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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the
PLANNING AND BUILDING
STANDARDS COMMITTEE held in
the Council Headquarters, Newtown
St. Boswells on 29 February 2016 at
10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from para 3) , J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apology:- Councillor D. Moffat.
Also Present:- Councillor Edgar.
In Attendance:- Development Standards Manager, Forward Planning Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Forward Planning Manager, Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 1 February 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

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 Appendix I to this Minute.

3. **SUPPLEMENTAY GUIDANCE: GLENTRESS MASTERPLAN**

With reference to paragraph 2 of the Minute of 3 August 2015, there had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Guidance Glentress Masterplan as detailed in Appendix A of the report. The purpose of the Supplementary Guidance (SG) was to guide the future sustainable development of the Glentress forest visitor attraction located in the Tweed valley between Peebles and Innerleithen. The Masterplan presented a strategic context for this part of the valley and set out proposals for development to enhance the visitor attraction. The Masterplan included indicative proposals for an enhanced centre, a new site for cabins and parking and had been developed in partnership with Forest Enterprise Scotland. Ms Leona Wilkie, Forest Enterprise, Scotland was present and reported that there had been very good collaborative working, a good consultation process and the next steps would be to bring forward some small schemes.

- 3.1 The report brought forward the revised SG: Glentress Masterplan following public consultation. A summary of the consultation responses were set out in Appendix B to the report along with associated minor amendments and updates to the SG. The key changes to the finalised SG as a result of the public consultation related to additional wording in respect to landscape planting, ensuring an acceptable access was maintained in the event that development takes place 'out of phase', consideration of secure bike storage/parking, additional text in relation to flood risk, provision for a rendezvous point, and ensuring minimal potential for overlooking of neighbouring residential properties.

- 3.2 A new Local Development Plan was in the process of being adopted; and as a result the Glentress Masterplan would initially be Supplementary Planning Guidance in determination of planning applications. Once the Local Development Plan was adopted the Masterplan would be formal Supplementary Guidance and part of the Local Development Plan. The Chairman thanked the officers involved in the development of the Masterplan and noted the amendments which had been made as a result of the consultation process.

DECISION

- (a) **AGREED the Glentress Masterplan as Supplementary Guidance.**
- (b) **NOTED the updated Environmental Report and Updated Habitats Regulations Appraisal set out in Appendices D and E to the report.**

4. **DRAFT SUPPLEMENTARY PLANNING GUIDANCE: HENDERSYDE, KELSO**
There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Guidance: Hendersyde, Kelso detailed in Appendix A to the report to be used as a basis for public consultation for a 12 week period. The report explained that the site was allocated for housing within the Proposed Local Development Plan. The site requirements contained within the Plan stated a planning brief in the form of Supplementary Guidance would be prepared for the site. The Council had prepared the draft brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offered, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief would provide guidance to any developer or any other interested party and would be a material consideration when determining planning applications. A new Local Development Plan was in the process of being adopted; as a result the Hendersyde Planning Brief would initially be Supplementary Planning Guidance. Once the Local Development Plan was adopted the Planning Brief would be formal Supplementary Guidance and part of the Local Development Plan.

- 4.1 The report further explained that the site at Hendersyde was located to the north east of Kelso within the settlement boundary adjacent to Hendersyde Park. The site was originally identified as part of a longer term housing site within the adopted Local Plan 2011 (SKELS002). Within the Proposed Local Development Plan 2013, the western part of the site which was the subject of the brief had been brought forward and allocated for housing as Hendersyde - Phase 1 (AKELS022). The site was a greenfield site and currently used as arable agricultural land. The site area was 5.4ha and had an indicative capacity of 120 units. It was intended that access to the site would be taken from the B6461 and the site would have a pedestrian link to Broomlands Primary School and Kelso town centre. Any response received during the 12 week public consultation would be considered in the finalisation of the brief. In response to a question the Forward Planning Manager advised that while it would be preferable to retain the existing stone wall it might need to be relocated to achieve the necessary road visibility.

DECISION

AGREED:-

- (a) **the Planning Brief as a basis for public consultation for a 12 week period, and that if there were any substantive comments then they should be reported back to the Committee; and**
- (b) **that if there were no substantive comments arising from the consultation that the brief be delegated for approval to the Service Director of Regulatory Services as Supplementary Guidance as part of the Local Development once the Local Development Plan had been adopted.**

5. **DRAFT SUPPLEMENTARY PLANNING GUIDANCE: EAST MAXTON, MAXTON MINI PLANNING BRIEF**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Guidance: East Maxton, Maxton Mini Planning Brief detailed in Appendix A to the report to be used as a basis for public consultation for a 12 week period. The report explained that the site was allocated for housing within the Proposed Local Development Plan. The site requirements contained within the Plan stated a planning brief in the form of Supplementary Guidance would be prepared for the site. The Council had prepared the draft brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offers, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief would provide guidance to any developer or any other interested party and would be a material consideration when determining planning applications. A new Local Development Plan was in the process of being adopted; as a result the East Maxton mini planning brief would initially be Supplementary Planning Guidance. Once the Local Development Plan was adopted the Planning Brief would be formal Supplementary Guidance and part of the Local Development Plan. It was noted that the 30mph limit might require to be moved to reduce the speed of traffic from the Kelso direction.

**DECISION
AGREED**

- (a) **the mini planning brief as a basis for public consultation for a 12 week period, and that if there are any substantive comments then they should be reported back to this committee; and**
- (b) **that if there were no substantive comments arising from consultation that the brief should be delegated for approval to the Service Director of Regulatory Services as Supplementary Guidance as a part of the Local Development Plan, once the Local Development Plan had been adopted.**

6. **APPEALS AND REVIEWS.**

With reference to paragraph 3.1 of the Minute of 1 February 2016, the Chairman thanked the Development Standards Manager for the briefing note, which had been circulated to all members of the Planning and Building Standards Committee and detailed the position in respect of all wind farm applications and potential applications. The briefing had been very informative and the Chairman requested such an update on a six monthly basis, highlighting any changes. 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) **a review request had been received in respect of the Installation of the siting of caravan for permanent residence (retrospective) on Land South of Camphouse Farmhouse, Camptown, Jedburgh – 15/00769/FUL;**
- (b) **the Local Review upheld the Appointed Officers decision to refuse the Erection of a dwellinghouse on Land West of Craigerne Coachhouse, Edderston Road, Peebles – 15/01034/FUL**
- (c) **there remained three appeals outstanding in respect of:**
 - **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick**

- Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles
- (d) There remained 3 Section 36 Appeals Outstanding in respect of:
- Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnspath
 - Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston
 - (Whitelaw Brae Wind farm), Land South East of Glenbreck House, Tweedsmuir.

PRIVATE BUSINESS

7. **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 III to this Minute on the grounds that it 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

1. **MINUTE**

The Committee considered the private section of the Minute of 1 February 2016..

2. **DANGEROUS CHIMNEY AND MASONRY AND DEFECTIVE ROOF COVERING, RAINWATER GOODS AND DRY ROT AT 2 HIGH STREET AND 12 MARKET PLACE, JEDBURGH**

The Committee considered a report by the Chief Planning Officer.

3. **SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN: EXAMINATION REPORT**

The Committee considered a reply from the Chief Planner.

4. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

5. **LISTED BUILDINGS**

The Committee were given a verbal update on Listed Buildings.

DECISION

NOTED.

The meeting concluded at 12.40 p.m.

APPENDIX I**APPLICATIONS FOR PLANNING PERMISSION**

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01173/FUL	Erection of 39 dwellinghouses, 2 flats and associated infrastructure (Phase1)	Land North of 24 Sergeants Park,
15/01156/FUL	Erection of 10 dwellinghouses, 2 flats and associated infrastructure (Phase 2)	Newtown St Boswells

DECISION: Approved applications 15/01155/FUL and 15/01156/FUL, subject to the following conditions and informatives:

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan Adopted 2011 and any accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority. This to include the provision of footpath links to the land to the east and west of the site.
Reason: To ensure that the development proceeds in an orderly manner.
4. Notwithstanding the description of the materials in the application, no development shall be commenced until a sample of all materials to be used on all exterior surfaces of the development hereby permitted (including walls, roofs, window frames, external doors, boundary walls and fences) has been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with those samples.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. Details of the lighting within the site to be submitted to and approved in writing by the Planning Authority before the development commences. The lighting then to be installed as per the approved details.
Reason: Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.
6. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints

procedure/communication of noisy works to receptors. The development then to be carried out in accordance with the approved Construction Method Statement.

Reason: To safeguard residential amenities.

7. No development to commence until a scheme detailing proposals for sustainable drainage (SUDS) surface water treatment has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. The development to be completed in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C753) and should incorporate source control.

Reason: To ensure adequate protection of the water environment from surface water run-off.

8. 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:

- 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.
- v. hedge enhancement and supplementary tree planting on the site boundaries with particular regard to the western boundary of the application site.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

9. No trees within 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 considered should be substantially maintained.

10. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a heras or similar fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

11. No hedges within or on the boundaries of the application site shall be removed, damaged or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing hedges represent an important visual feature which the Planning Authority considered should be substantially retained and maintained.

12. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a heras or similar fence 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 hedges so retained shall not be altered.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
13. A design statement and strategy for the detention basin to be submitted to and approved in writing by the Planning Authority before the development commences. This to include proposed levels and a detailed planting scheme (including a timescale for completion and details of future maintenance). The development then to be completed in accordance with the approved scheme.
Reason: To enhance the basin as a local amenity.
14. Detailed drawings showing how the proposed changes of level within the site will be achieved, including sections, existing and proposed ground levels, any retaining walls and how the ground around trees and hedges will be treated, 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 safeguard trees and hedges within the site.
15. The existing hedges on the site boundaries to be outwith the garden ground of the dwellinghouses hereby approved, unless otherwise agreed with the Planning Authority, and to be separated from the garden ground of the dwellinghouses by a post and wire fence or similar, erected prior to the occupation of the dwellinghouses, the details of which are to be submitted to and approved by the Planning Authority before the development commences.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
16. No development of any sort to take place within the buffer zones at any time. Where proposed fence posts are to be erected beneath tree canopies, the developer shall carry out all excavation by hand digging where necessary, taking such further precautions as may be necessary to prevent any damage to any tree or its root system.
Reason: To safeguard the buffer zones from development to protect the existing mature trees within and adjacent to the site.
17. Prior to the commencement of works on the site a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for bats and breeding birds) to be submitted to and approved in writing by the Planning Authority. All works shall thereafter be carried out in accordance with the approved plan.
Reason: To protect protected species within and adjacent to the site.
18. Prior to the commencement of works on-site a Construction Environmental Management Plan to be submitted to and approved in writing by the Planning Authority. This to include measures to prevent pollution, as identified in the Preliminary Ecological Appraisal 2015 and the consultation responses from Scottish Natural Heritage and SEPA. All works shall thereafter be carried out in accordance with the approved plan.
Reason: To control drainage and pollution to protect the interest of the River Tweed SAC/SSSI.
19. Prior to the commencement of works on-site a Landscape and Habitat Management Plan to be submitted to and approved in writing by the Planning Authority. This to include measures to protect and enhance hedgerow and woodland boundary features, as identified in the Preliminary Ecological Appraisal 2015, and measures associated with the SUDS

feature. All works shall thereafter be carried out in accordance with the approved plan.
Reason: To protect and enhance hedgerow and woodland boundary features.

20. The surfacing for the proposed roads, footpaths and parking spaces shall 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 ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

21. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwellinghouse/flat, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

22. The right of way along the southern boundary of the site to be upgraded, as per Drawing Number PL1-01D, before the first dwellinghouse is occupied. The right of way then to be kept open and free from obstruction or encroachment during the construction of the dwellinghouses and thereafter.

Reason: To ensure the right of way remains open and free from obstruction.

23. No development shall take place until written evidence has been submitted to the Council demonstrating that a connection to the public sewer has been agreed by Scottish Water and that the existing drainage infrastructure is sufficient to accommodate the additional demand generated by the development hereby permitted, including in relation to the sewer capacity between the application site and the treatment works.

Reason: To ensure that a connection can be made to the public system to discharge foul waste generated by the development in a manner that does not adversely affect the existing drainage network.

Informatives

In respect of condition 6, 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. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

The consultation response from SEPA, Scottish Natural Heritage and the Council's Ecology Officer and Landscape Architect are attached for the information of the applicant.

NOTE

Mr Dennis De'Athe spoke against the application.