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## SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 3rd February, 2020 at 10.00 am

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

Apology:- Councillor A. Anderson.

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Principal Planning Officer (C. Miller), Lead Roads Planning Officer, Solicitor (E. 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 13 January 2020.

**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) **the appeal in respect of the erection of wind farm comprising 7 No. wind turbines up to 132m high to tip, access tracks, hard standings, electrical control building and compound, borrow pits, ancillary infrastructure and associated groundworks on land West of Whitslaid (Barrel Law), Selkirk had been dismissed.**

(b) **there remained 2 appeals outstanding in respect of :-**

(i) **Land North West of Gilston Farm, Heriot;**

(ii) **Silver Grange, Old Greenlaw Farm, Greenlaw, Duns**

(c) **Review requests had been received in respect of:-**

(i) **Erection of dwellinghouse and garage on Land East of Auburn Cottage, Ashkirk – 19/00514/FUL; and**

- (ii) **Erection of dwellinghouse on Land South of Dodlands, Hawick - 19/01358/PPP**
- (d) **the decision of the Appointed Officer had been overturned (subject to Conditions, informatives and a Legal Agreement in respect of the Erection of dwellinghouse and agricultural building on Land North East of Hoprigshiel Farmhouse, Cockburnspath - 19/00590/FUL**
- (e) **the decision of the Appointed Officer had been upheld in respect of:-**
  - (i) **the erection dwellinghouse on Land North West of Poultry Farm, Stow Road, Lauder – 18/01766/PPP; and**
  - (ii) **Erection of dwellinghouse on Land South of Dodlands, Hawick – 19/01358/PPP**
- (f) **there remained three reviews previously reported on which decisions were still awaited when the report was prepared on 22 January 2020.**

• <b>Garden Ground of 7 Heriot House, Heriot</b>	• <b>Land South West of Carlenrig Farm, Teviothead, Hawick</b>
• <b>Land South East of Bungalow, Denholm, Mill, Denholm</b>	

- (g) **there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 22 January 2020. These related to**

• <b>Fallago Rig 1, Longformacus</b>	• <b>Fallago Rig 2, Longformacus</b>
• <b>Crystal Rig Wind Farm, Cranshaws, Duns</b>	•

#### 4.0 **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.

#### 5.0 **DRAFT SUPPLEMENTARY PLANNING GUIDANCE: TWEEDBANK – VISION FOR GROWTH SUSTAINABILITY**

The Chairman referred to the Draft Supplementary Planning Guidance: Tweedbank – Vision for Growth Sustainability report which had been considered by Scottish Borders Council at its meeting held on 30 January 2020. The Chairman advised that the Planning and Building Standards Committee would consider the results from the public consultation prior to the final decision by Council. In the meantime, the Committee would draw together their thoughts and the Chairman would draft a document for further discussion.

**DECISION NOTED.**

*The meeting concluded at 12.30 pm*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00606/PPP	Residential development with associated roads, access, infrastructure, open space and Peebles landscaping including land for drainage/flood mitigation purposes	Land East of 10 Kittlegairy Avenue Peebles

Decision: Refused as per the Officer recommendation plus additional reason for refusal as follows:-

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site is safeguarded as a potential long term mixed use site and there is insufficient justification to bring the site forward when there is currently a five year effective housing land supply in the Scottish Borders. The application fails to comply with the relevant qualifying exceptions in Policy PMD4 and is therefore considered to be premature.
2. The application is contrary to Policies PMD4 and HD4 of the Scottish Borders Local Development Plan 2016 in that the development lies outwith the defined settlement boundary for Peebles and there is insufficient justification to substantiate either an exception to PMD4 or subsequent compliance with HD4. This would lead to inappropriate and unjustified residential development on the edge of the settlement.
3. The application is contrary to Policies PMD2, PMD4 and IS4 of the Scottish Borders Local Development Plan 2016 in that Tweed Bridge and the mini roundabout leading to the Bridge from the High Street do not have the capacity to safely accommodate the anticipated traffic generated by the development, in addition to traffic envisaged from committed development. This would lead to unacceptable levels of vehicular traffic resulting in increased congestion and road safety risks.
4. The application is contrary to Policies PMD2, PMD4 and IS4 of the Scottish Borders Local Development Plan 2016 in that over reliance on a single road connection between the north and south sides of the River Tweed provides an inadequate level of connectivity to support substantial levels of development on the south side of the river over and above sites currently allocated in the Local Development Plan. Without a second river crossing in the town to take traffic away from the town centre, the additional development traffic would result in congestion and traffic flow issues in the town centre which would compromise road safety.

**NOTE**

Councillor Tatler spoke against the application

Mr Peter Maudsley, representing Peebles Community Council and Peebles Civic Society spoke against the application

Mr Colin Laverty, AWG Property Ltd and Taylor Wimpey spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00191/FUL	Erection of 8 No. wind turbines with maximum Tip height of 130m, formation of access tracks, Borrow pit, temporary construction compound, erection of control building, onsite substation and associated infrastructure and energy storage compound for up to 4MW	Land North of Carcant Lodge, Wull Muir Farm Heriot

Decision: Refused as per officer recommendation for the following reason:

The proposal is contrary to Scottish Borders Council Local Development Plan 2016 Policy ED9, the “Renewable Energy” Supplementary Guidance and the Landscape Capacity and Cumulative Impact Study, in that it would have unacceptable significant adverse impacts on the landscape and aviation that cannot be satisfactorily mitigated and are not outweighed by the wider socio-economic and renewable energy benefits that could otherwise be derived from the development. In particular:

- the scale, form and location of the development would represent a significant, detrimental change to the existing landscape character of the area, impacting adversely on the scale, appreciation and character of not only the Landscape Character Area containing the site, but also upland fringe and lowland Landscape Character Areas that lie close to, and interact with the site including a number of Special Landscape Areas
- the scale, form and location of the development is poorly contained within the wider landscape, especially from the north, resulting in significant adverse visual impacts from a variety of sensitive receptors in the area, including settlements, roads, paths and hill summits
- the development would result in unacceptable cumulative landscape and visual impacts, through greater prominence and perceived height and proximity when viewed with surrounding wind farm schemes, creating a windfarm landscape along the Lammermuir/Moorfoot Escarpment by extending such development westwards into an area currently with little development,
- the development would have unacceptable impacts on defence and aviation safety as it would potentially disrupt Air Traffic Control Radar operated from Deadwater Fell at RAF Spadeadam.

#### NOTE

Councillor Harry Scott spoke against the application

Mr John Williams spoke on behalf of Heriot Community Council spoke against the application

Julie Aitken, EnergieKontor spoke in support of the application and read a statement of support from a Member of the Heriot Community.