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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, 4th December, 2017 at 10.00 am

Present:- Councillors T. Miers (Chairman), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.
Apologies:- Councillor S. Aitchison.
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Development Management and Enforcement), Lead Roads Planning Officer, Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 6 November 2017. The Minute was approved subject to the following amendment in respect of Appendix I planning application 17/01149/FUL:-

‘Councillor Anderson moved that the application be refused on the basis that the C77 did not form a suitable access route for vehicles servicing the site and that there were issues of appropriate access towards and from the A68 and A7 for bulky waste vehicles using this route. In addition it was considered contrary to PMD1(g) as it would make the road more dangerous for those walking and cycling. However as there was no seconder the motion fell. ‘

DECISION

APPROVED for signature by the Chairman.

2. **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.

3. **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) Appeals had been received in respect of:-

(i) Erection of poultry building on Land South West of Easter Haprew Farmhouse. Peebles – 16/01377/FUL; and

(ii) Erection of poultry building and associated works at Hutton Hall Barns, Hutton – 17/00623/FUL

(b) there remained four appeals outstanding in respect of:-

- Land North of Howpark Farmhouse, Grantshouse
- Poultry Farm, Marchmont Road, Greenlaw
- Units 9 and 10, 6 – 8 Douglas Bridge, Galashiels
- Land North East of 3 The Old Creamery, Dolphinton

(c) Review requests had been received in respect of:-

- (i) Erection of dwellinghouse on Land Adjacent to Deanfoot Cottage, Deanfoot Road, West Linton – 17/00926/PPP;
- (ii) Change of use of agricultural land to form storage yard and siting of 7 No. storage containers on Land North East of Greenbraehead Farmhouse, Hawick – 17/00973/FUL;
- (iii) Erection of hay shed on Field No.0328 Kirkburn, Cardrona – 17/01112/FULL;
- (iv) Erection of tractor shed on Field No. 0328 Kirkburn, Cardrona – 17/01113/FUL; and
- (v) Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry Clinic) and Class 1 (ancillary retail) at 40-41 The Square, Kelso – 17/01139/FUL

(d) the decision of the Appointed Officer had been upheld in respect of:-

- (i) Erection of boundary fence (retrospective) at 33 Justice Park, Oxtou – 17/00308/FUL;
- (ii) Erection of Hay Shed, Field No.0328 Kirkburn, Cardrona – 17/01112/FUL; and
- (iii) Erection of tractor shed in Field No. 0328 Kirkburn, Cardrona – 17/01113/FUL

(e) the decision of the Appointed Officer had been Overturned in respect of:-

- (i) Erection of micro meat processing unit and byre on Land at Hardiesmill Place, Gordon – 17/00239/FUL; and
- (ii) Alterations and extension to dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords – 17/00472/FUL.

(f) there remained one review outstanding in respect of Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlstou –

(g) there remained four S36 PLI's outstanding in respect of:-

- (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir
- Fallago Rig 2, Longformacus
- Fallago Rig 1, Longformacus
- Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick

4. **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 the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

5. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS WITH
RESPECT TO PLANNING PERMISSION FOR CHANGE OF USE FROM
OFFICE/STORE AND ALTERATIONS TO FORM TWO DWELLING FLATS, FIRST
FLOOR 82 CHANNEL STREET GALASHIELS**

The Committee considered a report by the Chief Planning Officer.

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> |
|-------------------------|-------------------------------------|--|
| 17/01062/FUL | Erection of two dwellinghouses | Land North West of 1 Whitesomehill Farm Cottages, Duns |

Decision: APPROVED Subject to the provision of satisfactory evidence confirming that neighbouring land is available to accommodate the proposed drainage arrangements (delegated to Officers to resolve), a legal agreement and the following conditions and informatives:

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, unless otherwise agreed by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls and roof of the proposed building(s), which shall first have been submitted to and approved in writing by the Planning Authority, unless otherwise agreed by the Planning Authority.
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting and to the setting of nearby listed buildings.
3. The roofing material shall be natural slate. A slate sample shall be made available on-site for the prior approval of the Planning Authority, and thereafter, the development shall be completed using the approved materials.
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
4. No development shall commence until details of the design and finish of windows and doors have been submitted to and approved in writing by the Planning Authority. The development to be completed wholly in accordance with the approved details thereafter.
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
5. No development shall commence until precise details of the design of the eaves on the buildings hereby approved have been submitted to and approved in writing by the Planning Authority. The development to be carried out wholly in accordance with the approved details thereafter.
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
6. Prior to the commencement of development, the finish and colour of all external joinery and rainwater goods shall be agreed in writing with the Planning Authority. The development to be completed wholly in accordance with the approved details thereafter.
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
7. Notwithstanding the details shown on the approved drawings, no development shall commence until the precise siting and design of the proposed oil tanks, including any

fence, wall or other means of enclosure, have been submitted to and agreed in writing by the Planning Authority. The scheme of details required by this condition shall indicate the proposed oil tanks set away from the public road, closer to the proposed houses and thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, the setting of nearby listed buildings, and in the interests of road safety.

8. The frames of the Solar PV panels hereby approved shall be coloured non-reflective black.

Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.

9. The details, including materials, of all boundary walls and/or fences shall be submitted to and approved by the Planning Authority before the development is commenced. The development shall be completed wholly in accordance with the approved details thereafter.

Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.

10. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

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.

11. No water supply other than the public mains shall be used to supply the Development 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.

12. No development shall commence until the existing junction warnings signs have been replaced with new warning signs of a specification outlined in informative 3 and which shall first be agreed in writing with the Planning Authority, unless otherwise agreed by the planning authority.

Reason: in the interests of road safety.

13. No development shall commence until a visibility splay of 2.4m by 160m to the north have been provided. Thereafter, the visibility splay shall be retained in perpetuity.

Reason: in the interests of road safety.

14. No development shall commence until a detailed engineering drawing showing the junction of the vehicular access with the existing public road, together with any other alterations to the public road arising from the development and off-street parking areas has been submitted to and approved in writing by the planning authority.

Thereafter no development shall take place except in strict accordance with the approved details. The vehicular access and parking areas shall be constructed prior to the occupation of the first dwellinghouse and be retained in perpetuity thereafter.

Reason: In the interests of road safety and to ensure adequate access and parking is made available.

15. Vehicular access to the rear of Whitsomehill Cottages shall be retained in perpetuity.
Reason: to ensure the amenity of neighbouring residents is protected, and in the interests of road safety.

Informatives

1. Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. The applicant should satisfy themselves that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
2. The application area coincides with the location of former farm cottages which were demolished at some point in the latter half of the 20th century. These appear clearly on historic mapping through the middle of the 20th century, along with later 19th century out-buildings. The cottages were of the same date (early 19th century), and likely design, as the existing Listed group. There is likely to be below ground archaeology pertaining to the former cottages and associated activities. The remains would be of local significance and historic interest. The entrance into the site potentially cuts across the north gable end of the former cottages with the bulk of the remains within a gravel parking area. Much of the archaeological remains can be protected in situ within this arrangement. It is advised that the in situ survival of any below ground archaeology should be sought by limiting excavations in the area of the former cottages to top-soil depth (approx. 300-400mm). If excavation below this is required an archaeological watching brief may be needed.
3. The existing junction warning signs to be replaced with sign diagram 504.1 (900mm) of the Traffic Signs and General Directions 2016 in consultation with the Council's Road Safety section prior to occupation of the first dwellinghouse.
4. A visibility splay of 2.4m by 160m to the north to be provided prior to commencement of development and retained thereafter in perpetuity. This will involve the removal of at least one roadside tree.
5. The first 5m of the access to be surfaced to the Roads Authority's specification i.e. 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.
6. Only contractors first approved by the Council may work within the public road boundary.
7. It is understood that broadband connection to Whitsomehill Farm Cottages is provided by line of sight radio link from a site at Ravelaw to the north-west of the application site. The applicant/developer should satisfy himself that these third party rights are not adversely affected by the proposed development and that, if necessary, satisfactory alternatives are put in place so that existing users of this service are not compromised.

VOTE

Councillor Small, seconded by Councillor Mountford moved that the application be approved as per the Officer recommendation.

Councillor Laing, seconded by Councillor Ramage, moved as an amendment that the application be refused on the grounds that it was contrary to Policies PMD2 and HD3 in

that it failed to respect neighbouring uses and would detrimentally impact on residential amenity.

On a show of hands Members voted as follows:-

Motion - 6 votes

Amendment - 2 votes

The motion was accordingly carried.

NOTE

Mr Andrew Lothian spoke against the application.

Ms Laura Dixon, Agent - spoke in support of the application.