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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 28 March, 2016 at 10.00 am

- Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), J. A. Fullarton I. Gillespie, D. Moffat and S. Mountford
- Apologies:- Councillors M. Ballantyne, J. Campbell and B. White
- In Attendance:- Chief Planning Officer, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Walling).

1. **MINUTE.**
There had been circulated copies of the Minute of the Meeting held on 29 February 2016.

DECISION
APPROVED for signature by the Chairman.

2. **DECLARATIONS OF INTEREST.**
Councillor Fullarton declared an interest in application **14/00417/S36** in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **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.

4. **APPEALS AND REVIEWS.**
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 three appeals outstanding in respect of:**
- **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - **Land North of Upper Stewarton (Kilrubie Wind Farm Development), Eddleston, Peebles**
 - **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick**
- (b) **review requests had been received in respect of the following:-**

- (i) **Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping on land and buildings at Wilton Mills 31-32 Commercial Road, Hawick – 15/00100/FUL**
 - (ii) **External alterations and erection of 4 No flagpoles at Office West Grove, Waverly Road, Melrose - 15/01354/FUL**
 - (iii) **Erection of dwellinghouse and detached garage/annex on land West of Whistlefield, Darnick**
- (c) **there remained one review on which a decision was still awaited in respect of land south of Camphouse Farmhouse, Camptown, Jedburgh**
- (d) **There remained 3 Section 36 appeals outstanding in respect of:**
- **Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnpsath**
 - **Cloch Forest Wind Farm, Land West of Whitelaw Burn, Eddleston (Whitelaw Brae Wind farm), Land South East of Glenbreck House, Tweedsmuir.**

5. **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.

SCOTTISH BORDERS DESIGN AWARDS

The Chairman drew Members' attention to the fact that 2016 was the year of Innovation, Architecture and Design and that entries were being sought for the Scottish Borders Design Awards. The Design Awards, last held in 2013, were organised by Planning and Regulatory Services and were intended to recognise and promote examples of recent good design in the region. There were four categories: New Build – residential; New Build – non-residential; Placemaking – new developments that contributed to creating a sense of place; and work to existing buildings – including conversions and extensions. Entries were invited from owners, developers, agents and designers and these must be submitted by the closing date of 29 April 2016.

**DECISION
NOTED**

6. **PRIVATE BUSINESS**

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 II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The Committee considered the private section of the Minute of 29 February 2016.

The meeting concluded at 1.05 pm

APPENDIX I**APPLICATIONS FOR PLANNING PERMISSION**

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00417/S36	Erection of No. 7 wind turbines 100m -110m high to tip	Long Park Wind Farm, Bow Farm, Stow

Decision: Agreed to object to the application for the following reasons:

1. The proposed development would be contrary to Policies G1, BE4 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to:

- (i) the siting of turbines T23 and T25 on ground at a higher level than adjacent turbines, and closer to the edge of containing topography and landform, so that the overall wind farm would have an unbalanced and more prominent appearance, with increased visibility and less visual coherence of the wind farm noticeable from a range of vantage points and with two specified new turbines that relate poorly to the remainder of the development, so that it detracts from the underlying character of the landscape; and
- (ii) the siting of turbines T23 and T25 in such a manner that they interact with and harm the setting of Stow Conservation Area, in particular as witnessed on approach from the north on the A7 where elements of the conservation village are seen with tree-covered hills as backdrop, above which the turbines project substantially.

2. The proposed development would be contrary to Policies G1, D4, BE4 and H2 of the Scottish Borders 2011 Local Plan, in that the development would give rise to unacceptable visual and residential amenity effects due to:

- (i) the increased level of visibility of the development and lack of good topographical containment of turbines T23 and T25 from a range of viewpoints including the Borders Railway and the A7 Trunk Road/Tourist Route;
- (ii) harmful and inappropriate visual impacts of the development in relation to properties at Allanshaws, in particular arising from turbines T26 and T27; and upon the residential amenity of Stow village due to the siting and prominence of T23 and T25 which are not well served by topography and landform, and which strongly interact with the residential setting/core of the village and the Conservation Area, from within which the new turbines would be visible above topography that currently provides screening to existing turbines; and
- (iii) the lack of certainty in relation to potential noise impacts on noise sensitive receptors including private residences.

15/01424/FUL and 16/00064/FUL	Erection of dwellinghouse with integral garage and erection of dwellinghouse With detached garage on Plots 6 & 7	Land North East of Romano House, Romano Bridge
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NOTE

Councillor Catriona Bhatia and Mr William Bealey spoke against the applications.

Application 15/01424/FUL

Decision: APPROVED subject to the following conditions and informative:

- 1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the

external walls and roofs of the buildings 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 those details.

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

2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

4. No development shall commence until detailed drawings, showing which trees are to be retained on the site are submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

5. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling 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.

6. The verge crossing serving the site must be completed to the Council's satisfaction using a block paved construction to the specification shown below:

- 80mm thick approved block paving laid on 30mm sharp sand laid on 100mm DBM binder course laid on 250 type 1 sub-base.

This work must be carried out by a contractor first approved by the Council. The gradient of the parking/driveway must be not greater than 1 in 15 and the parking for a minimum of two vehicles must be provided prior to occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety

7. A pre-construction and post-construction survey of the route along Halmyre Loan shall be undertaken and submitted to the local planning authority. Any remedial works identified as a result of the construction vehicles using this route, will require to be rectified by the developer within an agreed timescale. This includes any emergency remedial works.

Reason: To ensure that a suitable standard of access is maintained to the locality in the interests of road safety

8. The details of all boundary walls and/or fences to be submitted to and approved by the planning authority before development is commenced.

Reason: To safeguard the visual amenity of the area.

9. Notwithstanding the information submitted with the application, the means of water supply and of both surface water and foul drainage to be submitted to and approved by the planning authority before development commences.

Reason: To ensure that the site is adequately serviced.

Informative

The landscape proposals should incorporate the areas of planting shown in the plan submitted by the Council's landscape architect dated 15 February 2016.

Application 16/00064/FUL

Decision: APPROVED subject to the following conditions and informative:

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings 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 those details.

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

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

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained

thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

4. No development shall commence until detailed drawings, showing which trees are to be retained on the site are submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

5. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling 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.

6. Before any development commences on site a revised plan of the parking and turning area shall be submitted to the local planning authority for approval. This plan needs to demonstrate that there is an adequate turning area to ensure vehicles can manoeuvre satisfactorily in order to re-join the road in a forward gear.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety

7. A pre-construction and post-construction survey of the route along Halmyre Loan shall be undertaken and submitted to the local planning authority. Any remedial works identified as a result of the construction vehicles using this route, will require to be rectified by the developer within an agreed timescale. This includes any emergency remedial works.

Reason: To ensure that a suitable standard of access is maintained to the locality in the interests of road safety

8. The details of all boundary walls and/or fences to be submitted to and approved by the planning authority before development is commenced.

Reason: To safeguard the visual amenity of the area.

9. Notwithstanding the information submitted with the application, the means of water supply and of both surface water and foul drainage to be submitted to and approved by the planning authority before development commences.

Reason: To ensure that the site is adequately serviced.

10. The verge crossing serving the site must be completed to the Council's satisfaction using a block paved construction to the specification shown below:

- 80mm thick approved block paving laid on 30mm sharp sand laid on 100mm DBM binder course laid on 250 type 1 sub-base.

This work must be carried out by a contractor first approved by the Council. The gradient of the parking/driveway must be not greater than 1 in 15 and the parking for a minimum of two vehicles must be provided prior to occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety.

11. Proposals for a revised design of detached garage shall be submitted for the approval of the planning authority prior to the development commencing and, once approved, the garage shall be developed in accordance with the approved plans. The garage to be a single storey building and shall not include any accommodation within the roof space.
Reason: To ensure a satisfactory layout and relationship with adjoining properties within the development.

Informative

The landscape proposals should incorporate the areas of planting shown in the plan submitted by the Council's landscape architect dated 15 February 2016.

16/00024/FUL

Erection of wind turbine 28.8m high to tip (renewal and amendment to previous consent 12/00950/FUL)

Land North West of Deanfoot Farmhouse, West Linton

NOTE

Mr Paul Aitken spoke against the application.

Decision: APPROVED subject to the following conditions:

1. At wind speeds not exceeding 10m/s at rotor centre height, the wind turbine noise level at each noise sensitive property shall not exceed the levels in table 1

Table 1

Location		Wind speed at rotor height in m/s averaged over 10 minute periods. Sound pressure levels in dB LA90, 10mins									
Property Name	Map ref	4	5	6	7	8	9	10	11	12	
Cottage Farm	315280 652836	19	20	21	25	29	33	36	38	40	
Linton Grange	315355 652453	15	17	18	21	26	30	32	34	36	
5 Dryburn Brae	315424 652378	15	16	17	21	25	30	32	34	36	
6 Dryburn Brae	315467 652310	14	16	17	20	25	29	31	33	35	

Reason: To protect the residential amenity of local residents

2. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise immissions from the wind turbines, the wind turbine operator shall shut down the turbine not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the

Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority.

Reason: To protect the residential amenity of local residents

3. Should the wind turbine sound pressure level exceed the level specified in the above conditions the turbine shall cease operation until such time as it has been demonstrated to the Planning Authority that the sound pressure level, referred to in condition 1, can be achieved.

Reason: To protect the residential amenity of local residents

4. The development shall be removed, and the land restored to its former condition, within 20 years of the date of this planning permission, unless further planning permission in this regard is obtained.

Reason: To enable the planning authority to reconsider the planning position in the light of updated policy, and having regard to the nature of the development, which is likely to require to be upgraded as technology advances.

5. No development shall commence until the developer has provided the Planning Authority with the date of commencement of construction; the date of completion of construction; the maximum height of construction equipment; the latitude and longitude of the turbine.

Reason: To allow the records of Defence Estates Safeguarding to be amended and updated

6. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reasons:

(i) To maintain safety for both the trunk road traffic and the traffic moving to and from the development

(ii) To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

16/00021/PPP

Erection of two dwellinghouses

**Land East of
8 Talisman Place,
Peebles**

NOTE

Mr K Simpson spoke against the application.

Mr Tim Ferguson, Ferguson Planning, spoke in favour of the application.

Decision: APPROVED subject to the following conditions and informatives and to a 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 been submitted to and approved in writing by 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. 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 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. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored – including trees within and immediately adjoining the eastern site boundary, to be identified by tree survey, and beech hedging surrounding the site.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works including replacement and under-storey tree planting at the site entrance and within the plots.
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
4. The trees and hedges on and adjoining this site, which are identified to be protected, shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees and hedges, together with such other measures as are necessary to protect them from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed. Once completed, the trees and hedges to be retained thereafter in perpetuity.
Reason: To ensure that adequate precautions are taken to protect trees and hedges during building operations.
5. The development to make provision for two off street parking spaces (excluding garage) and a vehicular turning area for each plot within the site, to be provided before occupation of the associated dwellinghouses and retained thereafter in perpetuity.
Reason: In the interests of road safety.
6. The first application for Approval of Matters Specified as Conditions to include schemes for junction and roadway improvements at the junction of Kingsmeadows Gardens and Kingsmeadows Road and for the site access from Kingsmeadows Gardens. Once the improvements and details are approved, the works then to be completed in accordance with the programme agreed under the schemes.
Reason: In the interests of road safety.
7. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.
The requirements of this are:
 - The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
 - If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery

of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

8. The ridgelines of the proposed dwellinghouses to be no higher than the highest of the ridgelines of Kingsmeadows Stables that immediately adjoin the application site and White Cottage.

Reason: To safeguard the character of adjoining listed buildings and the residential amenity of the occupants

Informatives

1. It is recommended that the designs for both plots are submitted together and consist of similar or complimentary scale, layout and finishes, based upon two L-shaped designs forming a U-shaped overall built footprint with the open part of the U-shape facing north.
2. Please be aware that the owner of White Cottage claims that the development site contains drains and a septic tank used by that property.

**16/00013/LBC and
16/00015/FUL**

Replacement Windows

**149, High Street
Galashiels**

Application 16/00013/LBC

Decision: APPROVED subject to 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 kitchen window shall be replaced with a vertically sliding sash window which matches the glazing pattern and external colour of the existing window, and the bedroom window shall be replaced with a tilt-and-turn window which matches the glazing pattern and external colour of the existing window. The existing windows, including boxes, shall be removed in their entirety prior to installation of the replacement windows, which shall be fitted into the opening to the same extent as the existing windows

Reason: To safeguard the special architectural and historic interest of the Listed Building

Application 16/00015/FUL

Decision: APPROVED subject to the following conditions:

1. The kitchen window shall be replaced with a vertically sliding sash window which matches the glazing pattern and external colour of the existing window, and the bedroom window shall be replaced with a tilt-and-turn window which matches the glazing pattern and external colour of the existing window. The existing windows, including boxes, shall be removed in their entirety prior to installation of the replacement windows, which shall be fitted into the opening to the same extent as the existing windows

Reason: To safeguard the character and appearance of the Conservation Area

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