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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Committee Room 2/3, Council Headquarters, Newtown St. Boswells on Monday, 4th December, 2023 at 10.00 am

Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, N. Richards, S. Scott and E. Small

Apologies:- Councillors A. Orr and V. Thomson

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Democratic Services Team Leader and Democratic Services Officer (W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 4 December 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. **APPLICATIONS**

There had been circulated copies of a report by the Chief Planning and Housing Officer on applications for planning permission which required consideration by the Committee.

DECISION

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

3. **APPEALS AND REVIEWS**

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

3.2 The Chair advised that two appeal decisions received were upheld. Those Committee decisions were made against the officer's recommendations and that, while the Committee was within its right to have done so, the Chair was of the opinion that in future the Committee must ensure there was robust reasoning in decision-making. The Chair discussed the matter and possible training with the Director Corporate Governance and noted that if there was consistency in the Committee overturning officers' decisions and appeals being subsequently upheld by the reporter, it may cause the Council reputational damage. The Committee were advised that there should be clarity in the reasons why the Committee refuse planning applications.

DECISION

NOTED that:

(a) **Appeal decisions had been received in respect of:**

(i) **Erection of dwellinghouse, Land Adjacent Rose Cottage, Maxwell Street, Innerleithen – 22/01993/FUL – reporter's decision: sustained;**

- (ii) Installation of communication lattice tower 35m high c/w headframe on new 6.5m x 6.5m RC concrete base and associated ancillary works, Land at Menzion Forest Block, Quarter Hill, Tweedsmuir – 23/00777/FUL – reporter’s decision: sustained;
- (b) There remained 2 appeals previously reported on which decisions were still awaited when the report was prepared on 23 November 2023 which related to sites at:

<ul style="list-style-type: none"> • Land East of Kirkwell House, Preston Road, Duns 	<ul style="list-style-type: none"> • 2 Gladstone Street, Hawick
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- (c) Review requests had been received in respect of:
- (i) Change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height), The Blue House Near Swansfield Farm, Reston, Eyemouth – 23/00262/FUL;
 - (ii) Erection of dwellinghouse, Land North of Ivanhoe, Dingleton Road, Melrose – 23/00492/PPP;
 - (iii) Change of use from amenity land to garden ground, 58 Waldie Griffiths Drive, Kelso – 23/00684/FUL;
 - (iv) Erection of dwellinghouse, Land South of 1 Old Edinburgh Road, Eddleston – 23/00844/FUL;
 - (v) Erection of boundary fence (retrospective), 24 - 1 Ettrick Terrace, Hawick – 23/00847/FUL;
 - (vi) Erection of dwellinghouse, Garden Ground of Glenbield, Redpath – 23/01014/FUL;
- (d) The following reviews had been determined as shown:
- (i) Demolition of stable and erection of dwellinghouse, Site Adjacent The Steading Whiteburn Farm, Lauder – 22/01905/FUL – Decision of Appointed Officer Upheld;
 - (ii) Change of use from agricultural land to lorry storage yard and erection of building, Land East of Unit 3 Croft Park Industrial Estate, Morebattle, Kelso – 23/00553/FUL – Decision of Appointed Officer Overturned (Subject to Conditions);
 - (iii) Erection of dwellinghouse, Garden Ground of Cheviot View, Eden Road, Gordon – 23/00716/FUL – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);
- (e) There remained 1 review previously reported on which a decision was still awaited when the report was prepared on 23 November 2023 which related to a site at U-Stor Business Units, Spylaw Road, Kelso.
- (f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 23 November 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.10 am.

APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/00657/FUL	Formation of accesses and change of use of land to storage (part retrospective)	Land Southeast of Mounthooly House, Jedburgh

DECISION: Refused (contrary to officer recommendation) for the following reasons:

1. The proposed development would be contrary to Policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) of the Scottish Borders Local Development Plan 2016 and Policy 5 (Soils) of National Planning Framework 4 in that it would lead to the permanent loss of prime quality agricultural land;
2. The proposed development would be contrary to Policy PMD2 (Quality Standards) of the Scottish Borders Local Development Plan 2016 in that the use of the site for storage would not be compatible with or reflect the character of the surrounding area and neighbouring residential uses; and,
3. The proposed development would be contrary to Policy ED7 (Business, Tourism and Leisure Development in the Countryside) of the Scottish Borders Local Development Plan 2016 in that the development would not respect the character or amenity of the surrounding area and would have a significant impact on nearby uses.

VOTE

Councillor Small, seconded by Councillor Mountford, moved that the application be approved as per officer recommendation.

Councillor Scott, seconded by Councillor Moffat, moved as an amendment that the application be refused on the grounds that the proposed development would be contrary to Policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) of the Scottish Borders Local Development Plan 2016 and Policy 5 (Soils) of National Planning Framework 4 in that it would lead to the permanent loss of prime quality agricultural land; the proposed development would be contrary to Policy PMD2 (Quality Standards) of the Scottish Borders Local Development Plan 2016 in that the use of the site for storage would not be compatible with or reflect the character of the surrounding area and neighbouring residential uses; and, the proposed development would be contrary to Policy ED7 (Business, Tourism and Leisure Development in the Countryside) of the Scottish Borders Local Development Plan 2016 in that the development would not respect the character or amenity of the surrounding area and would have a significant impact on nearby uses.

On a show of hands, Members voted as follows:

Motion	-	2 votes
Amendment	-	5 votes

The amendment was accordingly carried.

NOTE

Ms Caroline Casson spoke in support of the application.

Reference

23/01144/FUL

Nature of Development

Variation of condition 4 of
planning consent
14/01186/MIN to increase
the rate of extraction

Location

Glenfinn Quarry Neuk,
Cockburnspath

DECISION: Approved as per officer recommendation subject to the following conditions and informatives:

Conditions:

1. The rate of mineral extraction from the site shall not exceed 175,000 tonnes per annum over any period of three years. Written records shall be kept by the operator of all Heavy Goods Vehicle movements off site including the weight of minerals carried by each vehicle and that information shall be made available for inspection by the Planning Authority on an annual basis on the last day of March each year.
Reason: To safeguard the amenity of the surrounding area and avoid excessive extraction levels.

2. With the exception of Condition 4 of consent 14/01186/MIN hereby amended as per Condition 1 above, the development shall be implemented in accordance with the plans, drawings, supporting information and schedule of conditions approved under application 14/01186/MIN and in accordance with all agreements/approvals under the terms of those conditions.
Reason: To ensure the development is implemented and operated in accordance with all measures within the approved schedule of conditions under the original planning consent, to ensure compliance the Development Plan and relevant planning policy guidance.