

# 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, 7 October, 2019 at 10.00 am

-----

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, H. Laing, S. Mountford, C. Ramage and E. Small.  
Apologies:- Councillor S. Hamilton.  
Also Present:- Councillors S. Haslam.  
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Principal Planning Officer – Major Applications, 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 2 September 2019.

**DECISION**  
**APPROVED for signature by the Chairman.**

2. **DECLARATION OF INTEREST.**  
Councillor Ramage declared an interest in application 18/01635/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **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.**

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) **The Reporter had upheld Appeals in respect of:-**
  - (i) **residential development comprising 69 dwelling units with associated works at Coopersknowe Phase 4 and 5, Coopersknowe Crescent, Galashiels; and**
  - (ii) **Certificate of Lawfulness for an existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh**
- (b) **there remained 2 appeals outstanding in respect of :-**

- (i) Land West of Whitslaid (Barrel Law), Selkirk; and
  - (ii) Land North West of Gilston Far, Heriot
- (c) the decision of the Appointed Officer had been upheld 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 Land North East of The Rest, Murrayfield, St Abbs – 18/01654/FUL
- (d) the decision of the Appointed Officer had been overturned in respect of erection of three holiday lodges, access and associated infrastructure on Land West of 1 Hallrule Farm Cottage, Bonchester Bridge
- (e) there remained one review outstanding in respect of land South East of Dundas Cottage, Selkirk
- (f) a section 36 Public Local Inquiry had been received in respect of the 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 at Crystal Rigg Wind Farm, Cranshaws, Duns
- (e) there remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> September 2019. This related to sites at Fallago Rig 1 and 2, Longformacus.

*The meeting concluded at 2.05 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>
19/00932/FUL	Temporary removal of current restrictions on Sunday shooting – Reference No. E329/95 and 95/01201/FUL	Bisley at Braidwood Clubhouse, Midlem

Decision: Approved subject to the following conditions:

**Conditions**

1. The site to be used for shooting only between the hours of 10am to 7pm daily.  
Reason: To safeguard the residential amenity of the area.
2. This consent shall be subject to all conditions attached to consent reference E329/95 and all details subsequently agreed through those conditions, with the exception of Conditions 1 and 2 which are hereby varied by this permission.  
Reason: In the interests of road and public safety and to safeguard the visual amenity of the area.
3. This permission shall expire nine months from the date shown on this decision notice and, unless further permission is granted, the use shall revert to that originally consented under permission reference E329/95 and subject to all conditions attached thereto.  
Reason: To safeguard the residential amenity of the area.

**NOTE**

Mr Tony Clay spoke on behalf of the Midlem Village Hall Committee against the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01620/FUL	Erection of poultry building and associated works mixed use development	Hutton Hall Barns Hutton

Decision: Continued for a Site Visit to be arranged.

**NOTE**

Mrs Angela MacLean, Applicant spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
19/00074/FUL	Erection of 13 No dwellinghouses with associated infrastructure and landscaping	Land South East of Tennis Club, Hillside Terrace Selkirk

Decision: Approved subject to a legal agreement covering developer contributions and the following conditions:

1. No development shall commence until a) written evidence on behalf of Scottish Water to confirm that mains water and foul drainage systems shall be made available to serve the development and shall include adoption of the pumping station area, and until b) a surface water drainage layout, in addition to means of its future maintenance, have been submitted to and approved in writing by the Planning Authority. The development shall be serviced in accordance with the approved details  
Reason: To ensure the development can be adequately serviced

2. No development shall commence until detailed drawings of the proposed alterations to the trunk road and the access, which shall comply with the requirements of the Design Manual for Road and Bridges in all respects, have been submitted to and been approved in writing by the Planning Authority after consultation with Transport Scotland. The development shall be carried out only in accordance with the approved drawings  
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
  
3. No development shall commence until details of temporary traffic management required for the road re-alignment works have been submitted to and been approved in writing by the Planning Authority after consultation with Transport Scotland. The development shall be carried out only in accordance with the approved traffic management details  
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road
  
4. No development shall commence until further information on the proposed ground and finished floor levels (revising and augmenting those specified on drawing number 7290 L (2-) 006B and associated sectional drawings) including additional ground levels and sectional drawings, all related to an identified fixed off-site datum, have first been submitted to and approved in writing by the Planning Authority. The information shall provide existing and proposed levels throughout the application site, and shall include a berm alongside the approved road. The development shall be implemented only in accordance with the approved level information  
Reason: To ensure the development has a sympathetic landscape and visual impact and in the interests of road safety
  
5. No development shall commence until a revised landscape and boundary treatment scheme has first been submitted to and approved in writing by the Planning Authority. The revised landscape and boundary scheme shall include the measures shown on drawing number 7290 L (2-) 004A and also:
  - a) additional planting in each plot and along the roadside banking;
  - b) further planting around the SUDs area and to the rear of Plot 8;
  - c) hedging on the frontage of plot 1 (not shrubbery);
  - d) repositions boundary hedging back 800mm from the road edge;
  - e) full details of the numbers and density of planting; implementation timescale; and programme for future maintenance.
  - f) a Landscape Habitat Management Plan
  - g) a revised layout for 1.8m timber fencing.

The landscaping and boundary treatments shall be implemented and maintained in accordance with the approved revised scheme

Reason: To ensure the development has a sympathetic landscape and visual impact and to protect the ecological interest in accordance with Local Development Plan Policy EP3

6. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority:
  - a) A Species Protection Plan for bats, badger, breeding birds and great crested newt. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan
  - b) Details of the lighting scheme, demonstrating it has been designed in accordance with good practice for bat mitigation (see informative note)
 Development shall commence only in accordance with the approved SPP and lighting scheme  
Reason: To protect the ecological interest in accordance with Local Development Plan Policies EP1, EP2 and EP3.

7. No development shall commence until the applicant 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 to the Planning Authority no later than 1 month prior to the start of development works and shall be approved in writing by

the Planning Authority before the commencement of any development. Thereafter the applicant 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 commence until a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours of all dwellinghouses and retaining walls has first been submitted to and approved in writing by the Planning Authority, notwithstanding references to colours on the approved drawings. The development shall be completed using the approved schedule of materials, finishes and colours.

Reason: The materials and colours require further consideration to ensure they are visually sympathetic to the context

9. The gradient of the access road shall not exceed 1 in 40 for a distance of 10 metres from the nearside edge of the trunk road carriageway, and the first 10 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

10. Visibility splays shall be provided and maintained on each side of the site access to the specification of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the setback dimension) and the nearside trunk road carriageway measured 70 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the setback dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

11. No dwellinghouse shall be occupied until the access and road alignment (including reinstatement of the roadside boundary wall to the same specification as the existing wall), road network, parking areas and paths have been implemented in accordance with the plans approved under this consent, excepting only the detailed positioning of the visitor parking spaces and layout of Plot 9's parking, revised details for which shall be submitted to and approved in writing by the Planning Authority prior to their implementation. The road network, communal paths and visitor parking spaces shall all be constructed in accordance with the Council's adoptable standards. All road, path and parking measures shall use surfacing materials that comply with the approved plans and drawings, detailed specifications (in addition to the means of demarcating visitor parking spaces) for which have been submitted to and approved in writing by the Planning Authority prior to their implementation

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety

12. Tree and hedge protection shall be implemented in accordance with drawing number 7290 L(2-004A subject to the protective fencing being erected to include all trees identified on the plan, and erected in accordance with BS5837:12; and the tree protection fencing being in place prior to and throughout the construction period of the development. Works within the protected area, including the buffer specified for hedging, shall only comprise ground levels being raised up to a maximum of 150mm above existing ground levels and all excavations for fencing being hand-dug.

Reason: To ensure the development has a sympathetic landscape and visual impact

13. Bin stances shall be provided in accordance with the approved site plan prior to occupancy of each dwellinghouse, and plot 9 shall not be occupied until bin stances are provided in accordance with details that have first been submitted to and approved in writing by the Planning Authority  
Reason: To ensure visually sympathetic storage of bins
14. Noise levels emitted by any plant and machinery associated with the pumping station should not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation), unless otherwise agreed in writing with the Planning Authority. The noise should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason: To minimise adverse effects on neighbouring amenity

Information for the applicant

1. A lighting scheme should account for Guidance Note 08/18 Bats and artificial lighting in the UK (2018). Bat Conservation Trust and Institute Of Lighting Professionals

NOTE:

Dr Lindsay D Neil and Mrs Vivienne Nash spoke as objectors to the application.  
Mr Gavin Yuill, Camerons Architects spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/01032/FUL	Extension to form early learning and childcare provision	St Ronans Primary School Pirn Road Innerleithen

Decision: Approved subject to the following conditions and informative notes:

1. No development shall commence until an Arboricultural Method Statement (AMS) (including a tree maintenance scheme) that has been informed by a trial pit excavation (of a scope first agreed in writing with the Planning Authority) has been submitted to and approved in writing by the Planning Authority. The AMS should include any necessary adjustment to the specification of the approved extension. The development shall then be carried out wholly in accordance with the Arboricultural Method Statement and the trees shall subsequently be maintained in accordance with the approved maintenance scheme. Trees T1-5, identified in the Arboricultural Impact Assessment – Tree Consultancy Group 23<sup>rd</sup> September 2019, shall not be felled, lopped or otherwise disturbed to facilitate the development of the approved extension unless otherwise agreed in writing with the Planning Authority  
Reason: To minimise the landscape and visual impact of the development by minimising potentially adverse effects on trees with landscape value
2. No development shall commence on the approved extension until the following have been submitted to and approved in writing by the Planning Authority:
  - a) a copy of the relevant European Protected Species licence, (or Bat Low Impact Licence) as appropriate or,
  - b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development
 Reason: To protect the ecological interest in accordance with Local Development Plan Policies EP1 and EP3.
3. No development shall commence until written confirmation has been submitted to the Planning Authority confirming that the detailed Species Protection Plan for bats, as outlined in the Bat & Breeding Bird survey report, St Ronan’s Primary School, Innerleithen, The Wildlife Partnership, August 2019 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the outlined Species Protection Plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan Policies EP1 and EP3.

4. No development shall commence until written confirmation has been submitted to the Planning Authority confirming that the detailed Species Protection Plan for breeding birds, as outlined in the Bat & Breeding Bird survey report, St Ronan's Primary School, Innerleithen, The Wildlife Partnership, August 2019 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the outlined Species Protection Plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan Policies EP2 and EP3.
  
5. No development shall commence on the relocated play area until details of the means of enclosure, play structures and equipment have first been submitted to and approved in writing by the Planning Authority. The development shall take place in accordance with the approved details  
Reason: To ensure the development has a sympathetic visual impact
  
6. No development shall commence on the approved extension or relocated play area until the applicant 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 to the Planning Authority no later than 1 month prior to the start of development works and shall be approved by the Planning Authority before the commencement of any development. Thereafter the applicant 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.
  
7. No development shall commence on the approved extension until a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours have first been submitted to and approved in writing by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours.  
Reason: The materials and colours require further consideration to ensure they are visually sympathetic to the context

Information for the applicant

The water tank and pump house, fencing to the nursery garden, and sheds (indicatively located) are Permitted Development where none exceed 200 m<sup>3</sup> or 4 metres in height. The applicant should, however, ensure the fencing to the nursery garden does not risk damage to the roots of adjacent trees. The applicant is also recommended to ensure that all plant and machinery does not breach the following recommended noise limits - Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation). Any external lighting affixed to the extension should also account for potential light nuisance onto neighbouring residential properties.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00947/FUL	Erection of two dwellinghouses	Land South West of West Lodge Minto

Decision: Continued for a Site Visit to be arranged.

NOTE

Mr Simon Clew, spoke on behalf of Residents against the application.

Mr Gavin Yuill – Camerons Architects and Mr Tim Ferguson , Ferguson Planning spoke in support of the application.

**Reference**

19/01142/FUL

**Nature of Development**Erection of general purpose agricultural/  
Equestrian building (retrospective)**Location**Land West of  
Old Greenlaw Farmhouse  
Greenlaw

Decision : Continued to allow additional time for Officers to establish the precise location of the shed in relation to the original agricultural prior notification and to investigate the potential for screening between the site and the neighbouring dwelling.

**NOTE:**

Ms Jill Calder, Neighbour spoke against the application

Ms Carol Lindsay, Applicant spoke in support of the application.