

**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 November, 2015 at 10.00 am

-----

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.  
Apologies:- Councillor J. Brown.  
In Attendance:- Development Standards 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 5 October 2015.

**DECISION**

**APPROVED for signature by the Chairman.**

**DECLARATION OF INTEREST**

Councillor White declared an interest in application **15/00774/PPP** in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

**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) **there remained two appeals outstanding in respect of:**
  - **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
  - **Land West of Muircleugh Farmhouse, Lauder**
- (b) **an Appeal request had been received in respect Wind Farm development of 9 No wind turbines and associated infrastructure/buildings/access (further revised scheme – tip heights of Turbines 1, 2 and 4 reduced to 100m – all others to remain at 125m) on Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick – 13/00789/FUL;**
- (c) **Review requests had been received in respect of the following:-**

- (i) **Change of use of land to form extension to existing holiday park on Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth – 14/01282/FUL;**
  - (ii) **Replacement windows (retrospective) at Tushielaw Inn, Ettrick Valley, Selkirk – 15/00601/FUL;**
  - (iii) **Siting of portacabin for use as flour mill on Land North West of Spruce House, Romano Bridge, West Linton – 15/00682/FUL;**
  - (iv) **Erection of dwellinghouse on Land East of Park Lane, Croft Park, Croft Road, Kelso – 15/00745/PPP.**
- (d) **the Local Review Body overturned the Appointed Officers decision to refuse the following:-**
- (i) **Erection of wind turbine 34.4m high to tip and associated infrastructure on Land South West of Clackmae Farmhouse, Earlston – 15/00179/FUL;**
  - (ii) **Erection of dwellinghouse on land South West of Pyatshaw Schoolhouse, Lauder – 15/00403/FUL;**
  - (iii) **Erection of dwellinghouse on Land South of Riding Centre, Newlands, Sunnyside, Reston – 15/00424/FUL;**
  - (iv) **Erection of decking and balustrade at 12 Todburn Way, Clovenfords, Galashiels – 15/00511/FUL; and**
  - (v) **Installation of 16 No solar photovoltaic (PV) Panels to roof at Raebank, Chapel Street, Selkirk**
- (e) **the Local Review upheld the Appointed Officers decision to refuse the External alterations and erection of 4 No flagpoles at Office West Grove, Waverley Road, Melrose – 15/00504/FUL.**
- (f) **there was one Review outstanding in respect of Plot A, Chirnside Station, Chirnside.**

#### **SAFEGUARDING OUR BUILT HERITAGE**

4. The Chairman introduced Mr Alan Gueldner: Lead Officer Enforcement and Mr Mark Douglas: Lead Officer Built Heritage & Design to give a presentation on the powers available to the Council (Statutory and non-Statutory), the Challenge of dealing with Buildings at risk and the future for safeguarding our Built Heritage. The non-statutory powers included Grant Schemes (including THIs and CARS), where the Council worked with the building owners to provide grant support, although owners still required to provide funding and providing advice, support and pragmatic negotiations about what changes could be made. Traditional Building Repair and Maintenance Talks had been developed for Selkirk Conservation Area Regeneration Scheme (CARS) and it was hoped these could be given to communities outwith the Selkirk CARS catchment area – possibly in Jedburgh and Hawick in 2016. The number of “at risk” buildings in the Scottish Borders included 21 category A listed buildings (=11% of 189 in the Scottish Borders) 60 category B listed buildings (=5% of 1,237); 35 category C listed buildings (=2% of 1,594) and 48 unlisted buildings (the majority of which were in conversation areas). In response to

a question about the number of buildings at risk which were owned by the Council, it was noted that less than 5% were owned by the Council. In response to a question about the frequency of updating the national website, it was noted that there was no set system for updating but generally every 3 years. The Chairman advised that Planning and Building Standards had been shortlisted for the Kelso Regeneration Project in respect of the Scottish Awards for Quality in Planning.

#### **DECISION**

(a) **NOTED the presentation and that a copy would be circulated to all Members of the Committee.**

(b) **AGREED that:-**

(i) **Officers Develop and Implement a Strategy and populate the Building Heritage Action Matrix; and**

(ii) **a further progress report be provided in 6 months.**

#### **PLANNING PERFORMANCE FRAMEWORK**

5. The Chief Planning Officer was present at the meeting to advise Members on the Planning Performance Framework. It was explained that the Planning Performance Framework (PPF) provided a comprehensive and co-ordinated approach to performance assessment across all 34 Local Planning Authorities and 4 Strategic Development Planning Authorities in Scotland. It provided a mechanism to benchmark performance and to demonstrate the achievements and success of the Planning Service, what steps were taken to improve the service delivery and sharing good practice. The presentation highlighted performance in relation to Decision Making Timescales for Major Developments which had made significant improvement reducing from an average of 73.3 weeks to 30.9 weeks which was now well below the Scottish average of 46.4 weeks. Improvements had also been made in Local (Non-Householder) Development and Household Development applications. The presentation also compared Performance against Key Markers which demonstrated a continued overall improvement over the past three years.

#### **DECISION**

(a) **NOTED presentation.**

(b) **AGREED that Officers continue to disseminate good practice to other local authorities and agencies and to communicate positive developments in the improved operation of the system to Borders residents.**

#### **PRIVATE BUSINESS**

6. **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 to this Minute on the grounds that they 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**

##### **MINUTE**

1. The Committee considered the private section of the Minute of 5 October 2015.
2. With reference to the Minute of 5 October 2015, the Committee, having resolved to suspend standing orders, reconsidered the decision in respect of the Development Contributions relating to application 14/01153/FUL.

*The meeting concluded at 1.45 pm*

## APPENDIX

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00774/PPP Hume	Erection of dwellinghouse	Land East of Castle Heights,

Decision: APPROVED subject to the following conditions and informatives and completion of associated legal agreement.

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 all first been submitted to, and approved in writing by, the Planning Authority. These details shall include provision for new tree planting within the area shaded green on the Approved Location Plan and shall also take full account of the requirements and considerations of **Informative Note 2**. Additionally, a written statement shall also be submitted in association with the first application for Approval of Matters specified in Conditions (AMC), which shall explain how the proposal has been informed by the requirements and considerations of **Informative Note 2**.  
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. The finished floor level(s) of the dwellinghouse hereby approved and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all be consistent with levels indicated on a scheme of details that shall first have been approved by the Planning Authority which describe the proposed siting, layout and appearance of the dwellinghouse and landscaping of the site. These details shall include:  
(i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);  
(ii) the existing and proposed ground levels within the curtilage of the consented residential property; and  
(iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in (i) and (ii) above, relative to the level(s) of the existing road surface.  
Reason: To ensure that the consented development does not have any detrimental impact upon the appearance, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties, as a consequence of the levels within the site being raised to an inappropriate height.
4. Notwithstanding the detail submitted in support of the planning application, the site shall only be accessible to vehicles in accordance with arrangements that meet in full the requirements of **Planning Condition No 1** with respect to the design of the site access. The dwellinghouse hereby consented, shall not be occupied until:

(a) the site access from the public road, and  
(b) on-site parking and turning provision suitable for at least two vehicles, have all first been completed in accordance with details that shall have been approved at the time of the determination of the first application for Approval of Matters specified in Conditions submitted to address the relevant information requirements of **Planning Condition No 1** attached to this planning permission.  
Reason: In the interests of road safety to ensure that safe vehicular access to, and parking at, the site is available for use prior to the occupation of the development.

5. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall be commenced until the existing bus shelter (or a suitable replacement for this same structure), has first been relocated in accordance with a scheme of details that has first been agreed by the planning authority and made available for use by members of the public. Please see **Informative Note 3** with respect to what specifically is required and expected of the Developer for the purposes of ensuring that the above noted requirements are met.  
Reason: To ensure that appropriate provision is made within the timetable of the development, to allow for the appropriate safeguarding, re-accommodation and maintenance by the Local Authority of essential public facilities.
6. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of landscaping shall be completed in the first planting and seeding seasons following either the occupation of the dwellinghouse or the completion of the development, whichever occurs soonest, and the tree belt required by **Planning Condition No 1**, shall thereafter be maintained in perpetuity, and in accordance with the approved details. Any tree within the approved landscaping scheme that fails, shall be replaced by one new tree of the same species as the failure, so that the tree belt is fully established and fully maintained in accordance with the approved details.  
Reason: To ensure that the landscaping is carried out as approved, and to ensure that the tree belt becomes established, and is thereafter maintained in perpetuity, as a boundary feature appropriate to the definition of the edge of the building group.
7. Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of:  
(a) the arrangements for surface water drainage treatment;  
(b) the arrangements for foul drainage treatment; and  
(c) the arrangements for water supply,  
have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details and shall all be functional prior to the occupation of the dwellinghouse hereby approved.  
Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.
8. Unless otherwise approved by the Planning Authority at the time of its determination of the details required by condition 1 of this permission, and notwithstanding either (a) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), or (b) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall thereafter take place within the area of the site that is described by the area shaded in green on the Approved Location Plan, unless an application for planning permission in that behalf, has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the tree belt required by **Planning Condition No 1** both becomes established and is thereafter maintained in perpetuity as a boundary feature appropriate to the definition of the edge of the building group.

## **Informatives**

### **INFORMATIVE NOTE 1:**

It should be noted that ALL information requirements identified in the planning conditions attached to this planning permission require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions being addressed.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning permission within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

### **INFORMATIVE NOTE 2:**

With respect to the **design of the dwellinghouse**, and subject to an appropriate landscaping treatment, it is anticipated that the scale and traditional design approach described by the indicative drawings would raise no concerns in principle were these to be maintained at the detailed (AMC) application stage. However, it is considered that there would be a need to reduce the horizontal emphasis of the principal elevation, and to establish a clearer sense of a front entrance to the same. It is considered that the former point would be appropriately addressed, by lowering the roof height of one section, to introduce some notable differentiation between the height of the main dwellinghouse and that of a subordinate section. A front door should be included in a central position to ensure the inclusion of a clearly legible entrance to the property.

With respect to the **siting of the dwellinghouse**, this should occupy a building line equivalent to the adjacent property at 'Castle Heights'.

With respect to the design of the **site access**, the Roads Planning Section requires that this be reduced to a simple footway crossing, in accordance with its DC-10 specification. The site access arrangements should also be configured around the retention of the majority of the existing stone boundary wall along the southern boundary of the site. Where the vehicular access is inserted, the aforementioned wall would be appropriately returned into the site in alignment with the radii of the new site access, allowing that appropriate visibility splays are created and are thereafter capable of being maintained.

With respect to **the required tree belt to be established within the area shaded green on the Approved Location Plan**, this: (i) should be composed of a mix of native tree species; (ii) should be the full width and full length of the area shaded green on the Approved Location Plan, in order to constitute a sufficiently dense and robust area of planting. (This is particularly important if the density is equivalent to that of the existing planting around the War Memorial); and (iii) should not feature any buildings or other structures.

With respect to this and all other **landscaping details** at the site, full details of the proposed landscaping treatment for the site, including species, planting requirements (including density, minimum height of new trees and site appropriate protective measures)

and maintenance requirements, require to be provided in support of the AMC application which describes the landscaping proposals for the site.

There is no formal requirement for a professionally prepared tree survey to be presented in support of landscape proposals at the AMC stage. However, in the event of the required tree-belt proposal being met in a proposal to extend the existing area of planting around the War Memorial further west onto the Applicant's land (as is the Planning Authority's preferred approach), it would be helpful to all parties if the condition of the existing planting at the War Memorial could be established. This would then allow for full consideration to be given to what would be required in order to establish effectively, an appropriately robust and sustainable area of tree-planting.

Consideration needs to be given within the landscaping proposals to the management of the transition along the northern (field) boundary, from the area of formal garden ground to the area of new tree-planting. It is considered that a hedge of native species would appropriately achieve this, and unite the residential property to its agricultural setting.

With respect to the southern (roadside) boundary, the indicated retention of the existing stone wall is supported.

### **INFORMATIVE NOTE 3:**

With respect to **Planning Condition No 5**, and in the interests of road and public safety, appropriate arrangements for the relocation of the bus stop and bus shelter, require to have been implemented prior to the commencement of development on site.

**Planning Condition No 5** has been imposed to ensure that the Developer works within a programme and timetable that reasonably allows for the Council to complete the works needed to maintain appropriate public facilities within the vicinity of the site, ahead of the commencement of a development that would otherwise be liable to impact the structures and/or operation of the public facilities concerned.

It is the Developer's responsibility to liaise with the Council within a reasonable period of time in advance of the intended start-date for the development, so that there is sufficient time to make all the necessary arrangements for the bus stop and shelter to be repositioned ahead of that start date, as required.

It is anticipated that a month's notice (4 weeks) would be required for this.

### **INFORMATIVE NOTE 4:**

Right of Way BB 137 utilises the pavement/road to the south of the site. It is a legal requirement that this Right of Way is maintained open and free from obstruction during and after development. This is to protect general rights of responsible access.

### NOTE

Mr J Nicholls and Mrs N Knowles spoke against the application.  
Mr S Bennett spoke in support of the application.

### VOTE

*Councillor Moffat moved that the application be refused in terms of Policies SJA(44), G1, R1 and D2 there was no seconder.*

**15/01071/FUL**

**Erection of dwellinghouse without compliance with condition No 4 of planning permission in principle reference 14/00984/PPP**

**Garden Ground of Viewbank  
Douglas Road  
Melrose**



Decision: APPROVED subject to Section 75 legal agreement (i.e. binding this consent to the current agreement) and the following conditions:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, parking provision for two vehicles within the site and the landscaping of the site shall be obtained from 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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

- (a) the expiration of three years from the date of this permission, or
- (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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.

4. No development shall commence until detailed proposals for the provision of one public parking space, including measures identifying it as public visitor parking, and the widening of Dundas Terrace (as identified on the indicative plan submitted in support of the application 14/00984/PPP) and including details of any retaining walls required to support the same, have been submitted to and approved by the Planning Authority and until the works have been carried out in accordance with the approved details. The public parking space shall at all times be available as public visitor parking in accordance with the approved details

Reason: To ensure the road is capable of accommodating the additional traffic associated with the development and the site is adequately served by visitor parking provision in the interests of road and pedestrian safety and in a manner which safeguards neighbouring amenity

5. The vehicular access to the dwellinghouse and two parking spaces within the site shall be provided in accordance with the details approved under Condition 1 before any development commences on the erection of the dwellinghouse and retained free from obstruction thereafter

Reason: To ensure the site is adequately served by private parking spaces in the interests of road and pedestrian safety and neighbouring amenity during and after construction of the dwellinghouse

6. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.

Reason: To ensure that the site is adequately serviced.

7. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, parking provision for two vehicles within the site and the landscaping of the site shall be obtained from 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.
8. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of three years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
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.
9. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
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.
10. No development shall commence until detailed proposals for the provision of one public parking space, including measures identifying it as public visitor parking, and the widening of Dundas Terrace (as identified on the indicative plan submitted in support of the application 14/00984/PPP) and including details of any retaining walls required to support the same, have been submitted to and approved by the Planning Authority and until the works have been carried out in accordance with the approved details. The public parking space shall at all times be available as public visitor parking in accordance with the approved details  
Reason: To ensure the road is capable of accommodating the additional traffic associated with the development and the site is adequately served by visitor parking provision in the interests of road and pedestrian safety and in a manner which safeguards neighbouring amenity
11. The vehicular access to the dwellinghouse and two parking spaces within the site shall be provided in accordance with the details approved under Condition 1 before any development commences on the erection of the dwellinghouse and retained free from obstruction thereafter  
Reason: To ensure the site is adequately served by private parking spaces in the interests of road and pedestrian safety and neighbouring amenity during and after construction of the dwellinghouse
12. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To ensure that the site is adequately serviced.

VOTE

*Councillor Moffat, seconded by Councillor Campbell, moved that application be refused.*

*Councillor Fullarton, seconded by Councillor Gillespie, moved that the application be approved on the terms recommended by the officer.*

*Councillor Ballantyne, seconded by Councillor Mountford, moved as an amendment that the application be approved with the reduction to one parking space and that no widening of the road be required..*

*As there were three proposals, it was agreed to firstly vote for or against refusal of the application.*

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

<i>For</i>	<i>-</i>	<i>3 Votes</i>
<i>Against</i>	<i>-</i>	<i>5 Votes</i>

*Accordingly as the motion to refuse the application fell, a subsequent vote was taken on the remaining two options as follows:-*

<i>Councillor Fullarton's Motion</i>	<i>- 6 Votes</i>
<i>Councillor Ballantyne's Amendment</i>	<i>- 2 Votes</i>

*The Motion was accordingly carried.*