

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING
AND BUILDING STANDARDS COMMITTEE
held in the Council Headquarters, Newtown
St. Boswells on 27 June 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apologies:- Councillor J. Campbell.
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Solicitor (Graham Nelson), Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 30 May 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of reports by the Service Director Regulatory Services on an application for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application as detailed in Appendix I to this Minute.

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

(a) **Scottish Ministers had sustained an appeal in respect of the wind farm development comprising 9 No wind turbines and associated infrastructure/buildings/access (further revised scheme – tip heights of Turbines 1, 2 and 4 reduced to 110m – all others to remain at 125m) on Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick.**

(b) **there remained 2 appeals outstanding:-**

(i) **Land South East of Halmyre Mains farmhouse (Hag Law), Romanno Bridge;**

(ii) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles; and**

(c) **review requests had been received in respect of the following:-**

- (i) **Erection of dwellinghouse and upgrade access track at Redundant Water Treatment Works, North East of Broughton Place Cottage, Broughton – 15/00890/PPP;**
 - (ii) **Erection of three dwellinghouses on Land North of Bonjedward Garage, Jedburgh - 15/01521/PPP;**
 - (iii) **Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo in Field No 0328 Kirkburn, Cardrona - 16/00114/FUL;**
 - (iv) **Change of use from storage barn, alterations and extension to form dwellinghouse on Land and Storage Barn East of Flemington Farmhouse, West Flemington, Eyemouth - 16/00136/FUL.**
- (d) **the Local Review Body had upheld the Appointed Officers decision to refuse the erection of dwellinghouse Builders at Yard on Land South West of 76 St Andrew Street, Galashiels – 15/01557/FUL.**
- (e) **The Local Review Body had overturned the Appointed Officers decision in respect of the following:-**
- (i) **to refuse the change of use from Class 4 (Office) to Class 2 (Beauty Therapy Salon) at Block 2, Unit 6, Cherry Court, Cavalry Park, Peebles – 15/01498/FUL; and**
 - (ii) **removal of Condition 3 of planning permission 04/02011/FUL pertaining to occupancy of the dwellinghouse at Craigie Knowe, Blainslie Road, Earlston**
- (f) **there remained three reviews outstanding:-**
- (i) **Land South of Camphouse Farmhouse, Camptown, Jedburgh;**
 - (ii) **5 East High Street, Lauder ; and**
 - (iii) **Land South of Primary School, West End, Denholm.**

URGENT BUSINESS

4. 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.

PERFORMANCE MONITORING

5. The Chairman reported that the Planning Performance Framework 2015/16 report for submission to Scottish Ministers would not be ready until the end of July 2016. The Chairman highlighted that there had been significant improvements in terms of performance in a number of categories. As the next scheduled meeting was Monday, 1 August 2016, the Chairman requested that Members grant delegated authority to Officers to enable the preparation of the full version of the Planning Performance Framework 2015/16 to be completed and submitted to Scottish Ministers within the timescale.

DECISION

AGREED to grant delegated authority to Officers to enable the full version Planning Performance Framework 2015/16 to be completed and submitted to Scottish Ministers within the timescale.

6. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

1. **MINUTE**

The Committee considered the private section of the Minute of 30 May 2016.

URGENT BUSINESS

2. 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.

CAVALRY PARK, INDUSTRIAL UNITS, PEEBLES

3. With reference to paragraph 4 and Appendix III of the Local Review Body Meeting held on 6 June 2016, the Chairman led discussion on studies which had now been done into the Use Class pattern within Cavalry Park, Peebles.

The meeting concluded at 12.20 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|---|---|
| 16/00364/PPP | Residential development comprising five houses and associated access. | Redundant Station Yard and associated access, Dolphinton, West Linton |

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 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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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 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.

4. The number of houses forming part of the development hereby approved shall be limited to five.

Reason: To ensure a satisfactory form of development, and for the avoidance of doubt.

5. 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.

6. The development hereby permitted shall not be commenced before fully detailed design proposals for foul and surface water drainage, demonstrating that there will be no negative impact to public health, the environment or the quality of watercourses or ground water, have been submitted to and approved by the Planning Authority.

Reason: The Planning Authority is aware that drainage issues are likely to arise at this site, that have not been fully addressed in the outline/change of use planning application, which establishes only the land-use principle of the area of land identified in the submitted drawing(s).

Informatives

1. Landscaping
The landscaping scheme to be submitted at the detailed planning stage shall include details of the following:

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. a pedestrian link to the existing bus stop and pedestrian/cyclist link to the wider countryside
- viii. A programme for completion and subsequent maintenance.

2. Layout

- The maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, this may result in the need for the road to be constructed to an adoptable standard. However if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.
- Parking provision would be either 225% for curtilage parking or 175% for communal parking.
- Pedestrian provision to be incorporated into the design.

Reference

16/00413/FUL

Nature of Development

Installation of 15m monopole including antennas, ground-based cabinets and fence enclosure

Location

Land South of Deveron Cottage, The Loaning, Denholm.

NOTE

Mr Malcolm Robinson and Mrs Linda Hislop spoke against the application.

Decision: APPROVED, subject to the following conditions:-

1. Decision: The existing mature ash tree to the east of the site (Highlighted in green on approved drawing 201) is to be protected during construction of the mast by a temporary fence, the full details of which are to be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the protective fencing is to be erected prior to commencement of development, and to be retained for the duration of construction works on the site.
Reason: To protect the neighbouring mature ash tree, which makes a significant contribution to the site setting.
2. The adjoining public Right of Way (BR135) "Border Abbeys Way" is to remain free from obstruction during the construction of the development hereby approved.
Reason: To ensure public rights of access are not diminished during construction works on the site.
3. No development shall take place until a scheme indicating the colour(s) of the proposed pole and all associated equipment has been submitted to and approved in writing by the Planning Authority. The colour(s) shall be chosen to reflect the rural location of the site. Thereafter, no development shall take place except in strict accordance with the details so approved.
Reason: To minimise the visual impact of the proposed structure given its rural location, and to reduce its visibility from the adjoining settlement.

Applicant Informative

The developer should liaise with the Council's Access Team to ensure the Right of Way is protected during the construction period and no adverse damage is inflicted on the path as a result of construction vehicles accessing the site.