

# **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, 2 October, 2017 at 10.00 am

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

In Attendance:- Depute Chief Planning Officer, Lead Officer (Development Management and Enforcement), Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officers (F. Henderson and F. Walling).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 4 September 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 Change of Use from Class 1 (Retail) to Class 2 (Financial, Professional and Other Services) Units 9 and 10, 6 - 8 Douglas Bridge, Galashiels – 17/00765/FUL.**

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

- **Land North of Howpark Farmhouse, Grantshouse**
- **Poultry Farm, Marchmont Road, Greenlaw**

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

- (i) **Erection of micro meat processing unit and byre on Land at Hardiesmill Place, Gordon – 17/00239/FUL;**

- (ii) Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting at Jordonlaw Granary, Jordonlaw Road, Westruther – 17/00380/FUL
  - (iii) Alterations and extension to dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords - 17/00472/FUL;
  - (iv) Erection of dwellinghouse on Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston – 17/00479/FUL
- (d) the decision of the Appointed Officer had been overturned (Subject to conditions and a Section 75 Legal Agreement) by the Local Review Body in respect of:-
- (i) the Erection of dwellinghouse with attached garage on Land North East of the Old Church, Lamberton – 16/00947/FUL
  - (ii) the Erection of dwellinghouse and retaining Wall (part retrospective) on Land West of Craigerne Coachhouse, Ederston Road, Peebles – 17/00323/FUL
- (e) there remained four reviews outstanding in respect of:-
- 5 High Street, Innerleithen
  - Land North West of Kirkburn Parish Church, Cardrona (17/00647/FUL)
  - Land North West of Kirkburn Parish Church, Cardrona (17/00384/FUL)
  - Land South of 3 Kirkburn Cottages, Cardrona, Peebles (17/00806/FUL)
- (f) there remained four S36 Public Local Inquiries outstanding in respect of the following:-
- (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir
  - Fallago Rig 1, Longformacus
  - Fallago Rig 2, Longformacus
  - Birneyknowe Wind Farm, Land North, South, East and West of Birneyknowe 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 THE ERECTION OF THREE DWELLINGHOUSES, LAND NORTH-EAST OF GLENVIEW, ELLWYN TERRACE, GALASHIELS**

The Committee considered a report by the Chief Planning Officer.

*The meeting concluded at 3.15 pm*

## **APPENDIX I**

### **APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00226/FUL	Erection of a windfarm comprising of 7 wind turbines 126.5m high to tip, associated infrastructure, ancillary buildings and temporary borrow pits	Land North West of Gilston Farm, Heriot

Decision:- Refused for the following reasons:

The proposal is contrary to Adopted Scottish Borders Council Local Development Plan Policy ED9 in that it would have relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated, and which are not outweighed by the wider economic, environmental and other benefits that would otherwise be derived from its siting and operation at the site. In particular:

- The scale, form and location of the development proposed would represent a significant, detrimental change to the existing landscape character and visual amenity of the immediate locality and the wider area, and would also result in unacceptable cumulative landscape and visual impacts through its contribution to views within which it would be visible alongside surrounding wind farm schemes; and
- would present a hazard to aviation safety both as an obstacle to aircraft and in its potential to disrupt radar operations at Kincardine and Edinburgh Airport.

#### Informatives

1. It has not been demonstrated that the proposals would not have unacceptable impacts upon a Protected Species, specifically badgers, whose setts are liable to be impacted by the operation of one of the borrow-pits;
2. It has not been demonstrated that the proposals would not have unacceptable impacts upon Priority Species, specifically butterflies, whose habitat may be impacted by the development; and
3. It has not been demonstrated that the proposals would not have any unacceptable impacts upon a private water supply.

#### NOTE

Ms Jillian Adams and Alasdair MacLeod spoke on behalf of 2020 Renewables Ltd in support of the application.

Mr John Williams, Chairman of Heriot Community Council spoke against the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/013377/FUL	Erection of poultry building	Land South West of Easter Happlew Farmhouse Peebles

Decision:- Refused for the following reasons:

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.

### VOTE

*Councillor Fullarton, seconded by Councillor Hamilton 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 ED7 and EP4 of the Scottish Borders Development Plan 2016 in that the proposed building would have an unacceptable adverse impact on the surrounding area and on the scenic qualities of the National Scenic Area.*

*On a show of hands Members voted as follows:-*

<i>Motion</i>	<i>-</i>	<i>4 votes</i>
<i>Amendment</i>	<i>-</i>	<i>5 votes</i>

*The amendment was accordingly carried.*

### NOTE

Mr Gordon Hughes, Chairman of Manor, Stobo & Lyne Community Council spoke against the application.

<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: Continued to allow a site visit by Committee.

### NOTE

Mrs S MacLean, Applicant spoke in support of the application.  
Mr A McGregor, on behalf of Hutton Community spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00015/FUL	Residential development with associated supporting infrastructure and public open space	Land East of Knapdale 54 Edinburgh Road Peebles

Decision: Refused for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies outwith the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.
2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary
3. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road.

### NOTE

Mr Colin McIntyre, Architect spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01055/PPP	Erection of dwellinghouse	Land South and East of the Schoolhouse Blainslie

Decision: Approved in accordance with Policy HD2 paragraph (a), on the basis that the proposed new dwelling relates well to the neighbouring two properties, The Old School and The Schoolhouse; and that these three properties should be deemed to be part of Nether Blainslie Village for historic reasons and their proximity to Blainslie, notwithstanding that they are currently out with the development boundary of the village. Approval subject to a legal agreement (Education & Lifelong Learning) and the following conditions and informative:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. A detailed design and access statement shall be submitted with the first application for approval of matters specified in conditions pursuant to this permission. No development shall take place except in strict accordance with design and access statement unless otherwise agreed in writing by the planning authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, in particular the existing dwellings known as The School and The Schoolhouse.
4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. location of new trees, shrubs, hedges and grassed areas
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.
 Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
5. No development shall take place until proposals for a landscaping belt along the southern and eastern boundaries of the application site have been submitted to and approved in writing by the planning authority. The scheme shall include details of tree species and a programme for completion and subsequent maintenance. Thereafter, no development shall take place except in strict accordance with the details so approved.  
Reason: To ensure that the development is assimilated into its setting and to provide a clearly definable edge to the building group.
6. No development shall commence until a service lay-by to approved standard DC-3 (attached) has been provided on site. The service layby shall thereafter be retained in perpetuity.  
Reason: To ensure that adequate provision is made for vehicular access to the site and to ensure services vehicles can park clear of the public road.

7. Two parking spaces, not including any garage, and turning shall be provided within the curtilage of the dwelling hereby approved before the dwelling is occupied. The parking and turning shall thereafter be retained in perpetuity.  
Reason: To ensure parking and turning is made available within site.
8. Junction visibility splays of 2.4 metres by 120 metres shall be provided in either direction at the junction of the access onto the public road.  
Reason: In the interests of road safety.
9. Prior to commencement of development, an Ecological Impact Assessment shall be submitted for the approval of the planning authority. The Ecological Impact Assessment shall consider bats, badger, breeding birds and other protected species and habitats as appropriate, identifying mitigation required in Species Protection Plans, which shall first be submitted to and approved in writing by the Planning Authority.  
Reason: In the interests of local biodiversity.

### **Informative**

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

### **VOTE**

*Councillor Aitchison, seconded by Councillor Miers, moved that the application be refused as per the officer recommendation.*

*Councillor Mountford, seconded by Councillor Ramage moved that the application be approved on the grounds that it was in accordance with Policy HD2 in that the proposed dwelling related well to the Old School and the Schoolhouse which were related historically and geographically to Nether Blainslie.*

*On a show of hands Members voted as follows:-*

<i>Motion</i>	<i>-</i>	<i>3 votes</i>
<i>Amendment</i>	<i>-</i>	<i>6 votes</i>

*The Amendment was accordingly carried.*

### **NOTE**

Mr Nick Green, Applicant spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00999/MOD75	Discharge of planning obligation pursuant to planning permission 08/00524/FUL	Cacrabank Farm Selkirk

Decision: Agreed to discharge of section 75 agreement.