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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, 7 September, 2015 at 10.00 am

Present:- Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford
Apologies:- Councillors B White
Also Present:- Councillors W. McAteer, S. Marshall
In Attendance:- Chief Planning Officer, Development Standards Manager, Principal Roads Planning Officer, Solicitor and Democratic Services Team Leader, Democratic Services Officer (K. Mason)

1. **ORDER OF BUSINESS.**

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

MEMBER

Councillor Ballantyne joined the meeting.

2. **CHAIRMAN'S REMARKS**

The Chairman referred to the publicity given to the Opening of the Borders Railway and called on Members of the Planning and Building Standards Committee to reflect on their own involvement over the past three years when dealing with various applications which had helped towards the railway being delivered.

**DECISION
NOTED.**

3. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 3 August 2015.

**DECISION
APPROVED the Minute for signature by the Chairman.**

4. **APPLICATIONS.**

There had been circulated copies of reports by the Chief Planning Officer on applications for planning permission requiring consideration by the Committee.

**DECISION
DEALT with the applications as detailed in the Appendix to this Minute.**

5. **APPEALS AND REVIEWS.**

There had been circulated copies of a report by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION
NOTED that:-**

- (a) an appeal decision had been received in respect of the following:- Extension to existing wind farm comprising installation of 6 No wind turbines up to 100m high to tip, transformers, access tracks, anemometer mast, substation and control room, temporary construction compound and laydown area and associated ancillary works. Land West of Kingledores Farm (Glenkerie), Broughton, Biggar - 13/00552/FUL
- (b) there remained two appeals outstanding in respect of:-

 - (i) Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge
 - (ii) Land West of Muircleugh Farmhouse, Lauder
- (c) review requests had been received in respect of the following:-

 - (i) Erection of dwellinghouse. Land South West Pyatshaw Schoolhouse, Lauder – 15/00403/FUL
 - (ii) Erection of dwellinghouse. Land South of Riding Centre, Newlands, Sunnyside, Reston – 15/00424/FUL
 - (iii) Installation of 16 No solar photovoltaic (PV) Panels to roof. Raebank, Chapel Street, Selkirk - 15/00616/FUL
- (d) the following reviews had been determined:-

 - (i) Erection of 12 holiday cabins, office/laundry block and associated works. Land South West of Milldown Farmhouse, Coldingham – 13/00401/FUL
 - (ii) Siting of residential caravan (retrospective). Land West of Tibbieshiels Inn, St Marys Loch, Selkirk – 14/00835/FUL
 - (iii) Erection of Dwellinghouse and detached garage. Land West of 3 Nethermains Cottage, Duns – 14/00934/FUL
 - (iv) Erection of Dwellinghouse with integral garage and incorporating granny flat. Land South of Boggsbank, Boggsbank Road, West Linton – 14/01182/FUL
 - (v) Erection of Dwellinghouse. Land North of Wormiston Farm, Eddleston – 15/00071/FUL
- (e) there remained 2 reviews outstanding:-

 - (i) Land South West of Clackmae Farmhouse, Earlston
 - (ii) 12 Todburn Way, Clovenfords, Galashiels

The meeting concluded at 1.45 pm

PLANNING & BUILDING STANDARDS COMMITTEE
7 SEPTEMBER 2015
APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|--|--|
| 14/01437/LBC | Demolition of Clock Tower and Gate Lodge at the Clock Tower. | The Clock Tower, Wilton Mill, Commercial Road, Hawick. |

Decision: Approved subject to the approval Historic Scotland and 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 the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The Clock Tower cupola, clock faces and the carved stone lettering just below eaves shall be carefully taken down and set aside for incorporation in a feature within any proposed new development on the Wilton Mills site; a secure temporary store shall be provided and its location and form approved in writing by the Planning Authority before the demolition takes place and these elements to be stored until a time when they can be reused.
Reason: To protect and preserve features of the Listed Building that are worthy of retention.
3. Coursed sandstone and dressed stone details from the Clock Tower building, boundary wall and gate lodge shall be taken down with care and set aside for incorporation in a feature or use in a new boundary wall within any proposed new development on the Wilton Mills site in accordance with a scheme of details that has first been approved in writing by the Planning Authority; a secure temporary store shall be provided and its location and form approved in writing by the Planning Authority before the demolition takes place and these elements to be stored until a time when they can be reused.
Reason: To protect and preserve the stone of the Listed Buildings that is worthy of retention.
4. The Clock Tower building shall be the subject of a historic building recording exercise, which should incorporate "as existing" drawings and photographs as well as record photos showing the demolition (and hence a record of the method of construction). This to be submitted in the form of a report to the Planning Authority within 28 days of the date of the completion of the demolition.
Reason: To retain a record of the building to mitigate its loss for the region
5. A method statement for demolition to be submitted to and approved in writing by the Planning Authority before the demolition commences. The demolition of the gate lodge and Clock Tower then to be completed in accordance with the approved statement unless otherwise agreed with the Planning Authority.
This is to include:
 - i) Works for the demolition of the buildings;
 - ii) The phasing of the demolitions;
 - iii) Details of measures to retain and protect the mill lade and wheel pit area during and after demolition of the buildings, if necessary;
 - iv) Details of the ongoing future management and maintenance of the site following demolition until the redevelopment of the site commences.

The demolition works then to proceed in accordance with the approved scheme.

Reason: To ensure the works are carried out in a practical and safe way and to safeguard the character and appearance of the Conservation Area.

6. If demolition is to occur within the breeding bird season (March-August), a supplementary survey for breeding birds is required, to be carried out by a suitably qualified person. The results of this survey

and any mitigation to be submitted to and approved in writing by the Planning Authority before the demolition occurs. Any works shall thereafter be carried out in accordance with the approved scheme of mitigation.

Reason: To protect protected species within the site.

VOTE

Councillor Ballantyne, seconded by Councillor Brown moved that the application be granted.

Councillor Fullarton, seconded by Councillor Moffat, moved as an amendment that the application be refused.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 3 votes

The Motion was accordingly carried.

NOTE

In response to a query from Councillor Mountford regarding the powers which the Council had regarding the enforcement of maintenance for listed buildings it was agreed that a presentation be made at the next meeting in regard to this.

14/00848/PPP

Erection of 19 holiday lodges with proposed access and land treatment.

Land North West of Whitmuir Hall, Selkirk.

Decision: Application continued to a future meeting to allow a site visit to take place and to allow the applicant to provide additional information in respect of their investment plans for the existing business, including phasing proposals, indicating how such investment would take place in parallel to the development proposals and the mechanisms for securing this investment...

ADJOURNMENT

The meeting adjourned for 5 minutes at 11.50 a.m. to allow determination of appropriate wording for the motion by Councillor Brown.

VOTE

Councillor Brown, seconded by Councillor Ballantyne moved that the application be refused because the proposed development would be contrary to the provisions of Policy E21 of the Consolidated Scottish Borders Structure Plan and Policies D1 and INF11 of the Consolidated Scottish Borders Local Plan in that: it had not been established satisfactorily that there was an economic justification for the development or that it was in accordance with the Scottish Borders Tourism Strategy; it was a travel generating development which was not accessible by public transport and would likely lead to increased reliance on the private car; the development was likely to lead to a significant increase in vehicular movements on the minor road from the site to the junction of the A699 public road to the detriment of road safety and the amenity of existing residents; the scale and form of the development, which would include the need for significant cut and fill and ground works, was unacceptable and would not respect the amenity and rural character of the surrounding area. The development, if permitted, would result in an unjustified and unsustainable form of development which would have a significant and harmful impact on the character and appearance of the Whitmuir Hall area and the amenity of existing local residents

Councillor Mountford, seconded by Councillor Campbell moved as an amendment that the application be continued to allow for a site visit to take place and to request the applicant to provide more information on how the new proposals would fit in in relation to the whole Whitmuir Hall complex.

On a show of hands Members voted as follows:-

Motion - 4 votes

Amendment - 4 votes

The Chairman exercised his casting vote in favour of the Amendment which was accordingly carried.

NOTE

Mr Geoghegan spoke on behalf of the Whitmuir Residents Committee as an objector to the application. Mr John Smith of Enviroplan Consulting on behalf of the Applicant, Mr Alan Williams spoke in support of the application.

15/00687/FUL **Change of use from theatre and alterations to form artist's studio and gallery.** **7 The Wynd Theatre, Buccleuch Street, Melrose.**

Decision:- Approved subject to the following conditions and informative note:

1. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any subsequent Order or revision), the uses of the building (i.e. the ground floor subject to this planning approval) shall be limited to those approved under this planning consent, as illustrated on the approved floor plans. The building shall not be used for any other purpose whether falling within the same Use Class or not. In the event that the approved development ceases to operate, the lawful use of the building shall revert to its previous use as a performing arts theatre
Reason: To allow for reinstatement of the theatre use without the need for a further planning application should the approved gallery use cease to operate, while requiring that any alternative uses are assessed by means of a planning application to ensure that they are appropriate to the town centre, local amenity, road and pedestrian safety.
2. No development shall commence on the approved alterations to the exterior of the building until the following details have been submitted to and approved by the Planning Authority:
 - I. A sample of the oak surround and a sectional drawing illustrating its relationship to the existing brick cladding
 - II. Details of the framing of the windows and door, notwithstanding the details provided in the approved drawing
 - III. The profile, external colour and materials of the approved rooflights

The development shall only be carried out in accordance with the approved details
Reason: To safeguard the character and appearance of the Conservation Area.

Informative

The external advertisement illustrated on the approved elevation drawing shall require Advertisement Consent if illuminated. Any other signage proposed may also require formal consent depending on its location, size and specification

NOTE

Susan Stewart spoke as an objector to the application.
The applicant, Mr Rodgie spoke in support of the application

15/00658/FUL **Erection of seven dwellinghouses.** **Land South West of the Police Station, North Hermitage Street, Newcastleton.**

Decision:- approved subject to a legal agreement addressing the contribution towards affordable housing and the following conditions:

1. A sample of all materials to be used on all exterior surfaces of the development hereby permitted, including the render colour, slate and the colour of all external joinery, shall be submitted to and approved in writing by the Planning Authority before the development commences. The roofs to be finished in natural slate. The development then to be completed in accordance with the approved samples.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

2. Details of the size, proportions, material, method of opening, thickness and colour of frames and glazing pattern of the windows to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.

Reason: To protect and enhance the visual amenities of the area.

3. Details of the proposed fencing between the plots to the front and rear and front entrance gates (height, material, colour/finish) to be submitted to and approved in writing by the Planning Authority before the development commences. The fencing then to be erected before the dwellinghouses are occupied.

Reason: In the interests of neighbouring amenity.

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 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 trees within or overhanging the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.

6. Before any part of the permitted development is commenced, the trees to be retained on and overhanging the site shall be protected by Heras fencing 1.5 metres high, or similar, 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.

7. The existing hedge on the road boundary of the site to be removed and replanted a minimum of 1m to the rear of the visibility splay to allow for future growth in accordance with a revised drawing that has first been submitted to and approved in writing by the Planning Authority. The hedge to be replanted upon completion of the dwellinghouses. Before any part of the development is commenced, the remainder of the hedge to be retained on the front boundary of the site shall be protected by Heras fencing or similar, 1.5 metres high placed at a minimum

distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedge so retained shall not be altered.

Reason: In the interests of preserving the hedge which contributes to the visual amenity of the area.

8. Prior to the commencement of works a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for breeding birds) to be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To protect badgers and breeding birds within the site
9. A revised parking layout drawing to be submitted to and approved in writing by the Planning Authority before the development commences. The parking then to be completed in accordance with the revised drawing before the first dwellinghouse is occupied
Reason: To ensure adequate parking is provided within the site.
10. The access, visibility splays and surface water drainage at the entrance to the site and within the public road to be completed in accordance with a revised drawing that has been submitted to and approved in writing by the Planning Authority before the development commences. The access, visibility splays and surface water drainage then to be completed in accordance with the approved drawing before the first dwellinghouse is occupied.
Reason: To ensure safe access and egress to and from the site and to ensure that the site is adequately drained and that no surface water drains onto the public road from the site in the interests of road safety.
11. No part of the development hereby approved shall be occupied until proposals for the future maintenance of all communal areas of parking and landscaped areas have been submitted to and approved in writing by the Planning Authority. Thereafter, the maintenance of these areas shall be conducted as approved, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure that all areas not forming part of private houses or gardens are properly maintained

Informatives

In respect of conditions 9 and 10, the consultation response from the Roads Planning Service is attached for the information of the applicant. Improvements may be required to the existing street lighting to ensure it is adequate for the additional pedestrian footfall. The applicant is advised to contact the Roads Planning Service to discuss this issue. The new bellmouth and footpath shall require Road Construction Consent. Nose-in parking is preferred for the spaces adjacent to the area of open space.

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work:

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

NOTE

Mr John Blair and Maureen Rennie on behalf of Jane Elliot spoke as objectors to the application.
Mr Gavin Yuill, Camerons Architects, spoke in support of the application

Decision:- Approved subject to the undernoted conditions and informatives.

Conditions

1. Except where amended by conditions of this consent, the proposed development is not to be carried out other than in complete conformity with the plans and elevations approved by the Planning Authority.
Reason: To maintain effective control over the development.
2. The windows highlighted in blue on the approved elevations are to be constructed with etched obscured glazing to a specification first submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details, and maintained as such in perpetuity. Any future replacement of the windows of this dwelling is to make provision for obscured glazing to these windows of an equivalent opacity and opening mechanism to those units being replaced.
Reason: In the interests of neighbouring amenity and privacy.
3. Prior to the commencement of development, a sample of the roofing material is to be submitted to and approved in writing by the planning authority. In all other regards, the development is to be completed in accordance with the specified materials, unless alternative details are first submitted to and approved in writing by the Planning Authority.
Reason: To maintain effective control over the development, and to ensure use of a suitable roofing material.
4. The development is to be carried out in compliance with the undernoted requirements, and completed in accordance with these requirements prior to the occupation of the dwelling:
 - i. The minimum length clear of the public road available for parking is 11m and the minimum width available for parking is to be 3m.
 - ii. The gradient of the drive/parking is not to be steeper than 1 in 12.
 - iii. The drive/parking area is to be formed in a manner that ensures no surface water or loose material will be discharged onto the public road.
 - iv. The height of any boundary fence or other marker on the road frontage within 2m of either side of the access is not to exceed 1m.
 - v. Any gates are hung so as to open into your property and not out over the footway/verge.
 - vi. The parking spaces are kept accessible and available for a private motor vehicle at all times.
Reason: In the interests of road safety on Beechbank, and at its junction with Dovecot Park.
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 south-western or north-eastern elevations of the house 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 Craig Stanners spoke as an objector to the application.

Mr Thomas Pyemont on behalf of Christopher Pyemont spoke in support of the application.