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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 March, 2017 at 10.00 am

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

Apologies:- Councillor J. Campbell.

In Attendance:- Chief Planning Officer, Lead 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 6 February 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. **DECLARATIONS OF INTEREST**

Councillor Smith declared an interest in application 14/00530/S36 and left the Chamber. In the absence of Councillor Smith, Councillor Brown chaired the meeting for this application only.

#### **MEMBER**

Councillor Mountford left the meeting during consideration of the following item.

### 4. **PLANNING REVIEW**

There had been circulated copies of a consultation document on the future of the Scottish Planning System. The Chief Planning Officer explained that the proposal identified four key areas of change – making plans for the future; People make the system work; Building more homes and delivering infrastructure and stronger leadership and smarter resourcing. The consultation report also included 20 proposals for improving the planning system set out within these four key areas, together with a series of technical questions for each of these proposals. The Chief Planning Officer reported that many of the Council's suggestions had been included and while there was support for the majority of the options, further clarity and guidance was required. There needed to be full funding of planning services and engagement with working groups and research. Everyone was being encouraged to read the document and advise him directly of any concerns. All Elected Members would be invited to attend a discussion on the proposed response prior to submission to Council on 30 March 2017 and final submission on 4 April 2017.

#### **DECISION**

**NOTED that the draft response would be available in 1 -2 weeks and a discussion for all Elected Members arranged prior to submission to full Council on 30 March 2017.**

5. **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) **Appeals had been received in respect of:-**

(i) **the discharge of planning obligation pursuant to planning permission 00/00244/OUT at Broadmeadows Farm, Hutton;**

(ii) **Non compliance with condition no 2 of 13/01142/FUL; and**

(iii) **Erection of fence at 1 Borthwick View, Robertson, Hawick – 16/00105/UNDEV**

(b) **there remained one appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk.**

(c) **a review request had been received in respect of the Erection of cattle building with welfare accommodation in Field No 0328 Kirkburn, Cardrona.**

(d) **there remained one review outstanding in respect of Land East of Keleden, Ednam**

(e) **that Section 36 Public Local Inquiries had been received in respect of:-**

(i) **Variation of condition 2 to extend operational life of wind farm by additional 5 years at Fallago Rig 1, Longformacus**

(ii) **Erection of 12 additional turbines at Fallago Rig 2, Lonformacus.**

(f) **there remained one S36 Public Local Inquiry outstanding in respect of Whitelaw Brae Wind Farm), South East of Glenbreck House, Tweedsmuir.**

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**

1. **MINUTE**

The Committee considered the private section of the Minute of 6 February 2017.

**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.

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

The Committee received an update of the progress of the work from Alan Geuldner, Principal Officer – Enforcement.

*The meeting concluded at 1.25 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>
16/01239/FUL	Erection of Dwellinghouse	Garden ground of The Stables, Bonnington Road, Peebles

Decision: Approved, subject to the following conditions and to a Legal Agreement, relating to development contributions and access issues:

1. 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 site boundary, to be identified by tree survey and Root Protection Areas plotted.
  - iii. location and design, including materials, of walls, fences and gates
  - iv. soft and hard landscaping works including replacement planting
  - 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.

2. The trees on and adjoining this site, which are identified as per Condition 1 to be protected, shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, 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 to be retained thereafter in perpetuity.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

3. A scheme of junction improvement of the access track with Bonnington Road shall be submitted for the approval of the Planning Authority, detailing a resurfacing of the concrete surface within public road verge with 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. The scheme also to include enlargement of the access splays. Once approved, the scheme to be completed before occupation of the dwellinghouse.

Reason: In the interests of road safety.

4. 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, roofs, windows and doors 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the eastern elevation of the eastern section of the dwellinghouse unless an application for planning

permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent property.

6. No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority. Once approved, the drainage then to be completed in accordance with the approved design proposals before any other element of the development is commenced.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00530/S36	Erection of 15 Turbines 32 high to tip, access track, compound, permanent anemometer mast and 2 no borrow pits.	Land North, South East and West Birneyknowe Cottage, Hawick

Decision: That the Council indicates to the Scottish Government that it **objects** to the application for a 15 turbine wind farm on the Birneyknowe site. The reasons for the objections are as follows:

#### 16.2 Reason for Objection 1: Impact on Landscape Character:

The proposed development would be contrary to policies PMD2, EP5, and ED9 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would unacceptably harm the Borders landscape:

- There is no capacity for very large turbine development within these Landscape Character Areas and the applicant has failed to demonstrate how the proposed wind farm can be accommodated within the site without unacceptable adverse impacts on the landscape.
- By virtue of the location, scale and extent of the wind farm, the proposal would be out of scale with the receiving landscape and would contrast significantly with other landscape features, appearing as a dominant feature in the landscape.
- The proposal would intrude on views into and out of the Teviot Valleys Special Landscape Area.
- The proposal would diminish the significance of Rubers Law as an important landscape feature, due to the scale of the turbines and their proximity, competing with this sensitive skyline feature and adversely affecting its setting.
- The proposal would adversely affect the landscape setting of Hawick on approach from the north, dominating views and adversely affecting Hawick's landscape character.
- The proposal would be highly visible from the iconic panoramic viewpoint at the national border at Carter Bar.

#### 16.3 Reason for Objection 2: Adverse Visual, Amenity and Cultural Heritage Impacts

The proposed development would be contrary to policies PMD2, ED9, EP8 and HD3 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would give rise to unacceptable visual, amenity and cultural heritage impacts:

- Limited containment within the 5km range and consequent significant visual impacts from sensitive receptors, including public roads, rights of way, hill summits, Common Riding routes and dwellinghouses.
- Significant cumulative impacts on sensitive receptors and on landscape character, with an overlapping of schemes and with turbines becoming a dominant feature in the area.
- Significant impacts to the historic landscape and settings of designated and non-designated sites and monuments and it has not been demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset or its setting.

#### 16.4 Advisory Note:

Should the application be considered for approval, conditions would be required covering a number of different issues, including noise limits, roads matters, ecology, archaeology, micro-siting and environmental management

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01430/FUL	Erection of poultry building and associated works	Hutton Hall Barns, Hutton

Decision: Approved subject to the following conditions and informatives:

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, in unless agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details

2 No development shall commence until a Badger Survey and Badger Protection Plan, to include measures as set out in Informative 1 of this consent, shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter, the works shall be carried out in accordance with the approved scheme.

Reason: In the interests of preserving biodiversity

3 No clearance/disturbance of habitats, which could be used by breeding birds, such as arable field, field margins and boundary features, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.

Reason: In the interests of preserving biodiversity

4 No development shall commence until the full details of the finalised drainage scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water runoff

5 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.

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

6 All planting, seeding or turfing comprised in the approved details of Drawing 010 REVF 10/02/2017 shall be carried out in the first planting and seeding seasons following the operation 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.

7 None of the poultry buildings hereby consented shall be occupied (or otherwise become operational) until a plan for the management and control of potential nuisances (including noise, odour, air quality, flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to, the operation (individually and/or cumulatively) of all the poultry buildings hereby approved, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development

Reason: To ensure protection of environmental and residential amenity

8 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To safeguard the amenities the surrounding residential properties.

9 No lorry deliveries or upliftings shall take place between the hours of 10.00pm and 7.00am on any day.

Reason: To safeguard the amenities the surrounding residential properties.

### Informatives

1 Mitigation is required to minimise disturbance to badgers. In line with the requirements of Condition No 4, the Badger Survey should extend to 400mm diameter from the centre of the proposed new development. The mitigation plan for badger agreed under 15/01173/FUL shall be updated and submitted for prior approval following the supplementary survey.

2 In line with the requirements of Condition No 4, the design of this SUDS scheme should include measures to protect badger (including appropriate fencing).

3 There is a low potential for encountering buried archaeology during excavations. Should buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity be discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

4. Taking into account the other poultry shed at the site, the operation on site will exceed the Pollution Prevention and Control (PPC) threshold of 40,000. As such, this operation will require to be controlled by SEPA under the PPC Regulations.

5. Details of SEPA regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. For further advice for a specific regulatory matter, contact a member of the operations team in the local SEPA office at Burnbrae, Mossilee Road, Galashiels TD11 1NF (tel: 01896 754797).

SEPA advises that it is at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application an/or neighbour notification or advertising.

### NOTE

Mrs Angela MacLean, Applicant spoke in favour of the application.

### VOTE

*Councillor Brown, seconded by Councillor Mountford moved that the application be approved as per the officer's recommendation.*



*Councillor Fullarton, seconded by Councillor Gillespie moved as an amendment that the application be approved with an additional condition to provide a minimum of 26 weeks covered manure storage.*

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

*Motion - 6 votes  
Amendment - 2 votes*

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
03/00344/OUT	1. Discharge of planning obligation pursuant to planning 03/00344/OUT	Stonelea Stables Ashkirk
04/00718/REM	2. Removal of Condition No3 from planning Permission 04/00718/REM (Occupancy restriction)	Selkirk

Decision - 16/01452/MOD75

Approved the modification to the Section 75 Agreement in respect of planning application 16/01452/MOD75, and that the relevant Clause be removed from the Agreement.

Decision - 16/01455/FUL

Approved in respect of planning application 16/01455/FUL

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