

**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 OSA on Monday, 29th June, 2015 at 10.00 am

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Present:- Councillors R Smith (Chairman), J Brown (Vice-Chairman), M Ballantyne, D Moffat, I Gillespie, J A Fullarton, S Mountford and B White.

Apologies:- Councillors J Campbell

In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager, Principal Roads Planning Officer, Principal 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 1 June 2015.

**DECISION**

**APPROVED for signature by the Chairman.**

**MEMBER**

Councillor Ballantyne joined the meeting during consideration of the following item of business.

**DRAFT SUPPLEMENTARY GUIDANCE: WASTE MANAGEMENT**

2. There had been circulated copies of a report by the Service Director Regulatory Services which proposed the approval of Draft Supplementary Guidance on Waste Management. Once approved, the Guidance would become a material consideration in the determination of planning applications. The report explained that the Scottish Government's Zero Waste Plan (ZWP) for Scotland set out the Government's vision for a zero waste society where all types of waste were dealt with, regardless of their type and source, and contained a range of targets. To help meet these targets, it was essential for Scottish Borders Council and its partners to engage with developers as early as possible in the planning application process to encourage the reduction, reuse and recycling of as much waste as possible. The aim of the new Supplementary Guidance was to support the effective implementation of the Scottish Borders Council Consolidated Local Plan 2011 Policies PMD1–Sustainability, PMD2-Quality Standards and IS10-Waste Management Facilities and was primarily intended for use by developers, consultants and applicants seeking advice on the incorporation of waste management facilities into new developments. The guidance would apply to all new developments where additional residential and commercial waste management was required and set out the requirements that must be taken into consideration at the planning application stage for waste management in all new development. The guidance formed part of a suite of policies and supplementary guidance which must be taken into consideration during the planning application process, and in particular, must be read in conjunction with other Local Plan Policies and guidance that encouraged good place making and design. It was proposed that the Draft Supplementary Guidance be subject to public consultation for a period of 12 weeks, following which, it was intended that if substantive comments were received a report would be brought back to the Planning and Building Standards Committee to seek final agreement. Mr C Johnston, Principal Planning Officer was present at the meeting to

answer Members questions and the Chairman thanked Mr Johnstone and Karen Niven for their excellent work on the guidance.

#### **DECISION**

##### **AGREED to:-**

- (a) **approve the use of the document as a Draft Supplementary Guidance on Waste Management to be used as a basis for public consultation; and**
- (b) **Delegate the approval of the document to the Service Director of Regulatory Services as Supplementary Guidance if there are no substantive comments arising from the public consultation.**

#### **APPLICATIONS**

3. There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

##### Adjournment

*The meeting adjourned at 1.35 p.m. prior to consideration of application 15/00432/FUL and reconvened at 2p.m.*

#### **DECISION**

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

#### **PLANNING PERFORMANCE FRAMEWORK 2014/15**

4. There had been circulated copies of a report by the Service Director Regulatory Services which proposed that members grant delegated authority to enable the preparation of the full version of the Planning Performance Framework 2014/15 for submission to Scottish Ministers by 31 July 2015. The report 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 Scottish Government had brought forward the date the PPF must be submitted by 3 months to 31 July and it had proven difficult to gather all the required information and statistics to enable the finalised report to be compiled and presented to Committee within that timescale. It was proposed to feature a number of case studies in the PPF relating to service delivery and improvement which included the Kelso THI project (which had been short listed for a Quality in Planning Award); Development Management Improvement Plan Implementation - Internal Consultation; Development Management Improvement Plan Implementation - Traffic Light Management System; High Quality Development on the Ground - Development Management - Negotiated Improvements and Local View Fusion.

#### **DECISION**

**AGREED to grant delegated powers to the Service Director Regulatory Services and the Chairman of the Planning and Building Standards Committee to finalise the production of the Planning Performance Framework 2014/15 for submission to Scottish Ministers by 31 July 2015.**

#### **APPEALS AND REVIEWS**

5. 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 West of Kingledores Farm (Glenkerie), Broughton, Biggar**

- **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
- (b) review requests had been received in respect of the following:-
- (i) **Erection of 12 holiday cabins, office/laundry block and associated works on Land South West of Milldown Farmhouse, Coldingham – 13/00401/FUL;**
  - (ii) **Erection of dwellinghouse and detached garage on Land West of 3 Nethermains Cottage, Duns – 14/00934/FUL.**
- (c) **the Local Review Body had overturned the Appointed Officers decision (subject to conditions) as follows:-**
- (i) **to refuse the Erection of veterinary practice building Land South East of Paul Burton Warehouse, (Plot 8) Pinnaclehill Industrial Estate, Kelso – 14/01342/FUL;**
  - (ii) **to refuse Part change of use to form dental surgery suite at 3 Cherry Court, Cavalry Park, Peebles – 15/00275/FUL**
- (d) **The Local Review Body varied the Appointed Officers decision (Condition removed) in respect of the Erection of boundary fence and garden shed (retrospective), 1 Old Mill Cottages, West Linton – 15/00111/FUL**

#### **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**

##### **Roof Repairs at Bank House, St Boswells**

1. The Committee considered a report which sought authority to carry out roof repairs at Bank House, St Boswells.

##### **Dry Rot at 65,72,74 and 75 Halliburton Place, Galashiels**

2. The Committee considered a report which sought authority to rectify dry rot defects at 65, 72 and 74, 74 Halliburton Place, Galashiels.

*The meeting concluded at 3.10 p.m.*

## APPENDIX

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
13/00789/FUL	Wind farm development comprising of 9 wind turbines and associated infrastructure/buildings/access (further revised scheme - tip heights of Turbines 1, 2 and 4 reduced to 110m - all others to remain at 125m)	Land North East and North West of Farmhouse Braidlie, Nr Hermitage, Hawick – Windy Edge Wind Farm

Decision: Refused as per amended recommendation as set out below:

1. The proposed development would be contrary to Policies G1 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to:

overridingly adverse impacts on landscape character arising from placement of turbines and infrastructure on a sensitive and distinct landscape with grandeur, historical, remoteness and wilderness qualities, which can be observed and experienced from a range of public paths and recreational access areas;

(i) the introduction of an array of large commercial turbines into a locality which is significantly remote from main settlements and road networks and where no logical reference can be made to any other similar man-made interventions (including noticeable electrical infrastructure) or settlement, which is characterised by simplistic landforms with which the development does not harmonise; thereby the development would appear as an incongruous and anachronistic new item; and

(ii) the introduction of a medium-sized commercial wind farm in an area which is presently free from wind farm development and which provides a spatial separation between areas occupied by wind farms in Borders.

2. The development conflicts with Policy D4 of the Consolidated Scottish Borders 2011 Local Plan, in that by virtue of its adverse impact on:

(i) the ability of National Air Traffic Services to safely manage en route non-military air traffic due to impacts on the Great Dun Fell radar serving Prestwick Airport; it would be incompatible with national objectives relating to protection of public safety at a UK level and the obligations set out in international treaties; and

#### INFORMATIVE:

There remains uncertainty in respect of two matters that are not referenced in the reasons for refusal, as the Council considers that they may be mitigatable if further information is provided. Therefore, in connection with this refusal of planning permission, the applicant is advised that further material will be needed in any re-submission to enable the Council and its consultees to fully appreciate the implications of the development in terms of:

- ability of the local road network to accommodate the abnormal loads along the proposed haulage route (as per planning consultation responses of the SBC Roads Planning Manager)
- potential impacts on the peat resource and strategy for micro-siting and track design to ensure all turbines and infrastructure including borrow pits are sited and constructed appropriately in relation to the ground environment/habitat.

#### Vote

*Councillor Mountford, Seconded by Councillor Ballantyne, moved that the application be refused as per the recommendations contained in the officers report.*

*Councillor Brown, seconded by Councillor Moffat, moved as an amendment that the application be approved, subject to a road bond.*

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

*Motion - 6 votes*

*Amendment - 2 votes*

*The Motion was accordingly carried.*

#### NOTE

Mr Malcolm McGregor spoke on behalf of Hermitage Action Group, Buccleuch Estates and Hobkirk Community Council as an objector to the application.

Ms Julie Aitken, Project Manager, Infinis, Mrs Diane Adamson and Mr Greg Cuthbert spoke in support of the application.

**14/00786/FUL**

**Formation of Skatepark**

**Land South East of Abbey Place,  
Jedburgh**

Decision: Approved subject to the following conditions and informatives:

#### **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. No development shall be commenced until precise details of a Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority, thereafter the development must be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an adequate SUDS scheme is delivered to serve the site.

3. Notwithstanding the description of the materials and colours in the application, no development shall be commenced until precise details of the materials and colours to be used in the construction of the skatepark (including the skatepark, any associated furniture and equipment), have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Notwithstanding the description in the application, no development shall be commenced until precise details of the location, layout and details of the seating area(s) which form part of the application, have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The design, layout and details require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

6. The path indicated Core Path 1 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the development. No additional stiles, gate, steps or barriers to access may be erected on the core path that could deter potential future use.

Reason: To protect public access rights during and after development/change of use.

7. Notwithstanding the details contained within the application, no development shall be commenced until precise details demonstrating how the edges of the proposed skatepark will tie into the existing slope, have

been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the skatepark satisfactorily sits within the existing site.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent order amending or re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on or around the development hereby approved, unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting of the development hereby permitted.

## **Informatives**

1. The applicant should be made aware of the potential for ponding, as a result of surface water drainage. The consultation response from SEPA and the Council's Flood Protection Officer has been attached for the attention of the applicant.

2. The applicant should note that discussions will be required with the Estates and Neighbourhood Services Departments, in respect of a lease, maintenance and management of the application site.

3. The applicant should be made aware that the developer should consider biodiversity and habitat enhancement which could include the provision of bird nesting sites such as the Schwegler 1N Deep Nest Box which can be attached to mature trees to provide nesting opportunities for a range of bird species. Schwegler woodcrete boxes could provide for the use of bats. A copy of the consultation response from the Council's Ecology Officer has been attached for the attention of the applicant.

4. The applicant must protect the water body which is in the vicinity of the development area and adopt SEPA Pollution Prevention Guidelines, PPDG1, PPG5 (general guidance and works affecting watercourse), PPG 3,4,7,13 (site drainage), PPG 2,8 (oil storage) and PPG 6 (construction and demolition) as appropriate. A copy of the consultation response from the Council's Ecology Officer has been attached for the attention of the applicant.

5. The applicant should be made aware of the potential for contamination within the site. The consultation response from the Environmental Health Officer has been attached for the attention of the applicant.

6. A copy of the consultation response from the Archaeology Officer is attached for the attention of the applicant.

7. A copy of the consultation responses from the Environmental Health Officer is attached for the attention of the applicant.

8. A copy of the consultation response from the Heritage and Design Officer has been attached for the attention of the applicant, in respect of condition no.3.

9. A copy of the consultation response from the Access Officer has been attached for the attention of the applicant, in respect of condition no.6.

10. The applicant should discuss any proposals for signage with the Local Planning Service, to ensure that the appropriate consents are obtained for such any signage.

*Councillor Fullarton moved that the application be refused but received no seconder. Councillor Fullarton requested that his dissent be recorded.*

## **NOTE**

Councillor R Stewart spoke in support of the application.

Mr T Dobson, Mr H Wight and Mr F Murrow spoke as objectors to the application.

Mr C Young, spoke in support of the application on behalf of Sally-Ann Pirt, Chairperson of Jed Skatepark Project.

**15/00317/FUL**

**Erection of dwellinghouse with attached garage**

**Land South East of St Leonards, Polwarth**

Decision: Agreed to continue to allow Committee Members the opportunity to visit the site.

NOTE

Mr Neil Bennett, spoke as an objector to the application.

**15/00458/FUL                      Variation of planning condition                      Eccles Substation, Eccles**  
**No 15 of planning consent 13/00247/FUL**  
**To allow additional working hours to**  
**Completion Of development**  
**(Monday to Friday 5 p.m. – 8 p.m.)**

Decision: Approved as per recommendation subject to the following conditions:

1. 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.

2. Operational hours and vehicle movements for construction works shall be limited between 8.00am and 8.00pm, Monday to Friday until 31 August 2015, with no construction or vehicle movements at the weekend or on public holidays and all works shall be carried out in accordance with the supporting statement (received 24 April 2015) hereby approved unless otherwise agreed in writing by the planning authority. Prior to the commencement of extended working hours, the applicant shall inform local residents of the revised hours by way of a letter drop, a copy of which shall be sent to the planning authority for retention. After the approved end date, set out in this condition, the hours of operation shall revert to between 8am and 5pm Monday to Friday only.

Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.

3. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation).

Reason: In order to protect the residential amenity of nearby properties.

4. Any lighting installation installed in connection with the Development 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.

Reason: In order to protect the residential amenity of neighbouring properties.

5. The development hereby approved shall be carried out in complete accordance with the Species and Habitat Mitigation referred to in the Landscape and Visual Assessment dated 20 February 2013 and cross referenced with the Screening Document dated 4 May 2012.

Reason: In order to protect and enhance protected species and habitats.

6. All vehicular access to the development hereby approved, including during construction phases, shall be limited to the existing substation access from the A697 and from no other location on the public road, including any existing field access.

Reason: To limit vehicle movements to a single location from the public road and to minimise the potential for disturbance caused by vehicle movements upon nearby residents.

7. Discharge rates from the surface water drainage system (as shown on drawing number 185F-2-5200-DA-IECEC-005 Rev C dated 30 Nov 2012) to the Todrig Burn shall be limited to the existing Greenfield Run-off Rate or 5 litres/second/hectare, whichever is lower.

Reason: To ensure that surface water drainage from the site does not lead to flooding of the Todrig Burn.

Informatives

The applicant is reminded that this decision notice pertains to the variation of Condition 15 of planning consent 13/00247/FUL, and that the development is also subject to the schedule of conditions and requirements of the earlier consent.

## NOTE

Mr Sanderson, Rossander, Woodside, Coldstream spoke as an objector to the application. As a result of representation made by Mr Sanderson in which he highlighted that the agreement with regard to the operational times at Eccles Sub-Station were being flouted by Scottish Power, the Committee instructed that Scottish Power be contacted regarding alleged breaches of the existing conditions restricting hours of operation. They asked that a letter be sent outlining the Committee's firmly held view that the new operating hours must be adhered to and that all measures must be adopted to reduce impact on the immediate neighbours.

**15/00432/FUL**

**Change of use and alterations to form  
Additional dwelling house and erection  
of detached garage**

**Ballantyne House,  
Waverley Road  
Innerleithen**

Decision: Approved subject to the approval of the Scottish Ministers, a legal agreement addressing contribution towards St Ronan's Primary School and Peebles High School, and the following conditions:

1. 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.

2. No development to be commenced until further construction details have been submitted to, and approved by, the Planning Authority for the parking area to the rear of the property. Once approved, the dwellinghouse not to be occupied until the parking and turning areas for both the proposed and existing dwellings are completed in accordance with the approved details.

Reason: In the interests of road safety.

3. The dwellinghouse not to be occupied until the curtilage fencing and balcony privacy screen shown on the approved plan are erected.

Reason: To protect residential amenity.

4. Notwithstanding the details indicated on the approved drawings, the precise details for the replacement of the door in the principal elevation of the main house shall first be submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the details so approved.

Reason: To ensure that the alterations are appropriate to the appearance of this prominent and locally significant house.

## Informatives

The Flood Protection Officer advises the following:

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

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

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

The Environmental Health Officer advises the following:



These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.