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## SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 9th January, 2017 at 10.00 am

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

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 5 December 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 application as detailed in the Appendix 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 one appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk.
- (b) a review request had been received in respect of the Erection of poultry cold store/hay store at Field No 0328 Kirkburn, Cardrona - 16/01114/FUL.
- (c) the Local Review Body had upheld the Appointed Officers decision to refuse the erection of poultry cold store/hay store at Field No 0328 Kirkburn, Cardrona - 16/01114/FUL.
- (d) there remained one review outstanding in respect of North West of 4 Rink Farm Cottages, Galashiels
- (e) there remained one Section 36 PLI outstanding in respect of Whitebrae Wind Farm), land South East of Glenbreck House, Tweedsmuir.

*The meeting concluded at 12.50 p.m.*

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**APPENDIX I**

**APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/01061/FUL	Erection of four dwellinghouses, access landscaping and associated infrastructure works	Land South and West of Wellnage House, Duns

Decision: Continued to the next available meeting of the Planning and Building Standards Committee to enable a site visit to be held.

**VOTE**

*Councillor Moffat, seconded by Councillor Campbell moved that a site visit be arranged prior to a decision being taken on the application.*

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

*For - 4 votes*

*Against - 4 votes*

*There being an equality of votes, the Chairman exercised his casting vote in favour of holding a site visit. It was accordingly decided that a site visit be held.*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/00243/PPP	Erection of two Dwellinghouses	Land East of Langbank Cottage, Swinton

Decision: APPROVED subject to the following conditions, legal agreement for developer contributions and 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 development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

5. The first application for the approval of matters specified in conditions pursuant to this decision shall be accompanied by a detailed design statement for the dwellings hereby approved.

Reason: To ensure a satisfactory form of development appropriate to its setting.

6. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.

Reason: To ensure that the proposed dwellings are not at risk from surface water flooding issues and to avoid ponding against the proposed buildings.

7. No development shall commence until detailed proposals for flooding mitigation measures from the nearby water course, including SUDS, are 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 scheme.

Reason: In order to prevent any increase in surface water flood risk to North Lodge.

8. The development hereby approved shall be constructed of natural slate on the roof only. Any alternative roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

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

9. No development shall commence until precise details of both surface water and foul water drainage, as well as details of the water supply, have been submitted to and approved by the local planning authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure the site is adequately serviced with water without a detrimental effect on the water supplies of existing properties.

10. No development shall commence until details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning.

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

11. The vehicular access to the site to be formed to approved specification DC-6 (copy attached to this decision) or alternatively DC-2 (a copy of which is attached to this decision). The access shall incorporate a service lay-by.

Reason: In the interests of road safety and to ensure a satisfactory form of development.

12. No development shall commence on the dwellings hereby approved until one passing place per unit is formed on the minor public road leading to the site. The passing places shall be formed to approved specification DC-1 (attached), at locations which shall first be agreed on site with the local planning authority.

Reason: In the interests of road safety.

13. No development shall commence until a pre-construction condition survey of the minor public road leading to the site has been carried out and the results lodged with the local planning authority. A post-construction condition survey shall also be carried out within 3 calendar months of the occupation of the dwellings hereby approved, the results of which shall be lodged with the local planning authority.

Reason: To ensure the condition of the road is monitored before and after construction.

14. Two parking spaces shall be provided within the boundary of each plot before the dwellings hereby approved are occupied. The parking shall be properly consolidated and maintained in perpetuity thereafter.  
Reason: To ensure that parking is provided clear of the public road.

### **Informatives**

1. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>. Please note that SEPA are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
2. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.
3. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:  
SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel – 01896 754797.

### VOTE

*Councillor Gillespie, seconded by Councillor Campbell moved that a site visit be arranged prior to a decision being taken on the application.*

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

*For - 2 votes*

*Against - 6 votes*

*It was accordingly decided that no site visit be held.*

### NOTE

Mr Hugh Garrett, applicant spoke in support of the application.

### Reference

16/01223/FUL

### Nature of Development

Erection of dwellinghouse and double garage

### Location

Land North West of The Sidings, Lye Road, Darnick

Decision: APPROVED subject to the following conditions, legal agreement for developer contributions and informatives:

1. Notwithstanding the references on plan AL\_0\_101G no development shall commence until a detailed plan and specifications for improvement works to Lye Road, incorporating resurfacing and new lighting along its length between the site entrance and junction of the road to the east (adjacent Fullarton), have been

submitted to and approved by the Planning Authority. The works shall be carried out in accordance with the approved plan and specifications and shall be implemented prior to occupancy of the dwellinghouse

Reason: A detailed scheme of improvements to Lye Road is required in order to ensure the road is capable of serving additional traffic generated by the construction and use of the dwellinghouse, and in a manner which minimises impacts on existing users of the road during the works, maintains residential amenity and minimises visual impacts, including potential effects on existing trees

2. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved by the Planning Authority. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the dwellinghouse

Reason: To ensure the development can be adequately serviced

3. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

4. No development shall commence until a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours of the house, garage and hard surfacing has been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours

Reason: The materials and colours specified in the application plans and drawings require further consideration to ensure they are visually sympathetic to the context

5. No development shall take place except in strict accordance with a scheme of soft landscaping and boundary treatment works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. location and detailed schedule of new trees, shrubs, hedges and grassed areas, incorporating those proposals identified on the approved site plan, and additional planting and landscaping,
- ii. design details of boundary fencing specified on the site plan
- iii. a programme for completion and subsequent maintenance.

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

6. The area allocated for parking and turning on the approved site plan shall be properly consolidated, surfaced and drained before the dwellinghouse is occupied, and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking and turning of vehicles

7. Before development commences, protective fencing (of a specification compliant with BS5837:12) shall be erected along the route identified on the approved site plan AL\_0\_101G and shall not be removed until all construction works are complete. There shall be no works (including utilities) or storage undertaken within the protected area unless agreed in writing with the Planning Authority. Following

completion of the development, trees and hedges within the site shall be retained and shall not be removed, lopped or otherwise disturbed without the prior approval of the Planning Authority

Reason: To protect and retain trees and hedges that will assist with the visual integration of the development with its surroundings

#### Information for the applicant

Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:

- 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.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00865/FUL	Part change of use of dwellinghouse And garden ground to wedding venue and erection of Tee-pees	Hartree House Scottish Borders

Decision: APPROVED with delegated powers granted to the Chief Planning Officer in conjunction with the chairman to revise suggested conditions to address requirements of the P&BS Committee and subject to the following conditions:

1. The part change of use to a wedding venue hereby approved shall be for a limited period of two years from the date on the consent  
Reason: To enable the Local Planning Authority to review the matter at the end of a limited period
2. No development shall take place until a scheme of mitigation for noise, arising from wedding events, has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - How background noise levels shall be assessed in accordance with the recommendations contained within the Noise Council Code of Practice on Environmental Noise Control at Concerts (the Code of Practice).
  - Details of how noise levels arising from weddings shall be assessed in accordance with the recommendations contained in the Noise Council Code of Practice on Environmental Noise Control at Concerts (the Code of Practice).
  - Noise levels arising from weddings shall not exceed the limits set out in Section 3 of the Code of Practice.

- Details of how the sound system shall be operated and monitored  
Reason: to ensure that the residential amenity of the nearby residential properties is maintained.
3. No development shall take place until the background noise assessment as set out in the noise mitigation scheme has been submitted to and approved in writing by the planning authority.  
Reason: to ensure that the residential amenity of the nearby residential properties is maintained.
  4. No music either amplified or otherwise and no amplified speeches shall be played after midnight on the day of each wedding event.  
Reason: To protect the residential amenity of local residents.
  5. No other sound system shall be used for music or speeches other than the system approved under condition 2 above.  
Reason: To protect the residential amenity of local residents.
  6. Maximum of 15 wedding events per calendar year.  
Reason: To protect the residential amenity of local residents.
  7. No more than two wedding events within one calendar month without the prior approval of the planning authority  
Reason: To protect the residential amenity of local residents
  8. No development shall take place until a traffic management plan has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - Details of traffic agreements to be adopted during the set up phase, the wedding event and the clearance of the site.
    - Confirmation that all vehicular traffic associated with the wedding event shall use the main entrance only.
 Reason: to ensure that additional traffic does not go through a small residential area in the interests of road safety and that emergency vehicles have access to the site at all times.
  9. The part change of use to a wedding venue hereby approved shall be operated in strict accordance with the scheme of mitigation for noise as approved under condition 2 above and the traffic management place approved under condition 8 above for each wedding event.  
Reason: to ensure that the residential amenity of the nearby residential properties is maintained.
  10. No fireworks or other pyrotechnics shall be discharged, or fireworks displays held, and no Chinese lanterns shall be released into the atmosphere at any wedding event.  
Reason: To protect the residential amenity of local residents and avoid disturbance to farm stock in the vicinity of the site.

NOTE

Mr Alan France, Mrs Martine Purves and Dr Graham Dobbie, local residents spoke against the application.

Mr Michael Goddard, applicant spoke in support of the application.