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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 13TH JUNE, 2022

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on MONDAY, 13TH JUNE, 2022 at 10.00 AM

All attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.

J. J. WILKINSON,
Clerk to the Council,

6 June 2022

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 4) Consider Minute of the Meeting held on 28 March 2022 for approval and signature by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Land South of Abbotsbank Gattonside - 22/00442/FUL (Pages 5 - 10) Erection of dwellinghouse (change of house type previously approved planning permission 16/01403/FUL)
6.	Appeals and Reviews. (Pages 11 - 20) 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), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

Please direct any enquiries to William Mohieddeen
Tel: 01835 826504; Email: william.mohieddeen@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, 28th March,
2022 at 10.00 am

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Present:- Councillors S. Mountford (Chairman), A. Anderson, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small.
Apologies:- Councillor J. Fullarton.
In Attendance: - Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), Democratic Services Officer (W. Mohieddeen).

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1. **MINUTE.**

There had been circulated copied of the Minute of the Meeting held on 7 March 2022.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. **APPLICATIONS.**

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 and Housing Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:

(a) Review requests had been received in respect of:

- (i) Erection of 2no dwellinghouses, Land East of Dalgeny, Old Cambus, Cockburnspath;**
- (ii) Alterations and extensions to dwellinghouse and formation of access, East Lodge, Netherurd, Blyth Bridge, West Linton.**

(b) The following reviews had been determined as shown:

- (i) Erection of dwellinghouse, Plot 1 Land South East of Steading Buildings, Greystonelees Farm, Burnmouth – Decision of Appointed Officer Upheld;**
- (ii) Erection of dwellinghouse with access and associated works, Land East of Deuchar Mill House, Yarrow – Decision of Appointed Officer Upheld;**
- (iii) Erection of dwellinghouse, Garden Ground of Kilnknowe House, East End, Earlston – Decision of Appointed Officer Upheld;**

(iv) Siting of 2 no. shepherds huts for short term holiday accommodation, Land East of The Old Stables Lennel House, Lennel – Decision of Appointed Officer Overturned (Subject to Conditions).

(c) There remained nine reviews previously reported on which decisions were still awaited when the report was prepared on 16 March 2022.

• 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	

(d) There remained one S36 Public Local Inquiry previously reported on which a decision was still awaited when this report was prepared on 16 March 2022.

• Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick	
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The meeting concluded at 10.30 am.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

13 JUNE 2022

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/00442/FUL

OFFICER: Julie Hayward

WARD: Leaderdale and Melrose

PROPOSAL: Erection of dwellinghouse (change of house type previously approved planning permission 16/01403/FUL)

SITE: Land South of Abbotsbank Gattonside

APPLICANT: Rural Renaissance Ltd

AGENT: Camerons Strachan Yuill Architects

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 13th June 2022.

SITE DESCRIPTION:

The application site has planning permission for the erection of a dwellinghouse under consent reference 16/01403/FUL. The house is under construction and almost complete. The overall site comprises a long, tapered area of rising ground located within the centre of the village adjacent to the Loan, a narrow, winding public road that serves a number of properties. There is an existing access onto the Loan at the southern end of the site via a tarred junction shared with the adjacent property, Abbotsknowe. The site is located within the Gattonside Conservation Area and National Scenic Area.

PROPOSED DEVELOPMENT:

Two windows have been inserted into the dwellinghouse that were not shown on the original approved drawings; one window to the master bedroom at first floor level in the west/side elevation and one to the bathroom at first floor level in the east/side elevation. As the property is under construction and the windows do not benefit from permitted development rights, these windows cannot be considered non-material variations to the original consent. This application seeks retrospective consent to regularise this breach of planning.

PLANNING HISTORY:

16/01403/FUL: Erection of dwellinghouse. Approved 2nd November 2018.

19/00898/FUL: Erection of detached garage. Approved 2nd September 2019.

REPRESENTATION SUMMARY:

Seven representations were received objecting to the application. These can be viewed in full on Public Access and raise the following issues:

- Overlooking/loss of privacy, detrimental to residential amenity.
- The window in the east elevation was originally to be in the north elevation, where no overlooking would have occurred.
- The window in the east elevation should be obscure glazed and fixed shut, though this could be changed in the future.
- The windows were not part of the approved plans and other breaches of planning rules have taken place on this site, showing a lack of competence from the developer and agent. Planning permission should have been granted before the windows were installed.
- The site is within the Conservation Area.

APPLICANTS' SUPPORTING INFORMATION:

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards
 HD3: Protection of Residential Amenity
 EP4: National Scenic Areas
 EP9: Conservation Areas

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Placemaking and Design 2010
 Householder Development (Privacy and Sunlight) 2006

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Contaminated Land Officer: There was a contaminated land condition on the original permission. The consultants made recommendations for follow-on works, review comments were provided and discussions took place. The report presenting the findings of these works has not been submitted, as should have happened prior to development commencing. The report should be submitted to comply with the condition.

Statutory Consultees

Community Council: There is a strong feeling among residents adjacent to the plot against this retrospective application. Not only does the application appear to be rather gratuitous as the room involved would have daylight anyway, but the repositioning involves detriment to neighbouring properties, which would be avoided by following the original design. Several of us feel that retrospective applications often are made to achieve an outcome for the developer, which would not have been allowed under the

original approval, and so should be refused in principle. However, if SBC do approve the new application, it is essential, out of fairness to those who will be affected detrimentally, that there is a requirement for the window to be non-opening, and the glass to be obscure. Privacy level 5 has been suggested by one council member.

Other Consultees

None.

KEY PLANNING ISSUES:

- Design and materials;
- Impact on the character and appearance of the Conservation Area;
- Impact on residential amenities.

ASSESSMENT OF APPLICATION:

Principle

The principle of a house on this site has previously been established by the earlier grant of planning permission. It is considered an appropriate infill development opportunity and appropriate in terms of scale, design and materials for the Conservation Area. This application seeks permission for a change of house type. However, the only change to that already approved under the 2016 consent is the formation of two additional windows at first floor level. One on the west elevation and one on the east elevation. These were not shown on the approved plans but have been installed without the benefit of planning consent. This application seeks to regularise this breach of planning control.

Design and Impact on the Conservation Area

Policy PMD2 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.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The window in the east elevation is to a bathroom. The drawings approved as part of planning permission 16/01403/FUL show the window serving this bathroom in the rear/north elevation. The applicant was advised in January 2021 that the development should be completed as approved, following concerns that the window was to be repositioned. However, the window on the east elevation was installed without consent being sought. The window to the west facing elevation is to a bedroom and was also installed without the benefit of consent. This room benefits from an existing dormer window to the south facing elevation.

The design, proportions and materials of the two windows match the existing openings in terms of size, proportion and material approved under the earlier consent and are in keeping with the overall development.

The windows are in the side elevations and are not prominent when viewing the property from the public domain. The installation of additional windows in this case has a neutral effect on the character and appearance of the Conservation Area.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The window in the east elevation faces towards the rear garden ground of the neighbouring properties, Abbotsknowe and Cherrybank. There is a mature beech hedge on the side boundary that gives a significant degree of screening and the house under construction sits lower in the site than the garden level of the neighbouring property. The new window is to a bathroom and is not considered a habitable room, in terms of our approved Supplementary Planning Guidance. Given the location of window, the changes in ground levels and the intervening mature boundary hedge, there will be no direct overlooking of any habitable rooms of Abbotsknowe or Cherrybank from the bathroom window. Furthermore, whilst the east elevation of the new house faces towards the rear garden of neighbouring properties, the mitigating factors outlined above, will not affect the privacy of this area of private garden ground. A condition will however ensure that the window is finished in opaque glazing and fixed shut. This will prevent the potential for any overlooking or loss of privacy.

Concerning the window on the west facing elevation, there are no houses on the land immediately to the west of the site that would be affected by the additional bedroom window. The adjoining ground is currently over grown paddock and the nearest house is Chesterknowe, 25m from the site boundary. Given the distances involved, as well as intervening mature planting, there would be no significant adverse impacts on this property as a result of overlooking or loss of privacy.

The objections submitted by third parties are acknowledged and have been considered throughout the processing and assessment of this application. There will be no unacceptable adverse impacts on the residential amenity of neighbouring properties as a result of the development and the request for opaque glazing and a permanently fixed shut window have been accounted for in the schedule of conditions below.

It is noted that the objectors raise concerns regarding the installation of the windows without the necessary permissions being in place. However, current procedures set out in Regulation allow retrospective planning applications to be submitted in order to regularise minor breaches of planning control. These applications are then handled in the same way as any other application for planning permission and are assessed against the same prevailing development plan policies and supplementary planning guidance.

CONCLUSION:

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan

2016 but also having had regard to overriding material considerations in this case which are as set out in this report.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

1. The bathroom window in the east elevation at first floor level of the dwellinghouse hereby approved, shall be finished using opaque glazing and shall be permanently fixed shut before the dwellinghouse is occupied, all in accordance with a scheme of details that have first been submitted to and approved in writing by the Planning Authority. The window shall remain fixed shut, with opaque glazing, in perpetuity thereafter unless otherwise agreed in writing by the Planning Authority.
Reason: To safeguard the residential amenity of neighbouring properties.
2. The development shall be completed in full accordance with the plans and drawings approved under planning consent 16/01403/FUL (with the exception of the house elevation drawings hereby approved under this consent – 22/00442/FUL). All relevant conditions attached to planning consent 16/01403/FUL shall apply to the development hereby approved, together with any drawings or additional information submitted to and approved in writing by the Planning Authority in response to those conditions.
Reason: To ensure the development proceeds in accordance with the approved plans and conditions attached to the original grant of consent.

Informative:

1. The Council's Contaminated Land Officer advises that, in respect of condition 2 of planning permission 16/01403/FUL, the report presenting the findings of the investigation works into the potential contamination of the site have not been submitted. This report should be submitted to the Contaminated Land Officer as soon as reasonably practicable, in order to comply with the condition.

DRAWING NUMBERS

Plan Ref	Plan Type
9275.1.01	Location Plan
9275.1.07 C	Proposed 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.

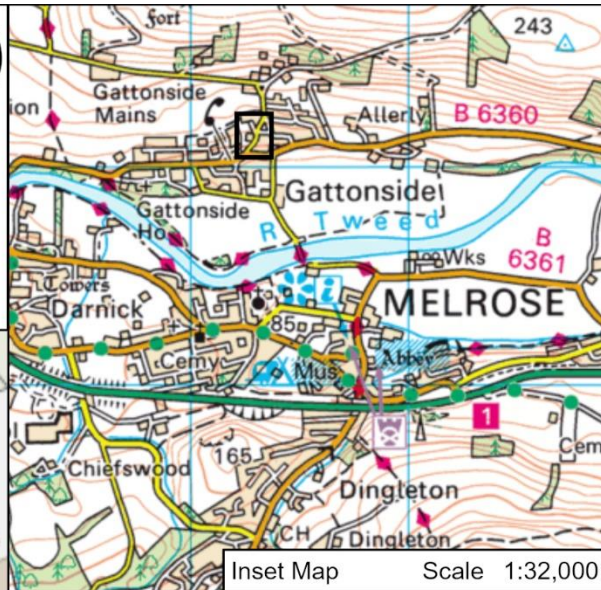
Author(s)

Name	Designation
Julie Hayward	Team Leader Development Management



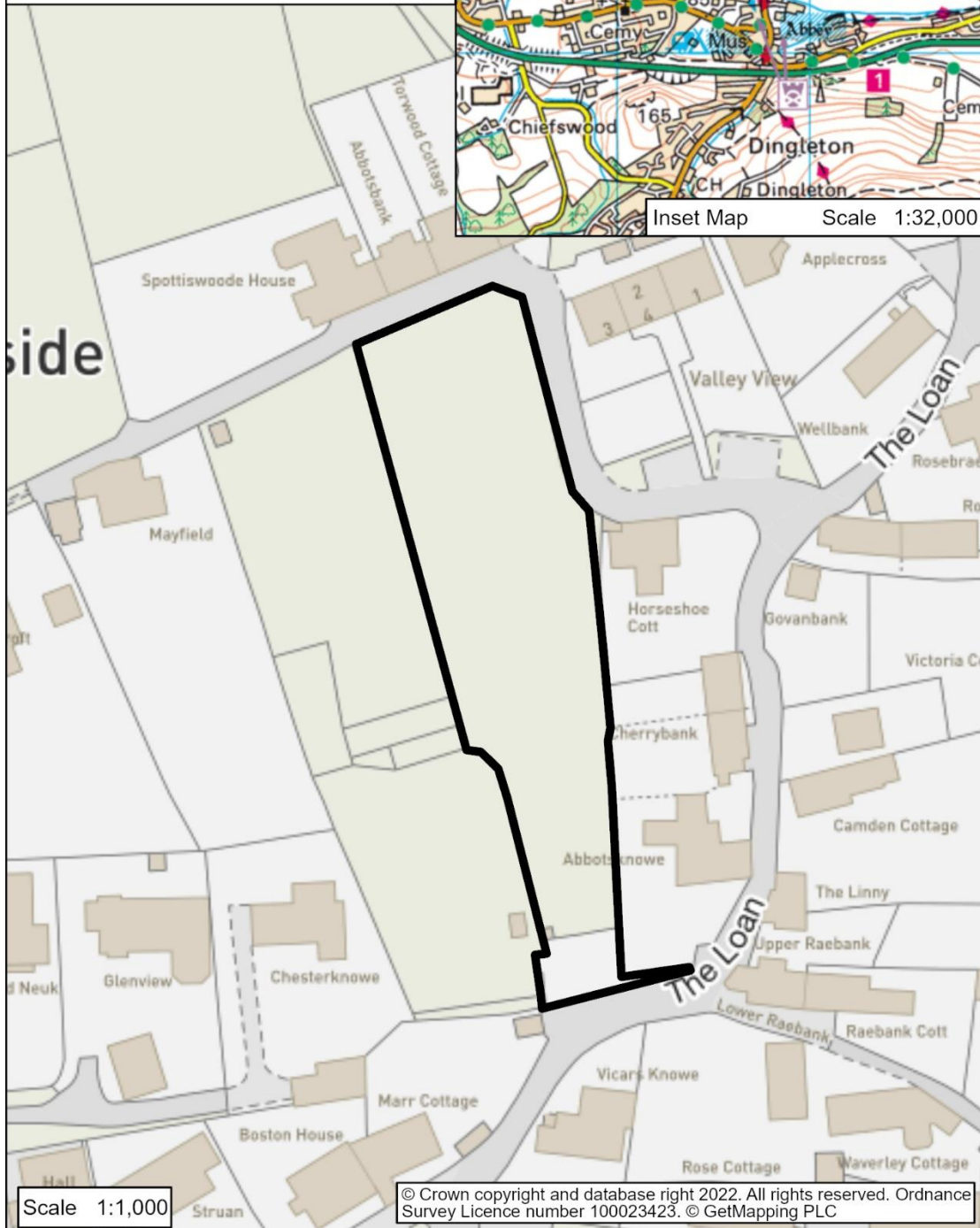
22/00442/FUL

Land South Of
Abbotsbank
Gattonside



Inset Map

Scale 1:32,000



Scale 1:1,000

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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE**13th June 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**

- 2.1.1 Reference: 21/01440/LBC
Proposal: Replacement windows
Site: 18 - 19 Slitrig Crescent, Hawick
Appellant: Mr Bryce Crawford

Reason for Refusal: The proposed replacement windows would be contrary to Policy EP7 of the Local Development Plan 2016 and SPG Replacement Windows and Doors 2015 in that their material, opening method and specifications would detract from the special architectural and historic interest of the Listed Building.

Reasons for Appeal: Most of the current windows are single glazed, some are painted shut, missing the necessary cords and ironmongery to open and in an unsuitable position to be able to open safely or the wood has rotten. All the windows have excessive amounts of condensation on the inside most days with some showing mould growths. The uPVC windows proposed would mimic timber in every way, would help reduce CO2 emissions and would alleviate health and security concerns.

[Please see the DPEA Website for the Appeal Documents](#)

Method of Appeal: Written Representations

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 1st June 2022.

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/01068/FUL
Proposal: Replacement windows
Site: Craigard, Canongate, Denholm
Appellant: Mr & Mrs M J Fox

Review against non-determination of Application.

- 5.2 Reference: 21/01283/PPP
Proposal: Erection of dwellinghouse
Site: Land South East of Hardens Hall, Duns
Appellant: Duns Golf Club

Reason for Refusal: The proposed development is contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the proposed development, at the location identified, would have an adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Duns and it would not relate to an existing building group within the countryside. The proposed development would erode the integrity of the development boundary for the settlement of Duns. Furthermore, the proposed development would fail to comply with Policy PMD2 in that there is no infrastructure to support pedestrian movements between the application site and the settlement of Duns, which would adversely impact upon pedestrian safety.

- 5.3 Reference: 21/01421/PPP
Proposal: Erection of dwellinghouse
Site: Land North East of Woodend Farmhouse, Duns
Appellant: Mr John and Mrs Louise Seed

Reasons for Refusal: 1. The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area. 2. The development is contrary to Policy HD2 (F) of the Local Development Plan 2016 in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use. This conflict with the development plan is not overridden by other material considerations. 3. The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

- 5.4 Reference: 21/01439/FUL
 Proposal: Replacement windows
 Site: 18 - 19 Slitrig Crescent, Hawick
 Appellant: Mr Bryce Crawford

Reason for Refusal: The proposed replacement windows would be contrary to Policy EP9 of the Local Development Plan 2016 and SPG Replacement Windows and Doors 2015 in that their material, opening method and specifications would detract from the special character and appearance of the Conservation Area.

- 5.5 Reference: 21/01588/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South West of Windrush Highend, Hawick
 Appellant: Mr Hamad Aloswadain

Reason for Refusal: The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposal is not well related to an existing building group of at least three houses and no overriding economic case has been made that a house is required in this isolated location for essential rural business purposes.

- 5.6 Reference: 21/01846/PPP
 Proposal: Erection of two dwellinghouses
 Site: Land North of Ivanhoe, Dingleton Road, Melrose
 Appellant: Rivertree Residential Ltd

Review against non-determination of Application.

- 5.7 Reference: 21/01909/FUL
 Proposal: Erection of dwellinghouse
 Site: Garden Ground of Greenrig, Blair Avenue, Jedburgh
 Appellant: Mr Laurie Bunyan

Reason for Refusal: The proposal would be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016 and Supplementary

Planning Guidance: Placemaking and Design 2010 in that it would result in development which is out of keeping with the character of the existing development pattern and would represent over-development and town cramming to the detriment of the amenity and character of the surrounding area.

- 5.8 Reference: 21/01982/FUL
 Proposal: Change of use from agricultural store, alterations
 and extension to form dwellinghouse with garage
 Site: The Blue House near Swansfield Farm, Reston,
 Eyemouth
 Appellant: Mr Graeme Forsyth

Reason for Refusal: The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

- 5.9 Reference: 22/00127/FUL
 Proposal: Change of use from Industrial (Class 4,5,6) to
 Fitness Studio (Class 11) (retrospective)
 Site: Unit C, Whinstone Mill, Netherdale Industrial Estate,
 Galashiels
 Appellant: Ms Daina McFarlane

Reason for Refusal: The development would be contrary to Policy ED1 of the Local Development Plan 2016 in that it would result in the loss of floorspace allocated for Classes 4-6 and the exception criteria within the policy are not satisfied. The loss of floorspace allocated for Classes 4-6 will have an adverse impact on the development of businesses within these Classes seeking to locate within the industrial estate. Other material considerations are not sufficient to outweigh the harm resulting from the incremental loss of allocated floorspace.

6 REVIEWS DETERMINED

- 6.1 Reference: 20/00796/FUL
 Proposal: Erection of dwellinghouse
 Site: Land West of Causewayfoot Cottage Wolflee,
 Hawick
 Appellant: Miss Dawn Kilpatrick

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 the proposed development is located outside of the identifiable boundaries of the Wolfelee building group which is contained by the woodland and public road to the north of the site. This development would appear divorced from the building group and would fail to respect its character and historic sense of place. No economic case has been substantiated to support a house out with the extent of the building

group. 2. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 and criteria h) and k) of Policy PMD2 and the Placemaking and Design SPG in that the form and design of the proposal would fail to sensitively integrate with the architectural style of the countryside location and would detract from the character and sense of place of the rural area. 3. The development would be contrary to Policy IS8 of the Local Development Plan 2016 in that the site is located within the 1 in 200 year functional floodplain of the Catlee Burn. This development would be at significant risk of flooding from the Catlee Burn and no information has been provided to demonstrate that the proposal can be safely developed on this land free from flood risk and without increasing the probability of flooding elsewhere.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

6.2 Reference: 21/00312/AMC
 Proposal: Erection of new dwelling with garage (Approval of all matters specified in condition of planning permission 18/01632/PPP)
 Site: Land North Of Old Manor Inn, Lanton
 Appellant: Mr Richard and Alison Stables

Conditions Imposed: 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority. Reason: To ensure that the development is carried out in accordance with the approved details and ensure to a satisfactory form of development, which contributes appropriately to its setting, and to minimise risk to trees. 2. Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type first submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. In addition, the frames of the Solar PV panels hereby approved shall be coloured non-reflective black or dark grey unless with the prior written consent of the Planning Authority. Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting. 3. The dwellinghouse shall not be occupied until the connection to the public mains water supply is made, and the approved foul and surface water drainage measures are implemented. Surface water-run off shall be maintained at pre-development levels. Reason: To ensure that the development is adequately serviced. 4. No development shall commence until further details of landscaping (including location, species and number of new planting), timescale for implementation and future maintenance of planting have been submitted to and approved in writing by the Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved details. Reason: To visually integrate the development sympathetically with the setting. 5. Construction works shall only be carried out in accordance with the submitted Arboricultural Report (Robert Gray Forestry & Arboricultural Consultants) dated September 2021. All trees shall be protected as per this report including provision of the approved driveway and parking and erection of protective fencing in accordance with BS5837:12 during the construction period. No trees shall be subsequently removed or lopped

unless with the prior written approval of the Planning Authority. Reason: To ensure protection of trees that contribute to the landscape setting of the site.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.3 Reference: 21/00448/FUL
Proposal: Change of use of amenity land to garden ground and erection of bike/log store (retrospective)
Site: Land East of 15 Howdenburn Court, Jedburgh
Appellant: Mr Lee Albert Tickhill

Reason for Refusal: The development is not in accordance with Policy PMD2 (Quality Standards) of the Local Development Plan 2016 in that the structure obstructs visibility on this corner and it is in close proximity to passing vehicles, adversely impacting on road safety. In addition, the siting of the structure within the road verge prevents new services from being installed and access for maintenance of existing services placed within the verge. Granting permission would set a dangerous precedent for similar structures in the road verge in the locale.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

- 6.4 Reference: 21/00710/PPP
Proposal: Erection of dwellinghouse with access, landscaping and associated works
Site: Land South and West of Greywalls, Gattonside
Appellant: Mr N & Mrs C Cameron

Reason for Refusal: The development is contrary to Policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, within a previously undeveloped field, outwith the sense of place, out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

- 6.5 Reference: 21/00793/FUL
Proposal: Partial change of use of shop and alterations to form manager's flat
Site: Shop, 43 High Street, Hawick
Appellant: Ms Ha Pham

Reason for Refusal: The proposal is contrary to Policies ED3 and PMD2 in that it would have an unacceptable impact on the town centre, specifically in undermining the viability of an existing retail/commercial

unit thereby detracting unacceptably from the vitality and viability of this area of the town centre, and would be unacceptably detrimental to the character of the surrounding area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.6 Reference: 21/01132/FUL
Proposal: Erection of pergola and boundary fencing (retrospective)
Site: 58 George Street, Peebles
Appellant: Lisa Dawkins

Reason for Refusal: The pergola and fencing is contrary to policies PMD2 and HD3 of the Local Development Plan 2016 in that the siting of the pergola and the varied height and style of the fencing would have an unacceptably adverse impact on the character and visual amenity of this residential area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.7 Reference: 21/01262/FUL
Proposal: Removal of Condition 2 of planning permission 18/01000/FUL pertaining to use as holiday let accommodation
Site: Warlawbank Steading, Reston, Eyemouth
Appellant: Ms Louise Weddell

Reason for Refusal: The proposed removal of Condition 2 of planning permission 18/01000/FUL would be contrary to Local Development Plan 2016 policies PMD2 (Quality Standards), HD2 (Housing in the Countryside), HD3 (Protection of Residential Amenity) and IS2 (Development Contributions) as the Planning Authority would lose control over the consented use of the development for holiday let purposes. The use of the development for residential purposes would be incompatible with neighbouring farm uses, with unacceptable levels of amenity for occupants, and would result in the creation of a new residential unit without addressing deficiencies in local education created as a result of the development. Other material considerations do not justify a departure from the Development Plan in this case.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.8 Reference: 21/01270/FUL
Proposal: Change of use from Industrial (Class 4,5,6) to a Functional Fitness Gym (Class 11)
Site: Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels
Appellant: Miss Lianne Wallace

Reason for Refusal: The development would be contrary to Policy ED1 of the Local Development Plan 2016 in that it would result in the loss of floorspace allocated for Classes 4-6 and the exception criteria within the policy are not satisfied. The loss of floorspace allocated for Classes 4-6 will have an adverse impact on the development of businesses within these Classes seeking to locate within the industrial estate. Other material considerations are not sufficient to outweigh the harm resulting from the incremental loss of allocated floorspace.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions & Informative)

- 6.9 Reference: 21/01422/FUL
Proposal: Demolition of steading and farmhouse and erection of two dwellinghouses
Site: Land at Haughhead Farm and Steading Building, Innerleithen
Appellant: Mr William, Brenda and Sarah Glennie

Reason for Refusal: The proposed steading replacement would be contrary to Policy HD2 of the Local Development Plan 2016 in that it would comprise residential development in the countryside that does not meet criteria within Policy HD2. The steading replacement would not be related to a building group; would not comprise the conversion of an existing building; would not replace or restore an existing or former house; and, no business justification has been provided to support the requirement for a dwellinghouse to replace the existing former steading. The development would, therefore, contribute to sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

7 REVIEWS OUTSTANDING

- 7.1 There remained two reviews previously reported on which decisions were still awaited when this report was prepared on 1st June 2022. This relates to sites at:

- | | |
|---|--|
| • Land East of Delgany, Old Cambus, Cockburnspath | • East Lodge, Netherurd, Blyth Bridge, West Linton |
|---|--|

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 1st June 2022. This relates to a site at:

- | | |
|--|--|
| <ul style="list-style-type: none">Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick | <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.

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