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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, 5th November, 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small.

Apologies:- Councillor A. Anderson.

In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Principal Planning Officer, Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

Present:- Councillors T. Miers (Chairman), S. Aitchison, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small.

### 1. **MINUTE**

There had been circulated copies of the Minute of the Meetings held on 1 October 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 that:-**

**(a) Appeals had been received in respect of:-**

**(i) Certificate of Lawfulness for an Existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh - 18/00849/CLEU; and**

**(ii) Erection of Chalet in Field Land East of Keleden, Ednam – 17/00131/UNDEV**

**(b) Scottish Ministers had upheld an appeal in respect of the Erection of 2 No wind turbines 11.8m high to tip on Land South West of 6 Lamberton Holding, Lamberton**

**(c) there remained three appeals outstanding in respect of:-**

- **Land South West of Easter Happrew Farmhouse, Peebles**

- Hutton Hall Barns, Hutton
- Land North West of Gilston Farm, Heriot

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

- (i) Alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsiele, 61 West High Street, lauder – 18/00580/FUL;
- (ii) Change of use from Class 4 to include Class 11 (Leisure) and Class 3 (Café) at Factory Plexus facility, Tweedside Park, Tweedbank, Galashiels – 18/00764/FUL;
- (iii) Erection of dwellinghouse (renewal of planning permission 15/00036/PPP) on land North West of Chapel Cottage, Melrose - 18/00644/PPP;
- (iv) Change of Use of land (optional locations) top site 2 No Glamping units for holiday let on Land North West, East and South East of Flatt Farmhouse, Newcastleton – 218/00686/FUL;
- (v) Change of use of Steading, alterations and extension to form dwellinghouse(revision to planning permission 17/00915/FUL) at Steading Buildings Billerwell Farm, Hawick – 18/00745/FUL;
- (vi) Erection of dwellinghouses on Land North East of Stainie Brae, Lower Greenhill, Selkirk – 18/00832/PPP; and
- (vii) Replacement windows (revision to planning permission 18/00211/FUL) at 41 North Hermitage Street, Newcastleton

**(e) the decision of the Appointed Officer had been Overturned in respect of:-**

- (i) Erection of dwellinghouse with associated access road, parking area and combined entrance/layby on Land West of Langton Birches, Duns – 18/00270/PPP;
- (ii) Change of use from retail to tattoo studio (retrospective) at 52 Bank Street, Galashiels – 18/00398/FUL
- (iii) Change of Use of land (optional locations) top site 2 No Glamping units for holiday let on Land North West, East and South East of Flatt Farmhouse, Newcastleton – 218/00686/FUL;
- (iv) Change of use of Steading, alterations and extension to form dwellinghouse (revision to planning permission 17/00915/FUL) at Steading Buildings Billerwell Farm, Hawick – 18/00745/FUL;
- (v) Change of use from retail (Class 1) to mortgage shop (Class 2) and external re-decoration at 37 Bank Street, Galashiels

**(f) the decision of the Appointed Officer had been upheld in respect of replacement windows (revision to planning permission 18/00211/FUL)**

**(g) there remained one Review outstanding in respect of Land North East of Ladywood, Lower Greenhill, Selkirk**

**(h) 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

5. **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 6 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

5. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS WITH RESPECT OF A MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT, RELOCATION OF ALLOTMENTS AND FORMATION OF WORKSHOPS AND EMPLOYMENT USES – MARCH STREET MILLS, PEEBLES**

The Committee considered a report by the Chief Planning Officer. It was agreed that, in view of the fact that applications 17/00063/PPP and 17/00064/CON had been deferred to allow Members to visit the site, the report be deferred to a future meeting.

*The meeting concluded at 12.40 pm*

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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>
18/01090/FUL	Erection of Dwellinghouse	J Rutherford Workshop Rhymers Mill Road Earlston

Decision: Approved subject to (the approval of the Scottish Ministers,) a legal agreement addressing contribution towards education and the Borders Railway and the following conditions:

1. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter;

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences.

Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

2. 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 and roofs of the building 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 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 Local Planning Authority, and shall include (as appropriate):

- a) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- b) location of new trees, shrubs, hedges and grassed areas
- c) schedule of plants to comprise species, plant sizes and proposed numbers/density
- d) 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation 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.

5. Details of all proposed means of enclosure to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.

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

6. The proposed boundary wall to the front (north west boundary) and side (north east boundary) of the property must be not greater than 950mm in height (including any cope).

Reason: To ensure appropriate visibility is provided for the junction of Rhymers Avenue and the nose in parking spaces on Mill Road.

7. Two parking spaces shall be provided within the curtilage of the property prior to occupation of the dwellinghouse and retained thereafter in perpetuity.

Reason: To ensure the development is served by appropriate parking at all times.

8. The first two metres of the access shall be surfaced to the following specification prior to the occupation of the dwellinghouse: 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. Only contractors first approved by the Council may work within the public road boundary.

Reason: To protect the integrity of the public road boundary and to ensure an appropriate verge crossing is formed.

9. Any gates to be hung so as not to swing out over the public road boundary.  
Reason: To prevent obstruction of the public road or footpath.
10. The dwellinghouse hereby approved shall have a finished floor level of 102.64mAOD. Details of ground levels surrounding the dwellinghouse (designed to convey overland flow away from the development) and drainage measures (to intercept overland flow) shall first be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then be completed in accordance with the approved details.  
Reason: To safeguard the dwellinghouse from flooding.
11. No development shall commence until a Noise Impact Assessment has been submitted to and approved in writing by the Planning Authority. This to provide information on the existing noise environment and the likely impact of the workshop use on the proposed development. If the outcome of the assessment concludes there will be an adverse impact the report should identify methods of noise control and mitigation to reduce the impact to an acceptable level. The mitigation measures to be implemented before the dwellinghouse is occupied or during occupation, as appropriate.  
Reason: To safeguard residential amenities.
12. Details of the water supply and foul and surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be connected to the approved water and drainage systems before the dwellinghouse is occupied.  
Reason: To ensure the development is adequately serviced.

#### Informative

##### Flood Risk

1. It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development and that the applicant reviews the Online Planning Advice on Flood Risk. The applicant may also wish to consider Property Level Protection measures, details of which can be provided by SBC Emergency Planning Department.  
To receive flood warnings from SEPA for Earlston the applicant should sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

##### Noise Impact Assessment

2. The Noise Impact Assessment should use the assessment method described in BS4142:2014: Method for Rating and Assessing Industrial and Commercial Sound. The report should have regard for recommended guidance and methodologies laid out in Planning AN 1/2011, TAN and BS4142:2014. Any departure from those methodologies should be clearly explained, with the reasons clearly stated.

The report should include assessments of night time and day time noise. Time periods should be taken as:

Day – 07:00 to 23:00 hours  
Night – 23:00 to 07:00 hours

The noise report should contain the following:

- Details of the author and their qualifications;
- The noise equipment used and details of latest calibration;
- The proximity of any noise sources to the proposed dwelling, giving distances as necessary. This should be illustrated on a scaled plan;
- Details of the existing noise climate. The choice of location and duration for measurements should be explained in the report.

If the outcome of the assessment concludes there will be an adverse impact the report should identify methods of noise control and mitigation to reduce the impact to an acceptable level (including the calculations of the expected reduction in decibels). All appropriate methods of mitigation should be considered and an explanation of why each method has been chosen or dismissed should be provided, to demonstrate that all reasonable steps have been taken to manage noise.

#### Stoves and Use of Solid Fuel

3. The proposals include a chimney which suggests a flue serving a solid fuel appliance. Emissions from these types of appliances can impact on local air quality and have the potential to cause smoke and odour nuisance to neighbouring properties. Provide that it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)



**NOTE**

Mrs Irene Falconer, 1 Rhymers Avenue, Earlston spoke against the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00063/PPP	Erection of residential units, to form dwellinghouse from engine house form office/employment use from dwellinghouse, relocation of allotment space, erection of workshop units with associated access and infrastructure works	March Street Mills March Street Peebles
17/00064/CON	Demolition of mill buildings	

Decision: Continued to next available meeting to allow Members to visit the site.

**NOTE**

Councillor Heather Anderson, Les Turnbull, Convener of Peebles Community Council Planning Sub Group and Crick Carleton, Chairman of Peebles Civic Society spoke on behalf of the Local Community against the application. Mr Colin Smith and Andrew Menzies spoke on behalf of the Agent in support of the application.

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