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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 30 May 2016 at
10.00 a.m.

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

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 25 April 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS.**

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

DECISION

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

3. **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 3 appeals outstanding:-**

- (i) **Land South East of Halmyre Mains farmhouse (Hag Law), Romanno Bridge;**
- (ii) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles; and**
- (iii) **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 dwellinghouse and upgrade access track at Redundant Water Treatment Works, North East of Broughton Place Cottage, Broughton – 15/00890/PPP;**

- (ii) **Change of use from Class 4(Office) to Class 2 9Beauty Therapy Salon) at Block 2, Unit 6, Cherry Court, Cavalry park, Peebles – 15/01498/FUL;**
 - (iii) **Erection of two dwellinghouses on Land South of Primary School, West End, Denholm – 15/01552/FUL; and**
 - (iv) **Removal of Condition 3 of planning permission 04/02011/FUL pertaining to occupancy of the dwellinghouse, Craigie Knowe, Blainslie Road, Earlston – 16/00041/FUL.**
- (c) **the Local Review Body had overturned the Appointed Officers decision to refuse 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) **Erection of dwellinghouse on Land North East of The Cottage, Lauder Barns, Lauder – 15/01323/FUL;**
 - (iii) **External alterations and erection of 4 No Flagpoles outside Office West Grove, Waverley Road, Melrose – 15/01354/FUL; and**
 - (iv) **Erection of dwellinghouse and detached garage/annex on Land West of Whistlefield, Darnick – 15/01491/FUL**
- (d) **the Local Review Body had upheld the Appointed Officers decision to refuse the erection of dwellinghouse Builders at Yard on Land South West of 76 St Andrew Street, Galashiels – 15/01557/FUL**
- (e) **there remained two reviews outstanding:-**
 - (i) **Land South of Camphouse Farmhouse, Camptown, Jedburgh; and**
 - (ii) **5 East High Street, Lauder**
- (f) **there remained 3 Section 36 Appeals Outstanding in respect of:**
 - (i) **Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnspath;**
 - (ii) **Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston; and**
 - (iii) **(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.**

**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

1. **DRY ROT AT 64, 65, 71, 72, 74, 75 and 76 HALLIBURTON PLACE,
GALASHIELS**

With reference to paragraph 3 of the Minute of 29 June 2015, the Committee considered a report on Dry Rot at Halliburton Place, Galashiels

The meeting concluded at 11.25 a.m.

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APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
12/01488/PPP	Residential Development Comprising Of 25 Dwellinghouses (including affordable housing) Formation of Playing Field and Erection of Village Hall.	Land to South and West of Swinton Primary School, Coldstream Road Swinton.

DECISION: Approved as per recommendation subject to the addition of the following Informatives.

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. 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. 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.

4. The subsequent application(s) for the approval of reserved matters shall be accompanied by:
 - i. a site layout plan at a scale of 1:500 showing the position of all buildings, including the village hall, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
 - ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
 - iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - iv. details of the phasing of development;
 - v. details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.Reason: To ensure a satisfactory form of development.

5. The first application for the approval of matters specified in conditions submitted in relation to this approval shall include a detailed design statement and master plan which informs the

development of this site and any future phases of development shown on the indicative concept plan 1991-00 02 dated Nov 2012. The detailed design statement shall include proposals for the erection of the village hall hereby approved along with a programme for implementation and completion.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

6. 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.

7. 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.

8. No development shall take place until a scheme for the provision of public open space, playing field and an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The scheme so submitted shall include-
 - i. type and location of play equipment, seating, fences, walls and litter bins
 - ii. surface treatment of the play area
 - iii. proposals for the implementation/phasing of play area(s), public open space and playing field in relation to the construction of houses on the site.

Reason: To ensure that proper provision is made for recreational facilities at the site.

9. All works required for the provision of open space, playing field and play area(s) shall be completed in accordance with the scheme approved in writing by the planning authority.

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

10. No development shall commence until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, and in consultation with Scottish Water, which describes how appropriate surface water drainage, foul water drainage and water supply arrangements are to be achieved. Thereafter, the surface water drainage treatment, foul water drainage treatment and water supply shall all be implemented in accordance with the approved details. Surface water must be dealt with by way of a Sustainable Urban Drainage System, the details of which shall first be agreed in writing by SEPA and supported by a drainage strategy which shall include details for long term maintenance of SUDS features.

Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation and to ensure that there would be no adverse impacts upon the drainage and water supply arrangements serving residential properties within the surrounding area.

11. Unless otherwise agreed in writing and in advance of the commencement of development, the all trees and hedges within the application site shall all be fully protected in accordance with the requirements of BS 5837:2012. All measures required on-site to protect these trees and

hedges for the duration of construction works shall be maintained in accordance with the requirements of BS 5837:2012. Any variations to the above requirements shall not be implemented unless subject to the prior written approval of the Planning Authority.

Reason: In the interests of preserving the health and vitality of the existing trees and hedges, the loss of which would have an adverse effect on the visual amenity of the area including the settlement at Swinton.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority

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.

13. Core Path 73 which bounds the northern boundary of the application site shall be brought up to an adoptable standard between the village green, Wellfield and Coldstream Road before the first dwelling hereby approved is sold, completed or occupied (whichever is the earliest), unless otherwise agreed in writing by the local planning authority. The path shall, at all other times, be kept free from obstruction.

Reason: In order to maintain and enhance pedestrian connectivity through the village.

14. The affordable housing units hereby approved shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Council Local Development Plan 2016 and any accompanying "affordable housing" supplementary planning guidance.

Reason: To ensure the affordable housing units hereby approved comply with the Council's definition of affordability.

INFORMATIVES

1. With regards Condition 1, to meet sight-line requirements the new road junction onto the A6112 to serve the development will have to be located further south to a position just outside the application site boundary but within land in the control of Ladykirk Estate. This is to ensure the optimum position for the access and to accord with the provisions of the newly Adopted Local Development Plan. The street lighting, footway and 30 mph speed limit will all have to be extended out from the village to the new junction at the applicant's expense. The extension of the speed limit will be dependent on a successful traffic order. Similarly, the applicant will be responsible for the re-siting of the village gateway, village sign and school sign as appropriate.
2. In respect of Condition 4, dedicated parking, including parking for disabled people, and adequate provision for service deliveries will be require for the village hall.

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