

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

MINUTE of Meeting of the PLANNING
AND BUILDING STANDARDS
COMMITTEE held in Council
Headquarters, Newtown St Boswells TD6
0SA on Monday, 7 January 2019 at 10.00
a.m.

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton,
H. Laing, S. Mountford, C. Ramage, E. Small.
Apologies:- Councillor S. Hamilton.
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 Meetings held on 10 December 2018.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of a report by the Service Director Regulatory Services on an application for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application 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. The Depute Chief Planning Officer advised that the Section 36 Public Local Inquiry in respect of Birneyknowe Wind Farm on Land North, South, East and West of Birnieknowe Cottage, Hawick had been dismissed by the Reporter. He went on to highlight the work undertaken by the Appointed Officer (Julie Hayward), Solicitor (Emma Moir) and Principal Officer (Charles Johnston)

DECISION

NOTED that:-

(a) Appeals had been received in respect of:-

- (i) the Erection of residential units, formation of dwellinghouse from engine house, relocation of allotment space, erection of workshop units with associated access and infrastructure works at March Street Mills, March Street, Peebles – 17/00063/PPP;**

- (ii) the demolition of Mill buildings at March Street Mills, March Street, Peebles – 17/00064/CON
 - (iii) an enforcement notice issued for a Residential caravan placed without Planning Permission on Land West of Gallowberry Bank, Blyth Bridge – 15/00045/UNDEV; and
 - (iv) an enforcement notice issued for Use of dwelling house as a Party House, Greenloaing, The Loan, West Linton – 18/00074/UNUSE
- (b) Scottish Ministers had dismissed an appeal in respect of the Certificate of Lawfulness for an Existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh – 18/00849/CLEU
- (c) there remained four appeals outstanding in respect of:-
- Land North West of Gilston Farm, Heriot
 - Land East of Keleden, Ednam
 - Land West of Whitslaid (Barrel Law), Selkirk
 - 22 Craigmyle Park, Peel
- (d) Review Requests had been received in respect of:-
- (i) the erection of a dwellinghouse on Land North West of Chapel Cottage, Melrose – 18/00956/FUL;
 - (ii) an Extension to dwellinghouse at 10 Townhead Way, Newstead – 18/01215/FUL;
 - (iii) an Extension to provide an additional 7 No workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area at the Storage Units, Farknowes, Langshaw Road, Galashiels – 18/01229/FUL; and
 - (iv) Erection of dwellinghouse and detached garage/stable on Land North East of River Cottage, Linthill, Melrose – 18/01332/PPP; and
 - (v) Erection of dwellinghouse and detached garage on Land South East of Tarf House, West Linton – 18/01341/PPP
- (e) the decision of the Appointed Officer had been varied (Revised Conditions) in respect of alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsielea, 61 West High Street, Lauder – 18/00580/FUL
- (f) the decision of the Appointed Officer had been upheld in respect of replacement of shop front window and door screens at Scotts View Take-away, Main Street, St Boswells – 18/01010/FUL
- (g) there remained no reviews outstanding.
- (h) there remained three Section 36 Public Local Inquiries Outstanding in respect of:-
- Fallago Rig I, Longformacus

- **Fallago Rig 2, Longformacus**

4. **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 make an early decision or to keep Members informed.

5. **PLANNING SITE VISITS**

The Chairman referred to two planning applications for Peebles which would come before the Committee in the near future and requested the Committee consider whether or not they wished to visit the sites prior to the applications being presented for consideration. The Committee considered that a formal site visit was not required. However, any Members could visit the site if they so wished..

DECISION

AGREED that no formal site visit be arranged.

The meeting concluded at 10.45 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|-------------------------|--|--|
| 18/00486/FUL | Erection of 64 dwellinghouses and associated works | Land North of 24 Sergeants Park, Newtown St Boswells |

Decision: Approved, subject to conclusion of the required legal agreement covering the implementation and maintenance of structural planting to the north of the site and developer contributions towards play space and subject to the undernoted conditions.

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications including Drainage Strategies hereby approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof finishes 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 ensure the material finishes respect the character and appearance of the surrounding area.
4. No development shall commence until a protective barrier in accordance with BS5837:2012 has been erected in the location identified on Drawing No L (01)02 Rev G. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the trees shall be retained unless otherwise agreed in writing with the Planning Authority.
Reason: To protect and retain trees which enhance the visual amenity of the surrounding area.
5. 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. Precise details of all soft landscaping works which includes the location of new trees, shrubs, hedges and grassed areas and the schedule of plants to comprise species, plant sizes and proposed numbers/density

- ii. Precise details of all proposed means of enclosure, which include the introduction of boundary walls where the boundaries of Plots 26, 52, 53, 55 and 49/50 face on to the road
- iii. Specification of the barrier to be installed behind the parking area along the top of the embankment
- iv. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

6. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until the following access and parking mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
 - a) Revised parking proposals which include a reduction in non-allocated parking spaces, inclusion of visitor spaces opposite Plots 39-42 and provision of dedicated disabled parking spaces.
 - b) A plan which shows that the access points which will provide links into the adjoining sites will be constructed to the boundary of the application site.

Reason: Further details are required to ensure that adequate information is provided to ensure that suitable parking provision and access is provided within the development site.

7. Prior to occupation of the first dwellinghouse a scheme of street lighting details shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.

Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.

8. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints procedure/communication of noisy works to receptors. **No Heavy Goods Vehicles shall be permitted on Sprouston Road during school drop-off and pick-up times.** The development then to be carried out in accordance with the approved Construction Method Statement.

Reason: To safeguard residential amenities and in the interests of road safety.

9. No development shall commence until a scheme of details for the temporary diversion of Core Path 209 during development works (to include provision of a short link path from the re-aligned route illustrated on Drawing No Drawing No L (01)02 Rev G to the existing path adjacent to the hedge to the west of the site) has first been submitted to and approved in writing by the planning authority. The development shall be completed wholly in accordance with the approved details.

Reason: Further details are required to ensure the right of way remains open and free from obstruction.

10. No development shall commence until precise details of the siting of solar PV panels has been submitted to and agreeing in writing with the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure a sustainable form of development which maximises the use of renewable energy resources.
11. Notwithstanding the details shown on Drawing No 120981/2022, no development shall take place until a revised site plan showing all existing and proposed ground levels, as well as finished floor levels of the dwellings hereby approved, has been submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the approved plan. The revised plan should ensure that the finished floor levels of all residential properties are satisfactorily above the adjoining finished ground levels.
Reason: To mitigate surface water flood risk.
12. No development shall commence until a detailed report confirming that the public mains water supply is available and can be provided for the development has first been submitted to and approved in writing by the Planning Authority. Prior to the occupation of the first dwellinghouse(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.
13. No development shall commence until written confirmation has been provided from Scottish Water that the public drainage system can accept the loading of foul and surface water drainage from the development or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwellinghouse is occupied. Thereafter prior to the occupation of the first dwellinghouse(s), written confirmation shall be proved for the approval of the Planning Authority that the development has been connected to the public drainage network.
Reason: To ensure that site drainage is adequately handled without impinging on existing users.
14. No development shall commence until a Construction Environmental Management Plan, including measures to protect watercourses and boundary habitats in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
15. No development shall commence until a Species Protection Plan (SPP) including measures for bats , badger, red squirrel and breeding birds in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017) shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme. No development shall commence during the breeding bird season (March to August), unless in accordance with the SPP. The SPP shall include provision for mitigation including supplementary surveys for badger and birds and no development areas if breeding birds are found.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
16. No development shall commence until a Landscape and Habitat Management Plan, including measures to enhance boundary hedgerow habitats, create new native broad-leaved scrub and wildflower habitat and an enhanced SUDs pond in accordance with the Preliminary Ecological

Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

17. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until a revised site plan which relocates the refuse/recycling bin stances serving Plots 36 - 39 are relocated within the rear curtilage of these plots and provision is made for a refuse/recycling bin stance for Plot 41 is provided. Thereafter no development shall take place except in strict accordance with the approved drawing.

Reason: To satisfy waste collection requirements and ensure that bin stances are sited in appropriate locations which maintain the character and appearance of the development