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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 31ST MAY, 2021

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held on MONDAY, 31 MAY 2021 at 10.00 A.M. VIA MICROSOFT TEAMS. The meeting will be live streamed to the public and a link will be on the Council Website.

J. J. WILKINSON,
Clerk to the Council,

24 May 2021

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 8) Minute of Meeting held on 26 April 2021 to be approved and signed by the Chairman. (Copy attached.)
5.	Application. (Pages 9 - 22) Consider an application for planning permission in respect of the erection of 2 glamping pods on Land North West of Drummonds Hall, Lauder – 20/01024/FUL. (Copy attached.)
6.	Appeals and Reviews. (Pages 23 - 28) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors S. Mountford (Chair), N. Richards, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage and E. Small

Please direct any enquiries to Fiona Henderson 01835 826502
fhenderson@scotborders.gov.uk

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

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
via Microsoft Teams on Monday, 26 April at
10.00 a.m.

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S.
Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small.

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B.
Fotheringham), Lead Planning Officer (Craig Miller), Lead Roads Planning
Officer, Solicitor (Fraser Rankine), Democratic Services Team Leader,
Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 29 March 2021.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of a report by the Chief Planning and Housing Officer on
applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application 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) **There remained two appeals previously reported on which a decision was still
awaited when the report was prepared on 14 April 2021 and related to the sites
at:**

- | |
|---|
| <ul style="list-style-type: none">Land West of 8 Ballantyne Place, Peebles |
| <ul style="list-style-type: none">Land East of Knapdale, 54 Edinburgh Road, Peebles |

- (b) **a review request had been received in respect of the Erection of boundary fence
(retrospective) at 1 Raeburn Lane, Selkirk – 20/01234/FUL;**

- (c) **There remained one review previously reported on which a decision was still
awaited when the report was prepared on 14 April 2021 and related to the site at:**

- | |
|---|
| <ul style="list-style-type: none">Angling Club, 5 Sandbed, Hawick |
|---|

- (d) **There remained one S36 PLI previously reported on which a decision was still
awaited when the report was prepared on 14 April 2021 and related to:-**

- **Crystal Rigg Wind Farm, Cranshaws, Duns**

The meeting concluded at 12.25 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00090/FUL	Erection of 64 dwellinghouses and associated Infrastructure	Former Earlston High School Earlston

Decision: Approved, with powers delegated to Officers to secure appropriate noise mitigation, subject to a legal agreement (covering development contributions towards play space) and the following conditions:

1. The residential units hereby approved shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof materials for the approved buildings (which shall include more than one wall render colour), and full details of the surfacing of all shared surfaces and footways have first been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To ensure the material finishes respect the character and appearance of the surrounding area.
3. Notwithstanding the details illustrated on Drawing No L(02)H-01, no development shall commence until revised elevation drawings of House Type H-J have first been submitted to an agreed in writing with the Planning Authority. The amended elevations shall include additional architectural interest through the use of additional and complementary materials as well as adjustments to the fenestration. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: Further details are required to ensure the external appearance of the colony units respects the character of the surrounding area.
4. 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, thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. soft and hard landscaping works
 - iii. precise design of nodes/feature planters
 - iv. a programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until a revised masterplan has first been submitted to and agreed in writing by the Planning Authority which provides one additional disabled

car parking space. Once agreed the development shall be completed in accordance with the approved details.

Reason: To ensure sufficient parking provision is provided.

6. No development shall commence until a scheme of details relating to the following pedestrian improvements and the provision of cycle storage facilities has first been submitted to and agreed in writing with the Planning Authority. Thereafter, the development shall be completed in accordance with the agreed details. The details shall include;
- i. improvements to the pedestrian route to the west of the site via the industrial estate;
 - ii. improvements to the pedestrian link to the north of the site past the tennis courts;
 - iii. provision of cycle storage facilities to serve the colony units; and
 - iv. a programme for completion.

Reason: To ensure that the development hereby approved is served by appropriate pedestrian and cycle storage facilities upon completion.

7. 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 Planning Authority.

Reason: To ensure that the development of the estate proceeds in an orderly manner.

8. No development shall commence until a Traffic Management Plan has first been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details. The details shall include;

- i. access arrangements for construction traffic
- ii. temporary traffic measures required during the construction period
- iii. access arrangements for staff traffic during the construction phase

Reason: To ensure the traffic associated with the construction of the development does not have a detrimental impact on the existing road network within the vicinity of the site and its users, particularly with regards the adjacent school premises.

9. No development shall commence until a scheme of mitigation measures designed to reduce noise levels across the development site generated by operations carried out within the Station Road business and industrial site shall first be submitted to and agreed in writing with the Planning Authority. The scheme of measures shall reflect the recommendations of the submitted RMP Noise Impacts Assessment (Former Earlston High School, Earlston TD4 6HE - Technical Report R-8461-RRM-RGM, dated 8th May 2019, and Addendum (Ref:L-8461C-RRM-RGM) to Noise Impact Assessment Ref: R-8461-RRM-RGM, dated 11th September 2019) and any other additional measures which may be informed by subsequent Noise Impact Assessments. Once agreed, the scheme of mitigation measures shall be implemented prior to the occupation of the first dwellinghouse hereby approved.

Reason: To ensure that the residential amenity of the development will not conflict with operations undertaken at the adjacent Station Road Industrial and Business site.

10. No development shall commence until a scheme submitted by the Developer to identify and assess potential contamination on site has first been submitted to and approved in writing by the planning authority. Thereafter no construction work shall commence unless in strict 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) 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;
- b) 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.
- c) 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).
- d) 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.
- e) 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.

11. No development shall commence until the developer 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 by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer 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.

12. No development shall commence until written evidence is provided to the Planning Authority that mains water and foul drainage connections are available to serve the development. All public mains services shall be provided prior to occupancy of the dwellinghouses hereby approved and shall be maintained thereafter throughout occupancy of the dwellinghouses

Reason: To ensure the development is adequately serviced and to maintain existing surface water run-off levels from the site.

13. No development shall commence until precise details of the design of the SUDS scheme has first been submitted to and approved in writing with the Planning Authority. The sustainable urban drainage system shall comply with CIRA C753 SuDS Manual. Once approved the development shall be carried out in strict accordance with the agreed details. Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

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

14. No development shall commence until a Construction Environmental Management Plan incorporating the good practice guidelines and statutory advice to protect the River Tweed SAC has first been submitted to and agreed in writing in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
15. No development shall commence until a Species Protection Plan (SPP) for bats, otter, badger and breeding birds has first been submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
16. No development shall commence until a Landscape and Habitat Management Plan (LHMP) has first been submitted to and approved in writing by the Planning Authority. The LHMP shall incorporate provision for measures identified in the Ecological surveys including planting of native trees and shrubs and SuDS enhancements. No development shall be undertaken except in accordance with the approved in writing LHMP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
17. No development shall commence until a sensitive lighting scheme to safeguard protected species incorporating the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK) to protect bats has first been submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3

Informatives

1. The applicant shall give consideration to the provision of additional electric vehicle and electric cycle charging points and associated infrastructure.
2. The applicant shall give consideration to the use of sustainable construction techniques and inclusion of appropriate measures to maximise the efficient use of energy and resources. This shall include, but is not limited to, the use of solar panels and air source heat pumps.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

31 MAY 2021

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 20/01024/FUL
OFFICER:	Julie Hayward
WARD:	Leaderdale And Melrose
PROPOSAL:	Erection of 2 glamping pods
SITE:	Land North West of Drummonds Hall Lauder
APPLICANT:	Mrs Natalie Currie
AGENT:	None

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 31st May 2021

SITE DESCRIPTION

Drummonds Hall Cottage is situated to the north east of Lauder and to the west of the A697. It is within the Thirlestane Castle Garden and Designed Landscape, the castle being a category A Listed Building. The property is surrounded on three sides by woodland with fields to the south. The Earnsclough Water is to the north and the bridge over it is listed at category B. There are no other dwellinghouses in the surrounding area.

The existing property on the site is a one-and-a-half storey dwelling set within extensive grounds. It is accessed from the A697 by two long tracks, one from the north and one from the south. The Southern Upland Way runs through the forest to the south west and along a track to the south.

The application site is within the garden ground to the north west of the house.

PROPOSED DEVELOPMENT

The proposal is to site two glamping pods within the site. These would be 4.6m by 3.5m and 2.5m high with one bedroom, shower room, kitchen/dining, living room and an external covered veranda. Each pod would have one parking space adjacent to it and planting is proposed between the pods.

Drainage would be to the septic tank that serves the current property, discharging to the watercourse (Earnsclough Water) and the water supply for the pods would be from a private supply. Recycling and waste bins would be provided inside the pods and discharged to wheelie bins (located off-site) for collection of recycling and non-recyclable waste.

An access plan has been provided showing two accesses onto the A697, one to the north (Access 1) and once to the south (Access 2).

PLANNING HISTORY

07/00660/FUL: Drummonds Hall Lauder - Alterations and extension to dwellinghouse. Approved 30th May 2007.

REPRESENTATION SUMMARY

Two representations have been received and these can be viewed in full on the Public Access website.

One representation objecting to the application on behalf of Lord Bidulph (owner of Huntington Farm) and Mr. Douglas Runciman (the tenant occupier of Huntington Farm) in relation to the proposed expanded use of Access 1 states:

- The planning application identifies two accesses: Access 1 (north), which indicates passage through a Huntington Farm livestock field and Access 2 (south), a service track opposite the Wanton Walls Farm access road. The application suggests that the Access 1 is the primary point of access to Drummonds Hall. This is not the case as it is only suitable for four-wheel drive/farm traffic and necessitates passage over a narrow bridge.
- The condition of the track suggests it has not been used by vehicles for many years. The Title Information on the property is silent in terms of the applicant having any rights of access to the property via Access 1 but would probably be restricted to residential use and not business use.
- Currently there is a temporary fence at Access 1 to allow articulated forestry vehicles to pull off the road to access the Norton plantation; this will be removed and a gate reinstated to be flush with the roadside fence. This will make this point of access extremely dangerous due to the traffic speeds, particularly when approaching from the north, with livestock in the field (which could escape whilst the gate is open). This would be exasperated by additional holiday traffic visiting the glamping pods.
- Drummonds Hall currently take their domestic refuse bins by van to be stood at the gateway of Access 1 for collection so additional commercial bins serving the pods may also be taken to Access 1. The current bins already affect sight lines when exiting the field onto an extremely fast stretch of road.

One representation has been received in support of the application from Councillor Miers:

- There are a number of issues to do with siting, access etc. that need to be considered. The applicant has addressed all of these in what is an enterprising initiative that will improve the tourism offering of the Lauder area.
- The issue of a Flood Risk Assessment, is the nub of this application. Notes that, while SEPA objects to the application on flooding grounds, the Council's own officers are happy for this to proceed. They have not been able to resolve this apparent disagreement because of SEPA's technical problems stemming from the cyber-attack experienced in December, which is why the application is coming before the committee.

- The Planning Authority normally takes SEPA's opinion very seriously, and of course as do its Members. However from time to time officers are prepared to disagree with SEPA where their local expert knowledge guides them to do so and where the issues at stake are not particularly sensitive. There are several recent precedents of this kind in the Borders and this is another such case. Confident that this scheme does not present a serious flooding risk and urges Members to support the application.

APPLICANTS' SUPPORTING INFORMATION

- Business Plan
- Information on access and flooding
- Flood Assessment

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

ED7: Business, Tourism and Leisure Development in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP7: Listed Buildings

EP10: Gardens and Designed Landscapes

EP13: Trees, Woodland and Hedgerows

IS7: Parking Provisions and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Trees and Development 2008

Biodiversity 2005

OTHER PLANNING CONSIDERATIONS:

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Raises some concerns with regards to this proposal. The applicants have suggested that they have two access points onto the A697, however neither of these accesses are ideal. The northerly access is directly onto a fast overtaking stretch with substandard visibility caused by road side bushes; furthermore, the private access between the site and the A697 is currently impassable by private car. The southerly access is very steep and relies on a large area of road verge on the opposite side of the A697 being maintained in order to provide visibility and

therefore safe access and egress. The private track between this access and the site is very rutted with no passing opportunities between the A697 and the existing cottage.

In order to consider this proposal further, clarification from the applicants regarding which access they will be using and willingness to improve this access is required. Ideally, the access not being used should be stopped up to vehicular traffic, however this may not be possible due to land ownership and access rights issues.

Re-consultation: The applicant has confirmed that they intend to use the southerly access onto the A697 to serve this development. The proposed glamping pods are unlikely to generate a significant amount of traffic and RPS is able to support the proposal provided the following improvements are carried out:

- The bellmouth at the junction with the A697 to be widened to 5.5m with 8m radii and surfaced to my specification for the first 5m. This will allow two vehicles to pass within the bellmouth and prevent vehicles proposing to turn in to the junction having to wait on the A class road, should another vehicle be emerging from the access.
- The passing place on the private access to be increased in size so that it measures 6m long with 6m tapers on either side and provide an overall road width of 5.5m.
- The private access leading from the A697 to the site to be regulated to provide a smooth running surface capable of withstanding 14 tonne axle loading.

Economic Development: No response.

Environmental Health: As the proposed glamping pods are tied as a single planning unit with Drummonds Hall, Environmental Health has no objections to the proposed development.

Access Officer: There is one claimed right of way adjacent to this area of land (BE19).

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

Due to the indicated flood risk and the site location being very close and upstream of a bridge, the site is unsuitable for this kind of development. Suggests erecting the glamping pods either in the field to the north west or the field to the south east of the currently proposed site, were the flood map indicates no flood risk.

Second Response: Since the first response the applicant has submitted further information in support of this application.

As the proposed location of the pods has not changed and is within the 1:200 year flood envelope of the Leader Water and upstream of a bridge and culvert a Flood Risk Assessment (FRA) should be undertaken by the applicant.

The application is for holiday accommodation, which is classed as 'Most Vulnerable Uses' in SEPA's Vulnerability of Land Use guidance. The applicant should be made aware that if the FRA shows the proposed site is within the 1:200 or 1:1000 year flood envelope of the Leader Water the Planning Authority and SEPA are likely to object to this application due to the vulnerability of the proposed land use and its sitting within a floodplain.

Third Response: It is estimated that the site sits 3 - 3.5m above the floodplain for the Earnsclough Water. Considering the site characteristics and the type of proposed development, requiring a FRA seems excessive. Based on the topography of the site and the surrounding land the FRO concludes that it would take a large-scale event to flood the proposed location of the pods, but concedes that this is unknown.

The flood risk could be mitigated to some extent though maintenance of the watercourse and bridge; if planning permission is granted a condition should be added requiring a maintenance programme to be in place for clearing the flood arch at the bridge and for tree clearances of fallen or leaning trees upstream and downstream of the bridge.

Also concerned about the only access/egress road to the site, as due to its condition and steep incline from the site towards the main road, it may be impassable during high rainfall. It is requested that the applicant have a maintenance plan for the road in place, which should include the clearance of the existing drainage grille at the bottom of the road.

Archaeology Officer: The historic parkland and woodland of the Thirlestane Castle area and the historic bridge are to the north west of the location proposed for the pods. A prehistoric quern was found somewhere in the area.

This application is of limited size on the area of road surface and embankment modified for the garden ground of the adjacent property. It is therefore likely that the existing landscaping will have removed the original profiles, levels and surfaces of the area already. These features are of low importance and would not require any archaeological work to be carried out by conditions.

Whilst the pods themselves have no direct impact upon the historic bridge, the proposed access submitted in the application does. Two routes are proposed to the site both following existing tracks. The northern track crosses the bridge and so it may be useful to consider the state of repair of this bridge given the increased use.

Heritage and Design Officer: No response.

Landscape Architect: No response.

Statutory Consultees

Historic Environment Scotland: The proposal affect the Thirlestane Castle Garden and Designed Landscape. We have considered the information received and do not have any comments to make on the proposals.

SEPA: Object to the proposed development on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy. SEPA reviewed the information provided and it is noted that the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood

Map, and may therefore be at medium to high risk of flooding from the Earnscleugh Water.

The proposed development is considered to fall within the Most Vulnerable Use category of SEPA's Land Use Vulnerability Classification. This means we require the development to be situated out with the 0.1% annual probability (1: 1000 year) flood extent.

SEPA seeks clarification on the following points before they would consider removing their objection to the proposed development:

- Provision of a detailed Flood Risk Assessment or other appropriate information which demonstrates that the proposed holiday accommodation accords with Scottish Planning Policy and is situated out with the 1 in 1000 year flood plain; or
- Relocate the pods to higher ground, if available, and demonstrate that this site is out with the 1 in 1000 year flood plain with a detailed topographic survey in the first instance.

Re-consultation: No response.

Community Council: No response.

Other Consultees

AHSS: No comments or objections.

Scotland's Gardens and Landscape Heritage: The site is located within the boundary of and may have an impact on the Thirlestane Castle Designed Landscape. Thirlestane Castle is included in the Inventory of Gardens and Designed Landscapes in Scotland and therefore assessed by Historic Environment Scotland to be of National significance.

We are not familiar with the site but have studied the documents submitted in support of the application. Unfortunately, they are not of particularly good quality and there do not appear to be any details of localised landscape or surface treatments around the pods. However, in this location they would appear unlikely to have any major detrimental impact on the designed landscape, including the adjacent Category B-Listed Drummonds Hall Bridge, and accordingly we have no objections.

KEY PLANNING ISSUES:

- Whether the proposal is an appropriate development in the countryside;
- Whether adequate access can be achieved;
- Impact on residential and visual amenities;
- Flooding.

ASSESSMENT OF APPLICATION:

Planning Policy

Policy ED7 of the Local Development Plan states that proposals for tourism development in the countryside will be approved provided that the development is to

be used directly for tourism appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy and Action Plan.

A Business Plan has been submitted setting out the attractions of the site, lack of a similar offer within the local area and marketing proposal.

In addition, the development must respect the amenity and character of the surrounding area, have no significant adverse impacts on nearby uses, particularly housing, and where new building is proposed, the applicant should demonstrate that no appropriate existing building or brownfield site is available. The scale of the development should be appropriate to the rural character of the area, the siting design and materials should be in accordance with Policy PMD2, and the development should account for accessibility. These matters will be discussed in more detail later in the report.

The Council encourages a variety of holiday accommodation and this development would contribute to that aim. The principle of this development is acceptable in this rural location and submitted drawings indicate that the accommodation would be of a high quality. There are no other buildings or brownfield sites within the applicants ownership that would be appropriate for the intended use and the scale of the development would be appropriate to the rural character of the area. The site is well located to Lauder in terms of shopping and tourist related facilities, to the A68, A697 and Southern Upland Way for access and to attractions within the Borders, Lothians and Edinburgh.

A condition will ensure that the pods are occupied by holidaymakers only and not used as permanent dwellings.

Siting and Design and Impact on Visual Amenities

Policy ED7 requires that the development meets the siting and design criteria of policy PMD2; this policy requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

This would be a small scale development and it can be accommodated within the garden ground of the applicant's property without it constituting overdevelopment. The design and materials (drawings appear to show horizontal timber cladding to the gable elevations and timber shingles to the curved walls/roof) of the pods would be acceptable for this rural location. Precise details of the external materials should be agreed by condition.

The site appears well screened by woodland and the small scale of the development means that the development would not be highly prominent in the landscape or harmful to the visual amenity of the area.

Impact on Trees and the Designed Landscape

Policy EP13 seeks to give protection to trees and woodland, and in turn to the character and amenity of the countryside. In addition, Policy EP10 states that the Council will support development that safeguards or enhances the landscape features, character or setting of sites listed in the Inventory of Gardens and Designed Landscapes or sites included in historic gardens and designed landscapes records.

The site is within the Thirlestane Castle Designed Landscape but this is a small scale development and Historic Environment Scotland and Scotland's Gardens and Landscape Heritage have no objections to the proposal. The pods would be sited within garden ground of Drummonds Hall Cottage and no trees of any note would be felled although existing domestic planting may be removed to accommodate the pods. Planting is proposed between and adjacent to the pods, which would help to integrate the development into this sensitive landscape. It is considered that the proposal would not harm the special qualities of the wider Designed Landscape and would ensure compliance with EP10 and EP13

Ecology

Policies EP1 and EP2 aim to give internationally and nationally designated sites (including Special Areas of Conservation and SSSI's) and protected species, protection from potentially adverse development. Policy EP3 also states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

The Earnscleugh Water to the north of the application site, flows into the Leader Water, a tributary of the River Tweed Special Area of Conservation and SSSI.

Given the distances involved and the elevated position of the proposed pods above the watercourse, it is unlikely that the works required to form the hardstandings and install the pods would harm the special qualities of the Special Area of Conservation and SSSI. However, following discussions with the Council's Ecologist it is recommended that the precise location of the pods and car parking areas is agreed prior to installation. A condition to ensure compliance with SNH guidance on The River Tweed SAC and SSSI is recommended. An undeveloped buffer strip of at least 10m from the riverbank to the edge of the development footprint will help to provide a more natural riparian corridor and minimise impacts on water quality during construction activities.

It is not clear from the plans whether trees and/or shrubs are being removed to accommodate the development but the applicant has confirmed that no trees of any note would be felled and the pods would be out with the root protection zones of existing trees. It would be appropriate, however, given the proximity of the development to trees within the garden, that an applicant informative reminding the applicant/developer of their obligations to protect breeding birds, is added to any grant of consent.

Impact on Residential Amenities

Policy ED7 requires that the development has no significant adverse impact on nearby uses, particularly housing. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The applicant's house is the only property close to the site that would be affected by the development. The pods would be a sufficient distance from the house to prevent any loss of privacy for the existing residents and future occupants of the pods. The distance between the pods and proposed planting will safeguard the amenities of the tourists occupying them, ensuring compliance with Policies ED7 and HD3

Access and Parking

Policy ED7 states that the development must take into account accessibility considerations. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The access drawing originally submitted with the application showed two accesses onto the A697, one to the north (Access 1) and one to the south (Access 2). One parking space per pod is proposed, accessed from the track that serves the existing property.

Members will note that one representation has been received in connection with the development, objecting to the use of Access 1. The Roads Planning Service (RPS) originally expressed concern that neither of the two accesses are ideal due to substandard visibility and the condition of the tracks, with no passing opportunities between the A697 and the existing cottage.

An access plan has been submitted clarifying that the southern access onto the A697 would be utilised to serve the development. This avoids the listed bridge to the west of the site and deals with the issues raised in the objection representations.

The RPS can now support the application, subject to conditions requiring improvements to the access track onto the main road, upgrading of the access track and works to extend the existing passing place. Members will note that the vehicular access to the site is out with the ownership of the applicant but written consent of the neighbouring landowner has been obtained to allow the improvement works require by RPS to be carried out.

Flooding

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store floodwater should be protected.

The site is within the flood plain of the Earnsclough and Leader Water and may be at risk from a flood event with a return period of 1 in 200 years. The proposed development is considered to fall within the Most Vulnerable Use category of SEPA's Land Use Vulnerability Classification.

SEPA has objected to the proposal due to the risk of flooding and requested either:

- i) a detailed Flood Risk Assessment or other appropriate information which demonstrates that the proposed holiday accommodation accords with Scottish Planning Policy and is situated out with the 1 in 1000 year flood plain or;
- ii) the pods are relocated to higher ground and evidence, in the form of a detailed topographic survey, is provided demonstrating that the site is out with the 1 in 1000 year flood plain.

The applicant submitted additional information to demonstrate the level distance between the site and the Earnsclough Water and SEPA was re-consulted on this but unfortunately, due to a cyber-attack on SEPA's IT infrastructure in December 2020, has prevented SEPA from responding. Their original objection remains in place.

The Council's Flood Protection Officer initially advised that the site is unsuitable for this type of development and suggested that the glamping pods should either be located in the field to the north west or the field to the south east of the currently proposed site, were the flood map indicates no flood risk.

The applicant investigated other sites but concluded that the application site is the only viable option for the pods. Following the submission of the supporting information and a site visit, the Council's Flood Protection Officer estimates that the site sits 3 - 3.5m above the flood plain for the Earnscleugh Water and, based on the topography of the site and the surrounding land, it would take a large-scale event to flood the location of the proposed pods.

The Flood Protection Officer advises that the flood risk could be mitigated through maintenance of the watercourse and bridge; a condition is requested that requires a maintenance programme to be submitted, agreed and put in place for clearing the flood arch at the bridge and for tree clearances of fallen or leaning trees upstream and downstream of the bridge. The Flood Protection Officer is also concerned about the only access/egress road to the site, as due to its condition and steep incline from the site towards the main road, it may be impassable during high rainfall. A maintenance plan for the road is also required to include the clearance of the existing drainage grille at the bottom of the road. This can be secured by condition.

It is considered that, based on the Flood Protection Officer's response and subject to the requested conditions, the application can be supported. Members will be aware of similar recent cases brought before Committee where SEPA had objected but the Council's FRO supported the application. In these cases, it was also your Officer's view that the applications could be supported, subject to clearance from Scottish Ministers. Should Members approve the application, it would have to be referred to Scottish Ministers for determination in the same way.

It is worth noting that recent discussions between have taken place between SEPA and Council Officers in an attempt to resolve cases where SEPA's objections remain outstanding. In these cases, SEPA has confirmed they are content for local authorities to follow the advice and guidance of their own in-house flood experts. Members will note from the information above that your own FPO is now in a position to support the development.

Built Heritage and Archaeology

Policy EP7 of the Proposed Local Development Plan states that the Council will support development proposals that conserve, protect and enhance the character, integrity and setting of Listed Buildings.

Members will note that the applicant confirmed the site would be accessed via the southern access track and would not involve vehicular traffic crossing the nearby listed bridge. As such, there will be no impacts on this listed structure, ensuring compliance with EP7.

Policy EP8 states that development proposals which adversely affects local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer has confirmed that there are no archaeological implications for this development and that mitigation and investigation is not required.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system, however for development in a countryside location, the use of a private system may be acceptable.

Foul drainage will be taken to the septic tank that serves the current property, which has a capacity for 10 people, discharging to the nearby watercourse (Earnsclough Water). The water supply would be from a private supply, the precise details of which should be submitted and approved to ensure an adequate wholesome supply is available to serve the development without compromising existing users.

CONCLUSION

The development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016, in particular Policy ED7: Business, Tourism and Leisure Development in the Countryside but also having had regard to overriding material considerations set out in the report.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the approval of the Scottish Ministers and the following conditions:

1. The development hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The occupation of the holiday units shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.
Reason: The accommodation on the site is not designed for permanent occupation and permanent residential use would be contrary to the council's housing in the countryside policies.
2. Prior to the development becoming operational the junction of the private access with the A697 to be improved to the following specification: the bellmouth at the junction to be widened to 5.5m with 8m radii and surfaced for the first 5m.
Reason: To allow two vehicles to pass within the bellmouth and prevent vehicles looking to turn into the junction having to wait on the A class road should another vehicles be emerging from the access, thereby ensuring the free flow of traffic on the A class public road, in the interests of road safety.
3. Prior to the development becoming operational the private access to the site to be upgraded to provide a smooth running surface capable of withstanding 14 tonne axle loading and the passing place on the private access to be extended so as to be 6m long with 6m tapers on either side to provide an overall road width of 5.5m.
Reason: To the private access is of a standard suitable for serving the development proposed.

4. A maintenance programme for clearing the flood arch at the bridge and for clearance of fallen or leaning trees upstream and downstream of the bridge, including a timetable for the works, to be submitted to and approved in writing by the Planning Authority before the development commences. The requirements within the maintenance programme then to be carried out in accordance with the approved timetable.
Reason: To mitigate potential flood risk at the site.
5. A maintenance programme for the road, including the clearance of the existing drainage grille at the bottom of the road and a timetable for these works, to be submitted to and approved in writing by the Planning Authority before the development commences. The requirements within the maintenance programme then to be carried out in accordance with the approved timetable.
Reason: To mitigate potential flood risk at the site.
6. Details of any proposed signage within or around the site to be submitted to and approved in writing by the Planning Authority before the signage is erected (location, dimensions, material, design, colours and method of illumination). The signage then to be erected in accordance with the approved details.
Reason: To protect the visual amenities of the area.
7. No development shall commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the buildings hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
8. None of the buildings hereby approved shall be occupied until the foul water drainage arrangements, shown on the approved plans, have been completed and are operational.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface foul water.
9. 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 buildings have been submitted to and approved in writing by the Local 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.
10. No development shall commence until an accurate and detailed site plan is first submitted to and approved in writing by the planning authority. The development shall be located a minimum of 10 metres from the riverbank of the Earnscleugh Water in accordance with SNH guidance River Tweed SAC and SSSI Guidance for Planners and Developers (2017). Thereafter, no development shall take place except in strict accordance with the approved plan.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

Informatives

1. In respect of condition 2, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. In respect of condition 6, the signs may require Advertisement Consent depending upon the size, location and illumination.
3. In respect of Condition 11, the works hereby approved should be carried out in a way that prevents pollution of the watercourse (Earnsclough Water/Lauder Water Special Area of Conservation and SSSI). Impacts on the water environment can be avoided by following SEPA regulatory advice, e.g. GPP 5 and SNH guidance note River Tweed SAC and SSSI Guidance for Planners and Developers (2017)
4. The applicant/developer is reminded that where works are proposed to existing trees within or adjacent to the application site (including felling, lopping, topping, thinning etc.), no development should be carried out during the breeding bird season (March to August). Further advice on is available directly from NatureScot at <https://www.nature.scot/professional-advice>

DRAWING NUMBERS

Plan Ref

Plan Type

Drainage and septic tank
Proposed connection to existing drainage
Existing access to site
Pod floor plan and elevations
Location plan
Proposed access plan
Proposed site plan
Passing place location

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

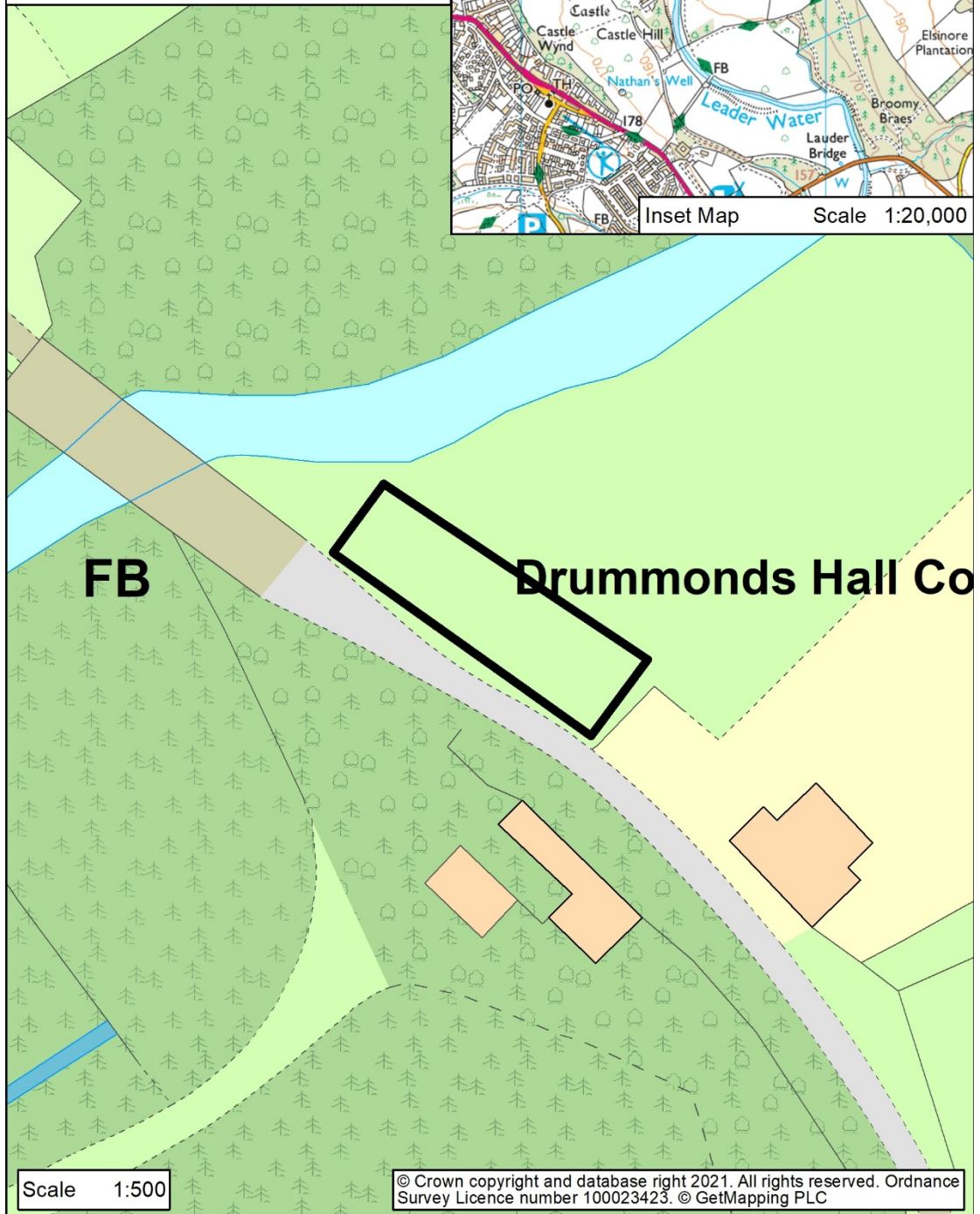
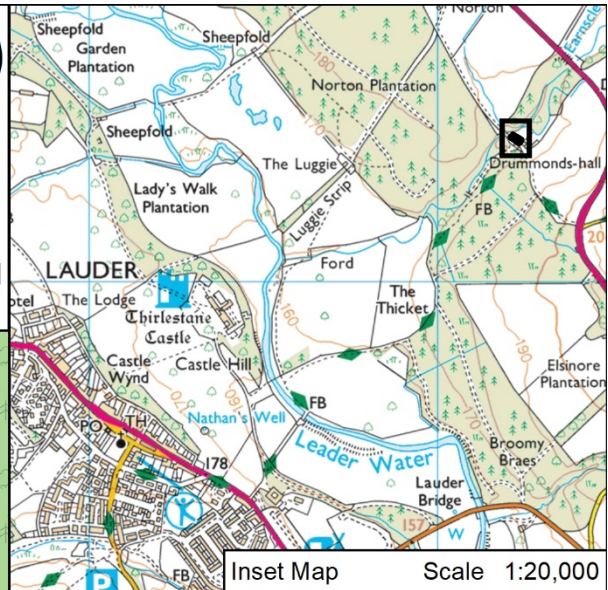
Author(s)

Name	Designation
Julie Hayward	Team Leader Development Management



20/01024/FUL

Land North West Of Drummonds Hall
Lauder



PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

31st May 2021

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

- 3.1.1 Reference: 20/00753/FUL
Proposal: Erection of 22 dwellinghouses with new access road and associated work
Site: Land East of Knapdale 54 Edinburgh Road, Peebles
Appellant: S Carmichael Properties Ltd

Reason for Refusal: Appeal against non-determination of application.

Reason for Appeal: The proposed development is in a sustainable location and fits with the LDP strategy for development and can be considered appropriate in accordance with Policy PMD4 c) for approval in this circumstance.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, David Buylla, concluded that the appeal site lies outside Peebles' development boundary and does not meet all the criteria of SESPlan Policy 7 or Policy PMD4 of the Local development Plan. The Reporter having regard to all of the submitted material, states there is no evidence to support the appellant's claim that the appeal site's location fits with the LDP's strategy for development. On the contrary, the appeal site occupies a location (outside the development boundary) where the LDP is clear that development should only be permitted if justified by exception. The appellant states that the LDP specifically identifies Strategic Growth Areas (SGAs) and that Peebles is in such an area. However, there is no such designation in the LDP or indeed in SESplan. SESplan 2 proposed to indicate broad locations (including Peebles) where strategic growth would be encouraged, but was rejected by Ministers and is not part of the development plan.

3.2 Appeal Decision Update

3.2.1 Reference: 20/00067/FUL
Proposal: Erection of 52 holiday lodges with office, reception/shop and formation of associated roads and parking
Site: Land North West of Willowdean House, Foulden
Appellant: Mr and Mrs J & H Tait

Reason for Refusal: The development would be contrary to Policy ED8 - Caravan and Camping Sites of the Scottish Borders Local Development Plan 2016 in that proposed holiday lodges are not of the highest quality, are not in keeping with the local environment and will have an unacceptable adverse impact on local infrastructure, specifically the capacity of local roads. Furthermore the development would be contrary to Policy PMD2 - Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale, massing and density of the proposed holiday lodges is not appropriate to their surroundings, would not be compatible with or respect the character of the surrounding area and would lead to overdevelopment of the site. The proposed holiday lodges would result in an unacceptable form of development inconsistent with the landscape characteristics of the surrounding area and would lead to unacceptable adverse impacts on pedestrian and road safety.

Reason for Appeal: The development described in this Appeal constitutes sustainable, high quality development in accordance with Scottish Planning Policy. It is also the case that the development accords with the Scottish Borders Local Development Plan (2016). Having regard to the Development Plan, the Appellant considers that the proposed development is in keeping with and respects the local environment in accordance with Policy ED8 and other relevant national and local planning policies. The scale, massing and density of the proposed development is acceptable and respects the character of the area in accordance with Policy PMD2 and other relevant national and local planning policies. The proposed development would not have an unacceptable impact on local infrastructure or the capacity of local roads in accordance with Policy ED8 and other relevant national and local planning policies. The proposed development would not give rise to unacceptable impacts on pedestrian and road safety.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Stephen Hall, looked at all aspects of the development and stated as follows. Principle of Development - while the proposed development would appear to be of a type favoured in principle by Policy ED8A, it is not in a location favoured by the policy. Landscape and Visual Impact - Mainly due to its location rather than its design, the proposal would not be of the highest quality in landscape and visual terms, and would be out of keeping with the local environment, in contravention of Policy ED8A(a). In terms of Policy PMD2 the proposal would also not fully respect the character of the surrounding area. Road Safety - Concerns raised by the council and in some representations are overstated. The proposal complies with Policy PMD2(q), in being acceptable in terms of its impact on road safety. Nunlands House - A Category B listed building located in mature grounds immediately to the north of the appeal site, would not be adversely affected by the proposed low rise development. The proposed layout also avoids placing lodges in the corner of the field closest to Nunlands House. The proposal is therefore compliant with Policy EP7. Foulden Conservation Area - The proposed lodges would be visible from a section of the roadside pavement and some upper north-facing windows within the conservation area. However, there would be a separation distance of over 500 metres with intervening open fields and mature hedgerows. There would not be any significant negative impact on the conservation area. Policy ED10 - The appeal site is located on prime agricultural land, though it has not been used for agriculture for some time. The restoration of the land would be more straightforward than for some types of development, and some form of farming (e.g. grazing) could theoretically still take place around the concrete pads. While the Reporter considers the proposal to be contrary to Policy ED10, this might not on its own have been sufficient justification to refuse permission had other elements of the plan indicated that the development should be approved. Policy ED8 - For developments to be of the highest quality is clearly a strict test. While it is clear that the local development plan envisages some new caravan sites being acceptable, the main factors appear to be the benefits that may accrue to the local economy and the avoidance where possible of countryside locations. The reporter considered the opportunities to benefit the local economy to be limited (largely due to the absence of facilities in Foulden), and the countryside location to be non-compliant with the expectations of Policy ED8. Screening Report - The proposed development has some connectivity to the River Tweed Special Area of Conservation (SAC). The report stated that the proposed development may lead to temporary and long term impact through sediment run-off, pollution, sewerage, increase in flows, and in the absence of mitigation there could be a likely significant effect. However, NatureScot stated that the standard procedures for maintaining good water quality on a development site are sufficient to address concerns regarding the River Tweed SAC, and that it did not consider that the application would have a likely significant effect on the SAC. The Reporter is satisfied that no appropriate assessment was required under the Habitat Regulations. The Reporter concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. He considered all the other matters raised, but there were none which would lead him to alter his conclusions.

3.3 Enforcements

Nil

3.4 Works to Trees

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 20th May 2021. This relates to a site at:

- | | |
|---|---|
| • Land West of 8 Ballantyne Place,
Peebles | • |
|---|---|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 20/00962/FUL
Proposal: Replacement windows and door
Site: Linden, Causewayend, Ancrum, Jedburgh
Appellant: Mr John Szkudro

Reason for Refusal: The use of uPVC for the replacement windows and the design and specification of the door fail to comply with Policies PMD2 and EP9 of the Scottish Borders Council Local Development Plan 2016, and with the advice contained within the Replacement Windows and Doors SPG (2015), in that their appearance would result in an adverse visual impact on the character of the building and would be detrimental to the character and appearance of the Ancrum Conservation Area, including the Area of Prime Frontage.

- 5.2 Reference: 20/01350/PPP
Proposal: Erection of dwellinghouse with associated access
Site: Site East of Dogcraig Cottage Scotsmill, Peebles
Appellant: Lady Angela Buchan Hepburn

Reasons for Refusal: 1. The development would be 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 an existing building group and would comprise sporadic development in a linear manner alongside the public road in a countryside location and no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access. This conflict with the development plan is not overridden by other material considerations.

- 5.3 Reference: 21/00045/FUL
Proposal: Erection of dwellinghouse

Site: Land East of The Bungalow Edington, Chirnside
Appellant: Mr M Singh

Reason for Refusal: The development would be contrary to policy HD2 of the Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not be well related to an existing building group of at least three houses or buildings currently in residential use or capable of conversion to residential use and would comprise sporadic development in a prominent countryside location. In addition no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the Local Development Plan is not overridden by any other material considerations.

5.4 Reference: 21/00285/PPP
Proposal: Erection of dwellinghouse
Site: Land West of The Old Barn Westwater, West Linton
Appellant: Mr Charles Bruce

Reason for Refusal: The development would be contrary to policy HD2 of the Local Development Plan 2016 in that the development would exceed the limitations of the group during the current Local Development Plan period. No overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations.

6 REVIEWS DETERMINED

6.1 Reference: 20/01234/FUL
Proposal: Erection of boundary fence (retrospective)
Site: 1 Raeburn Lane, Selkirk
Appellant: Mr Josh Welsh

Reason for Refusal: The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 20th May 2021. This relates to a site at:

- | | |
|-----------------------------------|---|
| • Angling Club, 5 Sandbed, Hawick | • |
|-----------------------------------|---|

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

- 10.1 There remained one S36 PLI previously reported on which a decision was still awaited when this report was prepared on 20th May 2021. This relates to a site at:

- | | |
|---|---|
| <ul style="list-style-type: none">• Crystal Rigg Wind Farm, Cranshaws, Duns | <ul style="list-style-type: none">• |
|---|---|

Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACetransrequest@scotborders.gov.uk