

**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 on  
Monday, 5 August 2019 at 10.00 a.m.

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Present:- Councillors T. Miers (Chairman), A. Anderson, S. Aitchison, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small.

In Attendance:- Depute Chief Planning, Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer, Solicitor (E. 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 1 July 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 an appeal against refusal of the erection of 2 blocks of residential flats comprising 40 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping at 1-39 Tweedbridge Court, Peebles.**

(b) **there remained 3 appeals outstanding in respect of :-**

• <b>Land West of Whitslaid (Barrel Law), Selkirk.</b>	• <b>Coopersknowe Phase 4 and 5 , Coopersknowe Crescent, Gala</b>
• <b>Glenacre, Camptown, Jedburgh</b>	

(c) **Reviews had been received in respect of :-**

- (i) Change of use of agricultural land to dog care walking facility and erection of boundary fence on land South West of Milkieston Toll House, Peebles – 18/01161/FUL; and
- (ii) Erection of dwellinghouse on Garden Ground of Beechwood Pyatshaw, Lauder – 19/00358/PPP

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

• Deans Bar, 3 Orrock Place, Hawick	• Land West of Thornwood Lodge, Weensland Road, Hawick
• Land West of 1 Hallrule Farm Cottage, Bonchester Bridge	

(e) There remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 25<sup>th</sup> July 2019. This related to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
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*The meeting concluded at 1.00 p.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
19/00758/PPP & 19/00759/PPP	Plot A - Erection of dwellinghouse Plot B – Erection of dwellinghouse	Land South of the Granary, Blyth Bridge

Decision: Refused for the following reasons

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to the character of the existing building group or surrounding landscape. The development lies outwith the identifiable limits of the building group on a previously undeveloped field and would lead to an unjustified and sporadic expansion of development into the open countryside.
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that it would result in additional vehicular traffic on a minor public road with sub-standard access. The erection of a house on this site would be to the detriment of road safety at both junctions of the D31/1 minor public road with the A72.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01479/FUL	Erection of mobile holiday lodges with office, reception/shop, installation of hydro generator, and formation of associated roads and parking	Land North West of Willowdean House, Foulden

Decision: Continued for a Site Visit to be arranged.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01795/FUL	Demolition of dwellinghouse and erection of seven dwellinghouses	Orchard Park and Land North and East of 16 and 17 Brewster Place, Gattonside

Decision: Approved subject to a legal agreement addressing contributions towards education, the Borders railway and affordable housing and the following conditions:

1. A sample of all materials to be used on all exterior surfaces of the development hereby approved shall be submitted to and approved in writing by the Planning Authority before the development commences. The roofs for plots 6 and 7 to be natural slate. The development then to be completed in accordance with the approved samples.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and safeguards the character of the Conservation Area.
2. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing Number: 9344(L-2)007 G) 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.

3. No trees within or overhanging the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.  
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
4. The development shall take place in accordance with the Arboricultural Method Statement by Caledonian Tree Consultants Ltd dated May 2019. The tree protection measures to be erected before the development commences and to be retained in place until the development has been completed.  
Reason: To protect trees within the site from damage.
5. Details of the position, height, appearance and colour finish of all fencing and gates shall be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. Prior to commencement of demolition and development, a Species Protection Plan for bats, badger, red squirrel and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey, a mitigation plan and sensitive lighting scheme. No demolition or development shall be undertaken except in accordance with the approved SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
7. No development shall commence until a proportionate Landscape Habitat Management Plan, including boundary treatments for trees and hedgerows, has first been submitted to and approved in writing by the Planning Authority. No development shall take place except in accordance with the approved in writing LHMP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policy EP3.
8. No development shall 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 dwellinghouses, written confirmation shall be provided for 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 water supply shall be used to supply the development without the prior 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. No drainage system other than the public mains sewer shall be used to service the development without the prior written consent of the Planning Authority. Prior to occupation of the dwellinghouses written evidence shall be submitted to the Planning

Authority that the dwellinghouses have been connected to the public water drainage network.

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

11. No dwellinghouse forming part of the development hereby approved shall be occupied until the access road, parking spaces and footpaths have been completed in accordance with the approved Drawing Number 9344(L-2)002 P, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that adequate access for pedestrians and on-site parking is provided.
12. No development shall commence until a detailed drawing showing the steps required for the existing right of way, the removal of a section of the retaining wall adjacent to no.25 Montgomerie Terrace and the erection of a new retaining wall have first been submitted to and approved in writing by the Planning Authority. The development then to be completed in accordance with the approved drawing.  
Reason: To safeguard pedestrians and to protect the character of the Conservation Area.
13. No development shall commence until details of the relocation of the existing street lighting column to be submitted to and approved in writing by the Planning Authority. The details shall to include the new location of the street lighting column and timing of the works. The street lighting column then to be relocated in accordance with the approved details.  
Reason: To ensure that the repositioning of the street lighting column is completed in accordance with the Planning Authority' specifications.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further external decking placed anywhere on Plot 5 unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.  
Reason: The Planning Authority considers that any further development would prejudice a satisfactory layout and would have a harmful effect upon the amenity of the area.
15. Notwithstanding the elevations shown on drawings 9344 (L2-)011 H, 9344 (L2-)016 G, 9344 (L2-)021 F and 9344 (L2-)026 F hereby approved, no development shall commence until revised elevation drawings have first been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the revised drawings. The revised elevations shall include changes to the roof lines which assist in breaking up the linear form of the dwellings hereby approved.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting as well as the character and appearance of the conservation area.

#### Informatives

##### 1. Protected Species

In respect of condition 6, if bats or roosts are found in any building to be demolished, or any tree to be worked, a licence must be sought from SNH. SNH has a dedicated licensing team, which can be contacted at [licensing@nature.scot](mailto:licensing@nature.scot).

The applicant is reminded that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection),

disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at:

[http://www.bats.org.uk/pages/bats\\_and\\_buildings.html](http://www.bats.org.uk/pages/bats_and_buildings.html)

[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

To protect badgers the following measures must be adopted:

- All chemical and fuel stores to be kept secure.
- Work on open trenches should be completed within one day with the hole filled in. This removes the risk of badgers or other animals becoming trapped in the trench.
- Excavations that need to be left open overnight must provide at least one ramp at 45 degrees or less to allow badgers and other wildlife to exit the trench.

These measures should be included in the Species Protection Plan for badgers.

2. Steps and Retaining Wall

In respect of condition 12, this approval does not grant consent for any works on land or to structures outwith the ownership of the applicant.

3. Surface Water Drainage

The RCC will include surface water drainage. The Roads Planning Service advises that, as surface water drainage is shown to end at a soakaway within Plot 5, confirmation should be provided as to why this cannot connect into the existing drainage for Montgomerie Terrace. If the proposed layout is approved, a legal right of access may be required should it be proposed that the Council are to be responsible for the maintenance of this element of the drainage system. The Roads Planning Service also require ground investigation details confirming the ground is capable of catering for the level of surface water the soakaway is proposed to deal with. Confirmation should be provided as to what elements of the drainage system, if any, Scottish Water propose to adopt upon completion.

4. Stoves

Environmental Health advises that provided that any stoves installed as part of the development are less than 45kW, no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

These installations 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 on -

[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)

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.

#### Construction Noise

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work:

Monday – Friday 0700 – 1900

Saturday 0900 – 1300

Sunday (Public Holidays) – no permitted noisy work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.