

APPENDIX II

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

Local Review Reference: 17/00016/RREF

Planning Application Reference: 17/00044/PPP

Development Proposal: Erection of two dwellinghouses

Location: Garden Ground of Woodlands, Broomlee Mains, West Linton

Applicant: Mrs Sandra Newton

DECISION

The Local Review Body (LRB) reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions set out below and the conclusion of a legal agreement in respect of the payment of development contributions.

DEVELOPMENT PROPOSAL

The application for planning permission in principle relates to the erection of two dwellinghouses on former garden ground of Woodlands, Broomlee Mains, West Linton. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site & Location Plan	PP01

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (additional documents); b) Consultations; c) Representation and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: HD2, HD3, PMD2, IS2 & IS7

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Local Review Body was satisfied there was a building group at Broomlee, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside comprising Woodlands Farmhouse, The Old Farmhouse, Broomfield and the 7 properties at Broomlee Mains Court.

Members concluded that whilst Woodlands Farmhouse was, to a degree, detached from the main part of the group at Broomlee Main Court it had an historical, functional and physical relationship with those buildings and the farm. In their view, all of the buildings contributed to a distinct sense of place and formed a cohesive building group.

The Review Body turned its attention to whether the site was a suitable addition to the group. They considered the site to be well related to neighbouring properties, that it fitted in well with the pattern of development at Broomlee and was contained by the existing landscape setting of the building group. Members agreed that the formation of a strong boundary, either through hard or soft landscaping, along the southern boundary of the site to the adjoining agricultural fields would further assist the integration of the development. Consequently, it was concluded that the site in question was an acceptable addition to the building group.

In terms of the number of residential units proposed, this was within the limits set by Policy HD2 of 2 or 30% within a Local Plan period. Members did express concern that it may be difficult for the group to accommodate any more than the 2 dwellinghouses proposed by this application.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved.

DIRECTIONS

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - (a) the expiration of three years from the date of this permission, or
 - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
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.

CONDITIONS

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
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 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. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. a strong landscape boundary along the southern boundary of the site achieved either through hard or soft landscaping

vii. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. No development shall commence until the details of the upgrading of the existing private access serving the site and the parking and turning facilities within the site have been submitted to and approved by the Planning Authority. Thereafter, the works shall be implemented in accordance with an agreed timescale.
Reason: To ensure the site is adequately serviced.

INFORMATIVE

In respect of condition 4 above, the Roads Planning Officer requires:

- The section of new private road which is to serve the proposed plots must be surfaced for the first 5 metres from the public road, to the following specification “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- The remaining section of private road must be formed with a well compacted, free draining running surface which must be able to withstand a 14 tonne axle loading. The road must thereafter be maintained as such in perpetuity.
- Parking and turning for two vehicles per plot must be provided and retained in perpetuity. The current proposal is for one curtilage space and one communal space per plot. My preference would be for two curtilage spaces per plot, however if the applicant wishes to proceed as per their submission then the communal parking must be nose-in rather than layby parking. This will allow better access/egress to the parking bays.
- If practicable, agricultural traffic be removed from the private residential access road to remove potential conflict between agricultural and residential traffic.

In addition, the Roads Planning Officer suggests that consideration should be given to surfacing the entire length of the private road serving the two plots given that vehicles will be turning on this surface in order to enter/exit the parking spaces. This would significantly reduce the ongoing maintenance costs of ensuring the private road is maintained to the original standard.

LEGAL AGREEMENT

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards affordable housing and education facilities in the locality.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed....Cllr T Miers
Chairman of the Local Review Body

Date.....9 August 2017