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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, 10 January 2021 at 10.00 a.m.

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

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 6 December 2021.

**DECISION**

**AGREED to approve the Minute for signature by the Chairman.**

2. **APPLICATIONS.**

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

**DECISION**

**NOTED that:**

- (a) There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 22nd December 2021. This relates to a site at Greenloaning, The Loan, West Linton.
- (b) Review Requests had been received in respect of:
  - (i) Erection of dwellinghouse with access, landscaping and associated works in Land South and West of Greywalls, Gattonside – 21/00710/PPP.
  - (ii) Change of use of agricultural building and alterations to form dwellinghouse and garage in Land North East of Gamekeepers Cottage, Eckford, Kelso – 21/00734/FUL.
  - (iii) Siting of 2 no. shepherds huts for short term holiday accommodation in Land East of The Old Stables Lennel House, Lennel – 21/01344/FUL.
- (c) The decision of the Appointed Officer had been upheld in respect of:

- (i) Erection of dwellinghouse in Land Adjacent Carnlea, Main Street, Heiton – 20/01327/FUL.
  - (ii) Erection of dwellinghouse in Plot 5 Land South West of Hume Bank, Hume Hall Holdings, Greenlaw – 21/00726/PPP.
  - (iii) Erection of dwellinghouse in Plot 4 Hume Bank Hume Hall Holdings, Greenlaw – 21/00727/PPP.
- (d) There remained 10 reviews previously reported on which decisions were still awaited when this report was prepared on 22nd December 2021 related to sites at:

• Slaters Yard off Charlesfield Road, St Boswells	• Whinfield, Chesters Brae, Chesters, Hawick
• Land East of 15 Howdenburn Court, Jedburgh	• Land North East of Buxton House, Buxton Road, Selkirk
• Land at Station Yard, Traquair Road, Innerleithen	• Waterloo Arms, Chirnside, Duns
• Plot 1 Land North of Cakemuir House, Nenthorn	• Plot 2 Land North of Cakemuir House, Nenthorn
• 2 Winston Road, Galashiels	• Garden Ground of Kilknowe House, East End, Earlston

- (e) One Section 36 Public Local Inquiry had been received in respect of Erection of 45 No wind turbines and associated access tracks, infrastructure including substation/control room buildings and compound, temporary construction compound, meteorological mast and temporary borrow pits in Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.
- (f) There remained no Section 36 Public Local Inquiry previously reported on which a decision was still awaited.

*The meeting concluded at 12.05pm*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/00981/FUL	Demolition of stable block and erection of dwellinghouse with associated works	Land South West of Weathercote Rig, The Loan, Gattonside

Decision: Approved as per recommendation, subject to amended Condition 10 and amended Informative 2.

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.
2. Details of all materials/colour finishes to be used on all exterior surfaces of the development hereby approved (walls, roofs, windows, doors) to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed 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.
3. The exact details of any retaining walls, fencing and gates (position, extent, height, design, materials/finish) to be submitted to and approved in writing by the Planning Page 26 Authority before the development commences. The development then to be completed in accordance with the approved details. Reason: To safeguard the visual amenities of the area.
4. Drawings showing existing and proposed ground levels and finished floor levels to be submitted to and approved in writing by the Planning Authority before the development commences.

The drawings to include: the proposed finished floor level of the consented dwellinghouse;

- (i) the existing and proposed ground levels throughout the application site; and,
- (ii) a clearly identifiable datum point, or clearly identifiable datum points, located out with the site and sufficient for the purpose of establishing the height(s) of the proposed finished floor level(s) and ground level(s) relative to the level of the existing landscape.

The development then to be completed in accordance with the approved drawings.  
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

5. No trees within or overhanging the application site shall be felled, removed, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.  
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
6. Tree protection measures for the construction phase (in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations) and a Tree Protection Plan for the trees within and overhanging the site to be submitted to and approved in writing by the Planning Authority before the development commences. The protection measures to be implemented before the development commences and

retained until completion of the development. The development to be carried out in accordance with the approved Tree Protection Plan. Reason: As the trees are worthy of retention and contribute to the visual amenities of the area.

7. A drawing showing the location of the site compound for storing materials, machinery and equipment, any staff accommodation/facilities and parking for staff and delivery vehicles to be submitted to and approved in writing by the Planning Authority before the development commences. The site compound, staff accommodation and parking then to be provided in accordance with the approved drawing.  
Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.
8. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
  - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration,
  - (ii) location of new trees, shrubs, hedges and grassed areas,
  - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density,
  - (iv) programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
9. The construction of the development hereby approved shall only take place in accordance with the Revised Construction Traffic Management Plan dated 6th April 2021, unless otherwise agreed in writing by the Planning Authority. Access to the site during construction shall only be permitted from Monkswood Road and there shall be no access to the site of any kind (vehicle or pedestrian) permitted from the Loan.  
Reason: To limit potential impacts on road and pedestrian safety.
10. The precise details of the vehicular parking area and access shown on Drawing 9387-3.02 Rev E (to include details of surface materials and drainage arrangements) shall be agreed in writing with the planning authority before development is commenced. The parking and access arrangements must be completed in accordance with the agreed details prior to the occupation of the dwellinghouse hereby approved and shall be retained in perpetuity thereafter.  
Reason: To ensure the development hereby approved is served by adequate access and parking at all times.
11. No drainage system other than the public mains sewer shall be used to service the dwellinghouse hereby approved without the written consent of the Planning Authority. Prior to occupation of the dwellinghouse, written evidence shall be submitted to and approved in writing by the Planning Authority that the dwellinghouse has been connected to the public water drainage network.  
Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on public health.
12. No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the dwellinghouses, written confirmation shall be submitted to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. No water supply other than the public mains shall be used to supply the development without the written

agreement of the Planning Authority.

Reason: To ensure that the development with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

13. Details of all surface water drainage shall be submitted to and approved in writing by the Planning Authority before the development commences. The surface water drainage arrangements shall follow sustainable urban drainage techniques. The surface water drainage shall then be installed as approved before the dwellinghouse is occupied.  
Reason: To ensure that the development is adequately serviced.

#### Informatives

1. In respect of condition 6, the Tree Protection Plan should contain the following:
  - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - (e) Ground levels within the root protection area of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details agreed as part of condition 4.;
  - (f) No hard surfacing shall be formed within the root protection area of any of the trees unless the details of the surfacing materials and any excavations have first been agreed with the Planning Authority;
  - (g) No part of the retaining wall shall be formed within root protection area of any of the trees unless the details of its construction and any excavations have first been agreed with the Planning Authority. In order that levels are not radically altered, both above and below the site a free draining aggregate should be put behind the retaining wall with a robust drain in the bottom to stop a build-up of moisture.
2. In respect of condition 8, planting is required along the south eastern boundary of the site adjacent to the access road. Native species hedge planting is also required along the west boundary of the site between the application site and Oakfield.
3. In respect of condition 10, the applicant should satisfy themselves that there is an appropriate regime in place between all interested parties with regards to future maintenance. This is to ensure the track is retained in a suitable condition for household vehicles. This will also include any repairs required prior to the construction period.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01491/PPP	Demolition of stable block and erection of dwellinghouse with associated works	Land South East of Oaklands, 7 Houndslow Road, Westruther

Decision: Approved contrary to Officer recommendation, subject to conditions and Legal Agreement covering development contributions towards Education. Precise wording of conditions to be delegated to Officers, in consultation with the Chairman.

Councillor Moffat, seconded by Cllr Ramage moved approval of the application on the following basis:-

The proposed development would be consistent with Policy PMD4 Paragraph b) of the Scottish Borders Council Local Development Plan 2016 in that it would represent an affordable housing development justified under Policy HD1. The proposals would provide special needs housing and would offer significant community benefits that outweigh the need to protect the development boundary.

Councillor Anderson, moved refusal of the application as per the officer recommendation but received no seconder so his Motion fell.

Schedule of conditions 21/01491/PPP

1. Details for AMC application:

No development shall commence until the details of the specified matters listed below have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the layout and siting of the proposed development;
- b) Full details of the external appearance and finishing materials of the proposed development;
- c) A landscaping scheme (full details specified in condition 3);
- d) Full details of the proposed vehicular and pedestrian access to the development from the public road (C98);
- e) Full details of the proposed car parking/vehicle turning area(s) for the proposed development;
- f) Full details of the proposed means of disposal of foul and surface water from the development;
- g) Full details of a bin storage area(s).

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No commencement until All Matters Specified in Conditions Approved

No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. Landscaping:

No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- (a) Existing landscape features and vegetation to be retained;
- (b) Protection measures (in accordance with British Standard 5837 (2012)) for the landscape features to be retained;
- (c) Existing and proposed finished ground levels;
- (d) The location of new trees, shrubs, hedges and grassed areas;
- (e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (f) The location, design and materials of all hard landscaping works including walls, fences and gates etc.;

- (g) An indication of existing trees, shrubs and hedges to be removed;
- (h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 2 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

#### 4. Removal of trees:

No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

Reason: The existing tree represents an important visual feature which the Planning Authority considered should be substantially maintained.

#### 5. Public water supply – evidence:

No works in connection with the development hereby approved shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupancy of the dwellinghouse, written confirmation shall be provided for the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and the safety and welfare of the occupants and visitors to the site.

#### 6. Public water supply:

The proposed development shall be connected to the public mains water supply as indicated in the submitted application and shall not be connected to a private water supply unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and the safety and welfare of the occupants and visitors to the site.

#### 7. Parking and turning:

The development hereby approved shall not be occupied until parking and turning for two vehicles, excluding garages, has been provided within the curtilage of the dwellinghouse. Once provided, the car parking area shall thereafter be permanently retained and maintained as such.

Reason: To enable vehicles to enter and exit the site in a forward gear and to ensure adequate parking is provided at all times.

#### 8. Floor Levels

The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity of nearby properties.

#### 9. Removal of PD rights for means of enclosure:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-

enacting that Order no means of enclosure, other than that approved under condition 2 shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

#### Informatives

##### 1. Roads:

In relation to Condition 1 (d), the vehicular access to the site from the public road (C98) shall be formed as a service layby to approved standard detail DC-3.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

#### Note

Councillor Rowley and Mrs J. McLeod spoke in support of the application