

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 March 2017 at 10.00 a.m.

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

1.0 MINUTE

- 1.1 There had been circulated copies of the Minute of the Meeting held on 6 March 2017. February 2017.

DECISION

APPROVED for signature by the Chairman.

2.0 APPLICATIONS

- 2.1 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.

3.0 SUPPLEMENTARY PLANNING GUIDANCE: LANGTON EDGE, DUNS – PLANNING BRIEF

- 3.1 There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of Supplementary Planning Guidance in the form of a Planning Brief for Langton Edge, Duns. The report explained that the Langton Edge site at Hardens Road in Duns was allocated in the adopted Local Development Plan 2016 for housing (BD200). The site was allocated under policy PMD3 - Land Use Allocations. The Council had prepared the brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offers, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief would provide guidance to any developer or any other interested party and would be a material consideration when determining planning applications. The planning brief was set out in Appendix A to the report.
- 3.2 The report brought forward the revised planning brief following the public consultation and a summary of the consultation responses were set out in Appendix B along with the Council's responses and recommended amendments to the brief, where considered appropriate. One key point to note was that a Section 50 Legal Agreement was put in place on the land as part of the granting of planning consent for housing associated with an extension to the Duns Golf Club in 1994. Part of the lengthy delay in referring the brief back to the Planning and Building Standards Committee was due to implications the Legal Agreement had on the implementation of the development. This was explained further in part 4 of the report, although fundamentally the Legal Agreement would require to be amended to allow development of the land. The amendment to the Legal Agreement would be subject to a separate formal application to the Council. The Chairman thanked Mr Johnston and his team for all their hard work.

DECISION

AGREED to approve the planning brief as **Supplementary Planning Guidance** to be used as a material consideration to any proposal for the development of the site.

4.0 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) enforcement Appeals had been received in respect of:-

- (i) Erection of fence at 12 Merse View, Paxton – 16/00126/UNDEV; and
- (ii) Erection of Boundary fence and summerhouse in front garden of 1 Borthwick View, Robertson, Hawick – 16/00146/UNDEV

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

• Land North West of Whitmuir Hall, Selkirk	• Broadmeadows Farm, Hutton
• Office, 80 High Street, Innerleithen	• 1 Borthwick View, Robertson, Hawick (Murphy-McHugh)

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

- (i) Erection of agricultural storage building with welfare accommodation in Field No 0328 Kirkburn, Cardrona – 16/01464/FUL;
- (ii) Erection of straw storage building in Field No. 0328 Kirkburn, Cardrona – 16/01506/FUL;
- (iii) Erection of machinery storage building in Field No. 0328 Kirkburn, Cardrona – 16/01507/FUL;
- (iv) Erection of machinery storage building in Field No. 0328 Kirkburn, Cardrona – 16/01513/FUL and
- (v) Erection of dwellinghouse on land East of Highland Brae, Lilliesleaf – 16/01536/PPP

(d) there remained two reviews outstanding in respect of:-

- Land East of Keleden, Ednam
- Field No 0328 Kirkburn, Cardrona

(e) that there remained three S36 Public Local Inquiry outstanding in respect of the following:-

- Whitelaw Brae Wind Farm), South East of Glenbreck House, Tweedsmuir.
- Variation of condition 2 to extend operational life of wind farm by additional 5 years at Fallago Rig 1, Longformacus

- **Erection of 12 additional turbines at Fallago Rig 2, Lonformacus.**

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

6. **MINUTE**

The Committee considered the private section of the Minute of 6 March 2017.

7. **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.

8. **DEFECTIVE ROOF COVERING, RAINWATER GOODS AND DRY ROT AT 2 HIGH STREET AND 12 MARKET PLACE, JEDBURGH**

The Committee received an update by the Principal Officer – Enforcement.

9. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS, ROSETTA, PEEBLES**

The Committee considered and approved a report by the Service Director Regulatory Services.

The meeting concluded at 1.25 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00980/FUL	Wind Farm development comprising of 8 no turbines 100m height to tip and Associated works, infrastructure, compounds, buildings and meteorological mast	Land North of Howpark Farmhouse, Grantshouse

Decision: Continued to the next available meeting of the Planning and Building Standards Committee to receive detailed noise assessment information..

NOTE

Councillor Cook and Neil Simpson, Cockburnspath & Cove Community Council spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01360/PPP	Residential development comprising 38 dwelling units with associated access, landscaping and open space	Poultry Farm, Marchmont Road Greenlaw

Decision: Refused for the following reason:

The proposed development is contrary to Policy PMD4 (Development Outwith Development Boundaries) of the Scottish Borders Council Local Development Plan 2016 in that:

- (i) the application site lies outwith the Development Boundary at Greenlaw;
- (ii) the application site is not an existing allocated housing site; and
- (iii) there are no strong reasons substantiating any view that it should be made the subject of any exceptional approval.

The identification and release of additional housing land to respond to any housing land shortfall in the Borders is specifically addressed in Policy HD4 (Meeting the Housing Land Requirement/Further Housing land Safeguarding) and therefore the release of unallocated land for housing development on the scale proposed would undermine the Council's planned approach to housing development set out in its Local Development Plan and would result in an unjustified and piecemeal development at a Local Planning Authority level.

NOTE

Mr Colin Smith, Turley on behalf of Applicant and Mr Gerry McCann, Chairman Greenlaw Community Council spoke in favour of the application.

VOTE

Councillor Brown, seconded by Councillor Fullarton moved that the application be refused as per the Officer's recommendation.

Councillor Moffat, seconded by Councillor Ballantyne moved as an amendment that the application be approved, subject to it only be for residential development with there being no specific number of units specified.

On a show of hands Members voted as follows:-

Motion - 6 votes

Amendment - 3 votes

The Motion was accordingly carried.

Reference

17/00236/MOD75

Nature of DevelopmentDischarge of planning obligation
pursuant to planning permission
T199-88**Location**Land South West and
South East of Bowbank
Cottages, Bellfield Road
Eddleston

Decision: Continued to the next available meeting of the Planning and Building Standards Committee to allow the legal aspects of the Section 50 Agreement to be fully investigated.

NOTE

Mr Richard Spray, No1. Bowbank Cottages, Bellfield Road, Eddleston spoke against the application.