**
- (e) There remained 5 reviews previously reported on which decisions were still awaited when the report was prepared on 18 December 2023 which related to sites at:**

• Garden Ground of Glenbield, Redpath	• Land South of 1 Old Edinburgh Road, Eddleston
• Land North of Ivanhoe, Dingleton Road, Melrose	• The Blue House Near Swansfield Farm, Reston, Eyemouth
• 58 Waldie Griffiths Drive, Kelso	

- (f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 18 December 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.25 am.

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APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/01352/FUL	Change of Use from Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) to Gym and fitness studio (Class 11 – Leisure)	Units 8 And 9, Carlaw Road, Pinnaclehill Industrial Estate, Kelso

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 by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. The approved use shall be limited to a gymnasium only and there shall be no permitted change to any other use within Use Class 11 (Assembly and Leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) unless a further planning application has been submitted to and approved by the Planning Authority.
Reason: The development has been considered specifically with respect to the merits of the gymnasium against Policy ED1 of the Local Development Plan 2016 and no other uses within Use Class 11 of Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
4. In the event that the approved gymnasium use ceases, the lawful use of units 8 and 9 (approved under application 21/01894/FUL and marked red on the plans hereby approved) shall revert to its previous lawful use (Classes 4-6) under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
Reason: The development has been considered specifically with respect to the merits of the gym against Policy ED1 of the Local Development Plan 2016 and no other uses within Class 11.
5. The use of units 8 & 9 (marked red on the plans hereby approved) as a gymnasium shall not commence until further details of commercial waste storage facilities are submitted to and approved in writing by the planning authority. The use hereby approved shall not commence until the agreed waste storage facilities are in place. The waste storage facilities shall remain in perpetuity for the duration of operation of the gymnasium.
Reason: To ensure appropriate facilities are in place for the storage of refuse.

Reference

22/00725/FUL

Nature of Development

Change of use of church, alterations and extensions to provide dwellinghouse for holiday let

Location

Burnmouth Church, Stonefalls, Burnmouth, Eyemouth

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. 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. No development shall take place until the applicant 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 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 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
4. No development shall commence until a Scheme of Details for the Design and Construction of Parking and Turning has been submitted to and approved in writing by the Planning Authority. The Scheme of Details shall include:
 - measures to ensure the stability of the site and surrounding land.
 - information regarding existing slope stability, ground bearing conditions, and any cumulative effects of construction work on the surrounding slopes and neighbouring structures.
 - precise details of parking and turning construction and layout including existing and proposed site levels.
 - details of surface water drainage for parking, turning and other hard surfaces.
 - details of stone walling/ cladding enclosing the raised parking and turning areas; and
 - details of enclosing fencing, including finish/ colour.Thereafter the development shall be carried out in strict accordance with the approved Scheme of Details and the agreed parking and turning area shall operational prior to the commencement of conversion works to the former church building. The parking and turning area, including the agreed stone walling/ cladding and surface water drainage shall be completed in strict accordance with the approved Scheme of Details prior to the occupation of the development hereby approved.
Reason: To ensure there is no adverse effect on the integrity of the Special Area of Conservation; to ensure the parking and turning is operational prior to commencement of works and then completed prior to occupation; and to control its drainage and appearance.

5. The dwellinghouse hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The occupation of the holiday let shall be restricted to genuine holidaymakers and shall not be let to the same individual, and/or to different individuals within the same family, group and/or party, for any period of time in excess of 4 weeks in total within any consecutive period of 13 weeks. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.
Reason: To ensure compliance with the adopted development contributions policy, to retain effective control over the development and to ensure that the property, in line with the details presented in support of the planning application, is only ever used to accommodate short-term holiday lets and is not used as a private dwellinghouse by any long term or permanent residents without the express granting of planning permission.

6. This permission shall only permit the conversion, adaptation, and extension of the existing structure. It shall not purport to grant permission for the erection of any new dwelling/s nor for any extensive rebuilding which would be tantamount to the erection of a new building/ dwelling. If elevational drawings are inconsistent with floor plans, elevation drawings of the alterations shall take precedence, unless otherwise agreed with the Planning Authority.
Reason: Permission has been granted for the conversion of the existing building to habitable accommodation in a location where a new dwelling/s would not otherwise be appropriate, and to ensure alterations to the building are sympathetic

7. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details, including photos of samples and product names and specifications, of the materials to be used in the external areas of the development 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. This shall include photos of wet dash render sample for the external redecoration; details of cast iron rainwater goods; details and photos of standing seam cladding, which shall be used on both the cheeks/ sides and roof of the two extensions hereby approved; and details of proposed replacement windows. All unless where otherwise agreed in writing by the Planning Authority.
Reason: The materials require further consideration to ensure a satisfactory form of development.

8. Prior to the commencement of development, a scheme of details for hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:
 - a. A site plan showing all proposed hard and soft landscaping, including the location of new trees, shrubs, hedges and grassed areas, and fencing/ walling.
 - b. A schedule of plants to comprise species, plant sizes and proposed numbers/density.
 - c. Details of fence/ wall materials and heights; and
 - d. Details of hardstanding materials.
 Thereafter, all planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation or completion, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing, and fencing/ walling shall accord with the agreed details.
Reason: To ensure satisfactory form, layout and assimilation of the development.

9. Prior to the commencement of development, details of bin storage arrangements shall be submitted for the written approval of the Planning Authority. Thereafter the agreed bin storage arrangements shall be in place prior to the occupation of the development hereby approved and retained in perpetuity thereafter.
Reason: To ensure suitable bin storage arrangements are provided, in the interests of visual amenity.
10. No development shall commence until a Species Protection Plan for breeding birds, bats, badgers and hedgehogs and the findings of a pre-commencement checking survey for Japanese knotweed have first been submitted for the written approval of the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the agreed Species Protection Plan and in, the event Japanese knotweed is found within or adjacent to the site, in accordance with a mitigation plan for Japanese Knotweed (with timetable for delivery) that has first been submitted to and approved in writing by the Planning Authority. The Japanese knotweed mitigation plan shall be delivered in full in strict accordance with the agreed timetable for delivery. All unless otherwise agreed in writing by the Planning Authority.
Reason: in the interests of biodiversity.
11. Prior to the commencement of development, 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.
12. Core Path 2 that runs through the site must be maintained open and free from obstruction during the development and in perpetuity thereafter, unless where first agreed in writing by the Planning Authority. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order (or any subsequent provisions amending or reenacting that Order), there shall be no additional development on this route which would restrict public access, unless an application for planning permission for such development has been approved by the Planning Authority.
Reason: To protect general rights of responsible public access.
13. The rooflight/s hereby approved shall be of "conservation" design, featuring a single central vertical astragal and black or dark grey framing. The rooflight/s shall be installed to run flush with the slates on the roof. Thereafter, the rooflight/s shall be so retained, unless otherwise agreed by the Planning Authority.
Reason: To protect the character and appearance of the building.
14. Prior to the occupation of the development hereby approved, connection to the mains water supply and public foul sewer shall be in place and made functional and operational, unless first agreed in writing by the Planning Authority. Thereafter, no other water supply or foul drainage arrangements shall be used without the prior 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 supply of any neighbouring properties.
15. No development shall commence until a Construction Traffic Management Plan is first submitted to and approved in writing by the Planning Authority. The development shall only take place in strict accordance with the approved Construction Traffic Management Plan, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety and to ensure that the development proceeds in an orderly manner without adverse impacts on the free flow of traffic on the adjacent public road.

Informatives

1. The Flood Team note that there is a risk of water flowing down the slope and this should be considered within the design. Please contact the Council's Flood Team for more advice on this point.
2. The applicant/developer is encouraged to remove the existing stained glass leaded windows with care and to set them aside for potential future use. The applicant/developer is encouraged to engage with the local community and/or local museums in order to find a suitable alternative use for the existing windows.

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