

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in THE Council Headquarters, Newtown St Boswells on Monday, 2nd March, 2015 at 10.00 am

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, D. Moffat, S. Mountford, B. White.

Apologies:- Councillor I. Gillespie.

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).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 2 February 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) an appeal decision had been received in respect of the Discharge of planning obligation pursuant to planning permission 99/00638/OUT on site of former farm Cottage, Lylestane Farm, Oxtou – 14/00617/MOD75
- (b) there remained two appeals outstanding in respect of:-
 - Meigle Row, Clovenfords
 - Ravelaw Farm, Whitsome, Duns
- (c) a review request had been received in respect of change of use from store, partial demolition and alterations to form 3 No garages at the Store, Union Street, Hawick – 14/01074/FUL
- (d) the Local Review Body overturned the Appointed Officers decision to refuse the following:-

- (i) Alterations and extension to reinstate dwellinghouse and erection of garage at Prendergust Farm Cottages, Eyemouth – 14/00951/FUL**
- (ii) 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**
- (iii) Erection of dwellinghouse and garage on land North East of School House, Heriot – 14/01063/PPP**

The meeting concluded at 12.10 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00169/S36 Nether Monynut	Wind Farm comprising 19 no. wind turbines, associated access 2A), Cockburnspath tracks, crane hardstandings, 1 no. meteorological mast, substation, construction compound and 2 no. borrow pits	Land North of Cottage (Aikengall

Decision: The Committee resolved to object to the application against officer recommendation and on the following grounds:

Reason for Objection 1: Impact on Landscape Character:

The proposed development would be contrary to Policies G1 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) in that the development would unacceptably harm the Borders landscape due to:

- (i) the prominence of the application site and the ability of the turbines and infrastructure to be seen as highly prominent and poorly contained new components of the landscape from a wide area due to their siting beyond the containment limitations of the receiving landscape (upland edges), as represented by viewpoints and ZTV information within the ES
- (ii) the unacceptable cumulative effects of the turbines and infrastructure with other consented or operational development at Crystal Rig, Aikengall, Hoprigshiels and Ferneylea resulting from the coalescence of schemes over different phases of landscape, between which is an absence of adequate separation which, together with a lack of good topographical containment, would cause the underlying landscape character to be overwhelmed; and
- (iii) the adverse effect of the development on the underlying landscape resulting from its disharmonious appearance, dominance, massing, spread and layout design, and its combined relationship with other wind energy development with which it has overriding and harmful cumulative landscape effects, most noticeably with earlier phases of the Aikengall array but also with Crystal Rig.

Reason for Objection 2: Adverse Visual and Amenity Impacts:

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) 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 resulting from some of the turbines and infrastructure creeping over the upland edges and down the outer upland slopes
- (ii) the messy, unbalanced, cluttered and dominant appearance of the development due to the design layout, in particular due to increased overlapping, overtopping and intensification of the turbines within the visual

- envelope of the development and the lack of bridging effects with Aikengall II
- (iii) the adverse effects experienced by users of the public path network, in particular users of the Southern Upland Way and areas generally used for recreational access
 - (iv) the potentially unacceptable level of visual impact caused by the dominance of the turbines in relation to a number of private residences, in particular Star Cottage near Paitshill
 - (v) the failure to demonstrate that the noise impacts on noise sensitive receptors would be within acceptable limits
 - (vi) the adverse visual impacts relating to settings of scheduled monuments at Edin's Hall & Broch, and Shannabank Hill Fort.

Reason for Objection 3: Road Safety and User Amenity:

The proposed development would be contrary to Policies H2, G1 and D4 of the Scottish Borders 2011 Local Plan, in that the proposed vehicular access proposals are unacceptable due to:

- (i) the high level of unnecessary adverse impact on amenity and safety of residents and road users caused by the implementation of new and upgraded infrastructure to enable the transportation of abnormal and other loads to and from the site.

VOTE

Councillor Ballantyne, seconded by Councillor Mountford, moved to object to the application on the grounds detailed above.

Councillor Moffat, seconded by Councillor Brown, on the grounds stated as per the officers recommendation, moved as an amendment not to object to the application.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 2 votes

The Motion was accordingly carried.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00005/FUL Plummersknowe,	Formation of riding arena with boundary fence and formation of grass bund	Land North East of Cardrona

Decision: Approved subject to the following condition and Applicant Informative:

1. The riding arena to be used for private purposes only and not for commercial business purposes in relation to the use of the arena by the general public.
Reason: To safeguard the amenity of adjoining residential property.

Informative

1. The Council's Environmental Health Service advises the following:

Lighting

If any floodlighting is to be provided the installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers.

If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

Stable Waste

During the use of the development refuse/waste materials (i.e. manure/soiled hay) may be produced on the site as a consequence. Therefore, **it must be ensured that all such waste materials are not stored on site or disposed of in any manner** (for example, burning) **which would give rise to Statutory Nuisance conditions** developing at neighbouring properties to the site.

Riding establishment

The Riding Establishments Act 1964 defines a Riding Establishment as “the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both, “ and requires such businesses to be licensed by the Local Authority.

If the applicant intends the stables to operate as a riding establishment in the future, the premises will need to be licensed. Current conditions of licence are discussed alongside health and safety issues applicable to the trade, within the CIEH publication *Health and safety guidance for inspections of horse riding establishments and livery yards*. A free copy may be downloaded from www.cieh.org/policy/inspections_horse_livery.html. Hardcopies may be purchased from CIEH Tel. 020 7827 5821.

Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team

Riding Establishment application forms are available from SBC's, Licensing Team.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/01325/FUL	Erection of 70m wind monitoring mast 1 Old Braidlie,	Land North East of Hawick

Decision: approved subject to the following conditions:

1. Approval is granted for a limited period of three years from the date of this consent and, unless application is made and consent obtained, the wind monitoring mast shall be removed and the ground reinstated to its original condition at the expiry of the three year period.
Reason: To safeguard the amenity of the area.
2. The reinstatement of the site to be completed within 6 months of the decommissioning of the wind monitoring mast.
Reason: To ensure the satisfactory restoration of the site.
3. Bird deflectors are to be located along the length of each guy wire at a minimum interval of 5m, with these arranged on adjacent wires such that the resulting pattern of deflectors is staggered to provide maximum visual impact to birds, upon the completion of each guy wire. The deflectors to be monitored regularly at suitable intervals and maintained throughout the lifetime of the structure.
Reason: To prevent adverse impacts on the Langholm - Newcastleton Hills Special Protection Area (SPA) and other bird species.
4. No development shall commence until the developer has first provided the Planning Authority with documentary evidence that the Defence Geographic Centre at the Ministry of Defence has received, and confirmed its acceptance of, the following details:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure.

Reason: To allow the records of the Ministry of Defence to be amended and updated for safeguarding purposes.

5. Aviation warning lighting shall be fitted at the highest practicable point on the wind monitoring mast. The lighting device so installed shall be a minimum intensity 25 candela omni-directional infra-red light. It shall be maintained in good working order at all times and for the entire duration that the mast remains in situ.

Reason: Appropriate aviation warning lighting requires to be fitted to the wind monitoring mast in the interests of aircraft safety.

Informative:

In respect of condition 5, the developer is encouraged to install infra-red lighting so that the lighting would not result in an unacceptable level of light pollution.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/01161/FUL	Change of Use, alterations and extension to form two dwellinghouses from stables	Stables, West

Decision: approved subject to the following conditions, informatives and legal agreement in relation to affordable housing contributions:

1. No development shall be commenced until a scheme to deal with potential contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include: -
 - a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d and e of this condition; and thereafter
 - b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents;
 - c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan);
 - d) Submission of a Validation report (should remedial action be required) by the development which will validate and verify the completion of works to a satisfaction of the Council;
 - e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented,

completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing by the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and ecological systems arising from any identified land contamination have been adequately addressed.

2. No development shall be commenced until a full species protection plan for bats has been submitted to and approved in writing by the Planning Authority. Any approved protection plan must be implemented prior to works commencing and no development shall take place except in strict accordance with the approved protection plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the proposed development does not adversely impact upon bats or birds within the site.

3. No development shall be commenced until the developer has provided to the Planning Authority;
 - a. a copy of the relevant European Protected Species Licence; or
 - b. a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To ensure that the proposed development does not adversely impact upon bats or birds within the site.

4. No development shall commence during the breeding bird season (March – August) without the express written permission of the Planning Authority. A supplementary breeding bird survey and subsequent mitigation may be required if works are to commence during the breeding season.

Reason: To ensure that the proposed development does not adversely impact upon bats or birds within the site.

5. No development shall be commenced until a plan showing the location of 10 nest cups/ledges for barn swallows, to be located at suitable locations within the redeveloped site or on other suitable buildings within the immediate vicinity, has been submitted and approved by the Planning Authority.

Reason: To ensure that the proposed development does not adversely impact upon bats or birds within the site.

6. The service lay-by shall be completed as per the approved drawing 'WNS002', before the development hereby approved is first brought into use. The bay so approved shall be available for the use of vehicles at all times and shall be constructed to the following specification;
' 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (roadbase) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1'.

Reason: To ensure that deliveries can be made without obstruction of the public road.

7. No development shall be commenced until a drawing showing the required visibility splays, 2.4m x 43 metres to the west and 2.4m x 33 metres to the east, for the new access, have been submitted and approved by the Planning Authority. The development hereby approved shall not be brought into use until the visibility splays

approved have been provided with no obstruction to visibility at or above a height of 750mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of road safety and to ensure adequate visibility for and of emerging vehicles.

8. Parking and turning for two vehicles, excluding garages, must be provided within the site prior to the occupation of the dwellinghouse and thereafter in perpetuity.

Reason: To ensure sufficient parking and turning area within the site.

9. No development, other than the formation of a new access, shall be commenced until the existing vehicular access points to the site have been stopped up and their use permanently abandoned. Such works shall be completed concurrently with the provision of the new vehicular access hereby approved being first brought into use.

Reason: To ensure that the development is carried out as proposed and to minimise the number of accesses into the development, in the interests of road safety.

10. No development shall be commenced until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) outlining a Watching Brief, which has first been submitted to and approved in writing by the Planning Authority and must be implemented during relevant development works. The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority;
- Access shall be afforded to the nominated archaeologist to supervise, relevant development works, investigate and record features of interest, and recover finds and samples;
- If significant finds, features or deposits are discovered all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for consultation which may result in further developer funded archaeological mitigation;
- If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented; and
- 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.

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.

11. No development shall be commenced until the applicant has secured and implemented a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report prior to development commencing. The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and

implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

12. No development shall commence until samples of all materials, finishes and colours, to be used on the exterior surface of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development thereafter to be completed in accordance with the approved materials.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

13. The windows and doors hereby approved shall be timber and the roof shall be natural slate.

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

14. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance, including the parking and turning area;
- ii. existing landscaping features and vegetation to be retained, felled and restored;
- iii. location and design, including materials, of existing and proposed, walls, fences and gates within the site;
- iv. soft and hard landscaping works;
- v. A programme for completion and subsequent maintenance.

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

15. 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.

16. No trees within the application site, other than that shown to be removed on the approved drawings, shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.

Reason: The existing trees represent an important visual feature which the Local Planning Authority considered should be substantially maintained in the interests of maintaining the character of the Conservation Area.

17. No development shall take place until details of the proposed means of enclosure around the site have been submitted to and approved in writing by the Planning Authority. The development then to be completed in accordance with the approved details.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, having regard to the location of the site within the conservation area.

18. Notwithstanding the details approved, no development shall commence until precise details of the surface water disposal have been submitted to and approved in writing

by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

Informatives:

1. A copy of the consultation response from the Environmental Health Officer is attached for the attention of the applicant.
2. A copy of the consultation response from the Ecology Officer is attached for the attention of the applicant. In respect of condition no.2, the applicant should note that, any mitigation required should at least provide a 'like for like' replacement of what will be lost. This should include the provision of bat boxes additional to any licensing requirements, as enhancements.
3. A copy of the consultation response from the Roads Planning Officer is attached for the attention of the applicant.
4. A copy of the consultation response from the Archaeology Officer is attached for the attention of the applicant.