

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 2nd February, 2015 at 10.00 am

Present:- Councillors R Smith (Chairman), J Brown (Vice-Chairman), M Ballantyne, D Moffat, I Gillespie, J Campbell, J A Fullarton, S Mountford and B White
In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 12 January 2015.

DECISION

APPROVED for signature by the Chairman.

APPLICATIONS

2. 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 the Appendix to this Minute.

APPEALS AND REVIEWS

3. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) **Appeal requests had been received in respect of the following:-**
 - (i) **Installation of anaerobic digestion sustainable energy plant at Ravelaw, Whitsome, Duns – 14/00763/FUL**
 - (ii) **Discharge of planning obligation pursuant to planning permission 06/01404/FUL on Land South of Meigle Row, Clovenfords – 14/01231/MOD75**
- (b) **There remained one appeal outstanding in respect of Lylestane Farm, Oxtou.**
- (c) **A review request had been received in respect of change of use from workshop (Class 4) to children’s soft-play centre, ancillary café, sensory area (Class 11) and extension incorporating new welfare facilities at No 1**

**Works, Hillview Trading Estate, Guards Road, Coldstream –
14/00990/FUL**

- (d) There remained 2 reviews outstanding in respect of the following:-
- (i) 1 Prendergust Farm Cottages, Eyemouth - 14/00951/FUL
 - (ii) School House, Heriot – 14/01063/PPP

The meeting concluded at 12.15 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00738/FUL	Construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound	Land South East of Halmyre Mains Farmhouse (Hag Law Wind Farm) Romanno Bridge Peeblesshire

Decision: Refused for the following reasons:

1. The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would unacceptably harm the Borders landscape including Historic Landscape due to:

- (i) the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES
- (ii) the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed
- (iii) the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper Tweeddale National Scenic Area)
- (iv) the appearance of the development resulting from its placement on a line of hills ridges, linear layout design, its scale in relation to other wind energy development with which it has cumulative landscape effects and the potential visual confusion caused by the proximity of the proposed Cloich Wind Farm to Hag Law, there being no visual coherence between the two windfarms
- (v) the siting and prominence in a Historic Landscape, within which the development would appear as an incongruous and anachronistic new item; and
- (vi) the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free.

2. The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on

Wind Energy in that the development would give rise to unacceptable visual and residential amenity effects due to:

- (i) the high level of visibility of the development and lack of good topographical containment
- (ii) the adverse effects experienced by users of the public path network, in particular the Scottish National Trail, and areas generally used for recreational access (including vehicular access routes to such areas)
- (iii) the potentially unacceptable level of visual impact caused by the design of the development, in particular the dominance of the turbines in proximity to sensitive receptors (residences, school, public buildings), within the settlements at Romannobridge/Halmyre, Mountain Cross and West Linton
- (iv) the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular because it has not been demonstrated that it is possible to meet recommendations within ETSU-R-97 due to the potential cumulative noise effects from Hag Law and Cloich Wind Farms; and
- (v) the overriding harmful visual impacts relating to settings of a range of scheduled monuments within a culturally rich landscape.

NOTE

Mr J Pratt on behalf of the Newlands Group and Mr G Hughes Chairman of Manor, Stobo and Lyne Community Council spoke against the application.

Mr R McMichael (West Coast Energy) spoke on behalf of the Applicant (Stevenson Wind Energy Ltd) in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/01261/FUL	Modification of condition No 3 of planning consent 02/00813/COU in respect of the occupancy period of the static caravans	Riverview Holiday Park, Mangerton, Newcastleton

Decision: Approved subject to the following conditions and informatives:

1. This consent relates only to the change of use of land to form a static caravan park within the red line indicated on approved drawing H395/03 Rev "A" on application 02/00813/COU, the development of the remainder of the site to be the subject of a further application for planning permission.
Reason: To enable the Council to maintain effective control of the development and in recognition of the potential flood risk on the lower parts of the site.
2. The placement of caravans on stances 21-41 not to occur until the completion of development to the satisfaction of the Council on stances 5-20.
Reason: To secure the orderly development of the site and minimise visual impact on the landscape.
3. The holiday lodges and caravans within the site shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The owners/operators of the holiday park shall maintain an up-to-date register of the names of all owners and occupiers of the individual caravans and lodges on the site and their main home addresses, and shall make this information available for inspection by an authorised officer of the Planning Authority at all reasonable times.
Reason: The accommodation on the site is not designed for permanent occupation and permanent residential use would be contrary to the Council's housing in the countryside policies.

4. The existing trees on the site to be retained to the satisfaction of the Planning Authority.
Reason: To safeguard the visual amenity of the area.
5. The caravan stances to be formed no higher than 50mm above the existing highest ground level occupied by each individual stance, but preferably lower.
Reason: To safeguard the visual amenity of the area.
6. Further landscaping proposals to be submitted for the approval of the Planning Authority in relation to the visitor parking area at the northern boundary of the site.
Reason: To safeguard the visual amenity of the area.
7. In the event of the railway being reinstated upon the track bed of the former Waverley Line, the development to be adjusted in accordance with the provisions of approved plan ref. H395/05 on application 02/00813/COU subject to further agreement with the Planning Authority on additional planting and revision to stances and parking areas that may be considered necessary.
Reason: To accord with Development Plan policy on maintaining railway routes.
8. Further details of the following to be agreed with the Planning Authority before the development is commenced:
 - colour of caravans.
 - external lighting.
 - materials to be used for roads, parking and other hard surfaces.
 - sewage treatment works.
 - alterations to the existing steading building.
 - LPG tanks.
 - playspace/recreational areas.

Reason: To secure the orderly development of the site and minimise visual impact on the landscape.
9. The existing passing places on the D38/3 public road to be cleared of vegetation and enlarged, and the accesses into the site to be formed, all to the specification of the Planning Authority before the first caravan is occupied.
Reason: In the interests of road safety.
10. The landscaping indicated on the approved drawings on application 02/00813/COU, including the woodland areas and augmentation of riverbank planting outwith the current application site, to be implemented during the first available planting season following commencement of development, and to be maintained in perpetuity to the satisfaction of the Planning Authority.
Reason: To safeguard the visual amenity of the area.

Informatives

The applicant should contact an Environmental Health Officer to discuss the need for a private water supply risk assessment.

The Council's Flood Protection Officer recommends that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the buildings during times of flood warning.

A number of flood protection products such as floodgates and air-vent covers are also commercially available and details of these can be found by calling Emergency Planning on 01835 825056 who may be able to offer discounts for the products.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00826/FUL	Erection of 26 dwellinghouses and associated infrastructure	Land North East Of Peelwalls H Ayton Scottish Borders

Decision: Approved subject to the following conditions and informatives and to a legal agreement requiring contributions toward education provision and the delivery of affordable housing on site and the delivery of footpath linking between the site and Ayton village (including a bridge over the Eye Water) which is to be completed in accordance with a scheme of details to be submitted and approved by the Council prior to the commencement of works and which shall require to be completed prior to the occupation of any house to which this permission relates.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 No development shall commence until a programme of phasing (to include the affordable housing dwellings) has first been submitted to and agreed in writing with the Planning Authority, thereafter the development shall be carried out in strict accordance with the approved details unless any variations to the phasing programme are agreed with the Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
- 4 A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:
Development at (Note 1) Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council. The development comprises (Note 5) Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6). Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 5 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 6 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a fencing 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 8 No development shall commence until a tree survey (according to BS5837:2012) is submitted for the prior approval of the Planning Authority, to establish the Root retention areas of the trees and all the potential effects of construction on retained boundary trees (in particular the trees to the south west of the site).

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 9 No development shall commence until a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing with the Planning Authority, and thereafter no development shall take place except in strict accordance with those details. Details of the scheme shall include:

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 10 No development shall commence until details of provision and siting of the on-site play facilities, works schedule and maintenance details have been submitted to and agreed in writing by the Planning Authority. Thereafter, the play area shall be implemented in accordance with a timescale that forming part of the works schedule so agreed.

Reason: To ensure a satisfactory form of development

- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two

years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 12 The areas allocated for parking on the approved plan shall be properly consolidated, surfaced and drained before the dwellinghouses in each phase of the development (as required by condition 3) are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.
- 13 The proposed roads, footpaths and turning spaces indicated on the approved drawings shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced carriageway and footpath. The materials shall be in line with the details contained informative 6.
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
- 14 Public parking bays outwith any dwelling curtilage shall not be allocated to any specific dwelling. All parking bays shall be a minimum of 2.5m x 5.0m, or, where they are up against a wall/fence or other structure, they shall be 2.5m x 6.0m. The bays shall be designed in accordance with the details contained in informative 6.
Reason: In the interest of road safety
- 15 Where curtilage parking is to be provided using side by side bays, a separate pedestrian access to the dwelling shall be provided to ensure satisfactory pedestrian access to the property at all times and therefore not encourage vehicles to be parked on-street to allow pedestrian access.
Reason: In the interest of road safety
- 16 No development shall commence until works for the disposal of sewage and surface water drainage have been provided on the site to serve the development in accordance with details to be submitted to and approved in writing by the Planning Authority before development commences.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 17 No development shall commence until the applicant has demonstrated to the Planning Authority that an adequate water supply is available to serve the whole of the development. Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 18 No development shall commence until details of all the surface treatments are submitted to and agreed in writing by the Planning Authority. Thereafter, the surface treatments shall be implemented in accordance with the approved details. The materials shall be in line with the details contained informative 6.
Reason: To ensure a safe and satisfactory form of development appropriate to its surroundings.
- 19 No development shall commence until a Badger Protection Plan (including the details of the toolbox talk and the survey details as per informative 2) shall be submitted to, and agreed in writing, by the Planning Authority. Thereafter, the works shall be carried out in accordance with the approved scheme.
Reason: In the interests of preserving biodiversity
- 20 No felling or disturbance of trees which could be used by roosting bats shall be carried out without the express written permission of the Planning Authority.

Checking surveys and appropriate mitigation for bats shall be required if any such works are to occur.

Reason: In the interests of preserving biodiversity

- 21 No clearance/disturbance of habitats which could be used by breeding birds, such as hedgerows, shrubs and trees, shall be carried out during the breeding bird season (March-September) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.
Reason: In the interests of preserving biodiversity
- 22 No development shall commence until the full details of the finalised SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA and Scottish Water, and all work shall be carried out in accordance with the approved scheme.
Reason: To ensure adequate protection of the water environment from surface water runoff
- 23 No development shall commence until a Biodiversity and Habitat Management Plan as per the details required in informative 3) shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter, the works shall be carried out in accordance with the approved scheme.
Reason: In the interests of preserving biodiversity
- 24 The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

Informatives

- 1 There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits) or artefacts (e.g. pottery, ironwork) of potential antiquity are discovered, please contact the planner or Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered.
- 2 A Badger Protection Plan is required to protect any setts in the area and badger foraging and commuting across the site (including covering trenches and open pipes overnight/ providing a means of escape, safe storage of chemicals and oils, sensitive security lighting, timing of works, badger-proof fencing around settlement ponds). This Badger Protection Plan will need to be informed by a badger survey to be carried out by a suitably qualified person. It is also a requirement that prior to the commencement of works the site contractors are given a toolbox talk and information sheet by the developer's consultant ecologist to explain the requirements of the mitigation on site.
- 3 The Biodiversity and Habitat Management Plan shall be prepared by a suitably qualified person. It will relate to the proposed housing development, and is required to be submitted, in writing (including plan/maps), for approval by the Planning Authority. It will enhance the local habitat network for biodiversity and could include measures for locally native woodland and scrub, hedgerows and grassland enhancement with wildflower areas. A planting scheme may include native trees and shrubs (FCS Native seed zone 204). The type of lighting and timing of lighting which minimises impacts on biodiversity, e.g. badgers and bats, should be carefully considered for both the construction phase and the final development. The Plan

should include a 'Lighting design strategy for light sensitive biodiversity'. This may include darker wildlife corridors. A pond or SUDS feature, which is already required, can also enhance the local habitat network for bats. Well designed this can form part of the wider green network and can promote biodiversity. The developer may also consider the provision of swift bricks and bird nesting sites such as the Schwegler 1N Deep Nest Box which can be attached to mature trees or posts to provide nesting opportunities for a range of bird species. Any works shall thereafter be carried out in accordance with the approved scheme.

- 4 To protect the water body which is in the vicinity of the development area. Adopt SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), PPG 3, 4, 7, 13 (site drainage), PPG 2, 8 (oil storage) and PPG 6 (construction and demolition) as appropriate.
- 5 As appropriate protect riparian woodland/vegetation on boundary with an appropriate no development buffer (adopting BS5837:2005 *Trees in relation to construction*).
- 6 The development shall be carried out in accordance with the following engineering requirements.
 - The road within the development shall require construction consent (RCC).
 - A Section 7 agreement shall be required between the Council and Scottish Water which takes the proposed drainage layout into consideration.
 - All prospectively adoptable public roads without associated footways/paths must be constructed using approved block pavements. The type and colour must be agreed in writing with the Council prior to the pavements being laid, construction details to be agreed via the RCC.
 - All prospectively adoptable public roads with associated footways/paths must be constructed using hot rolled asphalt, construction details to be agreed via the RCC.
 - Where parking bays are outwith a dwelling curtilage and are to be adopted as public, these must not be allocated to any specific dwelling.
 - A drawing showing the proposed public utility layout must be submitted as part of the RCC process. This is to ensure that any services within the road verge can be accessed at all times. This requirement may impact on the proposed landscaping as I will not be able to support any planting and structures within service strips. This is of particular concern where the road narrows, especially in the vicinity of plots 22 to 25.
 - Nose-in parking spaces which are to be adopted as public must have a minimum of 600mm hard standing along the edges where they are not adjacent to a footway/path. This is to allow occupants of the vehicle to manoeuvre around it freely.
 - All prospectively adoptable public roads, footways and footpaths, and any work within these areas, must be carried out by a Council approved contractor.
 - Where any prospectively public drain is not located within a public road or footway/path, a formal agreement must be in place prior to the road being adopted to ensure that the Council have a right of access in perpetuity for maintenance purposes.
 - All parking bays must be a minimum of 2.5m x 5m or, where they are up against a wall/fence or other structure, they must be 2.5m x 6m. It would appear from the drawing 3090:04 that this is not the case, particularly at plots 30 and 31.
 - Where curtilage parking is to be provided using side by side bays, a separate pedestrian access to the dwelling must be provided. This is to ensure satisfactory pedestrian access to the property at all times and therefore not encourage vehicles to be parked on-street to allow pedestrian access. Plot 30 causes some concern re this.

- All visibility splays must be kept free from obstruction in perpetuity. This includes any walls, fences, trees or any other obstruction.
- The surface water scheme must be upgraded to a standard suitable for adoption by Scottish Water. A scheme of details must be submitted for approval in writing by the Council and Scottish Water, and thereafter completed to an agreed timescale prior to the development being completed

- 7 The agent is advised to be aware of potential flooding from other sources to include run-off from surrounding land, blocked road drains and surcharging sewers. The Flood Officer advises that the surface water system be designed in accordance with industry standard and that the system is checked against a 1 in 200 year plus a 20% allowance for climate change storm event. Any surcharging of the system during such an event should also be retained on site and not increase flood risk within the site or outwith the site. Flow paths in the event of surcharging should also be investigated to ensure that these do not adversely affect property.

Drainage model inputs and outputs should provide the detail of how the design for the surface water system has come about. Generally speaking this shows manholes, pipe runs, gradients etc which are assessed over various storm return periods to ensure the functionality of the system. The attenuation pond storage calc should also be included to ensure that the storage volume is such, whereby it is not overtopped in an extreme storm event (1 in 200 year plus a 20% allowance for climate change). Calculations are required to show what the greenfield run-off rates for the site are pre and post development. This should tie in with the discharge rate to the watercourse, we ask that the discharge rate is limited to greenfield run-off rate or 5 litres/second/hectare, whichever is lower.

- 8 Details of regulatory requirements and good practice advice for the applicant can be found on SEPA website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in the local SEPA office at: SEPA Galashiels, Burnbrae, Mossilee Road, TD1 1NF, Tel: 01896-75479.

NOTE

Mr Tunstall (Agent) spoke on behalf of the Applicant in support of the Application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/01332/FUL	Alterations and extension to dwellinghouse	14 Gallow Hill, Peebles

Decision: Approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. 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 north-western elevation of the building(s) unless an application for planning permission in that behalf is first submitted to and approved in writing by the Planning Authority.
Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

