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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, 6th February, 2017 at 10.00 am

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Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Campbell, I. Gillespie, D. Moffat, S. Mountford, B. White.

Apologies:- Councillors J. Brown, J. Fullarton.

In Attendance:- Chief Planning Officer, Lead Planning Officer, Principal Roads Planning Officer, Solicitors (Ron Kirk and Graham Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Campbell, I. Gillespie, D. Moffat, S. Mountford, B. White.

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 9 January 2017.

**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 a dwellinghouse on Land East of Keleden, Ednam - 16/01425/PPP.
- (c) the Local Review Body had overturned the Appointed Officers decision to refuse the following:-
  - (i) the erection of 2 No dwellings for holiday let, and associated infrastructure works on land North West of 4 Rink Farm Cottages, Galashiels - 16/00844/FUL;
  - (ii) variation of Condition 3 of planning permission 06/00243/OUT and Condition 5 of planning permission 13/00897/PPP pertaining to access road Plots 1 & 2, site at the Putting Green, Auchencrow, Eyemouth.

(d) there remained one Section 36 PLI outstanding in respect of Whitelaw Brae Wind Farm), land South East of Glenbreck House, Tweedsmuir.

4. **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. **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 and agreed that a further report be presented to Committee as soon as possible.

*The meeting concluded at 12.40 p.m.*

**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: Approved subject to a legal agreement addressing contribution towards Education and Affordable Housing and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials, including colour finish to be used in the construction of the external walls of the buildings have been submitted to and approved in writing by the 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.
3. No development shall commence until a Construction Method Statement (CMS) has been submitted to and agreed in writing with the Planning Authority to outline specific details of all on site tree protection measures. The CMS shall include but not be limited to the following points;  
(a) The location of protective fencing which shall be erected around the Root Protection Areas (RPAs) of all trees which are identified for retention on Drawing No; P348-SR-001 in accordance with BS5837:2012 and remain erected for the duration of the development.  
(b) Details to agree how access roads will be constructed which fall within RPAs.  
(c) Details to minimise the impact of construction works and practices upon the RPAs of all retained trees.  
Reason: To ensure adequate precaution are taken to protect the retained trees during building operations as their loss would have an adverse effect on the visual amenity of the area.
4. 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.
5. 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:
  - 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.

6. No development shall commence until Engineering Drawings of the new road junction incorporating pedestrian crossing points on both the new footway and the existing footway opposite have been submitted to and agreed in writing with the Planning Authority and thereafter be completed before occupation of the first dwellinghouse. The submitted drawings shall comply with the access specifications required by the Roads Planning Officer within their consultation response of the 15th Dec 2016 and listed within Informative Note 2. All work carried out within the public road boundary must be completed by an approved Council Contractor.  
Reason: To achieve safe vehicular and pedestrian access to the site.
7. A vehicle turning area and two parking spaces, not including any garage space shall be provided within each plot prior to the occupation of each dwellinghouse hereby approved and shall be retained in perpetuity.  
Reason: To provide and maintain adequate off road parking.
8. No development shall commence until the applicant has provided the Planning Authority with written confirmation from Scottish Water that Scottish Water do not have any objection to the location and siting of the development illustrated on Drawing No; P348-SR-001.  
Reason: To avoid the development causing any adverse impacts upon local infrastructure.
9. No development shall commence until the means of surface water drainage which should make provision to route water away from dwellinghouses and avoid water flowing on to the public road has been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.  
Reason: To ensure that the site is adequately serviced and avoid causing surface water problems at any neighbouring properties.
10. No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.  
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
11. The area of ground to the north of the application site, immediately in front of Wellnage House and formerly identified as plots 1 & 2, shall be retained as maintained open space and kept free from development. A scheme for the on-going maintenance of the land shall be submitted to and approved by the Planning Authority prior to the commencement of the development and implemented thereafter in accordance with the agreed scheme.  
Reason: In the interests of the visual amenity of the area and to protect the setting of the category B listed building Wellnage house.

### Informatives

1. With reference to Condition 2, the render colour should be darker than off white which is indicated on the drawings and staining the timber a colour possibly grey will assist with integrating the development into its surroundings.
2. With reference to Condition 6, the following requirements of the RPO should be incorporated within the detailed access design and illustrated on the submitted drawing;
  - The first 6m of the proposed access onto Station Road to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
  - The first 6m of the proposed access onto Station Road to have a gradient no steeper than 1 in 15.

- The visibility splays on the submitted plan to be provided prior to occupation of the first dwelling and retained thereafter in perpetuity.
  - No part of the proposed private access to exceed 1 in 8 in gradient (1 in 15 for parking and turning areas).
3. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;
- 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.

**VOTE**

*Councillor Ballantyne, seconded by Councillor Mountford moved that the application be approved.*

*Councillor Moffat, seconded by Councillor Campbell, moved as an amendment that the application be refused as it was contrary to policies EP7, EP13, G4, BE1, BE3 and BE6.*

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

*Motion                -            5 votes*  
*Amendment       -            2 votes*

*The motion was accordingly carried.*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/01239/FUL	Erection of Dwellinghouse	Garden ground of The Stables, Bonnington Road, Peebles

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

**VOTE**

*Councillor Mountford, seconded by Councillor Gillespie moved that a site visit be arranged prior to a decision being taken on the application. This was unanimously agreed by all Members of the Committee present.*

*The motion was accordingly carried.*

**NOTE**

Councillor Bell, Tweeddale East, although not as an objector, raised concerns regarding the process.  
 Mr Marcus Russell and Mr Alan McCrone neighbours to the proposed site spoke against the application  
 Mr Russell Brock, applicant spoke in support of the application.

**Reference**

16/01442/MOD75

**Nature of Development**

Modification of planning obligation  
pursuant to planning permission  
16/01442/MOD75

**Location**

Glentress Lodge,  
Eshiels  
Peebles

Decision: APPROVED modification to the Section 75 Agreement and that the relevant Clause be removed from the Agreement.