

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, 16 March 2020 at 10.00 am

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

Apologies:- Councillors A. Anderson, C. Ramage and N. Richards

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

1. **CONTINUATION: REVIEW OF 18/01777/FUL.**

With reference to paragraph 2 of the Minute of 20 January 2020, regarding the request from Mr Craig Dougall, per Suzanne McIntosh Planning Limited, 45C Bath Street, Portobello, Edinburgh, to review the decision to refuse the planning application for erection of two dwellinghouses in garden ground of 7 Heriot House, Heriot, there had been circulated additional information from the applicant, as sought by the Local Review Body, together with responses from the Planning Officer and Roads Planning Officer. Also re-circulated were the review papers, comprising the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; Consultations; Representations; and a list of policies. Members considered the additional information provided by the applicant and the response from the Roads Planning Officer. They noted that, although clarification had been given about how access to the stable block would be achieved, there was still a discrepancy of interpretation, between the applicant and the Roads Planning Officer in respect of the actual delineation of the site boundary and consequentially the implications of the proposed development on the integrity of the public road and verge and impact on existing and proposed tree planting. After further consideration, Members concluded that due to the complexities of the site, they could not make a determination of the review on the basis of the information provided and that further clarification was needed. They agreed to further procedure in the form of an accompanied site visit and further representations and information in the form of an oral hearing session. They asked for the site visit to be accompanied, in order that discrepancies about the site boundary could be addressed on site. In terms of the hearing session, Members requested that the matters to be addressed should be those referred to in the Planning Officer's two reasons for refusal of the application.

DECISION

AGREED that:-

- (a) **the review could not be considered on the basis of the review documentation and additional information, without further procedure in the form of an accompanied site visit and a hearing session;**
- (c) **the applicant, Council's Planning Officer, Roads Planning Officer and interested parties be invited to attend an accompanied site visit and a hearing session on a date to be arranged; and**

- (d) **the matters to be addressed at the hearing session would be those referred to in the Planning Officer's two reasons for refusal of the application, as outlined below:**
- **The proposed development does not comply with Policies PMD2, HD2 and EP13 of the Local Development Plan 2016, or Supplementary Planning Guidance on New Housing in the Borders Countryside 2008, Trees and Development 2008 or Placemaking and Design 2010 in that the siting and design of the proposed development would have an adverse and unsympathetic impact on the landscape character of the site; sense of place of the existing group and its built form; and existing tree planting. Other material considerations do not outweigh these policy conflicts.**
 - **The proposed development does not comply with Policy PMD2 of the Local Development Plan 2016 or New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it has not been demonstrated that the development can be provided with a safe means of vehicular access and would not adversely impact on the integrity of the public road and verge, therefore potentially leading to an adverse impact on road safety. Other material considerations do not outweigh these policy conflicts.**

2. **REVIEW OF 18/01194/FUL.**

There had been circulated copies of the request from Mr Jamie Reddihough per Mark R Russell, Ethical Planning (North East) Ltd, Stoddart Street, Newcastle Upon Tyne, to review the decision to refuse the planning application for erection of a dwellinghouse, garages and associated access on land North West of Town O' Rule Farmhouse, Bonchester Bridge, Hawick. The supporting papers included the Notice of Review and associated documents (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; Consultations; and a list of policies. The Planning Advisor drew attention to new evidence, in the form of a report entitled Preliminary Bat Roost Assessment and Extended Phase 1 Habitat Survey, 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. 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, as expert opinion on the report was required, there was a need for further procedure in the form of written submissions and that the Council's Ecology Officer be given the opportunity to comment on the new information provided. Notwithstanding the decision to defer determination of the review, Members asked to hear the Planning Advisor's presentation about the application and this was followed by a preliminary discussion on the location, sense of place, scale, height and design of the proposed development. Members noted that the principle of a new dwellinghouse on the site had previously been established.

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 Ecology Officer on the new evidence in the form of the Preliminary Bat Roost Assessment and Extended Phase 1 Habitat Survey; and**
- (d) **consideration of the review be continued on a date to be arranged.**

The meeting concluded at 11.05 am