

**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 7 November 2016 at 10.00  
a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 3 October 2016.

**DECISION**

**APPROVED for signature by the Chairman.**

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

With reference to paragraph 2 of the Minute of 5 September 2016, 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 the report, to be used as a basis for a 12 week public consultation, following approval by Council. Mr Johnson, Principal Officer Plans and Research, Environment infrastructure 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 previous report had included reference to the proposed Tapestry Building, however, as a decision had not yet been made with regard to the preferred location and the site in Tweedbank lay outwith the zone, all references had been removed from the report. 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. Members discussed the proposal and although some Members expressed concern that there was insufficient evidence to prove this was the best way forward it was agreed that the report be presented to Council in December.

**DECISION**

**AGREED that:-**

- (a) **the Supplementary Guidance and Simplified Planning Zone Scheme be presented to Council for consideration at their meeting in December; and**

- (b) **subject to Council approval, that the Planning and Building Standards Committee receive a report back following the consultation for both the Draft Supplementary Guidance and Draft Simplified Planning Zone Scheme.**

#### **DECLARATION OF INTEREST**

Councillor Mountford declared an interest in Application 16/00141/S36 & 16/00145/S36 in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

#### **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the agenda and the Appendix to the Minute reflects the order in which the applications were considered at the meeting.

### **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.

#### **DECISION**

**DEALT with the application as detailed in the Appendix 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) **there remained four appeals outstanding in respect of:-**
- (i) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles**
  - (ii) **62 Castle Street, Duns**
  - (iii) **Land North West of Whitmuir Hall, Selkirk**
  - (iv) **22 Bridge Street, Kelso**
- (b) **a review request had been received in respect of removal of existing summer house and erection of garden room at Beechwood, Lawyer's Brae, Galashiels – 16/00953/FUL.**
- (c) **the Local Review Body had overturned the Appointed Officers decision to Refuse the following:-**
- (i) **Replacement windows at 5 East High Street, Lauder – 15/01484/FUL;**
  - (ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00126/FUL;**
  - (iii) **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;**
- (d) **the Local Review Body had upheld the Officers decision to refuse the following:-**

- (i) **Erection of poultry building and erection of alter, sacred well and stance for statue in Field No 0328, Kirkburn, Cardrona – 16/00494/FUL; and**
- (ii) **Extension to form animal flotation unit in Field 0328 Kirkburn, Cardrona – 16/00495/FUL**
- (e) **The Section 36 Public Local Inquiry in respect of the Construction of Wind Farm (Revised Scheme) comprising 19no. wind turbines, associated access tracks, crane hardstandings, 1 no. meteorological mast, substation, construction compound and 2 no. borrow pits on Land North of Nether Mynnut Cottage (Aikengall Ila), Cockburnspath – 14/00169/S36 was sustained.**
- (f) **there remained one Section 36 appeal outstanding in respect of (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.**

*The meeting concluded at 1.30 p.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00141S36 & 16/00145/S36	1. Erection of 12 additional turbines and associated Infrastructure (ref 16/00145/S36) 2. Variation of Condition 2 of the Fallago Rig Wind Farm to extend the operational life of the Wind Farm by a further 5 years (16/00141/S36)	Fallago Rig 2 Longformacus

Decision: Contrary to Officer recommendation the Planning and Building Standards Committee determined to advise Scottish Ministers that Scottish Borders Council objects to both applications for the following reasons:

#### 16/00145/S36

The proposed development would be contrary to Policy ED9 of the Scottish Borders Local Development Plan in that:

- (a) it would result in unacceptable cumulative visual impacts
- (b) it would be detrimental to the landscape character of the area, resulting in the proposed turbines extending out with the natural confines of the landscape bowl the existing windfarm sits within
- (c) the acceptability of noise impacts on residential receptors were not proven
- (d) the wider economic benefits of the development were not proven, and
- (e) there would be unacceptable adverse impacts on recreational receptors on the Southern Upland Way.

#### 16/00141/S36

It would be inappropriate to extend permission for the existing turbines at Fallago Rig windfarm on the basis of the decision to object to application 16/00145/S36 for the additional 12 turbines.

Note. There was a brief adjournment of the meeting to allow Members to seek officer advice with regard the terms of their objection.

*Councillor Ballantyne, seconded by Councillor Fullarton moved that the Council object to the application in the terms detailed above.*

*This proposal was accepted by all Members present with the exception of Councillor Gillespie who abstained from taking part in the decision making process in light of comments he had made during the discussion of the application.*

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00747/FUL	Alterations and extension to Care Home	Peebles Nursing Home, Tweed Green Peebles

Decision: Approved contrary to Officer recommendation, subject to the following conditions and informative:

1. The wall to be extended using matching materials and coping, samples of which should firstly be submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the character of the property and the amenity of the Conservation Area.

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 proposed extensions and alterations to the Peebles Nursing Home have been submitted to and approved in writing by the Local 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 the building and its setting within the Peebles Conservation Area.
  
3. Details of all proposed flood gates, including a flood gate to the new entrance to the northern boundary wall, to be agreed with the Planning Authority before their installation and thereafter they shall be installed in accordance with approved details and within an agreed timescale.  
Reason: The property is at risk of flooding and to safeguard the character of the property and the amenity of the Conservation Area.
  
4. No development shall commence on site, until engineering details are submitted to and approved by the Planning Authority for the proposed 3 parking spaces adjacent to Tweed Avenue. The required details shall include construction make-up, dimensions, levels, drainage and adjustments to the roadside wall in respect of junction visibility. The parking spaces shall be constructed to the agreed standard and available for use on site prior to the nursing home becoming operational.  
Reason: In the interests of road safety and to ensure that reasonable parking levels are provided for the nursing home.
  
5. No development shall commence until a scheme for the management of parking in the vicinity of the site, including the possible alterations/extension to the yellow lines on the opposite side of Tweed Avenue, has been submitted to and agreed by the Planning Authority, thereafter the scheme shall be implemented in accordance with approved details and within an agreed timescale. Any associated costs for such measures to be met by the developer.  
Reason: In the interests of road safety and to ensure that reasonable parking levels are provided for the nursing home.

Informative

1. The Council Flood Protection Officer advises the following:  
We would expect the wall to be constructed using flood resistant materials and appropriate construction techniques. We also recommend the applicant reviews the Online Planning Advice on Flood Risk. The applicant should ensure that the wall can withstand the pressure of the increased water height to mitigate against collapse during a flood event.

NOTE

Mr D Farmer, Agent for the Applicant spoke in support of the application.

**Reference**

16/00317/FUL

**Nature of Development**

Erection of boundary wall with timber fence over and gates

**Location**

Hawthorn Bower,  
Tweed Avenue

Decision: Approved subject to the following condition and Informative:

Condition

1. A sample of the walling material and the colour of the fence stain to be agreed with the Planning Authority before the development commences.  
Reason: To safeguard the character of the property and the amenity of the Conservation Area.

2. Details of all proposed flood gates, including a flood gate to the new entrance to the northern boundary wall, to be agreed with the Planning Authority before their installation and thereafter they shall be installed in accordance with approved details and within an agreed timescale.

Reason: The property is at risk of flooding and to safeguard the character of the property and the amenity of the Conservation Area.

#### Informative

1. The Council Flood Protection Officer advises the following:

We would expect the wall to be constructed using flood resistant materials and appropriate construction techniques. We also recommend the applicant reviews the Online Planning Advice on Flood Risk. The applicant should ensure that the wall can withstand the pressure of the increased water height to mitigate against collapse during a flood event.

#### NOTE

Dr A Fleming, Owner spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00343/FUL	Increase in height of front (west) boundary wall, formation of opening in north boundary wall and installation of gates.	Priorsford Tweed Green Peebles

Decision: Approved subject to the following conditions and an Informative:

#### Conditions

1. The wall to be extended using matching materials and coping, samples of which should firstly be submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the character of the property and the amenity of the Conservation Area.
2. Details of all proposed flood gates, including a flood gate to the new entrance to the northern boundary wall, to be agreed with the Planning Authority before their installation and thereafter they shall be installed in accordance with approved details and within an agreed timescale.  
Reason: The property is at risk of flooding and to safeguard the character of the property and the amenity of the Conservation Area.

#### Informative

1. The Council Flood Protection Officer advises the following:

We would expect the wall to be constructed using flood resistant materials and appropriate construction techniques. We also recommend the applicant reviews the Online Planning Advice on Flood Risk. The applicant should ensure that the wall can withstand the pressure of the increased water height to mitigate against collapse during a flood event.

#### NOTE

Mr Packer, Owner spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00792/FUL	1. Removal of condition 1 (occupancy restriction)	'Noanswood'

16/00793/FUL	from planning consent 02/00456/OUT	and surrounding
16/00796/MOD75	2. Removal of condition 1 (occupancy restriction) 02/01656/REM	land at Orchard Farm by Hawick
	3. Discharge of planning obligation pertaining to planning permission 02/00456/OUT	

Decision on 16/000792/FUL – Approved as per recommendation.

Decision on 16/00793/FUL - Approved as per recommendation.

Decision on 16/00796/MOD75 - Approved as per recommendation, subject to the necessary legal adjustment of the existing section 50 and 75 agreements before issue.

### **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the agenda and this appendix reflects the order in which the applications were considered at the meeting.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/00614/FUL	Erection of agricultural building and formation of soil bund (retrospective)	Todshawhaugh Farm, Roberton

Decision: Approved but requires to be notified to Scottish Ministers due to the formal objection of SEPA :

1. The bund to be sown with grass seeds and planted with willows, as appropriate, during the first planting and seeding seasons following the granting of planning permission, in accordance with a scheme that has first been submitted to and approved in writing by the Planning Authority. The planting to be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting and seeding.  
Reason: To enhance the visual amenities of the area.

### **NOTE**

Mrs Hobday, Owner spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
16/00816/FUL	Alterations to landscaping, access, fencing and garage location (amendments to previous consents 09/01098/PPP, 11/00983/AMC and 15/00531/FUL	Land South West of Carnethy Medwyn Road West Linton

Decision: Approved subject to the following conditions:

1. Before any further development takes place on the site, details of the proposed low level lighting will be submitted to and approved by the planning authority and thereafter they shall be installed in accordance with approved details and before the occupation of the first house on the site.  
Reason: To ensure that the lighting is appropriate to the site and its surroundings.
2. Before the gabion baskets are install along the access, details of the proposed method for securing the gabions to the ground shall be submitted to and approved by the planning authority and thereafter they shall be installed in accordance with approved details and before the occupation of the first house on the site.

Reason: To ensure a satisfactory form of development and that the stability of the structure is appropriately addressed.

3. Before the fence along the access and the boundary with Carnethy is erected, details of the design and materials of the fence shall be submitted to and approved by the planning authority thereafter the fence shall be installed in accordance with approved details and before the occupation of the first house on the site.

Reason: To ensure a satisfactory form of development appropriate to its surroundings.