

# **SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 OSA on Monday, 5 February 2018 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.  
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Development Management and Enforcement), Senior Roads Planning Officer (Alan Scott), Solicitor (Emma 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 8 January 2018.

**DECISION**

**APPROVED for signature by the Chairman.**

**DECLARATION OF INTEREST**

Councillor Fullarton declared an interest in Application 17/00993/FUL and 17/00994/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

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. **PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT**

The Depute Chief Planning Officer made a presentation on the 2016/17 Planning Performance against Key markers, which he likened to a report card. The assessment had been undertaken in December 2017 and covered the 15 key markers. It was highlighted that there were no red markers with 4 amber and 11 green. In terms of decision making timescales, it was explained that residential applications had improved and householder applications were currently 6-8 weeks, which was slower than the previous year but faster than the Scottish average. Re-introduction of the pre-application service would improve the key marker for this service. In terms of marker 14 it was explained that a number of legacy records were overdue but there was no legal provision to remove these. There had been some criticism in terms of information supplied for developer contributions compared to other years but it was hoped to that this would be eliminated in the next 12 months. The general direction was very good and illustrated an improvement year on year performance since 2012/13. The Chairman congratulated the entire team on their performance and their professionalism.

**DECISION**

**NOTED.**

4. **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) An Appeal had been received in respect of the Construction of wind farm comprising 7 No turbines up to 149.9m high to tip, 5 No turbines up to 130m high to tip and associated infrastructure on land South West of Lurgiescleuch (Pines Burn), Hawick – 17/00010/FUL; and**
- (b) Enforcement Notices had been issued in respect of :-**
  - (i) Painting of exterior of building within conversation area and listed building at 13 St Ella's Place, Eyemouth - 17/00006/UNDEV;**
  - (ii) Erection of scaffolding structure and metal panel fence structure on land North West of Kirkburn Church, Peebles – 17/00089/UNUSE**
- (c) an Appeal Decision to dismiss had been received in respect of Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and landscaping works on Land North East of 3 The Old Creamery, Dolphinton – 17/00087/FUL**
- (d) there remained six appeals outstanding in respect of:-**
  - Land North of Howpark Farmhouse, Grantshouse
  - Poultry Farm, Marchmont Road, Greenlaw
  - Land South West of Easter Happrew Farmhouse, Peebles
  - Hutton Hall Barns, Hutton
  - Land East of Knapdale, 54 Edinburgh Road, Peebles
  - Land North West of Gilston Farm, Heriot
- (e) review requests had been received in respect of:-**
  - (i) variation of planning condition 9 of planning consent 10/00172/FUL relating to occupancy of building at the Pavilion, Coldingam, Eyemouth – 17/01007/FUL;**
  - (ii) Erection of replacement dwellinghouse on derelict Dwelling Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords – 17/01008/FUL;**
  - (iii) Erection of boundary fence and formation of parking area (retrospective) at 1 Eildon Terrace, Newtown St Boswells – 17/01230/FUL;**
  - (iv) Erection of dwellinghouse with attached garage on Land North West of Alderbank, Macbiehill, West Linton – 17/01406/FUL**
- (f) the Local Review had upheld the Appointed Officers decision in respect of variation of planning condition 9 of planning consent 10/0017/FUL relating to occupancy of building – 17/01007/FUL;**
- (g) there remained two reviews outstanding in respect of:-**
  - Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
  - Land South West of Kirkburn Parish Church, Cardona

*The meeting concluded at 12.30 p.m.*

## **APPENDIX I**

### **APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00993/FUL and 17/00994/FUL	17/00993/FUL - Erection of 41 dwellinghouses and associated works 17/00994/FUL - Erection of 34 dwellinghouses and associated works	Land North West of Springfield Avenue Duns

#### **17/0993/FUL**

Decision: Approved, subject to additional conditions covering boundary treatments, position of dwellings within plots and amendments to elevations and the informative as follows:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and development outwith the Development Boundary.
- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.  
Reason: To maintain effective control over the development.
- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.  
Reason: To maintain effective control over the development.
- 5 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:
  - Hours of operation
  - Vehicle movement
  - Protection and monitoring of private water supplies
  - Noise mitigation/ equipment maintenance
  - Dust - mitigation and management
  - Lighting - prevention of nuisance
  - Complaints procedure/ communication of noisy works to receptorsReason: To protect the amenity of nearby residential properties.
- 6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 7 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 8 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 9 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 10 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.  
Reason: In the interests of residential amenity within and adjoining the site.
- 11 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason: To protect the residential amenity of nearby properties.
- 12 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.  
Reason: To protect the residential amenity of nearby properties.
- 13 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.  
Reason: To ensure provision of suitable recreation space within the development.
- 14 All landscaping shown on drawing DU09\_LP-004 Rev E shall be completed within 12 months of the occupation of the first dwellinghouse hereby approved, unless a subsequent phasing scheme has been submitted to and agreed in writing with the planning authority.  
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 15 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.  
Reason: To ensure suitable maintenance of all landscaped areas.

- 16 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09\_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.  
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 17 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.  
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 18 No development shall commence until precise details of all proposed means of enclosure have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved details.  
Reason: To ensure a satisfactory form of development, and to enable the effective assimilation of the development into its wider surroundings.
- 19 No development shall commence until a scheme of amendments to the design and exterior finishes of the dwellinghouses hereby approved has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the planning authority.  
Reason: Further variation to the external appearance of the dwellings is required, to achieve a suitable placemaking and design standard.
- 20 No development shall commence until a scheme of amendments to the precise location of the dwellinghouses hereby approved have been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance approved scheme unless otherwise agreed in writing with the planning authority.  
Reason: Further variation in the positioning of the dwellings within individual plots is required, to achieve a suitable placemaking and design standard.

### **Informative**

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Note: Both applications subject to S75 agreement requiring provision of footpath link between the development site and Bridgend Place.

### **17/00994/FUL**

Decision: Approved, subject to additional condition covering boundary treatments and adjustment to conditions 19 and 20 to remove specific plot numbers and the informative as follows:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and development outwith the Development Boundary.

- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To maintain effective control over the development.

- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.

Reason: To maintain effective control over the development.

- 5 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation
- Vehicle movement
- Protection and monitoring of private water supplies
- Noise mitigation/ equipment maintenance
- Dust - mitigation and management
- Lighting - prevention of nuisance
- Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

- 6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 7 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

- 8 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 9 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 10 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.  
Reason: In the interests of residential amenity within and adjoining the site.
- 11 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason: To protect the residential amenity of nearby properties.
- 12 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.  
Reason: To protect the residential amenity of nearby properties.
- 13 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.  
Reason: To ensure provision of suitable recreation space within the development.
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Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 15 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.  
Reason: To ensure suitable maintenance of all landscaped areas.
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Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 18 No development shall commence until a scheme of amendments to the design and exterior finishes of the dwellinghouses hereby approved has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the planning authority.  
Reason: Further variation to the external appearance of the dwellings is required, to achieve a suitable placemaking and design standard
- 19 No development shall commence until a scheme of amendments to the precise location of the dwellinghouses hereby approved have been submitted to and approved in writing by the



planning authority. Thereafter no development shall take place except in strict accordance approved scheme unless otherwise agreed in writing with the planning authority.

Reason: Further variation in the positioning of the dwellings within individual plots is required, to achieve a suitable placemaking and design standard.

- 20 No development shall commence until precise details of all proposed means of enclosure have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development, and to enable the effective assimilation of the development into its wider surroundings.

### **Informative**

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Note: Both applications subject to S75 agreement requiring provision of footpath link between the development site and Bridgend Place.

### NOTE

Mr Ravey, Springfield Homes PLC spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01403/FUL	Erection of dwellinghouse	Land South of Abbotsbank Gattonside

Decision: Continued to allow a site Visit to be held.

### NOTE

Mrs Helen Johnson, Local Resident spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01502/MOD75	Discharge of planning obligation pursuant to planning permission R273/94	Parklands Oxnam Road Jedburgh

Decision: Approved discharge of the S50 Agreement subject to the following applicant informative:

The applicant should be aware that a planning condition restricting occupancy of the dwelling would also require removal from Parklands planning permission – Reference: 94/00995/FUL (Alternative Reference: R273/94).