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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 26 June, 2017 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

In Attendance:- Chief Planning Officer, Development Planning Manager, Principal Roads Planning Officer, Chief Legal Officer, Democratic Services Officers (F. Henderson and F. Walling).

1. **DECLARATION OF INTEREST**

Councillor Small declared an interest in Application 17/00087/FUL in terms of Section 5 of the Councillors Code of Conduct. He left the Chamber during consideration of the application.

2. **APPOINTMENT OF VICE CHAIRMAN**

The Chairman proposed and it was unanimously agreed that Councillors Sandy Aitchison, Andy Anderson and Scott Hamilton be appointed to serve, in rotation, in the role of Vice Chairman of the Committee.

AGREED that Councillors S. Aitchison, A. Anderson and S. Hamilton be appointed to serve in rotation as Vice Chairman of the Planning and Building Standards Committee.

3. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 24 April 2017.

DECISION

APPROVED for signature by the Chairman.

4. **APPLICATIONS.**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

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

5. **APPEALS AND REVIEWS.**

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

DECISION

NOTED:-

- (a) the Appeal decision in respect of discharge of planning obligation pursuant to planning permission 00/00244/OUT at Broadmeadows Farm, Hutton – 16/01284/MOD75;
- (b) enforcements in respect of :-
- (i) Non compliance with condition no 2 of 13/01142/FUL AT 80 High Street, Innerleithen – 14/00028/COND;
- (ii) erection of fence at 12 Merse View, Paxton – 16/00126/UNDEV
- (c) there remained five appeals outstanding in respect of:-

• Land North West of Whitmuir Hall, Selkirk	• 1 Borthwick View, Robertson, Hawick (Murphy-McHugh)
• 1 Borthwick View, Robertson, Hawick (Ramsay – 16/00146)	• 1 Borthwick View, Robertson, Hawick (Ramsay – 16/00105)
• Hartree House, Kilbucho	

- (d) Review requests had been received in respect of:-
- (i) the Erection of dog day care building, perimeter fence and associated works (retrospective) on Land South West of Milkieston Toll House, Eddleston – 16/00872/FUL;
- (ii) the Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP) on land North East of Dundas Cottage, Ettrick, Selkirk – 16/01467/AMC;
- (iii) Erection of dwelling house on Land South of Balmerino, Ashkirk – 17/00005/PPP;
- (iv) Erection of two dwellinghouses on garden ground of Woodlands, Broomlee Mains, West Linton - 17/00044/PPP;
- (v) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00090/FUL;
- (vi) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00092/FUL;
- (vii) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00093/FUL;
- (viii) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00094/FUL
- (ix) Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works on Redundant Steading North West of Pots Close Cottage, Kelso – 17/00118/FUL

(e) the decision of the Appointed Officer had been upheld by the Local Review Body in respect of:-

(i) Erection of agricultural storage building with welfare accommodation in Field N00328 Kirkburn, Cardrona – 16/01464/FUL;

(ii) Erection of agricultural storage building with welfare accommodation in Field N00328 Kirkburn, Cardrona – 16/01506/FUL;

(iii) Erection machinery storage building in Field No 0328 Kirkburn, Cardrona – 16/01507/FUL

(iv) Erection of machinery storage building in Field No 0328 Kirkburn, Cardrona – 16/01513/FUL;

(f) there remained four reviews outstanding in respect of:-

• Land North West of Dunrig Spylaw farm, Lamancha, West Linton	• Danderhall Cottage, St Boswells, Melrose
• Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles (17/0002/FUL)	• Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles (17/00028/FUL)

(g) Section 36 Public Local Inquiries Received in respect of Erection of 15 turbines 132 high to tip, access track, compound, permanent anemometer mast and 2 no borrow pits at Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

(h) there remained three S36 Public Local Inquiries outstanding in respect of the following :-

• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir	• Fallago Rig 1, Longformacus
• Fallago Rig 2, Longformacus	

6. PLANNING PERFORMANCE FRAMEWORK 2016-17

There had been circulated copies of a report by the Service Director Regulatory Services which proposed approval of the Planning Performance Framework 2016/17 for submission to Scottish Ministers by 31 July 2017 and to grant delegated authority to enable the preparation of the final publication version of the document. The report explained that the Planning Performance Framework (PPF) was an annual performance report submitted to Scottish Government by all planning authorities in Scotland. The PPF highlighted how the planning service had delivered continuous improvement in service delivery, how it had performed when tested against 15 national performance markers and how it had responded to last year's RAG (Red, Amber, Green) report from Scottish Government. Due to time constraints imposed by Scottish Government to submit the document and the difficulty in gathering all of the required information and statistics (including critically the approved performance figures from Scottish Government) it had not been possible to present the finalised publication version of the document to Members. The PPF document attached at Appendix 1 to the report was a word version outlining the key text and case studies but only had limited photography and no graphics content. The approval of the document would enable the production of a publication version of the PPF in time for the submission to Scottish Ministers on 31 July 2017. It was

anticipated that, on the basis of the work undertaken and the performance delivered, this year's RAG report would eliminate the two Red ratings and move the service to an improved overall performance rating.

DECISION

AGREED the Planning Performance Framework 2016/17 for submission to Scottish Ministers by 31 July 2017 and granted delegated powers to the Service Director Regulatory Services to prepare the final publication version of the document.

PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

8. **MINUTE**

The Committee considered the private section of the Minute of 24 April 2017.

The meeting concluded at 12.30 pm

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/012212/FUL	Installation of biomass boiler and associated cabinet (retrospective)	Ravelaw Farm Whitsome Duns

Decision - Approved subject to the following conditions:

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, in unless agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details

2 All combustion plant and associated flues shall be maintained and serviced in accordance with the manufacturer's recommendations. The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment. If different fuel arrangements are made the boiler shall be re commissioned to ensure that the assessed emissions are not exceeded.

Reason: To protect the residential amenity of nearby properties.

3 Any noise emitted by plant and machinery used on the premises shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest 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: To protect the residential amenity of nearby properties.

4 All plant and machinery will be maintained and service in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties

NOTE

Mr Adam Gaston spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00087/FUL	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated landscaping works	Land North East of 3 The Creamery Dolphinton

Decision:- Continued to allow a site visit to be undertaken.

NOTE

Mr David King spoke against the application.

Mr Albert Muckley – Agent spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00299/FUL	Erection of dwellinghouse	Land South of Sunnybank, Forebrae Park Galashiels

Decision: Approved subject to the following conditions, legal agreement and informatives:

1. No development shall commence on the erection of the dwellinghouse until the road link between Forebrae Park and Ellwyn Terrace has been formed in accordance with a surfacing, drainage and retaining wall specification first approved by the Planning Authority and in accordance with the detailed plans and sections approved under this consent. No works shall commence on the road link until notification has been provided in writing to the Planning Authority of the applicant's intention to commence work at least 14 days in advance of works commencing. All works on the road link must be carried out by a contractor approved by the Council before works commence
Reason: In the interests of road and pedestrian safety and, with respect to retaining walls also in the interests of ensuring the works are visually appropriate
2. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved by the Planning Authority. The construction traffic within the control of the applicant shall be operated in accordance with the approved CTMP
Reason: To maintain road and pedestrian safety
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved by the Planning Authority. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the dwellinghouse
Reason: To ensure the development can be adequately serviced
4. No development shall commence except in strict accordance with a scheme of soft landscaping and boundary treatment works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. location and detailed schedule of new trees, shrubs, hedges and grassed areas
 - ii. design details of new boundary treatments and of the retaining walls specified on the approved plans (notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011) or any subsequent amendment or Order)
 - iii. a programme for completion and subsequent maintenance.
Reason: To visually integrate the development as sympathetically as possible with its context
5. No development shall commence until a schedule and samples of all external materials, finishes and colours of the house and hard standings (notwithstanding references on the approved plans and drawings) have been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours.
Reason: To visually integrate the development as sympathetically as possible with its context
6. The house shall not be occupied until the access, parking/turning and footpath on the approved site plan have been provided in accordance with the approved plan, including specified gradients. The first six metres of the entrance shall comply with the Council's approved specification (see Informative Note). The access and parking/turning area shall be maintained free for the parking of at least two vehicles. Notwithstanding the right to erect

gates within the scope of the General Permitted Development (Scotland) Order 1992 (as amended 2011), no gates shall be erected that open out over Forebrae Park.

Reason: To ensure the development is adequately serviced with off-street parking and pedestrian access

7. Notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011, or any subsequent amendment or Order) no window or door opening shall be formed within the elevation described as the east elevation on the approved drawings without a planning application having first been submitted to and approved by the Planning Authority
Reason: To minimise risk to neighbouring amenity

Information for the applicant

1. The site has the potential to be occupied by nesting birds. Clearance of vegetation should be carried out outside the breeding season (generally March to August) unless the site is first checked beforehand. Disturbance of nesting birds is an offence under habitat legislation.
2. The first 6 metres of the entrance to the site should be constructed to the following specification: 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.
3. Potential effects of the development on the stability of the boundary wall to the southerly boundary should be established separately by the applicant's engineer, as well as potential effects on any other neighbouring structures. This consent does not account for physical risk of damage to the integrity of structures, as this is a matter regulated separately through the Building Warrant process. Any measures required to address this that would materially amend the development approved under this Planning Permission would require a fresh planning application.
4. Galashiels is within a Smoke Control Area. Any solid fuel heating appliance installed in the premises should only burn smokeless fuel. Alternatively, non-smokeless fuel may be used if the appliance is approved for use in a Smoke Control Area. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
Within a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> . In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf) Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

Reference

17/00463/MOD75

Nature of Development

Modification planning application pursuant of planning permission 06/00929/FUL

Location

Land North of Softlaw Farm
Kelso

Decision: - Approved the discharge of the s.75 Agreement.

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