

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 25 April 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apology:- Councillor J. Campbell.
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 28 March 2016.

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 report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

(a) review requests had been received in respect of the following:-

- (i) Erection of dwellinghouse on Land North East of The Cottage, Lauder Barns, Lauder – 15/01323/FUL;**
- (ii) Replacement windows at 5 East High Street, Lauder – 15/01484/FUL; and**
- (iii) Erection of dwellinghouse at Builders Yard, Land South West of 76 St Andrew Street, Galashiels – 15/01557/FUL.**

(b) there remained four reviews outstanding:-

- (i) Land South of Camphouse Farmhouse, Camptown, Jedburgh;**
- (ii) Office West Grove, Waverley Road, Melrose;**

- (iii) **Land and Buildings at Wilton Mills, 31-32 Commercial Road, Hawick**
 - (iv) **Land West of Whistlefield, Darnick.**
- (c) **there remained three appeals outstanding in respect of:**
 - (i) **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge;**
 - (ii) **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick;**
 - (iii) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles.**
- (d) **there remained 3 Section 36 Appeals Outstanding in respect of:**
 - (i) **Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnspath;**
 - (ii) **Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston; and**
 - (iii) **(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.**

The meeting concluded at 12.30 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u> 14/00848/PPP	<u>Nature of Development</u> Erection of 19 holiday lodges with Proposed access and land treatment	<u>Location</u> Land North West of Whitemuir Hall, Selkirk
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DECISION: Refused, for the following reason:

The proposed development is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been established that there is sufficient economic justification to establish a case for the development that would outweigh concerns over the harm to the amenity and the character of the scenic landscape and surrounding Whitmuirhall Loch, which is sensitive to change and which contributes to the attractiveness of the area.

<u>Reference</u> 16/00187/FUL	<u>Nature of Development</u> External redecoration and installation Of extraction Flue	<u>Location</u> Dean Park, Peebles
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DECISION: Approved subject to the following conditions:-

1. The flue not to be installed until further details are provided of the colour and surface finish for the approval of the Planning Authority and, once approved, the flue to be installed in accordance with the approved details.
Reason: To safeguard the amenity of the Conservation Area and surrounding properties.
2. The flue hereby approved under this consent shall be the only external flue installed on the premises.
Reason: The implementation of the previously approved flue would be unnecessary and lead to a cluttered arrangement.
3. Any noise emitted by the flue or machinery attached thereto will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from the flue or machinery attached thereto should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2. The flue and machinery attached thereto 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.
4. The flue or machinery attached thereto shall be installed and maintained to the specification of the Planning Authority in accordance with the DEFRA guidance document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems"
Reason: To protect the residential amenity of nearby properties.

Applicant Informative

The applicant should be aware that the roof may contain asbestos and that all statutory precautions are undertaken when carrying out any works to the roof to insert the approved flue. Guidance on asbestos

should be viewed on the Health and Safety Executive website and all relevant precautions and mitigation followed.

NOTE

Councillor Bhatia spoke against the application

Mr James Ker, spoke on behalf of the Residents of Dean Park and Northgate against the application

Mr Sam Coe, Agent for the Applicant and Mr Bruce Skirving, Building Owner spoke in favour of the application.

Reference
15/01270/PPP

Nature of Development
Erection of dwellinghouse

Location
**Land at Public
Conveniences
Craik, Hawick**

Decision: Approved subject to the following conditions:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The dwellinghouse to be sited outwith the area outlined in blue on Drawing Number: 15/01270/PPP#2000.
Reason: To ensure that the dwellinghouse is sited outwith the area of the site that is at risk of flooding.
4. No development should commence until that the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
5. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
6. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.
Reason: To ensure that the development does not have a detrimental effect on public health.
7. Parking and turning for a minimum of two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.

Reason: To ensure adequate off-street parking is provided, in the interests of road safety.

8. The existing access from the public road must be utilised to serve this dwellinghouse, as shown in blue on Drawing Number 2014-034. No direct vehicular access to be provided over the bridge to the north of the site from Forest Road.

Reason: It has not been demonstrated that the existing bridge is suitable for the loadings associated with a dwellinghouse.

9. 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:

- 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 of all existing and proposed planting.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

10. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

11. The right of way through the site to be kept open and free from obstruction or encroachment during the construction of the dwellinghouse and thereafter.

Reason: To ensure the right of way remains open and free from obstruction.

12. No trees within 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.

13. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a heras or similar 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.

Informatives

Water Supply

In respect of condition 4, as the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Private Drainage

In respect of condition 6, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge condition 6 relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01217/FUL	Works to amend ground levels and plot Finished floor levels (revision to planning Permission 12/00803/FUL)	Phase 2, Land North and North East of Easter Langlee Farmhouse, Galashiels

DECISION: Approved subject to the following conditions and informative note:

1. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Surface water shall be managed during the construction period in a manner which maintains pre-development greenfield run-off rates and the surface water drainage scheme for the housing development approved under 12/00803/FUL shall be implemented and operated to maintain existing greenfield run-off levels having accounted for the changes in levels approved under this consent
Reason: To ensure that the level changes approved under this consent do not lead to run-off from the site onto neighbouring property and to ensure the approved housing development itself is adequately serviced by a surface water drainage scheme as required under 12/00803/FUL and which accounts for the approved changes in levels.
3. Retaining wall material specifications and planting of retaining walls shall be as approved under the principal planning consent 12/00803/FUL; retaining walls shall not exceed the heights specified on the approved plan; and no additional retaining walls shall be erected unless otherwise agreed with the Planning Authority
Reason: To tally the varied retaining wall requirements with the specifications and landscaping required under the principal planning consent.
4. No ground level changes are approved within the tree buffers required under planning consent 12/00803/FUL. Tree buffers shall be protected in accordance with the measures approved under Condition 5 of that consent
Reason: To ensure trees of public amenity value are protected during the works

Informatives

1. The Notes for Condition 1 should be completed as follows:

Note 1: Insert address or describe the location of the development

Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions

Note 3: Insert the name and address of the developer

Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)

Note 5: Insert the description of the development.

Note 6: Insert the application reference number.

2. This consent approves changes in levels within the area of the application site, subject to conditions directly related to the physical consequences of the level changes. The housing development on the site is, however, otherwise bound by the schedule of conditions applied to it by planning consent reference 12/00803/FUL, including on and off site planting. If levels need adjusted to allow tree protection fencing (as covered by Condition 4), the applicant should establish with the Planning Authority whether or not such changes are non-material.

3. If levels on the remainder of the original development site (under 12/00803/FUL) need adjusted to tie in with the levels approved here, the applicant must establish with the Planning Authority whether or not such level changes fall within the scope of the original planning consent.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01525/FUL	Change of Use and alterations to form two dwellinghouses	2 Soonhope Farm Cottage, Peebles

DECISION: Approved subject to the following conditions and informatives, notification to the Scottish Ministers and to a Legal Agreement:

1. Further details of the colour of all external timber doors, windows and cladding and the profile/pattern of astragals to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: To safeguard the character of the building and the amenity of the area.
2. A curtilage plan of the southern forecourt of the premises indicating parking spaces and fuel/waste storage areas to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: In the interests of road safety.
3. Further details of the style and extent of boundary fencing to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: To safeguard the character of the building and the amenity of the area.
4. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

5. If works are to commence during the breeding bird season (March-August), supplementary surveys for breeding birds and a mitigation plan will be required to be submitted for the approval of the Planning Authority. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme.

Reason: To safeguard potential ecological interests at the site.

Informatives

1. It is recommended that you consider the formation of a passing place/localised widening on the access road leading to the site, in a position and of a specification firstly agreed with the Planning Authority. Please contact the Roads Planning Service who would be happy to meet and discuss the details.

2. The Council's Flood Protection Officer advises the following:

I would recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

3. The Council's Environmental Health Officer advises that 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.

4. The Council's Ecology Officer advises the following:

If bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH and /or a suitably qualified ecologist. The developer and all contractors should be made aware of accepted standard procedures of working with bats at 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/existing_buildings.html