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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 28TH MARCH, 2022

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held VIA
MICROSOFT TEAMS on MONDAY, 28TH MARCH, 2022 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

21 March 2022

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 8) Consider Minute of the Meeting held on 7 March 2022 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Strontian, 4 Dean Park, Peebles - 22/00116/FUL (Pages 9 - 16) Alterations and extension to dwellinghouse. (Copy attached.)
6.	Appeals and Reviews. (Pages 17 - 22) Consider report by Chief Planning and Housing Officer. (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

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

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
via Microsoft Teams on Monday, 7 March
2022 at 10.00 am

Present:- Councillors S. Mountford (Chairman), A. Anderson, J. Fullarton, S.
Hamilton, H. Laing, D. Moffat, C. Ramage, E. Small.
Apology:- Councillor N. Richards
In Attendance:- Planning & Development Standards Manager, Lead Planning Officer (B.
Fotheringham), Lead Roads Planning Officer, Solicitor (F. Rankine),
Democratic Services Team Leader..

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 10 January 2022.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

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

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

.3. **APPEALS AND REVIEWS.**

There had been circulated copies of a briefing note by the Chief Planning and Housing Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) **an Appeal decision had been received in respect of the certifying of the proposed use for short stay commercial letting at Greenloaning, The Loan, West Linton – Dismissed**
- (b) **Review requests had been received in respect of:-**
 - (i) **Erection of dwellinghouse, Land West of Causewayfoot Cottage Wolflee, Hawick;**
 - (ii) **Erection of dwellinghouse, Plot 1 Land South East of Steading Buildings, Greystonelees Farm, Burnmouth;**
 - (iii) **Erection of new dwelling with garage (Approval of all matters specified in condition of planning permission 18/01632/PPP), Land North Of Old Manor Inn, Lanton;**

- (iv) Erection of dwellinghouse with access and associated works, Land East of Deuchar Mill House, Yarrow;
 - (v) Partial change of use of shop and alterations to form manager's flat, shop 43 High Street, Hawick;
 - (vi) Erection of pergola and boundary fencing (retrospective), 58 George Street, Peebles;
 - (vii) Removal of Condition 2 of planning permission 18/01000/FUL pertaining to use as holiday let accommodation, Warlawbank Steading, Reston, Eyemouth;
 - (viii) Change of use from Industrial (Class 4,5,6) to a Functional Fitness Gym (Class 11), Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels; and
 - (ix) Demolition of steading and farmhouse and erection of two dwellinghouses, Land at Haughhead Farm and Steading Building, Innerleithen.
- (c) the following reviews had been determined as shown:-
- (i) Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works, Slaters Yard off Charlesfield Road, St Boswells - Decision of Appointed Officer Overturned (Subject to Conditions);
 - (ii) Modification of Condition 2 of planning permission 12/01191/PPP in respect of extension to period of permission, Land North East of Buxton House, Buxton Road, Selkirk – Withdrawn;
 - (iii) Change of use of agricultural building and alterations to form dwellinghouse and garage, Land North East Of Gamekeepers Cottage, Eckford, Kelso - Decision of Appointed Officer Upheld;
 - (iv) Siting of mobile catering truck and alterations to existing access, Land at Station Yard, Traquair Road, Innerleithen - Decision of Appointed Officer Overturned (Subject to Conditions);
 - (v) Erection of glazed covered pergola to existing outside seating area (part retrospective), Waterloo Arms, Chirnside, Duns - Decision of Appointed Officer Overturned (Subject to Conditions);
 - (vi) Erection of dwellinghouse and formation of new access, Plot 1 Land North of Cakemuir House, Nenthorn – Decision of Appointed Officer upheld; and
 - (vii) Erection of summer house and formation of off street parking (retrospective), 2 Winston Road, Galashiels - Decision of Appointed Officer Overturned (Subject to Conditions)
- (d) there remained four reviews previously reported on which decisions were still awaited when the report was prepared on 24 February 2022.

• Garden Ground of Kilnknowe House, East End, Earlston	• Land East of 15 Howdenburn Court, Jedburgh
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<ul style="list-style-type: none"> • Land East of The Old Stables Lennel House, Lennel 	<ul style="list-style-type: none"> • Land South and West of Greywalls, Gattonside
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The meeting concluded at 1.40 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01925/FUL	Erection of dwellinghouse	Garden Ground of 11 Fergusson View, West Linton

DECISION: approved subject to a legal agreement addressing contribution towards education provisions and the following conditions:

1. Details of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the planning authority before development commences. Once approved, the development shall be carried out only in accordance with the approved details.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall be commenced until the precise specification for the parking areas has first been submitted to and approved in writing by the planning authority. Thereafter the approved plans shall be implemented fully prior to occupation of the new dwelling.
Reason: To ensure appropriate parking provision is provided for both dwellings.
3. No development shall commence until the alternative parking arrangement for No. 11 Fergusson View has been provided and is available for use.
Reason: To ensure there is no displacement of parking onto the public road during the construction period.
4. No development is to commence until written confirmation has been provided to (and approved by the planning authority) that the development will be connected to the public mains water supply. Thereafter, the dwellinghouse shall not be occupied until the connection to the public water mains is made.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water.
5. The development hereby approved shall not be occupied until the drainage system has been fully implemented and written confirmation has been provided to (and approved by the planning authority) that the development has been connected to the public foul drainage system. All surface water drainage shall comply with the SUDS manual and maintain existing pre-development run off levels.
Reason: To ensure that the development does not have a detrimental effect on amenity and public health and manages surface water in a sustainable manner that does not increase off-site run-off.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, as amended and notwithstanding changes in circumstances which may affect permitted development rights, no additional window or other opening shall be made on the eastern or western elevations unless an application for planning permission in that regard is first submitted to and approved by the planning authority.
Reason: The planning authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties and for this reason wishes to control any future proposals for alterations.

7. No development shall commence until a detailed 'method statement' in relation to all works within the root protection area (RPA) of trees and hedging within and adjacent to the site has first been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement:
- (a) a scaled plan showing the position, size, RPA, species and unique identification reference of each retained tree and hedge affected by the works and including details of the extent and nature of all works within the RPA of retained trees/hedges;
 - (b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant;
 - (c) a specification for protective fencing to safeguard trees and hedges during construction phases and a plan indicating the alignment of the protective fencing;
 - (d) a specification for ground protection within tree and hedge protection zones.
- The development thereafter shall be implemented in strict accordance with the approved details.
Reason: To ensure that the trees to be retained will not be damaged during construction operations.

Informatives

- 1. The existing footway crossing should be lowered between the accesses to No.11 & No.12 Fergusson View. That should follow construction specification standard detail DC-10, available from the council's Roads Planning Service.
- 2. All work within the public road boundary must be undertaken by a contractor first approved by the council.

DRAWING NUMBERS

- 1. 1 of 4 Location Plan
- 2. 0611PL002 Existing plans sections and elevations
- 3. 0611PL003 rev A Proposed plans sections and elevations
- 4. 14374-BKP-V1-XX-DR-S-0500_P1 Other

NOTE

Dr Fiona Philippi spoke against the application and Mr Gavin Jefcoate, on behalf of the applicant spoke in support.

VOTE

Councillor Laing, seconded by Councillor Anderson, moved approval of the application as recommended by officers

Councillor Moffat, seconded by Councillor Small, moved refusal of the application on the grounds that it was contrary to Policies PMD2 and PMD5(c) in terms of character and density of the street and overdevelopment and parking.

Members voted as follows:-

Approval - 6 votes

Refusal - 2 votes

The application was accordingly approved.

.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01851/FUL	Erection of Class 1 retail store and 5 no. units (Class 5 and Class 6) with associated car parking, servicing and access	Land At Tweedbank Industrial Estate, Tweedbank

DECISION: Approved in principle with delegated authority to officers, in consultation with the Chairman, to agree improved landscape and environmental design and to agree appropriate conditions.

Members agreed to approve the application, contrary to officer recommendation, for the following reasons:

The proposed development would be consistent with Policy PMD3(c) in that it would offer significant community benefits that are considered to outweigh the need to maintain the original proposed use; and the development would be consistent with Policy PMD4(d) in that it would offer significant community benefits that outweigh the need to protect the development boundary. Subject to agreed improved landscape and environmental design and an agreed schedule of conditions, the development will not cause a significant adverse impact on the landscape setting of the settlement or surrounding area.

Members agreed that the application could be signed off and approved by officers if agreement on these delegated matters could be reached. If agreement could not be reached, then the application would be referred back to committee.

NOTE

Councillor Miers spoke against the application.

Councillor Parker on behalf of himself and Councillor Linehan, spoke in support of the application and asked that if the Committee agreed to approve the application they attach a condition to address the landscape and environmental matters.

Mr Phil Pritchett, agent, Ms Kimberley Steel, Lidl and Mr Ogilvie Dickson, member of the public, all spoke in support of the application.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2022

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 22/00116/FUL
OFFICER:	Ranald Dods
WARD:	Tweeddale West
PROPOSAL:	Alterations and extension to dwellinghouse
SITE:	Strontian, 4 Dean Park, Peebles
APPLICANT:	Mrs Xuilan Yang
AGENT:	Robert Slaney

PLANNING PROCESSING AGREEMENT

A planning processing agreement is in place until 4 April 2022.

SITE DESCRIPTION

No. 4 Dean Park is a traditional terraced house, dating from the 19th century. There are seven properties in the terrace, all are single storey with attic accommodation and most have been extended to the rear (north). Numbers 2, 6 and 12 have small porches over the front entrances, which project no further than the front line of the bay windows. The property is unlisted but within the conservation area.

PROPOSED DEVELOPMENT

The application seeks full planning consent for the erection of a single storey extension to rear elevation, dormer windows to the rear roof slope, replacement windows, an entrance porch and solar panels to the front elevation.

PLANNING HISTORY

An application for planning permission (reference 21/01455/FUL) for alterations and extensions to the dwellinghouse was submitted in September 2021 but was withdrawn before determination.

The applicant has revised the current proposal to amend the design of the porch and reduce the number of solar panels.

REPRESENTATION SUMMARY

Letters from three individual addresses as well as from the Architectural Heritage Society of Scotland (AHSS) and a consultation response from the Peebles Civic Society were received objecting to the proposals. The material grounds raised relating to the revised design can be summarised as follows:

- loss of privacy

- impact on conservation area
- impact on residential amenity

APPLICANT'S SUPPORTING INFORMATION

- location plan
- existing plans and elevations
- proposed plans and elevations.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality standards

ED9 – Renewable energy development

HD3 – Protection of residential amenity

EP8 – Archaeology

EP9 – Conservation areas

OTHER PLANNING CONSIDERATIONS:

The following supplementary planning guidance notes are material considerations:

SPG – Placemaking and design 2010;

SPG – Privacy and sunlight guide 2006;

SPG – Replacement windows and doors 2015;

SPG – Renewable energy 2007.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Archaeology Officer: No objection

Statutory Consultees

Peebles Community Council: No response

Other Consultees

Peebles Civic Society: Objection. The material grounds can be summarised as follows:

- The issue of overlooking is now no worse than the existing dormer, the flat roofed box dormer at the rear elevation would still be out of character with the existing row of houses and would still be very visible from Edinburgh Road;
- The proposal to have two separate box dormers would be as visually detrimental as a full width box dormer;
- This application attempts to cram too many solar panels into a small area of roof, which would be detrimental to the appearance of the frontage. The number of panels should be limited to a maximum of four;

- The proposed new porch is acceptable in principle but the detailing should reflect that of the existing porches at Nos 2 and 12 Dean Park and we would suggest that details should be submitted for approval;
- There is insufficient information provided about the proposed alterations to the existing windows to the front elevation which are to be “upgraded to double glazed units”.

KEY PLANNING ISSUES:

- Whether the proposals comply with the Local Development Plan policies for development within conservation areas;
- whether the development would result in any significant loss of residential amenity for existing residents;
- whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

ASSESSMENT OF APPLICATION:

Policy

The key policies against which this proposal is assessed are PMD2 – Quality Standards; EP9 – Conservation Areas and; HD3 – Protection of Residential Amenity.

In terms of placemaking and design, PMD2 sets out seven criteria. The criteria relevant to this application are that the proposal:

- h) creates developments with a sense of place, based on a clear understanding of the context;
- i) is of a scale, massing, height and density appropriate to its surroundings;
- j) is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- k) is compatible with and respects the character of the surrounding area, neighbouring uses and neighbouring built form.

Policy EP9 states that support will be given to development proposals within a conservation area, which are located and designed to preserve or enhance the character and appearance of the conservation area. Developments should, amongst other things, accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings.

Policy HD3 aims to protect residential amenity and, to protect the amenity and character of areas, developments will be assessed against, amongst other things:

- the principle of the development;
- the details of the development itself particularly in terms of: the scale, form and type of development in terms of its fit within a residential area;
- the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sun lighting provisions and;
- the level of visual impact.

As set out in the report below, it is contended that the principle of the development complies with the above key policies.

Design

The application is made for a single storey extension to the rear (north) of the dwellinghouse. It is worth noting that the proposed extension would be only marginally over what would be considered permitted development were the site not within the conservation area. The design would be different from the extension on the other properties in the terrace and it is not outstanding in terms of its design but, as it would not be visible from the public realm, the impact on the character and appearance of the conservation area would be negligible. It would be of a similar scale to those other extensions, the proposed external materials are acceptable in principle (but will require further consideration through condition) and it would not detract from the character of the area, the neighbouring built form or neighbouring uses.

In terms of the proposed dormers, again the design is not outstanding. Although the dormers would be visible from Edinburgh Road, the degree of visibility from the public realm would not be so significant as to have an unacceptable adverse impact on the character or appearance of the conservation area and therefore warrant refusal of the application. On balance, and subject to the approval of external materials, they are considered acceptable.

The proposals for the front elevation are much more visible from the public realm and revisions have been submitted in order to address some of the concerns raised by third parties, including the Civic Society and AHSS. The porch, which has been reduced in size, would match the overall appearance of that on the adjoining property to the east (No 2) and it would not project further forward from the principal elevation than the bay window or other porches in the street. This is a welcome revision.

The application also proposes solar panels to the front facing roof slope. Given the need to reduce the reliance on carbon fuel sources and the terms of policy PMD1 on sustainability, their introduction will make a small contribution. It is important therefore to strike a balance between sustainability principles and the potential impacts on the conservation area. It is acknowledged that these would be the first PV panels to be installed on this terrace and this will undoubtedly have an impact on street scene. However, and acknowledging the concerns raised by objectors, the layout of the panels has been amended to show a single row of 5 panels at high level, just below the ridge and above the existing dormer window. The revised pattern is now considered acceptable. Although each case must be treated on its own merits, the proposed layout could set a positive pattern for others to follow.

The applicant also proposes to replace the existing uPVC windows with double glazed timber sash and case windows, painted off-white. That would represent a significant improvement to the appearance of the property and would comply with the terms of the Council's SPG on replacement windows and doors. Subject to conditions requiring full details to be submitted and approved, and the windows recessed in the openings to match existing, the change is welcomed.

The proposals are considered acceptable and would comply with policies PMD1, PMD2 and ED9 of the LDP.

Residential amenity

Concerns were expressed by neighbours relating to privacy. The rear gardens of the adjoining properties are already overlooked to a certain degree by multiple dormers in neighbouring properties. In such situations, changes to existing dormers or

fenestration are unlikely to increase or intensify overlooking to a level that could be considered significantly detrimental to residential amenity. That is considered to be the case here. There are existing views of private garden ground to the rear of neighbouring properties and this unlikely to be exacerbated to any determinative degree by the proposed dormer and Juliet balcony. Any views from the proposed dormers to windows in adjoining extensions would be extremely oblique so as not to have a significant adverse impact. It is acknowledged that there may be the possibility of window to window conflict between the existing extension of number 6 and the windows in the west elevation of the extension proposed here. There is, however, a 1.7m high brick wall with trellis above on the common boundary which would give a good degree of screening between the properties. Combined with the tight nature of the setting, the degree of impact on the neighbouring property would not be sufficient enough to merit a recommendation for refusal on privacy grounds in this instance.

Objections were submitted in respect of the roof of the extension being used as a balcony. Had that been the intention, there would undoubtedly have been a negative impact on privacy and amenity. That is not, however, what is shown in this application and any proposals to convert the roof to a terrace would need to be the subject of a further application for planning permission and, were that to be submitted, it would be considered on its own merits.

Taking all of the above factors into consideration, the proposals would comply with policy HD3 of the LDP.

Cultural heritage and archaeology

The Archaeology Officer has assessed the proposal. No archaeological conditions are recommended and no archaeological informative thought necessary. The proposals would therefore comply with policy EP8 of the LDP.

As noted above, the replacement of uPVC windows with timber framed windows is proposed. Whilst the principle of that is acceptable, a condition is recommended requiring the submission of full details prior to the commencement of development.

The proposed dormer windows are to the rear of the building and not widely visible from the public realm. They are, on balance, acceptable in terms of their impact on the conservation area. The extension would not be visible from the public realm and, as discussed earlier in the report, has no bearing on the character or appearance of the conservation area.

The applicant proposes solar panels on the south facing roof plane. Proposals such as these are likely to increase as we transition away from reliance on carbon fuels and each case must be treated on its own merits. In this instance, the proposal has been amended by the applicant in order to reduce the visual impact. It should also be borne in mind that these are reversible and could be removed at a future date, restoring the roof slope to its current condition. Taking all of the above into consideration, the proposals would have a neutral effect on the character and appearance of the conservation area and would therefore comply with policy EP9 of the LDP, although conditions, as per the list below, are recommended.

Access and parking

There would be no access and parking issues associated with this proposal.

CONCLUSION

Subject to compliance with the schedule of conditions, the proposals would accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions:

1. Details of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the planning authority before development commences. Once approved, the development shall be carried out only in accordance with the approved details.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, in the interest of the character and appearance of the conservation area.
2. Unless otherwise agreed in writing with the planning authority, the Juliet balcony, fascia boards of the extension and dormers shall be dark grey in colour. No development shall commence until the exact shade (specified by means of a RAL or BS4800 code) has first been submitted to and approved in writing by the planning authority
Reason: In the interest of the character and appearance of the conservation area.
3. Any frame required for the installation of the solar panels hereby approved shall be matt black, unless otherwise agreed in writing with the planning authority.
Reason: In the interest of the character and appearance of the conservation area.
4. No development shall commence until drawings detailing the method of fixing the solar panels to the roof and the degree of projection above the roof slope have first been submitted to and approved in writing by the planning authority.
Reason: In the interest of the character and appearance of the conservation area.
5. Within 3 months of the solar panels hereby approved becoming redundant, they and any supporting structures and fixtures shall be completely removed from the building and the roof returned to its original condition, unless otherwise agreed in writing with the planning authority
Reason: In the interest of the character and appearance of the conservation area.
6. No development shall commence until full details of the proposed replacement windows have first been submitted to and approved in writing by the planning authority. The details shall include glazing pattern, frame thickness, glazing type, opening method, colour and decorative finish, including astragals and horns.
Reason: In the interest of the character and appearance of the conservation area.
7. No windows are to be installed unless the replacement windows are recessed in the window openings to the same extent as the existing windows, unless otherwise agreed in writing with the planning authority.
Reason: To safeguard the character and appearance of the conservation area.

DRAWING NUMBERS

1. RAS131 PA10 Location Plan
2. RAS131 PA11 Existing plans and elevations
3. RAS131 PA12A Proposed plans and elevations

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
Ranald Dods	Planning Officer



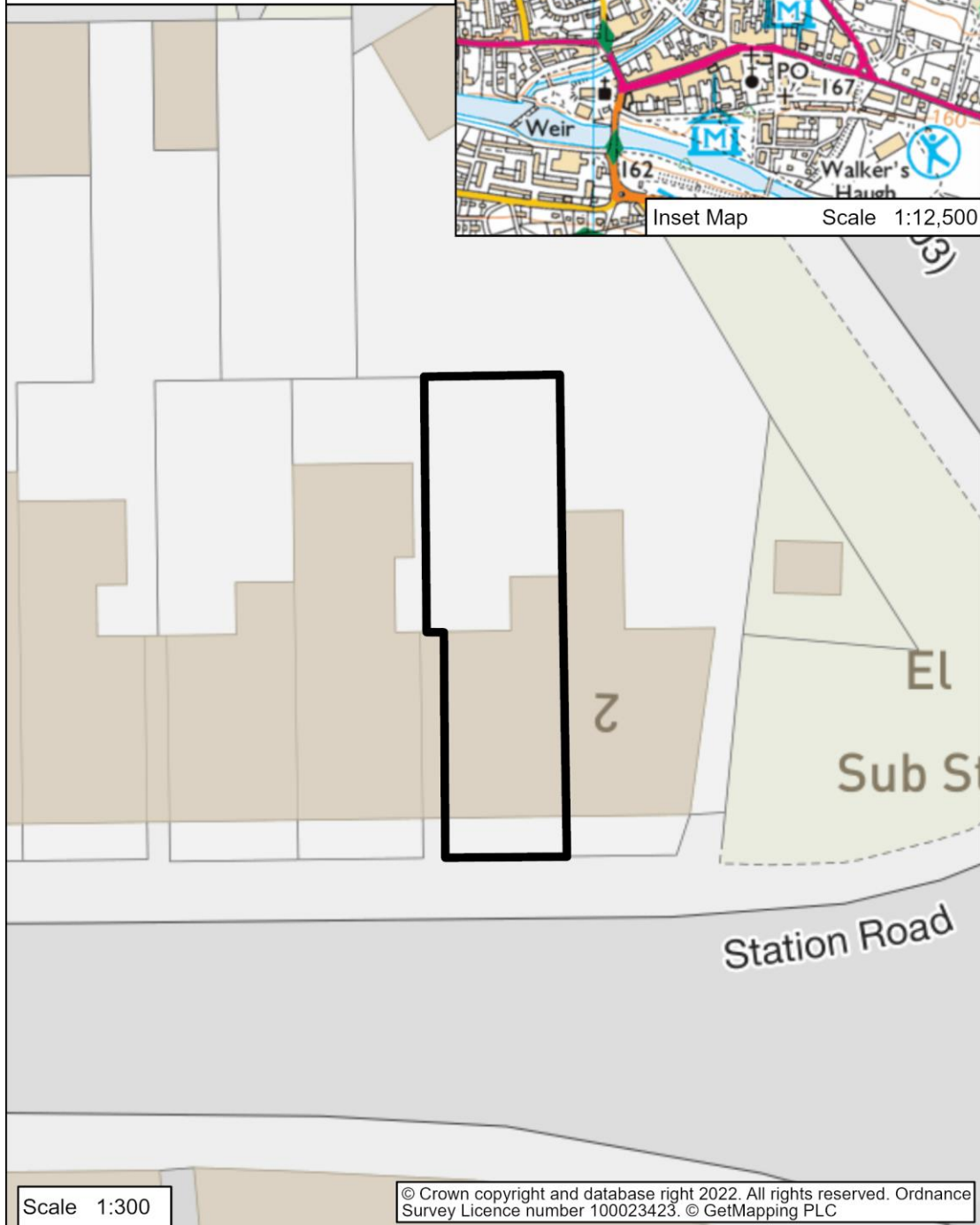
22/00116/FUL

Strontian
 4 Dean Park
 Peebles



Inset Map

Scale 1:12,500



Scale 1:300

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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

28th March 2022

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

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained no appeals previously reported on which decisions were still awaited when this report was prepared on 16th March 2022.

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/00739/PPP
Proposal: Erection of 2no dwellinghouses
Site: Land East of Delgany, Old Cambus, Cockburnspath
Appellant: FJ Usher's Children Trust

Reason for Refusal: The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not relate sympathetically to the character of the existing building group. The proposal would not respect the scale, siting and hierarchy of buildings within the existing group and would degrade its strong sense of place. This conflict with the Local Development Plan is not overridden by any other material considerations.

- 5.2 Reference: 21/01908/FUL
Proposal: Alterations and extensions to dwellinghouse and formation of access
Site: East Lodge, Netherurd, Blyth Bridge, West Linton
Appellant: Mr Alasdair McKenzie

Reasons for Refusal: 1. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that criterion i) requires that any extension or alteration is appropriate to the existing building. The proposed development is unsympathetic to both the existing building and the surrounding context in terms of scale, form and materials. Furthermore, no account has been taken of the trees adjacent to the site meaning the proposal is also contrary to Policy EP13. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 2. The development would be contrary to policy EP1 of the Local Development Plan 2016 and Biodiversity guidance in that the applicant has failed to prove that the development will not have an adverse effect on European Protected Species which may be present on the site. This conflict with the development plan is not overridden by other material considerations.

6 REVIEWS DETERMINED

- 6.1 Reference: 21/00002/FUL
Proposal: Erection of dwellinghouse
Site: Plot 1 Land South East of Steading Buildings, Greystonelees Farm, Burnmouth
Appellant: Mr Richard Wood

Reason for Refusal: The proposed erection of a further dwellinghouse at this location would be contrary to Local Development Plan 2016 Policy HD2 (Housing in the Countryside) as there is no remaining capacity for the expansion of the building group within the current plan period. The building group's capacity for expansion within the current Local Development Plan 2016 period was two units. This capacity was taken up

by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 states that no further development above this threshold will be permitted, and there are no material considerations which would outweigh this.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.2 Reference: 21/00595/PPP
Proposal: Erection of dwellinghouse with access and associated works
Site: Land East of Deuchar Mill House, Yarrow
Appellant: Buccleuch Estates Ltd

Reasons for Refusal: 1. The proposed development at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road. 2. The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 21/01257/FUL
Proposal: Erection of dwellinghouse
Site: Garden Ground of Kilnknowe House, East End, Earlston
Appellant: Mr A Elliot

Reason for Refusal: The proposal is contrary to policy IS8 of the Local Development Plan 2016 in that the site is at significant risk of flooding and allowing a dwellinghouse to be erected on this site would put persons and property at risk of flooding. In addition, access and egress could not be safely achievable during a flood event.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

- 6.4 Reference: 21/01344/FUL
Proposal: Siting of 2 no. shepherds huts for short term holiday accommodation
Site: Land East of The Old Stables Lennel House, Lennel
Appellant: Mr Christopher Brass

Reason for Refusal: The development is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the proposed development would generate extra vehicular traffic on a sub-standard access to the application site to the detriment of pedestrian and road safety.

Method of Review: Review of Papers

7 REVIEWS OUTSTANDING

7.1 There remained 9 reviews previously reported on which decisions were still awaited when this report was prepared on 16th March 2022. This relates to sites at:

• Land East of 15 Howdenburn Court, Jedburgh	• Land South and West of Greywalls, Gattonside
• Land West of Causewayfoot Cottage Wolflee, Hawick	• Land North Of Old Manor Inn, Lanton
• Shop, 43 High Street, Hawick	• 58 George Street, Peebles
• Warlawbank Steading, Reston, Eyemouth	• Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels
• Land at Haughhead Farm and Steading Building, Innerleithen	•

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 16th March 2022. This relates to a site at:

• Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick	•
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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.

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