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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, 1st October, 2018 at 10.00 am

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Present:- Councillors T. Miers (Chairman), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small.  
Apologies:- Councillor S. Aitchison.  
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 Meetings held on 3 September 2018.

#### **DECISION**

**APPROVED for signature by the Chairman.**

#### **DECLARATION OF INTEREST**

Councillor Fullarton declared an interest in Application 18/00147/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

### 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 that:-**

(a) **there remained four appeals outstanding in respect of:-**

- **Land South West of Easter Haprew Farmhouse, Peebles**
- **Hutton Hall Barns, Hutton**
- **Land North West of Gilston Farm, Heriot**
- **Land South West of 6 Lamberton Holding, Lamberton**

(b) **Review Requests had been received in respect of:-**

- (i) **Change of use from retail to tattoo studio (retrospective), at 52 Bank Street, Galashiels – 18/00398/FUL;**

- (ii) **Erection of dwellinghouse on Land North East of Ladywood Lower Greenhill, Selkirk – 18/00929/PPP;**
- (c) **there remained two reviews outstanding in respect of:-**
  - **Land West of Langton Bitches, Duns**
  - **37 Bank Street, Galashiels**
- (d) **there remained three Section 36 Public Local Inquiries Outstanding in respect of :-**
  - **Fallago Rig 1, Longformacus**
  - **Fallago Rig 2, Longformacus**
  - **Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick**

*The meeting concluded at. 11.20 a.m.*

**APPENDIX I****APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/00147/FUL	Erection of 57 No. dwellinghouses And associated infrastructure works	Land West of Borlorac Main Street East End Chirnside

Decision: Approved, subject to conclusion of the required legal agreement covering the implementation and maintenance of structural planting to the north of the site and developer contributions towards play space and subject to the undernoted conditions and informative.

**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.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and any accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
3. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof finishes for the approved dwellings, (precise details shall include additional external finishes over and above those specified in the Design & Access Statement dated June 2018) and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.  
Reason: To ensure the material finishes respect the character and appearance of the surrounding area.
4. 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. precise details of all soft landscaping works which includes the location of new trees, shrubs, hedges and grassed areas and the schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iii. precise details of all proposed means of enclosure
  - iv. location and design, including materials, of all retaining walls

- v. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

5. Core Path 87 which runs along the northern side of Main Street should remain open and accessible at all times unless proposals for any temporary closure which shall include a suitable diversion are submitted to and agreed in writing with the Planning Authority.

Reason: To protect access adjacent to the development site.

6. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (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 protect the residential amenity of nearby properties.

7. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties.

8. At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a Construction Method Statement (CMS) for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation
- Vehicle movement
- Protection and monitoring of private water supplies
- Noise mitigation/ equipment maintenance
- Dust - mitigation and management
- Lighting - prevention of nuisance
- Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

9. No development shall commence during the breeding bird season (March-August) unless in strict accordance with a Species Protection Plan (SPP) for breeding birds that shall be submitted to and approved by the Planning Authority. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.

10. No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.

11. No development shall commence until written confirmation has been provided by Scottish Water for the prior written approval of the planning authority, that the public mains water supply is available to serve the development hereby approved. Prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided for 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.
12. No development shall commence until written confirmation has been provided by Scottish Water for the prior written approval of the Planning Authority that the public drainage system has capacity to accommodate the development hereby approved or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwellinghouse is occupied. Thereafter and prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided for the approval of the Planning Authority that the development has been connected to the public drainage network.  
Reason: To ensure that the development does not have a detrimental effect on public health.
13. No development shall commence until precise details of the design of the SuDS scheme have been submitted to and approved in writing by the Planning Authority. The sustainable urban drainage system shall comply with CIRA C753 SuDS Manual and the SuDS basin shall be designed to allow for a 1 in 200 flood event with 33% climate change allowance so as not to increase flood risk elsewhere, unless otherwise agreed in writing. Thereafter, the development shall be carried out in strict accordance with the agreed details. Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.  
Reason: To ensure that the development does not have a detrimental effect on public health.

#### Informatives

1. Opportunities exist to enhance the habitat network and promote biodiversity through native tree and hedgerow planting and through careful design of SUDS features, in accordance with the advice outlined in the Ecological Walkover Survey (Tweed Ecology, October 2017). These species should be included within the planting details sought in response to Condition 3 section ii. and structural planting to be secured by the Section 75 legal agreement.
2. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at: [http://www.bats.org.uk/pages/bats\\_and\\_buildings.html](http://www.bats.org.uk/pages/bats_and_buildings.html)  
[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)[http://www.bats.org.uk/publications\\_download.php/1404/Bats\\_Trees.pdf](http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf)
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. If nesting birds are discovered after works commence, such works must stop and a competent ecologist must be contacted for advice.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01044/FUL	Sub-division of dwellinghouse and alterations to provide 2 dwellinghouses	Loaningdale Edderston Road, Peebles

Decision: Approved subject to the following conditions and informatives and the completion of a legal agreement for development contributions:

- 1 No development shall commence until the section of the existing private access road shown blue and yellow on approved Drawing Number 2018/23/109 is resurfaced.

Reason: To ensure a satisfactory form of development.

- 2 No development shall commence until a passing place has been provided on the section of road coloured blue and yellow on Drawing Number 2018/23/109 at a location to be agreed on site by the planning authority. Full details of the proposed passing place (including location and construction details) shall first be submitted to and approved in writing by the Planning Authority.

Reason: To accommodate for the anticipated increase in traffic using the private road.

- 3 Prior to the occupation of the dwellinghouse hereby approved, a vertically close boarded screen fence 1.8 metres high shall be erected along the boundary of the site marked green on approved plan 2018/23/102. Details of the fence shall first be submitted to and approved in writing by the planning authority. Thereafter, the approved boundary treatment shall be erected prior to the occupation of the house and shall be retained in perpetuity.

Reason: To ensure that the site is adequately screened from adjoining neighbouring properties.

Note: Derek Scott, Planning Consultant spoke on behalf of an objector and Kate Jenkins, Ferguson Planning spoke in support of the application.