

# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 21 January 2019 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford and E. Small

Apologies:- Councillor C. Ramage

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

## 1. **REVIEW OF 18/01332/PPP**

There had been circulated copies of the request from Mr and Mrs Ferguson, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application in respect of the erection of a dwellinghouse and detached garage/stable on land North East of River Cottage, Linthill, Melrose. The supporting papers included the Notice of Review (including the Officer's Report); Decision Notice, papers referred to in the Officer's Report; support comment; consultations; and a list of relevant policies.

Members agreed that the indicative elevation drawing submitted with the Notice of Review met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be considered. Having agreed that there was a building group at Linthill they focussed their discussion on whether the proposed site was an appropriate addition to the building group. They noted that the erection of a garage associated with River Cottage already formed an extension to the building group. The view of the majority of Members was that, provided a strong wooded boundary was established to the east of the proposed site the erection of a dwellinghouse at that location would complement the sense of place and would enhance the building group. Councillor Aitchison held an opposing view and proposed that the officer's decision be upheld but there was no seconder to this motion.

### **DECISION**

#### **AGREED that:-**

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the indicative elevation drawing submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be taken into consideration;**
- (c) the review could be considered without the need for any further procedure on the basis of the site visit and the papers submitted;**
- (d) the proposal would be in keeping with the Development Plan; and**
- (e) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and a legal agreement, for the reasons detailed in Appendix I to this Minute**

2. **REVIEW OF 18/01341/PPP**

There had been circulated copies of the request from Mr and Mrs Eriend Milne, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application in respect of erection of dwellinghouse and detached garage on land South East of Tarf House, West Linton. The supporting papers included the Notice of Review; Decision Notice, Officer's Report; consultations; and a list of relevant policies. Having concluded that there was not a building group in the vicinity of the site of the proposed dwellinghouse Members went on to debate whether there was economic justification for a house on that particular site in terms of the ancillary business referred to in the application. Members were aware of the lack of land allocated for businesses in the West Linton Area but noted that in this case insufficient information to support a business case had been submitted.

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the site visit and the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld and the application refused for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 18/00956/FUL**

There had been circulated copies of the request from Mr and Mrs Alexis and Rose Kennedy, per Architeco Limited, 43 Argyll Street, Dunoon, for review of refusal of the planning application for erection of dwellinghouse on land North West of Chapel Cottage, Melrose. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; consultations; and a list of relevant policies. The Planning Advisor drew attention to new evidence, in the form of a Tree Survey and a drawing proposing Visibility Sight Lines, which had been submitted with the Notice of Review documentation and which had not been before the Appointed Planning Officer at the time of determination. As the Review Body considered that the new information could be considered as it met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review, it was agreed that there was a need for further procedure in the form of written submissions and that the Appointed Planning Officer, Landscape Architect and Roads Planning Officer be afforded the opportunity of making representations on this new evidence. The Legal Advisor directed Members to disregard a further piece of new evidence submitted with the Notice of Review, in the form of a plan which showed a site boundary line along the driveway, which was different from the boundary on the site plan submitted with the original application, as it was not admissible to change the site boundary at this juncture.

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**

- (b) **the new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request representations from the Appointed Planning Officer, Landscape Architect and Roads Planning Officer on the new evidence in the form of the Tree Survey and the drawing 'Visibility Sight Lines'; and**
- (d) **consideration of the review be continued on a date to be arranged.**

**4. REVIEW OF 18/01215/FUL**

There had been circulated copies of the request from Mr K Patterson, per Richard Amos Ltd, 2 Golden Square, Duns, to review the refusal of the planning application for extension to dwellinghouse at 10, Townhead Way, Newstead. The supporting papers included the Notice of Review (including the Decision Notice); Officer's Report; consultations; and a list of relevant policies. The Planning Advisor drew attention to new evidence, which included information on daylight and impact on neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property, which had not been before the Appointed Planning Officer at the time of determination. As the Review Body considered that the new information could be considered as it met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review, it was agreed that there was a need for further procedure in the form of written submissions and that the Appointed Planning Officer be afforded the opportunity of making representations on this new evidence.

**DECISION  
AGREED:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request representations from the Appointed Planning Officer on the new evidence which included information on daylight and impact on neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property; and**
- (d) **consideration of the review be continued on a date to be arranged.**

*The meeting concluded at 11.45 am*