

**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
OSA on Monday, 29 April 2019 at 10.00
a.m.

Present:- Councillors T. Miers (Chairman), S. Aitchison, J. A. Fullarton, S. Hamilton,
H. Laing, S. Mountford, E. Small.
Apologies:- Councillor A. Anderson, C. Ramage.
In Attendance:- Lead Planning Officer, Lead Roads Planning Officer, Solicitor (R. Kirk),
Democratic Services Team Leader, Democratic Services Officer (F.
Henderson).

1. MINUTE

There had been circulated copies of the Minute of the Meetings held on 25 March 2019.

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 that:-

(a) The Reporter had dismissed appeals against non determination in respect of :-

- (i) Erection of residential units, formation of dwellinghouse from engine house, relocation of allotment space, erection of workshop units with associated access and infrastructure works – 17/00063/PPP;**
- (ii) Demolition of mill buildings – 17/00064/CON**

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

- Land West of Whitslaid (Barrel Law), Selkirk**

- Greenloaning, The Loan, West Linton
 - The Honey House, The Row, Longformacus
- (c) A review request had been received in respect of Part change of use from agricultural barn to vehicle body repair and paint shop with associated parking(retrospective) – 18/01071/FUL;
- (d) The decision of the Appointed Officer was Overturned in respect of:-
- (i) Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure (subject to conditions, informatives and a Section 75 Legal Agreement) – 18/00681/FUL;
 - (ii) Change of use to joiners workshop and showroom; caravan repairs and sales; car valet; retail; and siting of catering unit (retrospective) (subject to conditions and informatives) – 18/00723/FUL
 - (iii) Extension to provide an additional 7 No workshop units (Class5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area (subject to conditions and informatives) – 18/01229/FUL
 - (iv) Change of use from public bar and alterations to form residential flat(subject to conditions) – 18/01330/FUL
 - (v) Replacement windows (subject to conditions) – 18/01462./FUL
- (e) there remained three reviews outstanding in respect of:-

• Land East of Rose Cottage, Maxwell Street, Innerleithen	• Deans Bar, 3 Orrock Place, Hawick
• Plot 3 Land North East of the Old Church, Lamberton	

- (f) There remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 18th April 2019. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
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The meeting concluded at 12.40 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00213/FUL	Erection of Telecommunications Lattice Mast 30m High with associated Equipment within Fenced Compound	Land East of Deephope Farmhouse Selkirk

Decision: Approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

2. Within no more than 6 months of the date at which the development hereby consented ceases to be required for the purpose of telecommunications infrastructure provision:

(a) the telecommunications mast hereby consented, and all ancillary equipment and installations (including fencing, the cabinets, platform and hard standing) shall all be removed from the site; and

(b) the land at the site shall be restored to its former condition, unless, an application is first made and consent granted for the development's retention on-site to serve an alternative purpose.

Reason: Retention of the mast, and all ancillary installations on site, beyond the point in time at which it has become redundant, would not be sympathetic to the character of the site or the visual amenities of the surrounding area.

NOTE

Mr Ogilvie Jackson spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01555/FUL	Erection of five dwellinghouses with integral garages	Land North West of Primary School, Braeheads, Main Street Reston

Decision: Approved subject to a legal agreement to require contributions towards off-site affordable housing and local primary and secondary schools, and the following conditions and informatives:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

2. No development shall commence until precise details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Planning Authority. Thereafter, the dwellinghouses hereby consented shall not be occupied until the surface water and foul drainage arrangements are functional in accordance with such agreed details.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure that surface water drainage is attenuated in a controlled manner that does not contribute to existing localised flooding.
3. No foul drainage system other than the public mains sewer shall be used to service the development without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
4. Prior to occupation of any property within the development hereby approved, written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.
5. Prior to the occupation of the dwellinghouses hereby approved, 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.
6. No water supply other than the public mains shall be used to supply the Development 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.
7. 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.
8. 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.
9. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the agreed details. Construction traffic movements shall avoid school drop-off and pick-up times.
Reason: To ensure construction traffic does not cause unacceptable harm to local road users and road safety.
10. Prior to the commencement of development, details of a footway between the site and the existing footway serving Reston Primary School shall be submitted for the agreement in writing of the Planning Authority. Prior to the occupation of the first dwelling, the footway shall be completed in accordance with the agreed details.
Reason: To secure adequate provision for pedestrians using Braeheads, in the interests of road safety.

11. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of all external materials to be used in the construction of the buildings 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.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
12. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
14. No development shall commence until details (including a site plan) of protective fencing at a height of 1.5 metres that shall be erected at least 2.0 metres from the southern edge of the hedge that follows the northern boundary of the site have been submitted to and agreed in writing by the Planning Authority. Thereafter, there shall be no works or storage undertaken within the protected areas and the fencing shall not be removed until construction works are complete, unless otherwise agreed in writing by the Planning Authority.
Reason: To protect the hedging along the northern boundary.
15. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development commences and thereafter the development shall be carried out wholly in accordance with the agreed details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the north elevation of Plot 1 unless an application for planning permission in that behalf is first submitted to and approved in writing by the Planning Authority.
Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

Informatives

1. Stoves and Use of Solid Fuel can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/ planning permission. Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind. The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses. The flue should be terminated with a cap that encourages a high gas efflux velocity. The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at:

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

2. Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.
3. The applicant should be aware that the streets within the site require Roads Construction Consent, this must be submitted and approved, with the relevant security in place prior to commencement of any building works on site.
4. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
5. With regards to Condition 2 above the applicant/developer should provide a detailed servicing/maintenance plan for the proposed attenuation tank.
6. The applicant/developer should consider incorporating proposals for the disposal of surface water drainage and appropriate attenuation for the remainder of the allocated site (BR6).

NOTE

Mrs Pat Alexander on behalf of Residents and Mr J Logan on behalf of Reston and Auchencrow Community Council spoke against the application.

Mr Allan Swan, Bain Swan Architects spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00768/S36	Erection of 11 turbines, 4 No turbines up to 149.9m high to tip, 3 No turbines 174.5m high to tip, and 4 No turbines 200m high to tip and associated works.	Crystal Rig Wind Farm Cranshaws

Decision: Agree to object for the following reasons:-

Reason for Objection 1: Adverse Visual Impact:

The proposed development would be contrary Local Development Plan Policy ED9 in that the visual impact of red aviation lights fitted to the nacelles of seven of the eleven turbines would introduce lighting, whose purpose is to draw attention to the development, with an industrial appearance which would be incongruous and visible from a considerable distance from the development. This is

incompatible with the visual amenity of the dark rural environment largely unaffected by artificial light, which is experienced by receptors travelling on public roads and paths within the Eastern and Central Borders in hours of darkness and would also increase the prominence of this wind farm environment from these affected routes at times of dusk and dawn.

Reason for Objection 2: Impact on Landscape Character

The proposed development would be contrary Local Development Plan Policy EP5 in that the location of red aviation lights on an elevated location within the Lammermuir Hills would adversely affect the night time character of the Lammermuir Hills Special Landscape Area by industrialising the dark rural environment which would be experienced by receptors travelling on roads and paths within the SLA.

Advisory Note

Should the development be considered for approval, then conditions and the need for a Legal Agreement have been identified covering a number of different aspects including noise limits, roads matters, ecology and archaeology.