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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY 25TH JUNE 2018

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 25TH JUNE, 2018 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

18 June 2018

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 10) Minute of Meeting of 4 June 2018 to be approved and signed by the Chairman. (Copy attached.)
5.	Application. (Pages 11 - 20) Consider the application for planning permission in respect of the Erection of 7 No, boarding kennels with attached runs at West Greenfield, 6 Greenburn, Reston, Eyemouth – 18/00173/FUL. (Copy attached.)
6.	Appeals and Reviews. (Pages 21 - 26) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

Please direct any enquiries to Fiona Henderson 01835 826502
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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, 4 June 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, S. Hamilton, H. Laing, C. Ramage and E. Small.
Also Present:- Councillor S. Mountford.
Absent:- Councillor J A Fullarton.
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 30 April 2018.

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 applications as detailed in Appendix I to this Minute.

3. **APPEALS AND REVIEWS**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED:-

- (a) that Scottish Ministers upheld the appeal in respect of the Wind Farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast on Land North of Howpark Farmhouse, Grantshouse – 16/00980/FUL;
- (b) that Scottish Ministers dismissed the appeal in respect of Residential development with associated supporting infrastructure and public open space on land East of Knapdale, 54 Edinburgh Road, Peebles – 17/00015/PPP
- (c) there remained six appeals outstanding in respect of:-
 - Poultry Farm, Marchmont Road, Greenlaw
 - Land South West of Easter Haprew Farmhouse, Peebles
 - Hutton Hall Barns, Hutton
 - Land North West of Gilston Farm, Heriot

- Land South West of Lurgiescleuch (Pines Burn), Hawick
 - Site at Industrial Buildings and Yard, Elders Drive, Newtown St Boswells
- (d) Review request had been received in respect of:-
- (i) Change of use of agricultural buildings and alterations to form 12 No dwellinghouses at Agricultural Buildings, South East of Merlewood, Hutton castle Barns, Hutton - 16/01371/FUL;
 - (ii) Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts at Southbabnk and Paddock South East of Sunnbybank, Bowden, Melrose – 17/01362/FUL
 - (iii) Erection of dwellinghouse on Land South West of 1 Hill Terrace, Stow – 17/01685/PPP;
 - (iv) Erection of dwellinghouse on Land North West of Doonbye, Smith’s Road, Darnick – 18/00287/FUL
- (e) the decision of the Appointed Officer had been upheld in respect of:-
- (i) Erection of dwellinghouse on land North West of The Gables, Gattonside – 17/01617/PPP;
 - (ii) Extension to dwellinghouse at 34 Edinburgh Road, Peebles – 17/01731/FUL
- (f) the decision of the Appointed Officer had been Overturned in respect of the Erection of a dwellinghouse on Land South of the Bungalow, Blacklee Brae, Bonchester Bridge – 17/01731/FUL
- (g) Section 36 Public Local Inquiries Outstanding in respect of :-
- Fallago Rig I, Longformacus
 - Fallago Rig 2, Longformacus
 - Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

The meeting concluded at 11.25 a.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00923/PPP	Erection of two dwellinghouses	Land West of Peelgait Selkirk

Decision: Approved subject to a legal agreement and the following conditions and informatives:

Conditions

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access, 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 should commence until the applicant has provided evidence that arrangements are in place to ensure that any private drainage system that may be affected by the development hereby approved, will be maintained in a serviceable condition
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 4 Two car parking spaces, not including any garage, and turning within the curtilage of each dwelling shall be included in any subsequent detailed application.
Reason: Interests of road safety on the access road serving the site.
- 5 A scheme of details covering construction specifications, drainage details, earthworks and embankment works including any retaining structures required in the design and construction of the private access road shall accompany the first application for approval of matters specified in conditions. These details must be approved in writing by the planning authority prior to the commencement of development on site. Thereafter the development shall be completed in accordance with the approved details prior to occupation of the first dwellinghouse.
Reason: To ensure that the site is adequately serviced.
- 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:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. location and design, including materials, of walls, fences and gates
 - iii. soft and hard landscaping works
 - iv. existing and proposed services such as cables, pipelines, sub-stations
 - v. full details of an enhanced planting belt for the boundary treatment and landscaping finishes formed at the boundary of the site with the Haining Designed Landscape.
 - vi. a programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development with its surroundings.

- 7 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI. Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 8 No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, around the identified area of archaeological interest and no works shall take place within this fenced area without the prior written consent of the Planning Authority.
Reason: To safeguard a site of archaeological interest.
- 9 No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 10 No water supply, other than the public mains shall be used to supply the Development hereby approved, without the written agreement of the Planning Authority.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 11 No development shall commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall thereafter be implemented in full and in accordance with its recommendations.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that existing private water supplies serving neighbouring properties are not compromised.
12. A scheme of details for the proposed on-street parking spaces, shown on approved drawing number P449-001 REV G, shall accompany the first application of approval of matters specified in conditions. These details must be approved in writing by the planning authority before development commences on site. No development shall take place until the approved parking spaces are constructed in accordance with the approved details. The parking spaces shall be retained in perpetuity thereafter.
Reason: In the interests of road safety and to ensure that on street parking spaces are made available as an integral part of the public road.
13. The development hereby approved shall be connected to the public drainage system where the opportunity exists unless otherwise agreed in writing by the planning authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water, and to ensure existing private water supplies in the vicinity of the application site are not compromised.

Applicant Informatives

1. In relation to Condition 3 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
2. In relation to Condition 6 above, the Archaeology Officer suggests consideration to be given in the final design to removing or limiting the creation of a shelter belt along the northwest edge of the site. This should seek to further minimise impacts to the setting of St Mungo's Well. Consideration should also be given in the final design to the retention of a 10 metre buffer between tree planting and the site of St Mungo's Well.
3. In relation to Condition 11 above:
 - a. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
 - b. The location of the source(s) of the supply - i.e. the appropriate eight
 - c. figure Ordnance Survey National Grid Reference(s).
 - d. The name and address of every relevant person in relation to the supply. NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
 - e. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate. NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
 - f. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
 - g. Where there are existing users of the proposed supply, the addresses of all such properties.
 - h. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable. NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
 - i. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
 - j. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled / monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required.

As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

- k. For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. A reserve storage capacity of three days' supply should be provided. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations in order for it to be classed as wholesome.
4. If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided.
5. In relation to Condition 11 above: the applicant/developer should be aware that Roads Construction Consent will be required for the proposed on-street parking area.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00396/PPP	Erection of dwellinghouse	Garden Ground of The Gables Smith's Road Darnick

Decision: Approved subject to a legal agreement addressing contribution towards education and the Borders Railway and the following conditions 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. 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.
3. A Design Statement to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site setting out the design rationale for the development and demonstrating an appropriate form, scale and design of development and external materials taking reference from the character of the site and its context.
Reason: To ensure a high standard of design, given the character of the site and its context.
4. The existing boundary wall to be lowered to a height no greater than 750mm for a distance of at least 2m either side of the access. A detailed drawing showing alterations to the boundary wall to provide the required visibility to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. This to include details of gates piers, gates and coping stones. The wall then to be altered in accordance with the approved drawing before the dwellinghouse is occupied.
Reason: To ensure adequate visibility at the vehicular access to the site in the interests of road safety and to protect the character of the Conservation Area.

5. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the site for the existing dwellinghouse (the Gables) and the proposed dwellinghouse (a minimum of four in total) prior to the occupation of the proposed dwellinghouse and thereafter the parking must be retained in perpetuity.
Reason: To ensure that adequate parking is provided within each plot, in the interests of road safety.

6. No development shall commence within the site until a Construction Method and Traffic Management Statement has been submitted to and approved in writing by the Planning Authority. This to include:
 - i) The location of the construction compound and areas for the storage of materials, plant and equipment;
 - ii) The location of staff parking (personnel vehicles to avoid peak times 8-10am and 4-5.30pm);
 - iii) Evidence that the site can be accessed by delivery vehicles (all vehicles to leave in a forward gear);
 - (iv) The timing of deliveries (restricted to between 10am and 3pm to avoid peak times).The construction of the dwellinghouse then to be carried out in accordance with the approved Construction Method and Traffic Management Statement for the duration of the works.
Reason: To limit potential impacts on road and pedestrian safety.

7. Full details of the means of water supply and the surface water and foul water drainage to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority, the development then to be implemented in accordance with the approved details and the water supply and drainage installed as approved before the proposed dwellinghouse is occupied.
Reason: To ensure that the site is adequately serviced.

Informatives

Conservation Area Consent is required for the demolition of the garage.

In respect of condition 3, a high quality of design and materials are required. It is suggested that the dwellinghouse is designed to reflect and respect the traditional architecture within the vicinity of the application site. The proposed dwellinghouse should be designed and sited so that it backs onto the parking spaces or the house is attached to/built up against the boundary wall so that it screens views into the site through the widened vehicular access.

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

25 JUNE 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/00173/FUL
OFFICER:	Paul Duncan
WARD:	East Berwickshire
PROPOSAL:	Erection of 7 No boarding kennels with attached runs
SITE:	West Greenfields, 6 Greenburn, Reston, Eyemouth
APPLICANT:	Ms Irene Dougal
AGENT:	IRD Design

SITE DESCRIPTION

The proposed site is located within the curtilage of West Greenfields, a detached 2-storey C listed farmhouse of traditional character sitting roughly 450m north-east of the village of Auchencrow and roughly 3.5km west of Reston. West Greenfields sits at the end of a 280m private track which rises north from the B6438 road. Land rises further to the north of the property and a burn runs south towards the public road to the east of the proposed site. A small pond is located within the curtilage of the property to the south. The property is surrounded by open farmland and grassland and the landform is gently undulating.

This application follows an earlier approval (16/01145/FUL) at this site for four boarding kennels of pre-fabricated construction and a more substantial 'dog hotel' building. The four kennels have been erected on the site and are operational but the dog hotel has not been built. As well as the main house and four existing kennels, a tack store, polytunnel, and a single storey office building also sit within the curtilage of the property.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a further seven boarding kennels of the same simple utilitarian design and pre-fabricated construction (coloured white). Each kennel would have a footprint of 1.5m by 1.5m to a height of 2m, each adjoined by a 2m by 1.5m dog run area which would be enclosed by galvanised steel bars. A storage unit would sit between kennel numbers 6 and 7. The 7th kennel, on the far side of the storage unit, would serve as an isolation kennel. In total, the row of kennels and storage unit would extend to roughly 13m in width, with a depth of 3.5m. The row of kennels would sit to the east of the 4no existing kennels.

PLANNING HISTORY

Relevant planning history on the site can be summarised as follows:

- 11/00149/PPP – Erection of dwellinghouse – A proposed housing plot to the south end of the curtilage of the property was refused planning permission in principle in March 2011.
- 16/01145/FUL - Erection of dog hotel, kennels and associated works – Approved in November 2016. The four approved kennels have been operational since November 2017. As noted above, the dog hotel has not been built but the consent has been

implemented meaning it could be built in the future. It is understood that the applicant intends to build the dog hotel next year.

REPRESENTATION SUMMARY

Seven objections have been submitted in response to this application from seven separate households. Copies of this correspondence can be viewed in full on *Public Access*. In summary, the objectors raise the following issues:

- Adverse impact on amenity arising from noise nuisance
- Poor design/ landscape and visual impact
- Conditions on the original consent have not been satisfied
- The dog hotel was never built
- Inadequate drainage
- Lack of soundproofing
- Lack of detail on use
- Restrictions should be imposed
- Residents only found out about the original application after it had been approved

APPLICANT'S SUPPORTING INFORMATION

A Design Statement was submitted with the application. This states that the objective for the application and development is to provide additional kennel facilities for dogs from which the applicants can continue to run and expand their business. The facilities will provide additional accommodation to help meet demand and provide the additional income towards future construction of the dog hotel.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

IS7 Parking Provision and Standards

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

EP7 Listed Buildings

HD3 Protection of Residential Amenity

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objection. The access to the site was significantly improved as part of the original application for kennels at this location.

Environmental Health Service: No objection. Environmental Health has not received any complaints in relation to dog barking emanating from the existing development. Environmental Health visited the existing kennels prior to providing final comments on this application. At the time of the visit all the kennels had dogs in them. The dogs did not bark when Environmental Health drove up to the house or when upon exiting their car. The dogs did bark when the kennels were passed. Whilst on site dog barking could be heard from a nearby farm. Environmental Health discussed the various issues with the owners, who will

review the noise mitigation plan to include mitigation measures that they were currently carrying out but were not documented.

Economic Development: No objection. Economic Development have no comment to make on this application other than to support it on the basis that it supports expansion of the business.

Statutory Consultees

SEPA: No objection. SEPA have provided advice which can be relayed to the applicant by means of an informative.

Reston and Auchencrow Community Council: No objection, but the community council has serious concerns about this application, primarily due to potential noise impacts. Auchencrow sits to the south-east of the existing and proposed kennels. With a predominately westerly wind the noise of dogs barking can be heard within Auchencrow, with the nearest dwelling being at a distance of less than 450m. The Community Council notes that the dog hotel has not been built and feels this would have reduced noise levels. Conditions relating to 16/01145/FUL have not been satisfied. It should be a condition of this application that the 'BS 8233 for internal noise levels and WHO noise standards' are considered to mitigate any further noise pollution. The Community Council would encourage screening to be introduced as a condition of any consent to alleviate and reduce noise coming from the additional 7 kennels. The previous approval stated that the kennels would be of 'moorland green', which the erected kennels are not. A further condition required the siting of a 'Cesspool' 5700ltr capacity for removal of site waste. Presently there is no evidence of this. This should be a condition of planning consent. The Noise Mitigation Plan states "once the boarding kennels are made operational, the applicants would endeavour to keep barking to a minimum through proper management, including both mental and physical stimulation for the dogs". Presently it is felt this plan is not being adhered to as informed by the residents of Auchencrow. We would encourage the applicant to look further into this negative impact that is currently present. We would also advise that screening be introduced and be a condition of any consent to alleviate and reduce any noise coming from the proposed additional 7 kennels. Screening would reduce visual impact of existing and proposed kennels to the southerly side closest to Auchencrow village.

KEY PLANNING ISSUES:

The key determining factor is whether the proposed development would comply with development plan policies and guidance, with particular regard to policies relating to business development in the countryside; residential amenity; landscape and visual impacts; the setting of Listed Buildings; and road safety, and whether, if not, any material considerations outweigh any potential conflict with development plan policies and guidance.

ASSESSMENT OF APPLICATION:

Principle

The principle of siting kennels at West Greenfields has already been established by the earlier consent for a dog hotel and four kennels. That application was also assessed under the current Local Development Plan (LDP). The most relevant policy in considering the principle of this application is LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside). This policy aims to allow for appropriate employment generating development in the countryside whilst protecting the environment. The proposed development is considered to satisfy criterion (c) of policy ED7, in that the development would be used for a business generating use, and there is an operational need to for the

countryside location. In this case a countryside location is required in order to minimise the number of potential receptors that could be affected by potential noise nuisance impacts associated with developments such as this. Given the application would support an existing business the economic development component to the policy would also be met.

The remaining criteria are considered below.

Residential amenity

Given the significant distances to neighbouring properties the sole residential amenity impact liable to occur would be noise nuisance. Concerns around noise nuisance were the primary reason for objections to this application and it should be noted that a significant proportion of local residents have objected to this application. The nearest residential properties are located at Auchencrow, at a distance of over 400m south-east of the proposed kennels. A row of traditional farm cottages is also located to the south-west of the proposed kennels at a distance of over 500m. Further residential properties are located at Sunnyside Farm, to the east of the proposed site, at a distance of over 600m. The nearest residential dwellings (other than the applicant's own home) are therefore a significant distance from the proposed development. It is understood that the applicant chose this property for this reason.

It is worth summarising the background to the existing development, which has been referred to in objections. The original approval from 2016 was for the erection of a main kennel building (aka 'dog hotel') and a row of four pre-fabricated kennels. The dog hotel has not been built, but the four kennels are operational. It has been suggested that the dog hotel proposal was a way of circumventing the planning process in some way, but the existing approval was not contingent on the delivery of the dog hotel and the potential benefits of the dog hotel (greater soundproofing/ superior facilities) formed no part of the reason for approving that application. The earlier consent has now been implemented via the erection of the four kennels. It is within the applicant's gift to decide when and/ or whether to progress the dog hotel component. It is understood that the applicant intends to do so next year, but this application has been assessed on its own merits with no assumptions made about the delivery of the dog hotel. Equally, the Planning Authority needs to be satisfied that if all approved components are built, their cumulative impact does not result in unacceptable adverse impacts on matters such as residential amenity, landscape and visual impact, vehicular access, servicing etc.

Environmental Health has visited the site to inspect existing operations. At the time of their visit all kennels were occupied. Environmental Health notes that no complaints have been received in relation to dog barking emanating from the existing development despite operations beginning last November. Whilst objections to this application have indicated noise nuisance is occurring this has not resulted in any previous complaints to Environmental Health. The applicant has submitted a Noise Mitigation Plan (NMP), similar to that provided for the earlier application. This includes simple mental and physical stimulation measures for the boarding dogs. It has been suggested that the NMP for the existing kennels may not been implemented fully, but no complaints to that effect have been received previously. This could be investigated separately should objectors wish to report this to the Enforcement Service. Members should be aware that Environmental Health has no concerns with the proposed NMP. It is understood that the applicants wish to update the proposed NMP to include additional mitigation measures they are already carrying out but which have not been included with the NMP. A condition can be added to require formal submission and agreement of a suitable updated plan prior to the commencement of development.

Ultimately, having visited the site and assessed the proposals, Environmental Health has no objections to this application. Amenity impacts such as noise nuisance require specialist

assessment. Having taken cognisance of the Environmental Health comments it is contended that no unacceptable adverse noise impacts can be expected, and there are no material planning grounds to refuse this application on the basis of LDP policy HD3 (Protection of Residential Amenity). It should be noted that separate powers are available to Environmental Health should a statutory nuisance occur.

Landscaping and visual impact

The potential adverse visual impact of siting seven further kennels on the site was also raised by objectors, although this was generally of secondary importance to noise nuisance concerns. Local Development Plan PMD2 (Quality Standards) requires all new development to integrate with its landscape surroundings. There are no landscape designations applicable within this part of Berwickshire, so other landscape policies do not apply. The main public receptors would be from the B6438 road and the public road through Auchencrow, although at such distances the kennels should barely be visible from the latter. The main existing impact on the wider landscape is the polytunnel, which is much larger in scale than the proposed development and is prominent from significant distances.

The Landscape Section has not been consulted on these modest proposals but did provide comments on the earlier 2016 application. The Landscape Officer did not object to those proposals and noted that the dog hotel and kennels would be located more than 250m from the public road. In the context of existing buildings, the Landscape Officer did not consider that the proposed development would have a negative impact on the wider landscape.

This application for seven further kennels is less significant in scale to the previous application, which included the substantial dog hotel proposal. The visibility and prominence of the kennels in the wider landscape can be judged in part by assessing the impact of the four existing kennels. (It should be noted that the four existing kennels are as approved. Whilst the dog hotel was to be finished in bath stone concrete blockwork with green cladding to the roof, the prefab kennels were to have a white finish as per the kennels being proposed now.) Whilst visible from the public road, the structures are not unduly prominent. The large polytunnel remains the most dominant visual intrusion. Nevertheless, the addition of further white coloured kennels in the landscape would have a cumulative impact. The applicant has offered to plant screening to mitigate the impact of both the existing and proposed kennels. This is welcomed and would certainly help integrate the proposed development into the wider landscape setting. This can be controlled by a suitably worded planning condition. Subject to compliance with such a condition, no significant adverse landscape impacts will arise.

Built Heritage and Design

Local Development Plan policy EP7 (Listed Buildings) aims to protect Listed Buildings from development that would spoil their historic or architectural interest. The proposed development would be located within the curtilage of the category C listed dwelling, West Greenfields (previously known as Coldlands Farmhouse), and would be visible alongside the property from the public road to the south and Auchencrow (the key public receptors of the Listed Building). The Built Heritage Officer was informally consulted on the previous application and did not consider there would be an unacceptable adverse impact on the setting of the Listed Building, given the scale and position of the development to the side of the property. The development being considered now is smaller in scale than the previous application and will be located further from the Listed Building. Cumulative effects of development must also be considered however, and it is felt that added to the polytunnel, outbuildings, approved dog hotel and existing dog kennels, the setting of the Listed Building would become somewhat cluttered in visual terms, when viewed from key receptors. The stark white appearance of the structures does not help. This can however be mitigated by

the proposed planting scheme, which the applicant has offered to use to help screen both the proposed and existing dog kennels. Subject to the implementation of an agreed planting scheme, it is contended that no unacceptable adverse impacts on the setting of the Listed Building will arise from the proposed development.

Access and Parking

The proposals have been assessed by the Roads Planning Service who has no objections. It is noted that the access into the site was previously improved as a requirement of the earlier planning approval. The Design Statement notes that the applicants will normally collect and drop off the dogs from customers, which would reduce the number of vehicle trips associated with the development.

Services

Foul waste for the existing four kennels is currently removed from West Greenfields to an approved site in Dunbar. Dog waste is currently collected in dog bags and stored in plastic bins, prior to removal off-site. When this application was lodged the proposal was for this arrangement to continue until a Klargestor tank was installed on the site at the same time the dog hotel is built. Correspondence from the previous application indicates that both SEPA and Building Standards expected a sealed collection tank to be used for storage of waste before its removal off-site. As noted above, such arrangements are not in place. The implementation of the existing agreed arrangements can be explored separately with the applicant. For the purposes of this application, the recommended fully suspensive planning condition would ensure that satisfactory arrangements for foul waste and wash down water are in place before the development begins. SEPA have been consulted on this application and have no objections to the proposals but have offered guidance which can be relayed to the applicant by means of informatives.

Surface water would drain to a soakaway on the applicant's land to the south of the kennels. This is considered to be suitable solution.

Other matters

Whilst not directly relevant to this application, objectors have raised a concern that they were not aware of the original application (16/01145/FUL) until that application was approved. This is not disputed, but it should be noted that both applications were advertised in the Berwickshire News. The Community Council has also been consulted on both applications. Given the distances to neighbouring properties no neighbours have been notified directly for either of the two applications. Neighbour notification procedures are set out by central government and have been followed correctly for both applications.

Environmental Health has requested an informative to ensure the applicant is aware of their responsibilities in terms of licencing and the Animal Boarding Establishments Act 1963. This is appropriate. Wording has been added to the proposed informative to confirm that it shall be the applicant's responsibility to address any licence changes required as a result of implementing the proposed development.

CONCLUSION

The proposed development of this site for the erection of seven boarding kennels with attached runs will accord with the Local Development Plan 2016 as regards the principle of development, and other matters such as neighbouring amenity impacts; landscape and visual impacts; the setting of the listed building; and access and parking, subject to conditions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informatives

Conditions

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.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. 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, and in the interests of protecting the setting of the Listed Building.
3. No development shall commence until an amended noise mitigation plan is submitted to, and agreed in writing by the Planning Authority. Thereafter the development shall be completed and operated wholly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.
Reason: In order to protect neighbouring amenity
4. No development shall commence until a waste management plan is first submitted to, and approved in writing by the Planning Authority. The agreed means of storing foul waste, spent medicines and wash water on the site shall be installed before the development hereby approved is operational. Thereafter the storage and management of wastes including foul waste, spent medicines and wash water shall be carried out wholly in accordance with the approved details.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water/waste.

Informatives

1. SEPA advise that all dog waste; spent medicines and wash down water (particularly if it contains disinfectants) must be collected and disposed of offsite. Wash water must not be discharged to the water environment even through an effluent treatment system. With regard to the use of SUDS on site, developers are directed to the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.
2. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA 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:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF. Tel: 01896 754797

- Under the Animal Boarding Establishments Act 1963, anyone wishing to board animals commercially must obtain a licence from their local council. The Act requires councils to ensure the business observes certain conditions regarding the suitability of the accommodation provided and the welfare of the animals boarded. It is the expectation of Scottish Borders Council that new dog boarding establishments will comply with the standards set within the CIEH publication Model Licence Conditions and Guidance for Dog Boarding Establishments. A free copy may be downloaded from http://www.cieh.org/policy/dog_guidance.html?terms=dog+boarding

Hardcopies of the publication may be purchased from CIEH Tel. 020 7827 5821. The applicant is advised to ensure that the proposed kennels will comply with the above conditions. Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team. It shall be the responsibility of the applicant to ensure any changes to an existing licence are addressed in full to cover any required changes to licencing arrangements resulting from the implementation of the development hereby approved.

DRAWING NUMBERS

Location Plan

Proposal Drawing Ref: 18/283 001

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

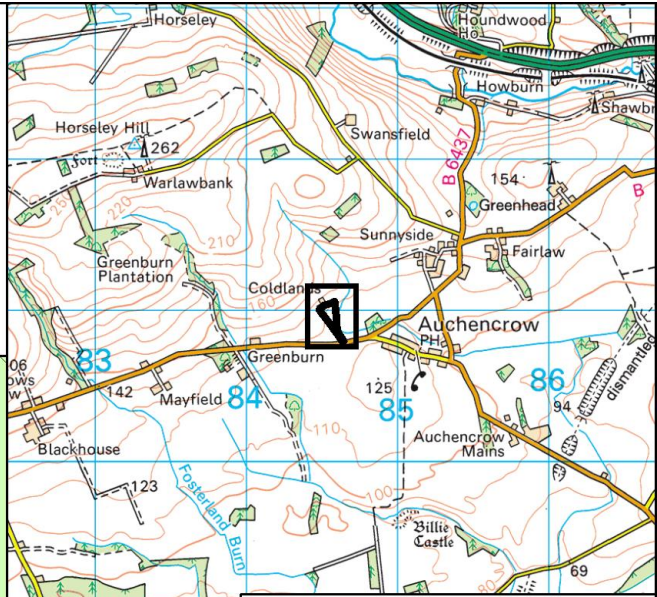
Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer

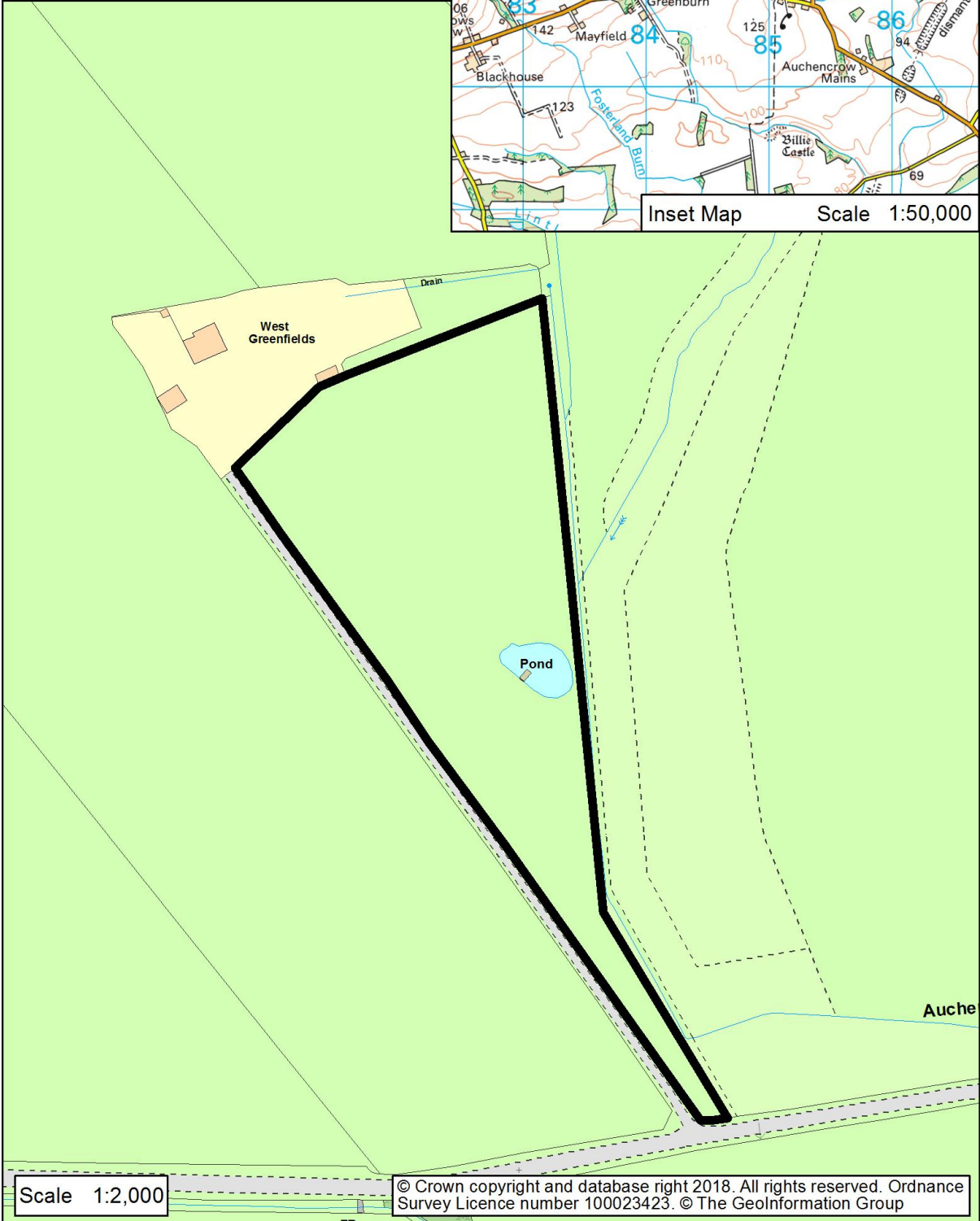


18/00173/FUL

West Greenfields 6 Greenburn
Reston
Eyemouth
Scottish Borders
TD14 5LP



Inset Map Scale 1:50,000



Scale 1:2,000

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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

25th June 2018

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

- 3.1.1 Reference: 16/01360/PPP
Proposal: Residential development comprising 38 dwelling units with associated access, landscaping and open space
Site: Poultry Farm, Marchmont Road, Greenlaw
Appellant: Amber Real Estates Investments Ltd

Reason for Refusal: The proposed development is contrary to Policy PMD4 (Development Outwith Development Boundaries) of the Scottish Borders Council Local Development Plan 2016 in that: (i) the application site lies outwith the Development Boundary at Greenlaw; (ii) the application site is not an existing allocated housing site; and (iii) there are no strong reasons substantiating any view that it should be made the subject of any exceptional approval. The identification and release of additional housing land to respond to any housing land shortfall in the Borders is specifically addressed in Policy HD4 (Meeting the Housing Land Requirement/Further Housing land Safeguarding) and therefore the release of unallocated land for housing development on the scale proposed would undermine the Council's planned approach to housing development

set out in its Local Development Plan and would result in an unjustified and piecemeal development at a Local Planning Authority level.

Grounds of Appeal: 1. The Council is not maintaining a five year effective housing land supply. The LDP Examination Report confirms that the LDP fails to adequately address the housing land requirement set out in SESplan. To address this, the Reporter recommended that the Council, within 12 months of adoption of the LDP, prepare and submit to Scottish Minister's Supplementary Guidance in order to identify additional sites to provide for a further 916 units. The LDP was adopted on 12 May 2016 and to date the Council has yet to adopt the supplementary guidance required. The consequence of this is that the development plan policies about the supply of housing land are out of date. This means that the following adopted LDP policies have significantly reduced weight in the determination of this Appeal: – Policy PMD4 (Development Outwith Development Boundaries) – Policy HD4 (Meeting the Housing Land Requirement / Further Housing Land Safeguarding). Accordingly, the provisions of the approved SDP should prevail in this determination especially the policy requirements set out in Policy 7 (Maintaining a Five Year Housing Land Supply). 2. There is a significant shortfall in the five year effective housing land supply of 5,091 homes in accord with the 2016 Housing Land Audit 2016. 3. Accordingly in terms of SPP, development plan policies about the supply of housing land are out of date. The presumption in favour of sustainable development is a significant material consideration that supports the approval of this Appeal. In determining this Appeal, significant weight can be given to approving effective previously developed housing sites which represent sustainable development. 4. There are no technical reasons why this Site can not come forward for development. The Appellant and the Council reached agreement on all technical matters relevant to the determination of the Application and now, this Appeal. 5. The site is effective in accord with Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits (August 2010). Approval of the Appeal can enable the proposal to contribute to maintaining the 5 year effective housing land supply, with construction of homes potentially commencing in 2018. 6. There are no adverse impacts arising from the Proposal which would lead to the conclusion that the Appeal should be dismissed. The shortfall in the five year effective housing land supply is significant and urgent action is needed, particularly in Greenlaw where existing, long-standing allocations have notably failed to deliver any housing completions in recent years. This is in accord with the requirements of the approved Strategic Development Plan and Scottish Planning Policy.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Trudi Craggs, concluded that subject to the completion of a planning obligation to cover the matters of affordable housing, the proposal accords with the development plan and there are no other material considerations which would lead the report to conclude otherwise. The reporter therefore grants planning permission in principle subject to 11 conditions and a Section 75 legal agreement, which must be completed by the end of the 12 week period.

3.1.2 Reference: 17/01342/PPP
Proposal: Demolition of existing building and erection of four dwellinghouses

Site: Site at Industrial Buildings and Yard, Elders Drive, Newtown St Boswells
Appellant: Craigmount Properties

Reason for Refusal: The proposals would be contrary to the aims and principles of Policy ED1 of the Scottish Borders Local Development Plan 2016 in that the development would result in the loss of industrial land and premises and there is sufficient housing land allocation existing elsewhere to enable housing development in the village without requiring the loss of commercial premises.

Grounds of Appeal: In 1990 the applicants purchased the property from the previous owner who had established Planning Consent for the Housing development Ref 371./88. The intention to develop the area with an appropriate density of housing. The access lane from the then A68 public road to the property was a "right of access" road. It transpired that the conditions of the Planning Consent required a more onerous construction to accommodate any more than 2 dwellings (policy at the time). Approach was made to neighbours to establish if land could be made available to widen the existing lane to a suitable standard: not possible due to "kings ransom" being asked for the land. The property continued as vacant land with existing storage shed and workshop being occupied by a light engineering tenant (not requiring the rest of the land). The applicants reviewed the position and decided to proceed with a new application. The Agent approached the Technical Services department of the Scottish Borders Council; held a site meeting with Mr Alan Scott. Mr Scott indicated that he could now consider 4 dwellings on the site. The Planning department were also supportive of the application. The existing Tenant is aware of the application.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Philip Barton, concluded that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusal. Therefore, the reporter allows the appeal and grants planning permission in principle subject to eighteen conditions and two advisory notes.

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 4 appeals previously reported on which decisions were still awaited when this report was prepared on 15th June 2018. This relates to sites at:

• Land South West of Easter Happrew Farmhouse, Peebles	• Hutton Hall Barns, Hutton
• Land North West of Gilston Farm, Heriot	• Land South West of Lurgiescleuch (Pines Burn), Hawick

5 REVIEW REQUESTS RECEIVED

6 REVIEWS DETERMINED

7 REVIEWS OUTSTANDING

7.1 There remained 4 reviews previously reported on which decisions were still awaited when this report was prepared on 15th June 2018. This relates to sites at:

<ul style="list-style-type: none">• Agricultural Buildings, South East of Merlewood, Hutton Castle Barns, Hutton	<ul style="list-style-type: none">• Southbank and Paddock South East of Southbank, Bowden, Melrose
<ul style="list-style-type: none">• Land South West of 1 Hill Terrace, Stow	<ul style="list-style-type: none">• Land North West of Doonbye, Smith's Road, Darnick

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 15th June 2018. This relates to sites at:

<ul style="list-style-type: none">• Fallago Rig 1, Longformacus	<ul style="list-style-type: none">• Fallago Rig 2, Longformacus
<ul style="list-style-type: none">• Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick	<ul style="list-style-type: none">•

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACEtransrequest@scotborders.gov.uk

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