

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells TD6 OSA on Monday, 2 September, 2019 at 10.00 am

Present:- Councillors T. Miers (Chairman), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.

Apologies:- Councillor S. Aitchison.

Also Present:- Councillors K. Drum, C. Hamilton, S. Haslam, D. Parker and H. Scott.

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Principal Planning Officer – Major Applications, Senior Roads Planning Officer, Solicitor (E. Moir), Democratic Services Officer (F. Walling).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 5 August 2019.

DECISION

APPROVED for signature by the Chairman.

2. **ORDER OF BUSINESS.**

The Chairman varied the order in which the applications were heard and the Appendix to the Minute reflects the order in which the applications were considered at the meeting.

3. **APPLICATIONS.**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

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

4. **DECLARATIONS OF INTEREST.**

Councillor Fullarton declared an interest in application 18/01635/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

5. **HOUSING LAND POSITION STATEMENT IN LIGHT OF REJECTION OF PROPOSED SESPLAN 2**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the position statement contained in Appendix C to the report as the basis for assessing housing development proposals, for sites not allocated in the Development Plan, in light of the decision by Scottish Ministers to reject SESplan 2. The Planning and Development Standards Manager explained the background to the report. The decision by Scottish Ministers to reject proposed SESplan 2 (detailed in Appendix A & B to the report) had led to uncertainty about the housing supply targets and housing land requirements for the city region as a whole and for each of the six constituent local authorities. This had the potential to increase the number of speculative applications for housing whilst undermining the basis for their assessment. It also impacted on the evidence base for the production of the next tranche of Local Development Plans within the city region. In response to the rejection, the SESplan authority sought counsel's

opinion on the potential to legally challenge the decision and on the policy and practical implications for handling planning applications, preparing Local Development Plans, ensuring an effective 5 year housing land supply and whether there was an obligation to provide a new Strategic Development Plan. In addition, views were sought on what material prepared to support SESplan 2 could continue to be taken into account in determining planning applications and producing Local Development Plans. The Position Statement attached as Appendix C had been prepared taking into account counsel's advice and set out what matters SESplan authorities should give regard to when assessing planning applications. Each of the SESplan authorities was being asked to endorse and adopt the Position Statement, to ensure there was a consistent and robust approach throughout the city region. After discussion and receiving clarification about certain points within the report, Members approved the Position Statement.

DECISION

APPROVED the Position Statement set out in Appendix C to the report as the basis for determining speculative applications on non-allocated housing sites in the Scottish Borders.

6. 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) an Appeal had been received in respect of the erection of a windfarm comprising of 7 wind turbines 126.5m high to tip, associated infrastructure, ancillary buildings and temporary borrow tips on land North West of Gilston Farm, Heriot – 17/00226/FUL.

(b) there remained 3 appeals outstanding in respect of :-

<ul style="list-style-type: none"> Land West of Whitslaid (Barrel Law), Selkirk. 	<ul style="list-style-type: none"> Coopersknowe Phase 4 and 5 , Coopersknowe Crescent, Galashiels
<ul style="list-style-type: none"> Glenacre, Camptown, Jedburgh 	

(c) Review requests had been received in respect of:-

(i) Erection of dwellinghouse on Land North East of The Rest, Murrayfield, St Abbs – 18/01654/FUL;

(ii) Erection of dwellinghouse on Land East of Lilybrooke, West Flemington, Eyemouth – 19/00330/FUL;

(iii) Erection of Porch at 2 Deloraine Court, Hawick – 19/00386/FUL;

(iv) Erection of dwellinghouse and detached garage (approval of all matters specified in condition 18/01256/PPP) on Land South East of Dundas Cottage, Selkirk – 19/00521/AMC;

(d) the Local Review had upheld the Appointed Officers decision in respect of:-

(i) Erection of dwellinghouse on Land East of Lilybrooke, West Flemington, Eyemouth – 19/00330/FUL;

- (ii) **Erection of dwellinghouse on garden Ground of Beechwood Pyatshaw, Lauder – 19/00358/PPP; and**
- (iii) **Erection of Porch at 2 Deloraine Court, Hawick – 19/00386/FUL**
- (e) **the Local Review Body had overturned the Appointed Officer decision to refuse in respect of:-**
 - (i) **variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no windows in lieu of air conditioning units at Deans Bar, 3 Orrock Place, Hawick – 17/01368/FUL; and**
 - (ii) **Erection of four dwellinghouses on Land West of Thornwood Lodge, Weensland Road, Hawick – 18/01671/FUL**
- (f) **there remained two reviews outstanding in respect of:-**

<ul style="list-style-type: none"> • Land West of 1 Hallrule Farm Cottage, Bonchester Bridge 	<ul style="list-style-type: none"> • Land South West of Milkieston Toll House, Peebles
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- (g) **there remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 22nd August 2019. This related to sites at:**

<ul style="list-style-type: none"> • Fallago Rig 1, Longformacus 	<ul style="list-style-type: none"> • Fallago Rig 2, Longformacus
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The meeting concluded at 1.40 pm