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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 4TH DECEMBER, 2017

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 4TH DECEMBER, 2017 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

27 November 2017

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 14) Minute of Meeting 6 November 2017 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:- (Pages 15 - 30) 17/01062/FUL - Erection of two dwellinghouses on Land North West of 1 Whitsomehill Farm Cottages, Duns. (Copy attached.)
6.	Appeals and Reviews. (Pages 31 - 38) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.
9.	Items Likely to be Taken in Private Before proceeding with the private business, the following motion should be approved:- "That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they

	involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”
10.	<p>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 (Pages 39 - 46)</p> <p>Consider report by Chief Planning Officer. (Copy attached.)</p>

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

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

Please direct any enquiries to Fiona Henderson 01835 826502
fhenderson@scotborders.gov.uk

**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, 6 November 2017 at
10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton,
H. Laing, S. Mountford, C. Ramage and E. Small.
Apologies:- Councillor S. Hamilton.
Also Present:- Councillors S. Bell, G. Edgar, S. Marshall, W. McAteer, D. Parker, H. Scott.
In Attendance:- Depute Chief Planning Officer, Lead Officer (Development Management and
Enforcement), Lead Planning Officer (Environment and Infrastructure), Lead
Roads Planning Officer, Chief Legal Officer, Solicitor (Emma Moir),
Democratic Services Team Leader, Democratic Services Officer (F.
Henderson).

1. **MINUTE.**
There had been circulated copies of the Minute of the Meeting held on 2 October 2017.

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) **Appeal received in respect of Erection of Class 6 storage and distribution
buildings, associated Class 5 use and erection of ancillary dwellinghouse and
associated development and landscaping works on land North East of 3 The
Old Creamery, Dolphinton – 17/00087/FUL.**
- (b) **there remained three 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**
- (c) **Review request had been received in respect of the erection of boundary
fence (retrospective) at 33 Justice Park, Oxton**

- (d) the decision of the Appointed Officer had been upheld in respect of:-
- (i) Replacement windows and installation of chimney flue at 5 High Street, Innerleithen – 17/00257/FUL;
 - (ii) Alterations to existing bellmouth and formation of new access at Land North West of Kirkburn Parish Church – 17/00384/FUL;
 - (iii) Formation of hardstanding, steps, retaining wall and new foot path on Land North West of Kirkburn Parish Church, Cardrona; and
 - (iv) Erection of agricultural building and formation of new access track on Land South of 3 Kirkburn Cottages, Cardrona, Peebles – 17/00806/FUL
- (e) the decision of the Appointed Officer had been Overturned in respect of Variation of Conditions No. 3 of planning consent 10/00156/FUL to allow short term letting at Jordanlaw Granary, Jordanlaw Road, Westruther
- (f) there remained three reviews outstanding in respect of:-
- Land at Hardiesmill Place, Gordon
 - Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
 - 1 Glenkinnon, Ashiestiel Bridge, Clovenfords
- (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

The meeting concluded at 3.20 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01149/FUL	Formation of Waste Transfer Station and associated work	Land South of Easter Langlee Recycling Centre

Decision:- Approved subject to the following conditions

1. The development shall be carried out in accordance with site plan 101-D6 and all other plans and drawings approved under this consent unless where required to be amended to suit any other condition in this schedule and unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development is completed as approved and to overcome any apparent inconsistencies between plans and drawings

2. No development shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

- i. Risk assessment of potentially damaging construction activities,
- ii. Identification of any "biodiversity protection zones".
- iii. Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
- iv. A Drainage Management Plan
- v. A Site Waste Management Plan
- vi. An Accident Management Plan
- vii. Responsible persons and lines of communication.
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or equivalent

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise potential adverse effects on ecological interests and in order to ensure all practicable measures are taken to reduce the production of waste during the construction phase

3. No development shall commence until a Species Protection Plan (SPP) for badger and breeding birds has been submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. The SPP shall include provision of pre-development supplementary surveys and a mitigation plan for badgers and birds, including mitigation for any works that may be carried out during the breeding bird season (March-August, though this is extended for some species including barn owl, barn swallow and pigeon) There shall be no development works during the bird breeding season unless specified within the SPP which has first been approved by the Planning Authority.

Reason: To minimise potential adverse effects on ecological interests

4. No development shall commence until a ground investigation report has been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site (in accordance with PAN 33 (2000) and BS10175:2001) and shall include (as applicable) a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not

commence until the report is approved by the Planning Authority and the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.

Reason: To ensure that the potential for health risk arising from any identified land contamination has been adequately addressed.

5. No development shall commence until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- i. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- ii. If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- iii. Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- iv. If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- v. Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- vi. The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

6. No development shall commence until a detailed scheme, including plans, drawings and specifications, for those improvements referred to in Appendix 3 (drawing no. 720) and Appendix 4 (drawing no. AT-04A) of the Transport Statement (Goodson Associates August 2017) in addition to street lighting of the C77 have been submitted to and approved in writing by the Planning Authority. The approved scheme of improvements and street lighting shall all be completed in accordance with the approved scheme before any development commences, including the implementation of any works that may be associated with the development that would otherwise be Permitted Development, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended, or any subsequent amendment or revised Order. All site access roads, yard and parking areas shall all be complete before the development becomes operational.

Reason: To maintain road and pedestrian safety

7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing 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

8. No development shall commence until a full schedule of external materials has been submitted to and approved in writing by the Planning Authority. The schedule shall include finishes and colours, and samples where required by the Planning Authority, for the waste transfer station (including stacks), sprinkler tank, pump house, office and kiosk, notwithstanding the specifications given on any approved plan or drawing. The development shall be completed using the approved schedule
Reason: To limit the visual impact of the development
9. No development shall commence until evidence has been submitted to the Planning Authority that a public water supply will be available to service the development, or details of a private water supply have 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.
Reason: To ensure the development can be adequately serviced
10. The offices shall not become operational until a foul drainage scheme is implemented in accordance with the Drainage Strategy Plan and Flood Statement 13078 Rev B July 2017 Goodson Associates and the offices shall only operate with the foul drainage system in operation. A plan and drawings of the proposed scheme shall be submitted for the approval of the Planning Authority before installation and the works shall be installed in accordance with the approval
Reason: To ensure the offices are capable of being adequately serviced in a visually and environmentally acceptable manner
11. Notwithstanding the layout on plan 6944-LD-001C a revised landscape layout shall be submitted to and approved in writing by the Planning Authority before development commences that concurs with approved site plan 101-D6, and specifies a timescale for implementation of landscaping. The landscaping shall be implemented and maintained in accordance with the approved site layout plan and approved planting and maintenance schedule (accounting for any adjustments to the schedule to accommodate the revised site layout)
Reason: To mitigate the visual and landscape impacts of the development
12. Notwithstanding the layout on plan 590C a revised layout plan for site levels shall be submitted to and approved in writing by the Planning Authority before development commences that concurs with the approved site plan 101-D6. The development shall be completed in accordance with the approved levels plan (accounting for any required adjustments to sectional drawings to concur with the revised layout)
Reason: To visually integrate the approved development with proposed site level changes
13. The construction works shall be carried out in compliance with the Odour Management Plan (SLR-Final V2 July 2017)
Reason: To minimise, as far as practicable, potentially adverse effects arising from the construction on surrounding properties
14. The development shall not become operational until the surface water drainage scheme has been implemented in accordance with the approved plan 520 (adjusted to suit the approved site layout) and Drainage Strategy Plan and Flood Statement July 2017 13078 Rev B (Goodson Associates). The scheme shall maintain run-off from the site at pre-development levels in a 1:200 (plus climate change) event and shall be maintained throughout the operation of the development.
Reason: To ensure surface water is treated in a sustainable manner without risk of run-off to neighbouring properties
15. The development shall not become operational until a phasing programme and timescale for the closure of the waste disposal operations of the landfill site have

been submitted to and approved by the Planning Authority. The development shall only operate in accordance with the implementation of the approved phasing programme and timescale.

Reason: To ensure that the closure of the existing operations occurs in a timely manner and does not result in a duplication of vehicle movements or amenity impacts.

Information for the applicant

1. Should any part of the development require amendment to satisfy Waste Management Licensing requirements, these will require a fresh planning application where they are deemed by the Planning Authority to materially amend the approved development. Once the outcome of the WML is known, the applicant should discuss any such amendments with the Planning Authority to establish the required course of action as early as possible.
2. The extension referred to on the approved plans is not consented under this planning approval.

NOTE 1

Mr J. Birnie, Chairman of Coopersknowe Residents Assoc. and Mr Norman Young spoke against the application.

Councillor Gordon Edgar and Mr Martin Joyce, Service Director Assets and Infrastructure spoke in support of the application.

NOTE 2

Councillor Anderson moved that the application be refused due to inadequate access along the C77, particularly from Melrose Road. However, as there was no seconder the motion fell.

Reference

17/00010/FUL

Nature of Development

Construction of Wind Farm comprising 7 No turbines up to 149.9m high to tip, 5 No Turbines up to 130m high to tip and associated infrastructure

Location

Land South West of Lurgiescleuch (Pines Burn), Hawick

Decision:- Refused, contrary to the Officer recommendation for the following reasons:

1. The proposal is contrary to Policy ED9 of the adopted Scottish Borders Local Development Plan in that it would have unacceptable significant adverse impacts that cannot be mitigated and that are not outweighed by the wider economic, environmental and other benefits that would be derived from its operation. In particular:
 - The scale, form and location of the development would represent a significant and harmful change to the existing landscape character and visual amenity of the immediate locality and the wider area; and
 - The development would give rise to an unacceptable and dominating impact upon the residential properties at Langburnshiels.
2. The proposal is contrary to Policies ED9 and EP8 of the adopted Scottish Borders Local Development Plan in that the development would give rise to significant and unacceptable impacts upon the setting and appreciation of known archaeological assets, including the Scheduled Monuments of Penchrise Pen fort and earthwork, as well as to other designated and undesignated sites of archaeological importance

in the area. The wind farm would also introduce large-scale industrial structures on the fringes of an historic landscape.

NOTE 1

Councillor Watson McAteer, spoke against the application.

Mr Philip Kerr on Behalf of Hobkirk, Southdean and Denholm CC spoke against the application.

Mr Duncan Taylor, Energiekontor UK Ltd. and Mr Andy Maybury spoke in support of the application.

NOTE 2

Councillor Aitchison, seconded by Councillor Ramage moved that the application be refused as it was contrary to Policies ED9 and EP8 of the adopted Scottish Borders Local Development Plan and this was unanimously approved.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00623/FUL	Erection of poultry building and associated works	Hutton Hall Barns Hutton

Decision: Refused contrary to Officer recommendation for the following reasons:-

1. The development would be contrary to Policy ED7 – Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would not respect the amenity and character of the surrounding area. In addition impact of the expansion and intensification of uses as well as the scale of the development would be inappropriate to the rural character of the site.
2. The development would be contrary to Policy ED10 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit will result in the permanent loss of prime quality agricultural land.
3. The development would be contrary to Policy HD3 – Protection of Residential Amenity of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would have an unacceptable adverse visual impact on the existing residential properties and the surrounding area generally.
4. The development would be contrary to Policy EP1 – International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan in that no evidence has been provided to demonstrate the proposed development will not give rise to unacceptable pollution of the adjoining watercourse. Furthermore the proposed development would be contrary to Policy EP15 – Development Affecting the water Environment and Policy EP3 – Local Biodiversity of the Scottish Borders Local Development Plan 2016 in that further evidence is required to ensure that there would be no adverse impacts on the water environment and local biodiversity.

NOTE

Councillor Fullarton, seconded by Councillor Mountford moved that the application be refused on the grounds that the application would be contrary to Policies ED7 &, ED10, HD3 and EP1 of the Scottish Borders Local Development Plan and this was unanimously approved. Councillor Mountford suggested that it might be helpful if the developer produced a plan for the long term future of the Business.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00228/FUL	Erection of five dwellinghouses	Land South East of

Decision: Approved, subject to conclusion of the required legal agreement with regards development contributions, and subject to the undernoted conditions.

- 1 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To maintain effective control over the development.

- 2 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Limited intervention of features, or expansion of trenches will only take place if approved in writing by the Council's Archaeology Officer
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 3 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and

approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.

Reason: To maintain effective control over the development.

- 4 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the elevations of the building hereby approved on Plot 2 unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

NOTE

Mr Will Roberts on behalf of Denholm and District Community Council spoke against the application.

Mr John Riddell on behalf of the Developer spoke in support of the application.

NOTE 2

Councillor Ramage moved that the application be continued to allow for a site visit. However, as there was no seconder the Motion fell.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00652/FUL	Change of Use from Joiner's Workshop and alterations to form dwellinghouse	Former Joiner's Workshop The Row Allanton

Decision: Approved subject to the aforementioned Section 75 legal agreement and the following conditions and informatives:

Conditions

1. No development shall commence until a Traffic Management Plan for the construction work is first submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved plan.
Reason: In the interests of road safety and to ensure that the development proceeds in an orderly manner.
2. No development shall commence until precise details of refuse storage 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 and the refuse storage area shall be made available for use before the dwellinghouse is occupied. The refuse storage area shall be retained in perpetuity.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

3. This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of a new dwelling nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling.
Reason: Permission has been granted for the conversion of an existing building to habitable accommodation.
4. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials and finishes to be used in the alteration of the building, including details of new windows and doors, 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.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. No solar panels shall be fixed to the building until precise details have been submitted to and approved in writing by the Planning Authority, and thereafter no such panels shall be fixed to the building except in strict accordance with those details.
Reason: The proposed solar panels require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. The area shown for parking on the Location Plan shall be used parking of vehicles associated with the dwellinghouse hereby approved and must be properly consolidated prior to the occupation of the dwellinghouse. The parking area shall thereafter be retained and maintained in perpetuity for parking of vehicles ancillary to the use of the property as a dwellinghouse.
Reason: To ensure satisfactory provision of parking.
7. No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
8. Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.
9. No development shall 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.
10. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority confirmation that the development shall be carried out in strict accordance with all the measures outlined in the Species Protection Plan for breeding birds as provided in the Bat and Breeding Bird Survey report (Findlay Ecology Services, August 2017). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the SPP.
Reason: in the interests of biodiversity and the mitigation of the impacts of development on protected species.

Informatives

1. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf

2. Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems:

- The location of the flue should take into account other properties that may be downwind.
- The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.
- The flue should be terminated with a cap that encourages a high gas efflux velocity.
- The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance and the fuel that is approved for use in it:

<http://smokecontrol.defra.gov.uk/appliances.php?country=s>

<http://smokecontrol.defra.gov.uk/fuels.php?country=s>.

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at:

[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.

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 DECEMBER 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	17/01062/FUL
OFFICER:	Paul Duncan
WARD:	East Berwickshire
PROPOSAL:	Erection of two dwellinghouses
SITE:	Land north west of 1 Whitsomehill Farm Cottages, Duns
APPLICANT:	Mr David Niven
AGENT:	George F White LLP

SITE DESCRIPTION

The proposed site is located at Whitsomehill, an established building group off the B6437 road around 1km south of the village of Whitsome in East Berwickshire. The site sits just north of a terrace of seven category C listed cottages on the west side of the B6437, and a larger group of dwelling houses sits to the east of the road. Land to the rear (west) and north of the site is in agricultural use. The site slopes gently from north-east to south-west. The site currently consists of an open area of hardstanding with no formal use.

PROPOSED DEVELOPMENT

The application seeks full planning permission for the erection of two semi-detached dwellinghouses, to be set back from the main road and separate from the listed terrace of farm cottages. The dwellinghouses would be traditional in design and in materials, taking reference from the adjacent terrace. More contemporary features would also be evident in the design, mainly to the rear of the dwellinghouses. Garden ground would sit to the rear of the properties.

The existing grass verge which runs along the road to the north of the site would continue along the frontage of the site with a new more formal and clearly defined tarmac access created onto the B6437. The existing access through to the rear of the cottages would be maintained.

Foul water drainage would be dealt with by means of a septic tank. The outfall would connect to adjacent field tiles. No confirmation has been provided at the time of writing that this could be achieved given the adjacent agricultural land is outwith the ownership of the applicant. It is considered that in the absence of this confirmation the application can be determined by Members, with any decision to approve the application being subject to the applicant providing evidence of the adjacent landowner's agreement. This can be delegated to Officers to approve.

PLANNING HISTORY

There is no planning history on the site itself and no relevant planning history on the west side of the B6437.

The opposite east side of Whitsomehill has grown substantially in the last decade, following the 2006 approval (05/02272/FUL) for the alteration of farm buildings to form 11 dwellinghouses and erect 4 dwellinghouses.

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

23 letters of objection were received from 13 separate households. However, 7 of the 13 objecting households raised only one issue of concern, that being the original proposal to utilise an existing surface water drainage system (SUDS) on the east side of the B6437, which objectors advised was a private facility managed and maintained by existing residents at Whitsomehill. That proposal has since been dropped from the application.

The remaining issues raised by the other 6 objecting households and by a single member of the public who provided general comments are listed below:

- There is a lack of visibility at the junction with the B6437 in both directions, including the blind summit to the north
- There has been a previous crash at the junction in 2013 and near-misses subsequently
- The speed limit should be reduced on the B6437 at Whitsomehill as per previous requests to the Council and Police in 2013
- Adverse impact on parking provision as the site is currently used for overspill parking
- Site burdened with a servitude right of vehicular access. Not clear how this will work in future. Deliveries should not obstruct access.
- Access to cottages would be affected for e.g. emergency services
- The narrowed access would prevent access to anything but a car
- Gravel close to the busy road could impact road safety
- Impact on road safety of losing access to the back field
- There is no roadside tree adjacent to the applicant's land or the proposed new access as noted in the officer report.
- Surface and foul drainage proposal inadequate
- Drainage would run through gardens of cottages posing a health hazard and loss of amenity
- The ambiguity of the plan for the disposal of sewage is of great concern, the system supporting the existing cottages is old and unable to support any more waste.
- The drainage proposal requires agreement of neighbouring field owner which has not been provided
- Plans do not show the mains water pipe directly opposite the drive to Whitsomehill Farm which supplies the cottages. Building work would interrupt the supply.
- Adverse impact on the character and setting of listed buildings
- Design not in keeping with the traditional design of existing buildings
- The dwellinghouses should be built in natural stone
- Two houses cannot be justified by historic precedence

- The site is not allocated within the LDP
- The proposed oil tanks would adversely impact visual amenity
- The proposed oil tanks would be a road safety danger/ contrary to building regulations/ could leak to neighbouring properties
- Development would adversely affect privacy of 1 Whitsomehill Cottages
- Gravel is a non-traditional material and would exacerbate noise problems
- There is no public transport at Whitsomehill
- There is no public footpath to Whitsome
- Limited local service provision
- The development could interfere with a radio-based broadband facility which serves 3 of the adjacent cottages
- Bin collection area for Nos 1-4 would be swallowed up by new properties
- Disturbance would arise during the construction phase
- Proposal cannot be classed as affordable housing
- The proposed development does not fulfil the legislative and policy requirements as asserted by the applicant

The Community Council also raised concerns with the application. Their comments are listed under the statutory consultees section further below.

The application was advertised in the Berwickshire News.

APPLICANTS' SUPPORTING INFORMATION

A supporting document was submitted with the application and is also available to inspect on the Public Access Portal. A summary of some of the key supporting points is listed below:

- The principle of development is acceptable in line with Policy HD2.
- The site is of an appropriate scale to accommodate 2 dwellings and the pre-application response confirmed that the site is of an equivalent width and size to other plots within the building group.
- The site was previously host to 2 cottages. The proposed dwellings do not try to replicate the original form of the previous dwellings, and are a separate, free-standing dwellings, set back from the road and existing dwellings to respect the setting of the Listed Buildings.
- It is proposed to upgrade the existing access point into the site, with sufficient visibility splays as demonstrated by the submitted plans. The access will be appropriate for both the proposed development and the existing dwellings to the south of the site.
- The proposed dwellings have been designed to take account of the Privacy and Sunlight Guide and due to the siting of the proposed dwellings and the location (further west) of the existing dwellings, as well as the distance between the sites, no impacts on residential amenity for the proposed or existing dwellings are anticipated.
- It is proposed to upgrade the existing access point into the site, with sufficient visibility splays as demonstrated by the submitted plans. The access will be appropriate for both the proposed development and the existing dwellings to the south of the site.
- The site is located close to the village of Whitsome, which has a village shop, post office, village hall and bus service.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objection, subject to conditions relating to provision of a visibility splay of 2.4m by 160m to the north, a satisfactory new access, retention in perpetuity of vehicular access to the rear of Whitsomehill Cottages, provision of parking areas, and the replacement of existing junction warning signs. The Council's Road Safety section have recently carried out a scheme of improvement works in this area which includes centre line hatching and junction warning signs.

Education: No objection. The site is located within the catchment area for Swinton Primary School and Berwickshire High School. A contribution of £3,428 for each dwellinghouse is sought for the High School, making a total contribution of £6,856.

Environmental Health: No objection, subject to a condition and informative relating to drainage maintenance, and conditions relating to mains water supply.

Archaeology: No objection but an informative is recommended as there are potential implications for this proposal. 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 plans show that the proposed houses are set back from the road. This is a benefit to the below ground archaeology and will help preserve this in situ. 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. However, it is recommended that an informative is added to the consent seeking the in situ survival of any below ground archaeology through 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.

Heritage and Design: No objection. The Heritage and Design Officer was originally informally consulted at the pre-application stage and suggested that it may be better not to replicate the original form of the existing listed terrace by adding directly to it, but rather to have a free-standing development, preferably a pair of cottages rather than two separate houses, set back from the existing terrace. The option of a more contemporary design approach which might contrast with the existing farm cottages was also identified as something which could potentially be supported. The Heritage and Design Officer was then formally consulted on the original proposals submitted with the application and requested a number of changes to the designs of the dwellinghouses. The most notable being a request to set back the rear wings to allow the gable to read as a separate entity and the gutter to die against the rear wall; and a desire to achieve greater balance and symmetry on the front elevation. These changes have subsequently been adopted and the Heritage and Design Officer has now informally confirmed he is satisfied with both the design of the new houses, and that the development will not adversely affect the setting of the listed terrace.

Statutory Consultees

Edrom Allanton and Whitsome Community Council: The Community Council listed the following concerns:

- The entry to this site is on top of a hill on a fast road. The sight lines look clear but as soon as any vehicle is parked outside any of the existing cottages the sightlines to see vehicles coming from the south could be obstructed.
- Further road signage is required including road markings to indicate to traffic on the road that there are access points on both sides of the road
- New residents are likely to be obliged to have vehicles which seems contrary to the general policy of reducing the use of cars
- Currently this area is used as access to the adjoining field and this development will necessitate moving this access further along the road which may be less visible to passing traffic
- Access for existing residents – a site visit is needed to ensure that reasonable access for residents, their visitors and emergency vehicles is maintained
- SUDS proposal - the maintenance of this is within the deeds of the residences at Whitsome Hill which might require legal alterations and possibly the agreement of all
- Surface water runoff currently causes occasional problems to the residents of the existing cottages and this problem would need to be addressed
- Foul water – more details and consultation required
- The current water supply is through an old pipe which may run across the access and is therefore liable to damage during the construction phase
- Siting of the oil tanks ugly and liable to be damaged if vehicles come off the road
- Poor broadband provision

Other Consultees

Architectural Heritage Society of Scotland (AHSS): No information has been provided on the type of stone to be used. All stone should be natural to match existing cottages in colour type and finish (random rubble with squared quoins, window surrounds). AHSS note that the 1906 Ordnance Survey map shows 2 semi-detached buildings to the north of the terrace of cottages rather than an extension of the terrace and suggest that the harling to the north terrace gable would therefore be for weatherproofing rather than indicating that the terrace previously extended north.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality Standards

ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2 - Housing in the Countryside

HD3 - Protection of Residential Amenity

EP7 - Listed Buildings

EP8 - Archaeology

EP13 - Trees, Woodlands and Hedgerows

IS2 - Developer Contributions

IS7 - Parking Provision and Standards

IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Other considerations:

Scottish Planning Policy (SPP)
New Housing in the Borders Countryside SPG
Placemaking and Design SPG
Privacy and Sunlight SPG

KEY PLANNING ISSUES:

Whether the proposed development would comply with planning policies with respect to (a) new housing in the countryside; (b) the setting of the terrace of listed farm cottages; (c) placemaking and design; and (d) road safety.

ASSESSMENT OF APPLICATION:Policy Principle

The principle of the proposal is primarily assessed against Policy HD2 - Housing in the Countryside of the Local Development Plan 2016 (LDP) and the Council's New Housing in the Borders Countryside SPG. These policies supplement LDP allocations and infill development policies which direct most housing developments in the Scottish Borders to existing towns and villages. As one objector notes, this site is not allocated. The purpose of Policy HD2 is to support rural communities and businesses with housing development opportunities whilst protecting the environment from inappropriate and sporadic development. Policy HD2 (A) therefore supports suitable new rural housing where it is associated with existing building groups of three or more existing units.

Three separate building groups can be identified at this location. The listed terrace of seven farm cottages to the west of the B6437 could be considered to constitute its own distinct building group. The group of dwellings on the east side of the B6437 could also be considered as a distinct and separate building group. Finally, both groups could be viewed as one single, larger building group by way of their historical association with the former Whitsomehill Farm.

The application site therefore sits immediately adjacent to an established building group of at least 7 dwellinghouses (7 dwellings within the Whitsomehill Farm Cottages group and 18 dwellings within the former farm steading). Policy HD2 (A) sets a maximum threshold of 2 additional dwellings associated with the group within the current LDP period, or a 30% increase in the size of the group, whichever is greater. As there are no extant approvals which could be implemented at Whitsomehill, the full capacity is available provided the development can be accommodated within the identifiable limits of the group. In either of the given scenarios the proposed dwellings would comply with the numerical requirements of the policy as a suitable addition to the group(s).

The remaining tests of Policy HD2 (A) seek to ensure sites relate well to their respective building group, and also control adverse impacts on the character of existing building groups. The impact of the development on the setting of the listed terrace is considered later in the report, but in terms of the building group more generally, the erection of two additional dwellinghouses can be accommodated on this site. The site is located within existing man-made boundaries and the development would not break into a previously undeveloped field. It would be contained within the identifiable sense of place created by existing boundaries and would be located a reasonable distance from existing properties within the group.

If considered in isolation, it might be argued that the line of listed cottages is complete and therefore not appropriate as a candidate for further development; however, the site is clearly an area of previously developed land and there appears to be evidence that the site had previously been occupied by houses that have since been demolished. These factors give support to the principle of development on this site.

The development would not result in coalescence of the existing groups and the scale and siting of the new development would respect the character and amenity of the existing group.

The development of this site may however complete the identified building groups, particularly the building group to the west of the B6437, with any additional proposals likely resulting in ribbon development outwith the identifiable limits of the group.

Impact on Listed Buildings

The proposal's impact on the setting of the terrace of seven C listed farm cottages is a key consideration in the determination of this application. These houses were originally built as farmworkers' cottages in the mid-19th century for Whitsomehill farm. Historic mapping shows that two buildings previously sat to the north of the terrace, on the proposed site.

There have been conflicting interpretations of the historic mapping but the Architectural Heritage Society of Scotland have correctly identified that the pair of semi-detached buildings fronted the road but were physically detached from the listed terrace of farm cottages. Their use however is not clear. This background is of historic interest, but in no way defines whether the site should be developed today, or the manner in which it should be developed.

The principle of the proposal has been tested above against current planning policies for new housing in the countryside, which do not put weight on historic precedence as has been inferred from reference made by the applicant and consultees. In terms of the detail of the proposal, this is assessed against policies which seek to respect the setting and character of listed buildings rather than copy or restore historic development patterns. In recognition of this point, the Heritage and Design Officer has acknowledged that a more contemporary design which provides a contrast with the listed terrace could have been acceptable at this site. A more traditional proposal, as has been put forward, has also been considered suitable.

The Heritage and Design Officer's main interest has been to see the development set back from the road to avoid it competing with the terrace. This has been reflected in the proposal and the Heritage and Design Officer is satisfied that no adverse impact on the setting of the terrace will arise from the proposed development. It is contended therefor that the proposals will have a neutral impact on the setting of the neighbouring listed buildings and would comply with the qualifying criteria of Policy EP7 of the LDP.

Placemaking and design

Turning to the specific design detail, the proposal acknowledges the context of the site and the setting of the terrace in its traditional design and in the proposed use of similar materials.

This application follows and reflects pre-application advice which was provided to the applicant in 2016. Through that process it was advised that two semi-detached dwellinghouses would be preferred to two detached houses, with the buildings to be set from back from the road and existing terrace building line, to respect their setting, and either a traditional or contemporary design would have been suitable. The design approach is traditional, but with subtle contemporary additions such as the full height front porch windows and French and Juliet balcony doors to the rear.

Various revisions were sought to the originally submitted proposals. The revised proposals have resulted in more clearly defined and readable gable ends at the sides of the building, by setting the rear wings in slightly. The rear wings are also to be finished in vertically boarded timber cladding to further distinguish them from the gables and ensure a more satisfactory, traditional appearance. The front elevations were also reconfigured, achieving a more balanced and symmetrical appearance in line with Policy PMD2 and Placemaking and Design SPG.

The proposed materials are natural stone to the front elevation, natural slate to the roof, timber windows and doors, and a render finish on side and rear elevations. These are considered acceptable and appropriate for this location however the precise details can be controlled by a suitably worded condition.

Other external materials and finishes such as rainwater good and external joinery can also be controlled by condition to ensure a satisfactory form of development that complements, and does not compete, with the existing listed terrace. These matters can also be controlled by condition.

The original proposal featured solar panels on the front and side elevations of the houses. This was amended on request, with solar panels now placed on the less prominent side and rear elevations and the use of slate would ensure the panels blend relatively discreetly onto the roof. A condition would be applied to ensure the frames of the panels have a suitably dark appearance.

The proposals feature large areas of gravel parking and objectors have reasonably queried which material is proposed, with some opposing gravel in principle. It is considered that gravel could be used suitably but a condition could be used to control the precise details to ensure no adverse impact on the setting of the listed buildings. Similarly, a condition to control boundary treatment would also be applied. In this instance the continuation of the mature roadside hedge would be appropriate around the north and west perimeters of the site, and along the frontage of the site where possible.

Members of the public have strongly objected to the siting of the proposed oil tanks behind walls in an otherwise prominent location to the front of the site. The proposed oil tanks do have the potential to appear prominent in this location and it would be appropriate to control their siting and design by use of a planning condition.

Impact on traffic and road safety

Members will note that objectors have raised serious concerns about the proposal from a road safety perspective. Various points are made in this regard, including a lack of visibility at the junction generally, and due to a blind summit to the north. The junction and access already exist and serve both the field to the rear, and the seven existing cottages but a modest increase in vehicle trips can be anticipated. The proposal would see a new, improved access formed into the site. Replacement junction warning signage would also be required at the developer's expense. The

Roads Officer has assessed the proposal and subject to these requirements and others, does not object to the proposal. An alternative existing access to the field is available towards Whitsome and would ensure suitable access remains available.

It is understood that residents at the Cottages have a right of access across the proposed site to areas to the rear of their properties which are used for parking. The site plan shows that access will continue to be provided through to the rear of the properties and this has been confirmed in writing on the applicant's behalf. A condition would be attached to provide additional control. There is clearly concern from residents that this right of access could be affected or curtailed by the proposals and there is concern from objectors that the proposed access is not wide enough for delivery vehicles of the size currently serving the site. The Roads Officer is satisfied that the access will be sufficient in terms of design to allow continued vehicular access to the rear of the cottages. The arrangements for right of access are legal matters that would need to be resolved outside the planning process.

It is understood that the proposed site is used for overspill parking and objectors are concerned at its possible loss. However, this use appears to be informal and at the owner's discretion. There has been no requirement in planning terms for this land to provide overspill parking and it would be unreasonable to demand this of the landowner now. It is therefore acknowledged that there may be some impact on parking arrangements for the adjacent terrace, but this cannot be given weight in the consideration of this proposal. Similarly, if the current bin collection area is on the proposed site it is not reasonable to insist that this remains the case.

Road safety concerns relating to the proposed oil tanks are noted but as commented above under the Placemaking and Design section, would be moved on visual amenity grounds. The Roads Officer has no concerns in the use of gravel for the proposed parking areas. The first 5m of the access would be properly made up to ensure an appropriate access is formed. The Roads Officer has identified one roadside tree for removal in order to provide the required visibility splay at the access. The tree in question is located on the verge to the north of the site.

Services

Members will have noted that many of the objections received focussed on the original proposal to utilise the existing Sustainable Urban Drainage System (SUDS) for surface water drainage. Seven of the thirteen objections received related solely to this proposal. It is understood that residents at Whitsomehill currently maintain the SUDS scheme and objectors raised various understandable concerns. However, connection to the existing SUDS system no longer forms part of this proposal.

The revised proposals seek to drain surface water to the outfall from the septic tank, to connect either to neighbouring field tiles or to a soakaway on neighbouring farmland. Officers have requested confirmation of the feasibility of these proposals in the form of a letter from the neighbouring farmer granting use of the farmland for this purpose. To date no letter has been provided, but this could reasonably be delegated to Officers to conclude should Members be minded to approve the application.

The revised drainage proposals have also been subject to objection. There is a concern that drainage would run through gardens of neighbouring cottages, posing a health hazard and loss of amenity to residents. Were Members minded to approve this application a more detailed drainage proposal would be subject to formal

assessment at the Building Warrant stage, by the Council's Building Standards section in consultation with SEPA.

The development would connect to the public water supply network. This would be controlled by planning conditions on the recommendation of the Environmental Health Officer. It is noted that public water supply pipes may run under the site. If this is the case it would be the responsibility of the developer to avoid any damage during the construction phase. This is a legal matter that would need to be resolved outside the planning process.

Impact on Residential and Neighbouring Amenity

Members will be familiar with the key residential amenity considerations of privacy and loss of light. In this case the proposal complies with the related SPG on Privacy and Sunlight impacts both with respect to the existing neighbouring properties, including 1 Whitsomehill Cottages, and between the two proposed dwellinghouses.

Objectors have raised other residential amenity concerns including potential noise nuisance resulting from the use of gravel in the proposed parking areas. It is not considered that this would lead to unacceptable noise nuisance. Similarly, whilst a degree of disturbance may arise during the construction phase this is not a material consideration in the determination of the suitability of the proposal.

Other matters

Members will note that objectors have suggested that the development could interfere with a radio-based broadband facility which serves 3 of the adjacent cottages. The suggestion is that the two dwellinghouses could block the signal which is understood to be sent from Ravelaw Farm, around 1.7km to the north-west of the proposed site, although no evidence has been put forward to support these concerns. It is understood that this service was LEADER funded, and whilst any impact would be unfortunate, this would not be reasonable grounds for refusing development proposals.

Objector comments regarding a lack of service and public transport provision within the area are acknowledged and it is the case that the building group does not benefit from provision of local services. As has been covered above, planning policy within the Scottish Borders directs most development to towns and settlements where services are most commonly provided. The purpose of Policy HD2 is to allow a degree of rural housing development, where it can be accommodated appropriately, as is the case here.

The site is formally recorded as Prime Quality Agricultural Land but given the site is hard surfaced brownfield land this raises no concerns. Also, the Council's Archaeologist has no objections to the proposal but has requested an informative as there are potential archaeological implications for this site due to the location of former cottages on the site.

A development contribution of £6,856 is sought for Berwickshire High School and a commuted sum of £2000 towards affordable housing. The applicant has indicated a preference to settle this by way of a Section 75 legal agreement.

CONCLUSION

It is considered that the proposal meets the principal policy criterion of Policy HD2 of the LDP in enabling development of a brownfield site within an established building group in the countryside. Subject to conditions, the development of the site could be achieved without adversely affecting the character of the existing building group, the setting of adjacent listed buildings or neighbouring residential amenity. Furthermore, adequate vehicular access to the site can be provided.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

Subject to the provision of satisfactory evidence confirming that neighbouring land is available to accommodate the proposed drainage arrangements (delegated to Officers to resolve), I recommend the application is approved subject to 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. No development shall commence until the 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 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 the setting of nearby listed buildings.

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. Prior to the occupation of either dwellinghouse hereby approved, the new vehicular access to the site shall be formed as per site plan 17B052/PL03 (dated 23/10/17) and the parking areas shown on the same hereby approved site plan shall be provided and retained in perpetuity thereafter.

Reason: to ensure satisfactory access to the and from the site, in the interests of road safety.

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.

DRAWING NUMBERS

Plan Type	Reference	Date on plan	Received
Location Plan			01/08/17
Floor Plan	17B052/PL01	23/10/17	26/10/17
Elevations	17B052/PL02	23/10/17	26/10/17
Site Plan	17B052/PL03	23/10/17	26/10/17

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

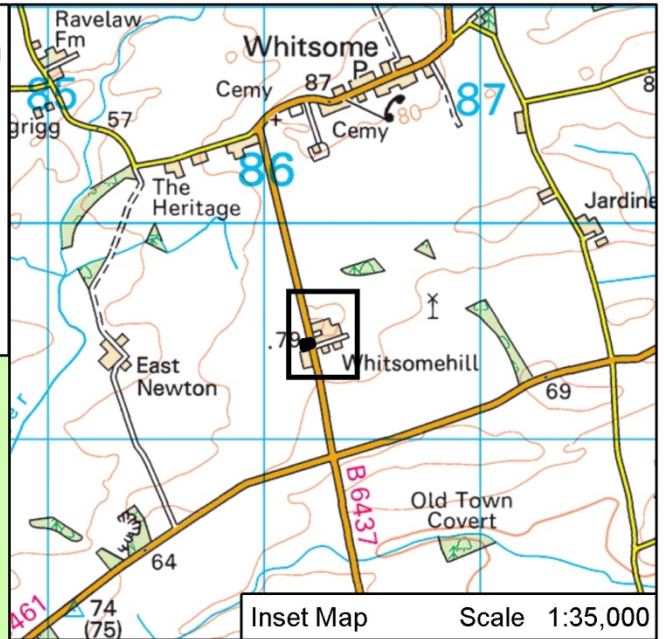
Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer



17/01062/FUL

Land North West Of
1 Whitsomehill Farm Cottages
Duns



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE**4th December 2017**

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED**2.1 Planning Applications**

- 2.1.1 Reference: 16/01377/FUL
Proposal: Erection of poultry building
Site: Land South West of Easter Happrew Farmhouse,
Peebles
Appellant: Glenrath Farms Ltd

Reason for Refusal: The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside and Policy EP4 - National Scenic Areas of the Scottish Borders Local Development Plan 2016 in that the poultry building would have an unacceptable adverse impact on and does not respect the amenity and character of the surrounding area and would have an unacceptable adverse effect on the scenic qualities of the National Scenic Area. The scale, siting and design of the development would set an undesirable precedent and would result in an unacceptable form of development in this nationally important landscape.

Grounds of Appeal: This proposed shed is costing over £1M will provide an extra 2 fulltime and 2 part time jobs. The applicant is happy to plant more trees to screen the new shed from the minimal traffic on the John Buchan Way as they did for the present shed. Manure will be spread weekly, as at present, so no storage is required. Vehicle traffic will only be increased by 1 hired workers car and 1 lorry load of feed per week. There is plenty of space for the eggs leaving the farm to be transported in the exiting lorry. SEPA have confirmed they have no objections to this planning application. The applicant will continue to work with SEPA to secure a Pollution and Control Permit in order to regulate all environmental issues relating to the egg production on an ongoing basis. Scottish Borders Council officials recommended approval for this application.

Method of Appeal: Written Representations

2.1.2 Reference: 17/00623/FUL
Proposal: Erection of poultry building and associated works
Site: Hutton Hall Barns, Hutton
Appellant: Mrs Angela Maclean

Reasons for Refusal: 1. The development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would not respect the amenity and character of the surrounding area. In addition impact of the expansion and intensification of uses as well as the scale of the development would be inappropriate to the rural character of the site. 2. The development would be contrary to Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit will result in the permanent loss of prime quality agricultural land. 3. The development would be contrary to Policy HD3 - Protection of Residential Amenity of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would have an unacceptable adverse visual impact on the existing residential properties and the surrounding area generally. 4. The development would be contrary to Policy EP1 - International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan in that no evidence has been provided to demonstrate the proposed development will not give rise to unacceptable pollution of the adjoining watercourse. Furthermore the proposed development would be contrary to Policy EP15 - Development Affecting the water Environment and Policy EP3 - Local Biodiversity of the Scottish Borders Local Development Plan 2016 in that further evidence is required to ensure that there would be no adverse impacts on the water environment and local biodiversity.

Grounds of Appeal: Each of the statutory bodies are supportive of the planning application. The new poultry building will help sustain the applicants farming diversification business, employ more local people and produce Scottish free range eggs. The applicant believes that the proposals are fully compliant with the Local Plan requirements, and their assertion is supported by the statutory consultee responses and the planning officer recommendation for approval.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 4 appeals previously reported on which decisions were still awaited when this report was prepared on 23rd November 2017. This relates to sites at:

<ul style="list-style-type: none">Land North of Howpark Farmhouse, Grantshouse	<ul style="list-style-type: none">Poultry Farm, Marchmont Road, Greenlaw
<ul style="list-style-type: none">Units 9 and 10, 6 - 8 Douglas Bridge, Galashiels	<ul style="list-style-type: none">Land North East of 3 The Old Creamery, Dolphinton

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 17/00926/PPP
Proposal: Erection of dwellinghouse
Site: Land Adjacent Deanfoot Cottage, Deanfoot Road, West Linton
Appellant: Mr & Mrs Peter Gardiner

Reason for Refusal: The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location, and no overriding case for a dwellinghouse has been substantiated

- 5.2 Reference: 17/00973/FUL
Proposal: Change of use of agricultural land to form storage yard and siting of 7 No storage containers
Site: Land North East of Greenbraehead Farmhouse, Hawick
Appellant: Bayhill Farming Ltd

Reason for Refusal: The proposal is contrary to Scottish Borders Council Local Development Plan Policy ED7 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary of a settlement and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character of the surrounding area.

- 5.3 Reference: 17/01112/FUL
Proposal: Erection of hay shed
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

- 5.4 Reference: 17/01113/FUL
Proposal: Erection of tractor shed
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reason for Refusal: The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

- 5.5 Reference: 17/01139/FUL
Proposal: Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry clinic) and Class 1 (ancillary retail)
Site: 40-41 The Square, Kelso
Appellant: Mr Robert McCririck

Reason for Refusal: The proposed change of use from Class 1 (Shop) to Class 2 (Financial, Professional and Other Services) would be contrary to Policy ED4 of the Local Development Plan 2016 in that the use of the premises as a podiatry clinic would result in the loss of prime retail floorspace in a prominent location and introduce a non-retail/food and drink use within the Core Activity Area in Kelso, which forms part of the principal shopping area in the town centre. It has not been adequately demonstrated that the proposed change of use to Class 2 would maintain the vitality and viability of Kelso town centre. Material considerations, including the vacancy of the unit, have been accounted for but do not outweigh the conflict with Policy ED4.

6 REVIEWS DETERMINED

- 6.1 Reference: 17/00239/FUL
Proposal: Erection of micro meat processing unit and byre
Site: Land at Hardiesmill Place, Gordon
Appellant: Mr Robin Tuke

Reason for Refusal: The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

Method of Review: Review of Papers, Site Visit and Further Written Submissions

- Review Decision: Decision of Appointed Officer Overturned (Subject to conditions)
- 6.2 Reference: 17/00308/FUL
 Proposal: Erection of boundary fence (retrospective)
 Site: 33 Justice Park, Oxton
 Appellant: Mr Marc Ridgway
- Reason for Refusal: The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.
- Method of Review: Review of Papers
- Review Decision: Decision of Appointed Officer Upheld
- 6.3 Reference: 17/00472/FUL
 Proposal: Alterations and extension to dwellinghouse
 Site: 1 Glenkinnon, Ashiestiel Bridge, Clovenfords
 Appellant: Mr & Mrs Rutherford
- Reason for Refusal: The proposed extension to the dwelling would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale that would be visually appropriate to the existing building or its surroundings.
- Method of Review: Review of Papers
- Review Decision: Decision of Appointed Officer Overturned (Subject to conditions)
- 6.4 Reference: 17/01112/FUL
 Proposal: Erection of hay shed
 Site: Field No 0328 Kirkburn, Cardrona
 Appellant: Cleek Poultry Ltd
- Reasons for Refusal: 1. The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.
- Method of Review: Review of Papers
- Review Decision: Decision of Appointed Officer Upheld

6.5 Reference: 17/01113/FUL
 Proposal: Erection of tractor shed
 Site: Field No 0328 Kirkburn, Cardrona
 Appellant: Cleek Poultry Ltd

Reason for Refusal: The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 1 review previously reported on which a decision was still awaited when this report was prepared on 23rd November 2017. This relates to a site at:

<ul style="list-style-type: none"> Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston 	<ul style="list-style-type: none">
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8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 4 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 23rd November 2017. This relates to sites at:

<ul style="list-style-type: none"> (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir 	<ul style="list-style-type: none"> Fallago Rig 1, Longformacus
<ul style="list-style-type: none"> Fallago Rig 2, Longformacus 	<ul style="list-style-type: none"> Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACetransrequest@scotborders.gov.uk

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