

# 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 0SA on Monday, 4 June 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, S. Hamilton, H. Laing, C. Ramage and E. Small.  
Also Present:- Councillor S. Mountford.  
Absent:- Councillor J A Fullarton.  
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Lead Roads Planning Officer, 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 30 April 2018.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 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. **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:-**

- (a) that Scottish Ministers upheld the appeal in respect of the Wind Farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast on Land North of Howpark Farmhouse, Grantshouse – 16/00980/FUL;
- (b) that Scottish Ministers dismissed the appeal in respect of Residential development with associated supporting infrastructure and public open space on land East of Knapdale, 54 Edinburgh Road, Peebles – 17/00015/PPP
- (c) there remained six appeals outstanding in respect of:-
  - Poultry Farm, Marchmont Road, Greenlaw
  - Land South West of Easter Haprew Farmhouse, Peebles
  - Hutton Hall Barns, Hutton
  - Land North West of Gilston Farm, Heriot

- Land South West of Lurgiescleuch (Pines Burn), Hawick
  - Site at Industrial Buildings and Yard, Elders Drive, Newtown St Boswells
- (d) Review request had been received in respect of:-
- (i) Change of use of agricultural buildings and alterations to form 12 No dwellinghouses at Agricultural Buildings, South East of Merlewood, Hutton castle Barns, Hutton - 16/01371/FUL;
  - (ii) Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts at Southbabnk and Paddock South East of Sunnbybank, Bowden, Melrose – 17/01362/FUL
  - (iii) Erection of dwellinghouse on Land South West of 1 Hill Terrace, Stow – 17/01685/PPP;
  - (iv) Erection of dwellinghouse on Land North West of Doonbye, Smith’s Road, Darnick – 18/00287/FUL
- (e) the decision of the Appointed Officer had been upheld in respect of:-
- (i) Erection of dwellinghouse on land North West of The Gables, Gattonside – 17/01617/PPP;
  - (ii) Extension to dwellinghouse at 34 Edinburgh Road, Peebles – 17/01731/FUL
- (f) the decision of the Appointed Officer had been Overturned in respect of the Erection of a dwellinghouse on Land South of the Bungalow, Blacklee Brae, Bonchester Bridge – 17/01731/FUL
- (g) Section 36 Public Local Inquiries Outstanding in respect of :-
- Fallago Rig I, Longformacus
  - Fallago Rig 2, Longformacus
  - Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

*The meeting concluded at 11.25 a.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00923/PPP	Erection of two dwellinghouses	Land West of Peelgait Selkirk

Decision: Approved subject to a legal agreement and the following conditions and informatives:

#### **Conditions**

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access, 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 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 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.
- 3 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that any private drainage system that may be affected by the development hereby approved, will be maintained in a serviceable condition  
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 4 Two car parking spaces, not including any garage, and turning within the curtilage of each dwelling shall be included in any subsequent detailed application.  
Reason: Interests of road safety on the access road serving the site.
- 5 A scheme of details covering construction specifications, drainage details, earthworks and embankment works including any retaining structures required in the design and construction of the private access road shall accompany the first application for approval of matters specified in conditions. These details must be approved in writing by the planning authority prior to the commencement of development on site. Thereafter the development shall be completed in accordance with the approved details prior to occupation of the first dwellinghouse.  
Reason: To ensure that the site is adequately serviced.
- 6 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. location and design, including materials, of walls, fences and gates
  - iii. soft and hard landscaping works
  - iv. existing and proposed services such as cables, pipelines, sub-stations
  - v. full details of an enhanced planting belt for the boundary treatment and landscaping finishes formed at the boundary of the site with the Haining Designed Landscape.
  - vi. a programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development with its surroundings.

- 7 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI. Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 8 No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, around the identified area of archaeological interest and no works shall take place within this fenced area without the prior written consent of the Planning Authority.  
Reason: To safeguard a site of archaeological interest.
- 9 No development is to commence until a 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.
- 10 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.
- 11 No development shall commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall thereafter be implemented in full and in accordance with its recommendations.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that existing private water supplies serving neighbouring properties are not compromised.
12. A scheme of details for the proposed on-street parking spaces, shown on approved drawing number P449-001 REV G, shall accompany the first application of approval of matters specified in conditions. These details must be approved in writing by the planning authority before development commences on site. No development shall take place until the approved parking spaces are constructed in accordance with the approved details. The parking spaces shall be retained in perpetuity thereafter.  
Reason: In the interests of road safety and to ensure that on street parking spaces are made available as an integral part of the public road.
13. The development hereby approved shall be connected to the public drainage system where the opportunity exists unless otherwise agreed in writing by the planning authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water, and to ensure existing private water supplies in the vicinity of the application site are not compromised.

### **Applicant Informatives**

1. In relation to Condition 3 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
2. In relation to Condition 6 above, the Archaeology Officer suggests consideration to be given in the final design to removing or limiting the creation of a shelter belt along the northwest edge of the site. This should seek to further minimise impacts to the setting of St Mungo's Well. Consideration should also be given in the final design to the retention of a 10 metre buffer between tree planting and the site of St Mungo's Well.
3. In relation to Condition 11 above:
  - a. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
  - b. The location of the source(s) of the supply - i.e. the appropriate eight
  - c. figure Ordnance Survey National Grid Reference(s).
  - d. The name and address of every relevant person in relation to the supply. NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
  - e. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m<sup>3</sup>/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate. NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
  - f. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
  - g. Where there are existing users of the proposed supply, the addresses of all such properties.
  - h. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable. NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
  - i. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
  - j. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled / monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required.

As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

- k. For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. A reserve storage capacity of three days' supply should be provided. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations in order for it to be classed as wholesome.
4. If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided.
5. In relation to Condition 11 above: the applicant/developer should be aware that Roads Construction Consent will be required for the proposed on-street parking area.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00396/PPP	Erection of dwellinghouse	Garden Ground of The Gables Smith's Road Darnick

Decision: Approved subject to a legal agreement addressing contribution towards education and the Borders Railway and the following conditions and informatives:

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. 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.
3. A Design Statement to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site setting out the design rationale for the development and demonstrating an appropriate form, scale and design of development and external materials taking reference from the character of the site and its context.  
Reason: To ensure a high standard of design, given the character of the site and its context.
4. The existing boundary wall to be lowered to a height no greater than 750mm for a distance of at least 2m either side of the access. A detailed drawing showing alterations to the boundary wall to provide the required visibility to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. This to include details of gates piers, gates and coping stones. The wall then to be altered in accordance with the approved drawing before the dwellinghouse is occupied.  
Reason: To ensure adequate visibility at the vehicular access to the site in the interests of road safety and to protect the character of the Conservation Area.

5. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the site for the existing dwellinghouse (the Gables) and the proposed dwellinghouse (a minimum of four in total) prior to the occupation of the proposed dwellinghouse and thereafter the parking must be retained in perpetuity.  
Reason: To ensure that adequate parking is provided within each plot, in the interests of road safety.
  
6. No development shall commence within the site until a Construction Method and Traffic Management Statement has been submitted to and approved in writing by the Planning Authority. This to include:
  - i) The location of the construction compound and areas for the storage of materials, plant and equipment;
  - ii) The location of staff parking (personnel vehicles to avoid peak times 8-10am and 4-5.30pm);
  - iii) Evidence that the site can be accessed by delivery vehicles (all vehicles to leave in a forward gear);
  - (iv) The timing of deliveries (restricted to between 10am and 3pm to avoid peak times).  
The construction of the dwellinghouse then to be carried out in accordance with the approved Construction Method and Traffic Management Statement for the duration of the works.  
Reason: To limit potential impacts on road and pedestrian safety.
  
7. Full details of the means of water supply and the surface water and foul water drainage to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority, the development then to be implemented in accordance with the approved details and the water supply and drainage installed as approved before the proposed dwellinghouse is occupied.  
Reason: To ensure that the site is adequately serviced.

#### Informatives

Conservation Area Consent is required for the demolition of the garage.

In respect of condition 3, a high quality of design and materials are required. It is suggested that the dwellinghouse is designed to reflect and respect the traditional architecture within the vicinity of the application site. The proposed dwellinghouse should be designed and sited so that it backs onto the parking spaces or the house is attached to/built up against the boundary wall so that it screens views into the site through the widened vehicular access.