

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

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 8 December 2014 at 10.00 a.m.

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Present: - Councillors R. Smith (Chairman), S. Bell, J. Brown, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.  
Apology:- Councillor M. Ballantyne.  
In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager, Principal Roads Planning Officer, Chief Legal Officer, Solicitor (G Nelson from application 14/01008/FUL), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

**ORDER OF BUSINESS**

1. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

**MINUTE**

2. There had been circulated copies of the Minute of the Meeting held on 3 November 2014.

**DECISION**

**APPROVED for signature by the Chairman.**

**DECLARATIONS OF INTEREST**

Councillor Bell declared an interest in Application 13/00552/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Smith declared an interest in Application 14/1008/FUL and left the meeting. In the absence of the Chairman Councillor Brown chaired the meeting.

**APPLICATIONS**

3. 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.**

**APPEALS AND REVIEWS**

4. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

- (a) **An appeal had been received in respect of discharge of planning obligation pursuant to planning permission 99/00638/OUT at site of Former Farm Cottage, Lylestane Farm, Oxton.**
- (b) **A review request had been received in respect of the Erection of dwellinghouse on site of Former Peel Sewage Works, Galashiels – 09/01727/FUL.**
- (c) **the Local Review Body had upheld the Appointed Officers decision to refuse the following:-**

- (i) Erection of dwellinghouse on Site of Former Peel Sewage Works, Galashiels ( Terms of Refusal varies) – 09/01727/FUL; and**
- (ii) Replacement windows and doors (retrospective) 80 and 80A High Street, Innerleithen – 14/00520/FUL;**
- (d) the Local Review Body overturned the Appointed Officers decision to refuse Erection of dwellinghouse and attached garage on land North East of Garden House, Whitmuir, Selkirk – 14/00156/FUL.**

*The meeting concluded at 3 p.m.*

**APPENDIX I****APPLICATIONS FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
<b>14/00763/FUL</b>	<b>Installation of anaerobic digestion sustainable energy plant</b>	<b>Ravelaw Farm, Whitsome, Duns</b>

Decision: Refused, contrary to officer recommendation, for the following reason:

Having regard to the 250m appropriate separating distance between the proposed anaerobic digester and any sensitive receptors recommended by Scottish Planning Policy, the proposed development would give rise to unacceptable impacts on the living conditions of neighbouring residents, by particular reason of odour, contrary to Policies G1 and H2 of the Scottish Borders Local Plan.

**VOTE**

*Councillor Bell, seconded by Councillor Gillespie, moved refusal of the application on the grounds detailed above..*

*Councillor Fullarton, Seconded by Councillor Mountford, moved as an amendment that the application be approved as per the officers recommendation.*

*On a show of hands Members voted as follows:-*

*Motion - 5 votes*

*Amendment - 3 votes*

*The Motion was accordingly carried.*

**NOTE**

Mrs Jones, 4 Ravelaw Farm Cottages, Whitsome, spoke against the application

Mr Robert Gaston, Applicant, Ravelaw Farm, Whitsome spoke in favour of the application

<b>13/00552/FUL</b>	<b>Extension to existing wind farm comprising installation of 6 No. wind turbines up to 100m high to tip, transformers, access tracks, anemometer mast, substation and control room, temporary construction compound and laydown area and associated ancillary works</b>	<b>Land West of Kingledores, Broughton, Biggar (Glenkerie Extension Wind Farm)</b>
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Decision: Refused contrary to officer recommendation for the following reason:

The proposed development would be contrary to Policy D4 of the Scottish Borders Consolidated Local Plan 2011 and to the advice contained in the Supplementary Planning Guidance on Wind Energy 2010 in respect of

- (1) Its unacceptable impact on landscape character by intruding into the Glenholm Valley.
- (2) Its overbearing impact on the receptor at Glenkirk.
- (3) Its unacceptable impact on amenity of living conditions of residents of Glenkirk by reason of noise.

**VOTE**

*Councillor Mountford, seconded by Councillor Brown, moved refusal of the application on the grounds detailed above.*

*Councillor Moffat, seconded by Councillor White, moved as an amendment that the application be approved as per the officers recommendation.*

*On a show of hands Members voted as follows:-*

*Motion - 4 votes*

*Amendment - 2 votes*  
*The Motion was accordingly carried.*

**14/00666/FUL                      Erection of twenty dwellinghouses                      Land West of Horsbrugh Ford Cottages**

Decision: Approved subject to a legal agreement addressing the improvements and promotion of the adjoining commercial site and contributions towards education, affordable housing and play area provision, and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
  
2. All roofs throughout the development to be clad with natural slate or a close fibre cement alternative and walls to be clad in wet coloured render. A sample of these and all other materials to be used on all exterior surfaces of the development hereby permitted, including doors and windows, shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
  
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority. The programme should provide for the completion of the dwellinghouses on Plots 13-18 before development on any other plots is commenced, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that the development of the estate proceeds in an orderly manner.
  
4. The development shall be served throughout by roads and pavements constructed to the Council's adoptable standards, including the access road from the public road to the site.  
Reason: In the interests of road safety.
  
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. The scheme shall then be implemented and maintained in accordance with an agreed programme of works. Details of the scheme shall include (as appropriate):
  - existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and vegetation to be retained and, in the case of damage, restored – including the young trees along the southern boundary and the dry stone wall along the eastern boundary.
  - location and design, including materials, of walls (including retaining walls), fences and gates
  - soft and hard landscaping works
  - existing and proposed services such as cables, pipelines, sub-stations
  - other artefacts and structures such as street furniture, play equipment
  - a programme for phasing of the works, completion and subsequent maintenance – including all open communal areas of landscaping.
  - a maintenance programme for all areas of public open space and areas of landscaping within the development site. The maintenance programme must outline how it will be implemented and include details of a periodic review of the agreed maintenance regime.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
  
6. No dwellinghouse to be occupied until footpath links are completed, in accordance with details firstly submitted to and approved by the Planning Authority, to the bus stop on the A72 and to the southern boundary with the hotel access road.  
Reason: To ensure adequate public access from the site to transport links and other facilities.

7. No built development, land-raising or solid boundaries shall be carried out within the 1:200 year flood extent zone shown hatched in blue on drawing 4019-103A submitted with the Quattro “Supplementary Flood Report”.  
Reason: To safeguard the development against potential flood risk.
8. The house finished floor levels to be constructed as shown on approved plan reference (PL)020 Rev F and no house floor level to be below 152.75m AOD.  
Reason: To safeguard the development against potential flood risk.
9. No development shall commence until further details of the water supply and of both surface water and foul drainage have been submitted for the approval of the Planning Authority. This information should include full details of the SUDs proposals. Once approved the submitted scheme to be implemented in accordance with an agreed programme.  
Reason: To ensure that the site is adequately serviced.
10. No development to commence until details of mid-rails to all windows are submitted to, and agreed by, the Planning Authority. Thereafter, the development to proceed in accordance with the agreed details.  
Reason: To safeguard the amenity and character of the surrounding area.
11. Further details of the water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority before any development is commenced and, once approved, to be implemented in accordance with an agreed programme. This should include full SUDs proposals.  
Reason: To ensure that the site is adequately serviced.
12. No development shall take place until the applicant has secured and implemented a programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. The requirements of this are:
- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
  - Access shall be afforded to the nominated archaeologist to evaluate the development site for the presence/absence, extent, character and likely age of archaeological remains.
  - If significant finds, features or deposits are discovered all works shall cease and the nominated archaeologist(s) will contact the Council’s Archaeology Officer immediately for consultation which may result in further developer funded archaeological mitigation depending on the level of impact.
  - Results will be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) prior to development commencing. The results of the DSR will be used by the Council’s Archaeologist to make recommendations to the Planning Authority for further archaeological mitigation as required.
  - The developer will be expected to fund and implement all further archaeological work as required.  
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
13. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.  
Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well being.
14. No development shall commence until a construction method statement has been submitted to and approved by the Planning Authority. The method statement should detail issues relating to the control of noise and nuisance from the site during the construction phase and control of run-off and pollution from the site.



6. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

7. No development to be commenced until a revised Tree Survey and Tree Protection and Management Plan are submitted to, and approved by, the Planning Authority, including survey and proposals for the trees within the site immediately north of the former railway line. Once approved, no trees within the application site identified for retention, shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority and the trees shall be managed in perpetuity in accordance with the details approved.

Reason: The existing trees represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

8. 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 (as appropriate):

- I. existing and finished ground levels in relation to a fixed datum preferably ordnance
- II. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- III. location and design, including materials, of walls (including retaining walls), fences and gates
- IV. soft and hard landscaping works
- V. existing and proposed services such as cables, pipelines, sub-stations
- VI. other artefacts and structures such as street furniture, play equipment
- VII. A programme for phasing of the works, completion and subsequent maintenance – including all open communal areas of landscaping.

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

9. No development shall take place until further details of the water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority. Once approved, the development shall only be implemented in accordance with an agreed programme for these works. This should include full SUDs proposals, storm attenuation, information on greenfield run-off rates and treatment of drainage at boundaries.

Reason: To ensure that the site is adequately serviced.

10. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The issues addressed should include pollution arising from the presence of additional road traffic and human occupancy, and the use of any proposed zero carbon/renewable technologies

Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well being.

11. No development shall commence until a construction method statement has been submitted to and approved by the Planning Authority. The method statement should detail issues relating to the control of noise and nuisance from the site during the construction phase.  
Reason: In the interests of the amenity of the neighbouring properties and to protect human health and well being.
12. No development to be commenced until further details and a programme of completion are submitted to, approved by, the Planning Authority, demonstrating a footway and cyclepath between Innerleithen Road and the Peebles Hydro Hotel footpath, at the northern end of the former railway footbridge and as shown on Drawing 13039(PL)003-E. Once the details are approved, the path to be completed in accordance with the approved details and timing agreed and to be retained unobstructed for free public access in perpetuity.  
Reason: To ensure adequate public access to existing facilities and other footpath networks.
13. Notwithstanding what is shown on the approved plans, no windows are to be installed on the western gable of the "B" Type House on Plot 1 or the eastern gable of the "B" Type House on Plot 8.  
Reason: To safeguard residential amenity.

### Informatives

1. The applicant should contact Scottish Power before the development commences to discuss the underground electricity line which passes through the site.
2. The Council's Environmental Health Service advises the following:

The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

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 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 at [e&ihealth@scotborders.gov.uk](mailto:e&ihealth@scotborders.gov.uk)

### NOTE

Mr Tony Thomas spoke in favour of the application.

**14/01102/FUL**

**Part change of use from clubrooms and alterations to form class 1 retail store on ground floor**

**Royal British Legion  
3 North Hermitage Street,  
Newcastleton**

Decision: Approved subject to the approval of the Scottish Ministers and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.



2. 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.
3. After stripping internal features the applicant will undertake a programme of Historic Building Photography of internal and external walls and features. Photos should be clearly numbered and plans of the building annotated to reflect where photos were taken. Results will be submitted to the Planning Authority for review and approval as a single pdf file in the form of a Historic Building Photography Report prior to development commencing. Further photography may be required to ensure a full and true record of the structure prior to approval of the report.  
Reason: To preserve by record a building of historical interest.
4. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the extension 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.
5. The two parking spaces shown on Drawing Number PROP-02 to be made available for parking by occupants of the dwellinghouse hereby approved before the dwellinghouse is occupied and retained in perpetuity.  
Reason: To ensure that adequate parking is provided within the site.
6. The flood mitigation measures contained within the agent's Planning Design and Access Statement October 2014 to be implemented as part of the development and following occupation of the dwellinghouse.  
Reason: To lessen the impact of potential flooding at the site.

NOTE

Mrs Irene Bell spoke in favour of the application.

<p><b>13/00761/FUL, 13/00764/MOD75, 13/00765/FUL and 13/00766/MOD75</b></p>	<p><b>Variation of planning condition 3 of planning permission E030/93; Modification or discharge of planning obligation E030/93 and E183/93; Removal of planning condition 1 on planning permission 05/00442/OUT &amp; 06/00435/FUL; and Modification or discharge of planning obligation 05/00442/OUT &amp; 06/00435/FUL</b></p>	<p><b>Larkhill and Larkhill Cottage, Lauder</b></p>
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Decision: Approved all the applications, but in the case of the approval of Planning Consent 13/00761/FUL subject to the proposal description being amended from "Variation" to "Removal" of Planning Condition No 3 of Planning Permission E030/93; and in the case of the approval of Planning Consent 13/00765/FUL, subject to the following planning condition:

Condition

1. The dwellinghouse at "Larkhill Cottage" shall only be used for ancillary residential use in connection with the use of the main dwellinghouse at "Larkhill" as a single residential property. It shall at no time be converted to, or otherwise used as, a self-contained unit independent of the residential use of "Larkhill", unless an application for planning permission in that behalf has first been submitted to, and approved in writing by, the Planning Authority.  
Reason: To retain effective control over the use of a dwellinghouse ("Larkhill Cottage") that was originally only approved as a holiday accommodation unit in association with an existing dwellinghouse ("Larkhill"), the independent residential use of which potentially raises matters not fully considered

within the determination of this planning permission (13/00765/FUL) or its predecessor (06/00435/FUL).

**NOTE**

Mr Hugh Garret of Smith and Garratt Rural Asset Management spoke in favour of the application.

**14/1008/FUL**

**Change of use from office and alterations and extension to form dwellinghouse**

**Former Office 30 Commercial Road Hawick**

Decision: Minded to approve, as per recommendation, subject to referral to Scottish Ministers and the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. 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.
3. After stripping internal features the applicant will undertake a programme of Historic Building Photography of internal and external walls and features. Photos should be clearly numbered and plans of the building annotated to reflect where photos were taken. Results will be submitted to the Planning Authority for review and approval as a single pdf file in the form of a Historic Building Photography Report prior to development commencing. Further photography may be required to ensure a full and true record of the structure prior to approval of the report.  
Reason: To preserve by record a building of historical interest.
4. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the extension 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.
5. The two parking spaces shown on Drawing Number PROP-02 to be made available for parking by occupants of the dwellinghouse hereby approved before the dwellinghouse is occupied and retained in perpetuity.  
Reason: To ensure that adequate parking is provided within the site.
6. The flood mitigation measures contained within the agent's Planning Design and Access Statement October 2014 to be implemented as part of the development and following occupation of the dwellinghouse.  
Reason: To lessen the impact of potential flooding at the site.

**Informative**

1. The applicant is reminded that this property is at significant risk of flooding and that permission is granted only in the interests of bringing into use the existing historic building.

2. The applicant is requested to ensure that occupiers of the proposed property are made aware of the risk. As access and egress to the development may also be affected by flood waters, it is recommended that the applicant the occupiers should sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.
3. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.
4. It is also recommended that the applicant adopts water resilient materials and construction methods appropriate to the property as advised in PAN 69.