

**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 5 September 2016 at 11.00  
a.m.

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Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Campbell, J. Brown, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.

Apologies:- Councillor B. White.

In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Planning Policy and Access Manager, Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTES**

There had been circulated copies of the Minutes of the Meetings held on 27 June and 18 July 2016.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **DRAFT SUPPLEMENTARY GUIDANCE & DRAFT SIMPLIFIED PLANNING ZONE SCHEME – CENTRAL BORDERS BUSINESS PARK, TWEEDBANK**

There had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the Draft Supplementary Guidance (SG) and a Draft Simplified Planning Zone (SPZ) Scheme relating to the Central Borders Business Park at Tweedbank (Appendix A) to be used as a basis for public consultation. Mr Wanless, Planning Policy and Access Manager was present and explained that the purpose of the Supplementary Guidance was to provide a framework vision for the future development of the sites which were allocated within the Scottish Borders Local Development Plan 2016. The purpose of the Simplified Planning Zone was to enable development to take place without the need for planning consent, provided the development complied with development parameters and conditions. It would create an employment led redevelopment, providing choice and quick delivery for businesses considering locating in this part of Scotland. In response to Members questions Mr Wanless advised that Renfrewshire Council had taken forward a similar scheme and there had been liaison between the two Local Authorities. A number of Members expressed discomfort regarding the report being considered prior to a final decision on the location of the Tapestry building. Concern was also raised in respect of the existing businesses located in Tweedbank which did not meet the proposed use classes. However, assurances were given that existing Businesses would not be affected. It was also noted that full planning applications for other use classes could still be submitted. In view of the various concerns raised it was agreed that consideration of the report be continued until the decision of Council on the final location of the Tapestry building was known.

**DECISION**

**AGREED that the matter be continued to a future meeting of the Planning and Building Standards Committee.**

3. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee. It was noted that Planning Applications 16/00681/FUL, 16/00747/FUL and 16/00317/FUL had been withdrawn to allow Officers the opportunity to consider further flooding information received.

**DECISION**

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

4. **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) **Appeals had been received in respect of the following:-**
  - (i) **Erection of 19 holiday lodges with proposed access and land treatment on Land North West of Whitmuir Hall, Selkirk - 14/00848/PPP;**
  - (ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00125/LBC;**
- (b) **Enforcement action had been taken in respect of the provision of illuminated sign, 22 Bridge Street, Kelso – 15/00141/ADVERT;**
- (c) **the Scottish Ministers had dismissed the appeal in respect of the construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound on Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge – 14/00738/FUL**
- (d) **there remained one appeal outstanding in respect of Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles;**
- (e) **review requests had been received in respect of the following:-**
  - (i) **Replacement windows and door at 62 Castle Street, Duns – 16/00126/FUL;**
  - (ii) **Erection of dwellinghouse and garage on garden Ground of Lindisfarne, The Loan, Gattonside – 16/00162/PPP**
  - (iii) **Erection of timber processing building incorporating biomass plant room and staff welfare provision, Field No 0328 Kirkburn, Cardrona - 16/00205/FUL;**
  - (iv) **External re-decoration (retrospective) at Shop, 1 Leithen Road, Innerleithen – 16/00233/FUL;**

- (v) **Change of use of land to commercial storage and siting of 42 No storage containers (retrospective) on land East of Langlee Mains Farmhouse, Galashiels – 16/00397/FUL;**
  - (vi) **Erection of poultry building and erection of alter sacred well and stance for statue, Field No. 328, Kirkburn, Cardrona – 16/00494/FUL;**
  - (vii) **Extension to form animal flotation unit, Field No328 Kirkburn, Cardrona – 16/00495/FUL;**
  - (viii) **Erection of two dwellinghouses, Land South of Primary School, West End, Denholm – 15/01552/FUL**
- (f) **the Local Review Body had upheld the Appointed Officers decision to refuse the following:-**
- (i) **the erection of three dwellinghouses on Land North of Bonjedward Garage, Jedburgh – 15/01521/PPP;**
  - (ii) **Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo, Field No. 0328 Kirkburn, Cardrona – 16/00114/FUL;**
  - (iii) **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;**
  - (iv) **Erection of timber processing building incorporating biomass plant room and staff welfare provision – Field No. 328 Kirkburn, Cardrona – 16/00205/FUL**
  - (v) **External re-decoration ( retrospective) at Shop, 1 Leithen Road, Innerleithen - 16/00233/FUL;**
- (g) **the Local Review Body had overturned the Appointed Officers decision to refuse the following:-**
- (i) **Siting of caravan for permanent residence (retrospective) on Land South of Camphouse Farmhouse, Camptown, Jedburgh - ;**
  - (ii) **Erection of two dwellinghouses on Land South of Primary School, West End, Denholm – 15/01552/FUL;**
- (h) **there remained one review outstanding for 5 East High Street, Lauder.**
- (i) **the Section 36 Public Local Inquiry had been sustained in respect of the Wind Farm development comprising 18 wind turbines of up to 132m high to tip and**

associated access at Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston.

(j) there remained two Section 36 appeals outstanding in respect of:

- Land North of Nether Monymut Cottage (Aikengall (IIa)), Cockburnspath
- (Whitelaw Brae Wind farm), Land South East of Glenbreck House, Tweedsmuir.

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 8 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

1. **MINUTES**

The Committee considered the private sections of the Minutes of 27 June 2016 and 18 July 2016.

*The meeting concluded at 1.10 p.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00681/FUL	Change of Use from Class 4 to Class 10	Office, 6A Roxburgh Street, Galashiels

Decision : APPROVED, subject to the following conditions and informatives.

- 1 This consent permits the use of the building within the application site for education, religious and community activities, including office administration, undertaken by the Borders Islamic Society or other religious body, falling within Class 10 (b) and (g) of the Use Classes (Scotland) Order 1997. It does not permit any other activities from being undertaken as part of the approved use, and no subsequent change to any other use within Class 10, notwithstanding the Order or any future revision or other statutory Order, without a planning application having first been submitted to and approved by the Planning Authority. In the event that the approved Class 10 activities cease, the lawful use of the property may revert to a use falling within Class 4 of the Order.  
Reason: The proposed use has been assessed on the basis of the submitted specification generally describing the activities associated with it. Other uses would require individual assessment to ensure compliance with planning policies, particularly (but not exclusively) in the interests of ensuring implications for road safety are accounted for. Reversion to the current use (Class 4) does not require assessment by means of a further planning application.
- 2 The use shall not come into operation until a Noise Management Plan has been submitted to and approved by the Planning Authority. The use shall only operate in accordance with the approved plan  
Reason: To minimise risk of conflict between the proposed use and neighbouring uses

#### Informatives

- 1 Condition 2 requires a Noise Management Plan (NMP). This is required to identify, assess and propose mitigation (where necessary) for potentially noisy activities (such as amplified and non-amplified speech, singing and playing of musical instruments) associated with the proposed use that may disturb neighbouring amenity. It should also account (wherever practicable) for activities undertaken within the existing band hall to limit the potential for disturbance affecting either occupier. The reason is to minimise risk of conflict between this use and neighbouring uses. Where amplified sound is proposed, this must be supported by a technical noise assessment as part of the NMP.
- 2 This consent grants a conversion of the property to the approved use only. It does not include external alterations which will require Planning Permission in their own right where these would materially affect the external appearance of the building. In addition, signage may require Advertisement Consent unless of a size, specification and in a location which exempts it under the Control of Advertisement (Scotland) Regulations 1984
- 3 The property is potentially at risk of flooding. The applicant should consider water resilient and resistant materials and methods within the building, and sign up to SEPA's flood warning service 'Floodline'.
- 4 This property has no dedicated parking provision. Parking availability on surrounding streets can be very limited at certain times of the day. The applicant is advised to note

(and to make users of the facility aware of) public car parks in the surrounding area which include the High Street (over 100 spaces - pay and display); Ladhope Vale (34 spaces - pay and display) and Low Buckholmside (38 spaces - free).

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00083/FUL	Change of use on Land to form playing field and erection of boundary fence	Land North West of Village Hall, Westruther

Decision: APPROVED subject to the following conditions and informatives:

1. Other than fence-posts and goal-posts, no development shall take place on the site (or any part thereof) to any depth greater than 0.4m (40cm) below the level of the existing ground surface, unless otherwise agreed in writing by the Planning Authority. (Please see Informative Note 1 for further information with respect to the archaeological interest at the site and the operation of this same planning condition).  
Reason: Any ground works at the site below the level of the top soil, are at risk of damaging or destroying significant archaeological remains unless appropriate arrangements are first put in place for the investigation and recording of the site by professional archaeologists ahead of any such ground works occurring.
2. No development shall take place until precise details of the perimeter fence surrounding the playing surface (to include overall height, colour and use of materials) have been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with those details.  
Reason: To ensure a satisfactory form of development appropriate to its location, both in terms of visual appearance and impact on neighbouring amenity.
3. The development hereby approved shall not take place except in strict accordance with a scheme of landscaping works describing the planting and maintenance of the beech hedge which is described by the Approved Site Plan Drawing, which shall first have been submitted to, and approved in writing by, the Planning Authority before the commencement of development. The details of the scheme shall take full account of the advice and guidance of Informative Note 2, and shall include a planting schedule and programme for subsequent maintenance.  
Reason: To ensure that appropriate landscaping arrangements are in place to deliver a satisfactory form, layout and assimilation of the development in association with the operation of Planning Condition No 4 attached to this planning permission.
4. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting comprised in the approved details of the new beech hedge shall have been carried out by no later than the end of the first full planting season following the completion and/or first use of the playing field facility hereby approved (whichever occurs soonest). This same planting shall thereafter be maintained in accordance with the details approved under requirements of Planning Condition No 3, and any and all failures of individual plants shall be replaced by a new plant of the same species for a period of five years from the date of completion of the initial planting.  
Reason: To ensure that the proposed landscaped boundary treatment is carried out as approved, and is thereafter given sufficient opportunity to become established through maintenance, including if necessary, the replacement of any plants that fail during this same period.

## **Informatives**

### **INFORMATIVE NOTE 1:**

The Council's Archaeology Officer has advised that aerial photography suggests potential at the site for the survival of archaeological remains of prehistoric date, and highlights the potential for this buried archaeology to be damaged or destroyed by ground works carried out in relation to the creation of a playing field.

With respect to the operation of Planning Condition No 1 attached to this planning permission, and in response to any subsequent request by the Applicant or Operators to carry out excavations at the site to any depth greater than 40cm below the level of the existing ground surface, please note that the Planning Authority may request a full archaeological evaluation of the site in line with that sought by the Council's Archaeology Officer within his consultation response provided at the time of the public consultation on this planning application (16/00083/FUL). It would only be once appropriate provision had been made for the conservation (by record if necessary) of any significant archaeological remains present, that the Planning Authority would be agreeable to the carrying out of any ground works at the site to any depth greater than 40cm below the level of the existing ground surface.

### **INFORMATIVE NOTE 2:**

Please refer to "Landscape Guidance Note 3 – Hedge Detail" when preparing the information required by Planning Condition No 3. The details required by Planning Condition No 3 must provide sufficient information to be enforceable by including a Planting Plan which addresses the following:

- i.) Plan is to an identified true scale (e.g. 1:200);
  - ii.) Boundary of the application site is clearly marked;
  - iii.) Site orientation is indicated by a North point or OS grid lines;
  - iv.) All existing trees, shrubs and hedges to be retained are clearly marked;
  - v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice;
  - vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary;
  - vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*);
  - viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*);
  - ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.);
  - x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment; and
  - xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.).
- N.B. Planting conditions are only discharged following an inspection of the completed work.

### **INFORMATIVE NOTE 3:**

Core Path 74 (Right of Way BB118) runs to the east and south of the site.

Please note that it is a statutory requirement that this Core Path/Right of Way must be maintained open and free from obstruction at all times, including during the course of development. This is to protect general rights of responsible access.

**INFORMATIVE NOTE 4:**

The Council's Planning and Building Standards Committee expressed the view that the perimeter fence around the playing surface should be constructed of a material that should minimise the potential for noise being generated as a result of objects hitting against it, which was a particular concern of nearby residents. Accordingly, the applicant is advised that this should be considered in the choice of fencing material, required to be agreed under the terms of condition 2 above.