

## APPENDIX II

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

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**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**

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**Local Review Reference:** 17/00031/RREF

**Planning Application Reference:** 17/00323/FUL

**Development Proposal:** Erection of dwellinghouse and retaining wall (part retrospective)

**Location:** Land West of Craigerne Coachhouse, Edderston Road, Peebles

**Applicant:** Mrs Patricia Crippin

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### DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions and the applicant entering into a Section 75 agreement, as set out below.

### DEVELOPMENT PROPOSAL

The application relates to the erection of a house and retaining wall (part retrospective) on land to the west of Craigerne Coachhouse in Peebles. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Elevations	2014/12/104/C
Site Plan	2014/12/102/C
Floor Plans	2014/12/103/C
Location Plan	2014/12/101/A

### PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 18<sup>th</sup> September 2017 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in report; c) Consultations; and e) List of policies, the Local Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicant for a site visit.

## **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 policies were:

- Local Development Plan policies: PMD5, PMD2, HD3, EP13, IS2, IS7 & IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Review Body noted that the site fell within the settlement boundary of Peebles, as defined in the Local Development Plan, in a predominantly residential area and that the land was associated with the development site at Craigerne Coach House. The Review Body was content that the development would not conflict with the established land use in the locality.

The Review Body noted the extensive planning history to this site and the adjoining housing development. Members were aware that the site had been excluded from the site boundary of the Coach House development in recent planning approvals and concluded that, as the land was now in a different ownership, there was now limited prospect of the site being landscaped. In any event, they were of the view that the site was a natural rounding-off of the Coach House development and was a logical infill site.

The Review Body acknowledged that the applicant had made significant efforts to address the reasons for the previous refusal by reducing the footprint and frontage of the house, along with moving the house within the plot to allow sufficient space for the replacement trees at the northern boundary to grow. Members also noted that the house had been re-designed and they were satisfied that it would blend in well with the adjoining housing development.

Whilst the site was limited in size, they were content, on balance, that the revised development would be sympathetic to the character and appearance of the area and would not constitute over-development or town cramming. Members noted the relationship between the proposed house and the new western wing on the Coach

House but concluded that it did not result in any overlooking nor any detrimental impacts on privacy or amenity.

Members considered the impact of the proposed house on the protected trees to the south of the site and noted that part of the foundation of the house would fall within the Root Protection Area of a nearby oak tree. However, they were satisfied that there were practical solutions to address this issue which could be covered by a suitable planning condition. They did not accept that potential shading and overshadowing of the house would undermine the Tree Preservation Order by putting undue pressure on the remaining trees in the immediate area.

## **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.

## **DIRECTIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## **CONDITIONS**

1. Vehicular and pedestrian access to the site shall be from the existing access into the Coach House development and no such new access shall be formed along the western boundary of the site onto Edderston Road.  
Reason: In the interests of road safety and to protect the amenity of the area through the retention of the existing stone wall, hedgerow and trees along this edge of the development site.
2. The parking area identified for the proposed dwellinghouse, shown on the Site Plan (Dwg No. 2014/12/102/C), shall be a minimum of 5 metres wide by 5 metres long in order to accommodate two vehicles. The parking area shall be fully formed and available for use prior to occupation of the dwelling.  
Reason: In the interests of road safety and to ensure that the site is adequately serviced
3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. 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):

- existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and vegetation, including existing trees and the hedgerow along the western boundary of the site, to be retained and, in the case of damage, restored
  - location and design, including materials, of walls, fences and gates
  - soft and hard landscaping works
  - existing and proposed services such as cables, pipelines, sub-stations
  - other artefacts and structures such as street furniture, play equipment
  - A programme for completion and subsequent maintenance.
  - Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. All trees and the hedgerow (along the western boundary) on this site shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect the trees and hedgerow and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.  
Reason: To ensure that adequate precautions are taken to protect trees and hedgerow during building operations.
6. No development shall take place on site until the position of the proposed house has been plotted on site and approved in writing by the Local Planning Authority. The house thereafter shall be erected to accord with the agreed position.  
Reason: To ensure that the house minimises the potential impact on adjoining protected trees.
7. No development shall take place on site until details of a no-dig method of construction, incorporating either mini pile and beam, pads or reinforced slab, where the development comes within the Root Protection Area of the protected trees have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the details.  
Reason: To ensure that the house minimises the potential impact on adjoining protected trees.

## **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 education facilities in the locality and traffic management within Peebles.

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## **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.

**Signed....**Councillor T. Miers  
Chairman of the Local Review Body

**Date.....**25 September 2017

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