

# **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

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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..

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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"> <li>• <b>Land East of The Old Stables Lennel House, Lennel</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Land South and West of Greywalls, Gattonside</b></li> </ul>
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*The meeting concluded at 1.40 p.m.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
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.*

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<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.