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## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 19 June 2023 at 10 a.m.

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Present:- Councillors S. Mountford (Chair), M. Douglas, J. Cox, A. Orr, N. Richards, S. Scott, V. Thomson.  
Apologies:- Councillors D. Moffat, E. Small.  
In Attendance:- Chief Planning and Housing Officer, Principal Planning Officer (C. Miller), Solicitors (S. Thompson for para 1 and Fraser Rankine from para 2), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

### MEMBERS

Having not been present when the following review was first considered, Councillors Mountford, Thomson and Scott left the meeting. Councillor Douglas chaired the meeting for the next item of business only.

#### 1. CONTINUATION OF REVIEW 23/00001/RREF

- 1.1 With reference to paragraph 13 of the Minute of 17 April 2023, the Local Review Body continued their consideration of a request from Mr Richard Spray per John Handley Associates Ltd, 65A Leamington Terrace, Edinburgh EH10 4JT to review the decision to refuse the planning application for the Erection of a timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility on Land South West of West Loch Farmhouse, Peebles. The supporting papers included the comments from the Planning Officer, Ecology Officer and SBC Solicitor on the new information; written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; further representations and Applicant response; additional information; consultation replies; objections and list of Policies. An accompanied site visit, to the applicant's existing timber storage and processing yard at Loanhead, Mid Lothian and also to the application site itself was undertaken on 22 May 2023.
- 1.2 The Review Body noted that the proposal was for the erection of a timber storage and processing facility. In considering the proposals, especially in relation to Policies ED7 and 29 and taking into account all submissions, the Review Body were of the opinion that, after balancing the processing and chipping elements against the use of the proposed site for timber storage and drying, any industrial process was a very small part of the overall development and that it predominantly involved forestry operations. Members noted the offer from the applicant to limit chipping to four days per month and the extent of timber storage on the site which would be left drying for lengthy periods without movement. The Review Body concluded that as the development was predominantly for forestry operations, it was more justifiable on a greenfield rather than brownfield site and that it was an appropriate development for a rural location, in compliance with the principle of Policy ED7.

- 1.3 The Review Body then considered specific criteria within Policy ED7, including noise and residential amenity which were also controlled by Policies HD3, 14 and 23. All submissions were considered in relation to noise impacts on nearby existing and proposed housing, including the offer by the applicant of a maximum 4 day limit of chipping per month by condition, the location of the chipping and processing buildings to be furthest away from existing houses, the area of applicant ownership without any works proposed and, notwithstanding the proximity of West Loch Farmhouse, the degree of distance to the steading and other cottages that could be affected. Given all these factors, the Review Body were content that sufficient buffer existed to reduce the noise impacts of the development, which would be infrequent with regard to chipping noise. Members also noted the findings of the Noise Impact Assessment and were content that, with the full implementation of the mitigation in the Assessment secured by condition, the impacts of the development on residential amenity were reduced to acceptable levels and, thus, in compliance with Policies ED7, HD3, 14 and 23.
- 1.4 The Review Body then considered the issue of road safety under Policies PMD2 and ED7 and were in support of the Roads Officer's requirements for a scheme of road improvement, involving passing places on the public road. Subject to an appropriate condition securing the scheme for completion before the development became operational, the Review Body considered the proposal in compliance with Local Development Plan Policies PMD2 and ED7 in relation to access and road safety. There was discussion with regard to the applicant's offer to limit all timber received at the site to be sourced only from within the Scottish Borders and whilst Members understood the aims of such a restriction in relation to sustainability, reduced transport distances and to relate the facility to local product and were supportive of limiting the source of timber to the Scottish Borders, Members considered this to be a small and limited area and agreed to a condition which also included the Lothians as well as the Scottish Borders, subject to a condition securing an enforceable verification and monitoring scheme.
- 1.5 The Review Body then considered the planning permission in principle element of the application and the proposal for a dwellinghouse and office in the south-western corner of the site. The Review Body accepted the applicant's case for requiring residential and office accommodation on the site, noting that the applicant would accept conditions securing an occupancy link with the business and no commencement of the dwellinghouse/office until the timber storage and processing development was complete and operational. Subject to appropriate conditions, Members considered the site to be justified provision of accommodation on site for a worker in the adjoining business, complying with Clause F of Policy HD2, NPF4 Policy 17 and the Housing in the Countryside SPG.

## **DECISION**

### **AGREED that:-**

- (a) the request for 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 further procedure;**
- (c) the development was an appropriate rural location for a facility which was predominantly a forestry operation and that the residential and environmental impacts could be addressed by appropriate planning conditions. The dwellinghouse/office was also considered to be justified, provided occupancy was tied to the business and commenced after the business opened; and**
- (d) the officer's decision to refuse the application be overturned and the application approved for the reasons detailed in Appendix I to this Minute, subject to conditions and a legal agreement.**

## **MEMBERS**

Councillors Mountford, Thomson and Scott returned to the meeting.

## **ORDER OF BUSINESS**

The Chair varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

### **2. REVIEW OF 23/00012/RREF**

- 2.1 There had been circulated copies of a request from Mr Ian Swann, per MAKAR Ltd, Clachandreggy, Dores Road, Torbreck, Inverness to review the planning application in respect of the erection of dwellinghouse on Land West of the Old Barn, Westwater, West Linton. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Additional Information and Consultation Replies.
- 2.2 The Planning Advisor drew attention to new evidence submitted with the Notice of Review documentation in the form of a comparative section with nearby property; a plan of the building group; detailed Landscape proposal; Privacy Diagram and responses from the SBC Tree Officer and a Tree Consultant which had been submitted with the review but which had not been before the Appointed Planning Officer at the time of determination. The Review Body considered that the new evidence 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 therefore agreed that there was a need for further procedure in the form of written submissions to afford the Planning Officer and anyone he wished to consult with, the opportunity of assessing this new evidence and submitting their views.

## **DECISION**

### **AGREED:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) new evidence submitted with the Notice of Review in the form of revised plans met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could be not considered without the need for further procedure in the form of written submissions;**
- (d) the Planning Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review;**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

## **DECLARATION OF INTEREST**

Councillor Thomson declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

### **3. REVIEW OF 23/00009/RREF**

- 3.1 There had been circulated copies of a request from Mrs Jane Prady, per WT Architecture, 4-6 Gote Lane, South Queensferry, Edinburgh EH30 9PS to review the planning application in respect of alterations and extension to dwellinghouse at Ratchill Farmhouse, Broughton. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officers report; Additional Information and Consultation Replies.

- 3.2 The Members noted that the site lay outwith the settlement boundary of Broughton, located within a grouping of traditional buildings in a secluded and mature landscape setting. The cottage lay to the west of the grouping and was of a modest single storey nature. The proposal was a large contemporary extension to the existing cottage, however following discussion, the majority were of the opinion that the extension was appropriate in scale, height and form when considered in the context of the group of buildings as a whole and not solely as an addition to the existing cottage.

#### *VOTE*

*Councillor Mountford, seconded by Councillor Richards, moved that the officer's decision be overturned and the application approved.*

*Councillor Cox, seconded by Councillor Scott moved as an amendment that the officer's decision be upheld and the application approved.*

*On a show of hands Members voted as follows:-*

*Motion - 4 votes*

*Amendment - 2 votes*

*The Motion was accordingly carried.*

#### **DECISION**

##### **DECIDED that:-**

- (a) the request for 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 further procedure;**
- (c) that the development was consistent with Policies PMD2 and HD3 of the Local Development Plan and Policies 14 and 16 of National Planning Framework 4 and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the Officers decision to refuse the application be overturned and the planning permission granted, subject to conditions, for the reasons detailed in Appendix II to this Minute.**

#### **CONSIDER REVIEW OF 23/00010/RREF**

- 4.1 There had been circulated copies of a request from Mr I Maxwell, c/o RM Architecture, Tintent, Rachan, Broughton to review the decision to refuse the planning application in respect of the modification of condition No.1 of planning permission 15/01355/FUL to allow the holiday chalet to be occupied as dwellinghouse. The supporting papers included the written submissions from the Planning Officer and Applicant in respect of NPF4; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information; Support comments; consultation Replies and Objections.
- 4.2 The Review Body noted that this was a section 42 application for the deletion of condition 1 of planning permission 15/01355/FUL to allow the holiday chalet built on land at the disused railway line at Rachan, Broughton to be occupied as a dwellinghouse. Members considered whether there was a building group in the vicinity of the site under Clause A of Policy HD2 and were satisfied there was a dispersed building group at Rachan, which was characterised by the sense of place created by the Tomb Plantation, the former sawmill site, the pond and the existing estate dwellings. In considering the suitability of adding to this group, they did not accept that the site, formed part of this wider dispersed

group or would be within its identifiable limits. Whilst acknowledging the points raised by the applicant that the site was part of the sense of place at the group, Members exercised their reasonable and proportionate planning judgement and gave weight to the interpretation of the nature of the building group and disagreed. As the tourism use of the building had never commenced, the viability of the business had not been tested and whilst noting the health condition of the applicant, the members did not consider that this prevented operation of the business as set out in the applicant's original business plan, or indeed, by other parties on his behalf.

## **DECISION**

### **AGREED that;**

- (a) the request for 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 further procedure;**
- (c) after considering all relevant information, the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above; and**
- (d) the Officers decision to refuse the application be upheld and the planning permission refused, for the reasons detailed in Appendix III to this Minute.**

## **5. REVIEW OF 23/00011/RREF**

5.1 There had been circulated copies of a request from Alistair Hodgson, per Camerons Strachan Yuill Architects, 9 West Street, Berwick-Upon-Tweed to review the decision to refuse the planning application in respect of the installation of photo voltaic array to roof at Scott House, Douglas Square, Newcastleton. The supporting papers included the Notice of Review; papers referred to in the Officer's Report and Consultation Replies.

5.2 Members noted that the property was within Newcastleton Conservation Area but was not a listed building. It was further noted that the photo voltaic panels were proposed on the south facing roof slope of the terraced property which was located within Douglas Square. The Review Body understood that Policies PMD2, EP9 and 7 required an alteration appropriate to the existing building, compatible with the character of its surroundings and preserving the special architectural character and appearance of the Conservation Area. However, Members also noted strong support for domestic renewable energy schemes at a national level which was reflected in Local Development Plan Policy ED9 and Policy 11. Members considered whether there were less visible alternatives for the panels but also accepted that, as required by Policy 7, the applicant was providing mitigation in the form of in-roof flush-fitting photo voltaic panels. This was considered an innovative method of fitting panels of lower visual impact and intrusion, minimising the impact on the Conservation Area

## **VOTE**

*Councillor Mountford, seconded by Councillor Richards, moved that the officer's decision be upheld and the application refused.*

*Councillor Thomson, seconded by Councillor Cox moved as an amendment that the officer's decision be overturned and the application approved.*

*On a show of hands Members voted as follows:-*

*Motion - 3 votes*  
*Amendment - 4 votes*

*The Amendment was accordingly carried.*

**DECISION**

**DECIDED that:-**

- (a) the request for 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 further procedure;
- (c) that the development was consistent with the relevant policies of the Local Development Plan and Supplementary Planning Guidance and there were no other material considerations that would justify departure from the Development Plan; and
- (d) the Officers decision to refuse the application be overturned and the planning permission granted subject to conditions, for the reasons detailed in Appendix IV to this Minute.

*The meeting concluded at 12.50 pm*



**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION 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:** 23/00001/RREF

**Planning Application Reference:** 22/00933/FUL

**Development Proposal:** Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility

**Location:** Land South West of West Loch Farmhouse, Peebles, Scottish Borders

**Applicant:** Mr Richard Spray

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**DECISION**

The Local Review Body reversed the decision of the appointed officer and indicated that it intended to grant planning permission for the reasons set out in this decision notice subject to conditions and the applicants entering into a Section 75, or other suitable Legal Agreement, as set out below.

The necessary Section 69 Agreement has now been concluded.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for an associated dwellinghouse with office for the timber processing facility, at land South West of West Loch Farmhouse, Peebles. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	PEN22S01-95-001
Topographical Survey	PEN22S01-95-010
Proposed Site Plan & Levels	PEN22S01-01-102D
Floor Plan & Elevations Chipping Shed	PEN22S01-01-103A

Floor Plan & Elevations Processing Shed	PEN22S01-01-104A
Floor Plan & Elevations Office/Staff	PEN22S01-01-105
Street Scene and Site Section	PEN22S01-01-106A

## **PRELIMINARY MATTERS**

The Review was initially considered by the Review Body at its meeting on 20th February 2023. At that meeting, Members noted that National Planning Framework 4 (NPF4) was in force as part of the Development Plan and considered it necessary for the Review Body to have regard to any relevant Policies in NPF4 before determining the Review. Members concluded that it was appropriate to undertake further procedure by seeking written submissions from the Appointed Officer and Applicant in relation to NPF4.

The Local Review Body then considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> April 2023.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultation Replies; d) Objection Comments and e) Further Representations, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to a Legal Opinion, Tree Protection Plan, Ecological Assessment, Noise Impact Assessment and photographs of the existing business and machinery. After consideration, Members agreed that this information was new, met the Section 43B test and that it could be considered, given it was material to the applicant's case and, therefore, to the determination of the Review.

The Review Body agreed to further procedure by means of written submissions to obtain the comments of the Planning Officer, Ecology Officer and SBC Solicitor on the new information. Members also agreed to undertake an accompanied site visit, to the applicant's existing timber storage and processing yard at Loanhead, Mid Lothian and also to the application site itself. The site visits were undertaken on 22 May 2023.

The Review was, therefore, continued to the Local Review Body meeting on 19<sup>th</sup> June 2023 where the Review Body considered all matters, including the responses from the Planning, Legal, Ecology and Environmental Health Officers and the applicant's reply to these submissions. Members then proceeded to determine 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: Scottish Borders Local Development Plan 2016 and NPF4. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, ED7, EP1, EP2, EP3, EP8, EP13, EP16, IS2, IS7, IS9 and IS13
- NPF4 Policies: 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 14, 16, 17, 18, 22, 23, 25, 26 and 29

## **Other Material Considerations**



- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2019
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Trees and Development
- SBC Supplementary Planning Guidance on Developer Contributions 2011, updated 2023

The Review Body noted that the proposal was for the erection of a timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for an associated dwellinghouse with office for the timber processing facility, at land South West of West Loch Farmhouse, Peebles

Members firstly considered the timber storage and processing elements of the proposals, especially in relation to Policies ED7 and 29. Taking into account all submissions, the Review Body were of the opinion that, after balancing the processing and chipping elements against the use of the proposed site for timber storage and drying, any industrial process was a very small part of the overall development and that it predominantly involved forestry operations. In considering this, Members noted the offer from the applicant to limit chipping to four days a month and the extent of timber storage on the site which would be left drying for lengthy periods without movement. The Review Body concluded that as the development was predominantly for forestry operations, it was more justifiable on a greenfield rather than brownfield site and that it was an appropriate development for a rural location, in compliance with the principle of Policy ED7.

Members then considered specific criteria within Policy ED7, including noise and residential amenity which were also controlled by Policies HD3, 14 and 23. All submissions were considered in relation to noise impacts on nearby existing and proposed housing, the Review Body noting, following the site inspection, the proximity of housing to the applicant's existing facility at Loanhead. Members noted a number of mitigating factors that reduced impacts in this instance. These included the offer by the applicant of a maximum 4 day limit of chipping per month by condition, the location of the chipping and processing buildings furthest away from existing houses, the area of applicant ownership without any works proposed and, notwithstanding the proximity of West Loch Farmhouse, the degree of distance to the steading and other cottages that could be affected. Given all these factors, the Review Body were content that sufficient buffer existed to reduce the noise impacts of the development, which would be infrequent with regard to chipping noise. Members also noted the findings of the Noise Impact Assessment and were content that, with the full implementation of the mitigation in the Assessment secured by condition, the impacts of the development on residential amenity were reduced to acceptable levels and, thus, in compliance with Policies ED7, HD3, 14 and 23.

The Review Body then considered the issue of road safety under Policies PMD2 and ED7. Having noted from the site visit the winding nature of the public road leading to the site and taking into account the existing and proposed traffic movements, Members were in support of the Roads Officer's requirements for a scheme of road improvement, involving passing places on the public road. Subject to an appropriate condition securing the scheme for completion before the development becomes operational, the Review Body considered the proposal in compliance with Local Development Plan Policies PMD2 and ED7 in relation to access and road safety.

There was also discussion over the applicant's offer to limit all timber received at the site to be sourced only from within the Scottish Borders. Members understood the aims of such a restriction in relation to sustainability, reduced transport distances and to relate the facility to local product. However, whilst supportive of limiting the source of timber to the Scottish Borders, Members considered this to be a small and limited area and agreed to a condition which also included the Lothians as well as the Scottish Borders, subject to a condition securing an enforceable verification and monitoring scheme.

The Review Body finally considered other material issues in relation to the timber storage and processing element of the development, including the landscape and visual impact of the proposed bunds under Policies PMD2 and ED7, the impact on existing, and effects of proposed, trees under Policies 6 and EP13 and ecological impacts under Policies 3 and EP1-EP3. Members noted the additional reports submitted by the applicant in relation to these matters, welcoming the proposed new tree planting and the location of the development below the surrounding bunds, to counter the height of the site. Subject to appropriate conditions, the Review Body were satisfied that these matters could be addressed.

Having established that the timber storage and processing development was predominantly forestry operations but that, in any case, represented a development appropriate to the site and the rural character of the area, Members then considered the planning permission in principle element of the application and the proposal for a dwellinghouse and office in the south-western corner of the site. The Review Body accepted the applicant's case for requiring residential and office accommodation on the site, noting that the applicant would accept conditions securing an occupancy link with the business and no commencement of the dwellinghouse/office until the timber storage and processing development was complete and operational. Subject to appropriate conditions, Members considered the site to be justified provision of accommodation on site for a worker in the adjoining business, complying with Clause F of Policy HD2, NPF4 Policy 17 and the Housing in the Countryside SPG.

The Review Body finally considered all other material issues such as external building finishes and development contributions but were of the opinion that appropriate conditions and a legal agreement could address remaining issues satisfactorily.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, ED7, HD2 and HD3 of the Local Development Plan, Policies 14, 23 and 29 of NPF4 and relevant Supplementary Planning Guidance. The development was considered to be an appropriate rural location for a facility which was predominantly a forestry operation and that the residential and environmental impacts could be addressed by appropriate planning conditions. The dwellinghouse/office was also considered to be justified, provided occupancy is tied to the business and the house only commences after the business opens. Consequently, the application was approved subject to conditions and a legal agreement.

## **CONDITIONS**

### Timber Storage and Processing Development

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.

2. Prior to the commencement of the development hereby approved, a detailed 'Method Statement' in relation to all works within the Root Protection Area (RPA) of retained trees shall be submitted to and approved in writing by the Planning Authority.

Specific issues to be dealt with in the Method Statement:

- a) A scaled plan and section (s), where relevant, showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees.
- b) A written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant.
- c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- d) A specification for ground protection within tree protection zones.
- e) Arboricultural supervision and inspection by a suitably qualified tree specialist.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

3. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. the precise length, height and profile of all screen bunding
- iv. schedule of plants to comprise species, plant sizes and proposed numbers/density; and
- v. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

4. The development to be restricted to timber storage and timber processing only and for no other use. Any additional works, buildings or alternative usage will require the submission of further planning applications, including any proposals within Classes 5 and 6 of The Town and Country Planning Use Classes (Scotland) Order 1997.

Reason: To control the usage of the site and minimise impacts on nearby residential property.

5. All timber stored and processed at the site to be sourced only from within the Local Authority Areas of the Scottish Borders, City of Edinburgh, Mid Lothian, West Lothian and East Lothian. No development to be commenced until a Scheme of Verification and Monitoring of the source of all incoming timber is submitted to, and approved in writing by, the Planning Authority. The scheme should include details of the form of verification information, the method of enabling inspection of the information by an officer of the Planning Authority and a minimum frequency of inspection.

Reason: To control the usage of the site, minimise travel distances and impacts on nearby residential property.

6. Any chipping of wood only to occur within the relevant approved building on the application site, suitably constructed, insulated and operated in accordance with the mitigation listed in the submitted Environmental Noise Assessment by The Airshed dated 27 January 2023. Wood chipping not to exceed a total of four days per month,

to be carried out only between the hours of 8am and 6pm and no chipping at any time on Saturdays, Sundays or any bank holidays.

Reason: To minimise noise breakout and impacts on nearby residential property.

7. The development to be constructed and operated fully in accordance with the Environmental Noise Assessment by The Airshed dated 27 January 2023, ensuring all mitigation works in Sections 6.1 and 6.2 of the Assessment are completed before operation of the development and maintained thereafter in perpetuity, including no operation of the facility or associated vehicles between the hours of 7pm and 7am and specified insulation/self-closing doors on both chipping and processing buildings.

Reason: To minimise noise breakout and impacts on nearby residential property.

8. No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3

9. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity and Habitat enhancement scheme for the site. This shall include a timescale for implementation and measures for its long-term management. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: to meet the requirements of NPF4 policy 3 (Biodiversity)

10. No development to be commenced until a scheme of road improvements along the section of public road between the A703 and the site entrance are submitted to, and approved in writing by, the Planning Authority. Once approved, the development not to become operational until all agreed road improvements, on-site parking and the main access to the site are fully completed in accordance with the approved scheme and Site Plan PEN22S01-01-102D.

Reason: In the interests of road safety

11. No development to be commenced until further details and colours of the external metal and timber cladding for the buildings and cabin on site are submitted to, and approved in writing by, the Planning Authority. The buildings and cabin are then to be finished in the agreed cladding.

Reason: To safeguard the visual amenity of the area.

### Dwellinghouse

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.
3. 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. Thereafter the development shall be carried out in accordance with the agreed details.  
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.
4. 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 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.
5. No development relating to the dwellinghouse shall commence until the timber processing and storage development has been fully completed in accordance with this consent, conditions and the approved plans, and the use has commenced operation on the site.  
Reason: To ensure that the accommodation required for the management of the timber storage and processing business at the site is only provided once the business is operational at the site.
6. The occupation of the dwellinghouse to be restricted to a person employed in the timber storage and processing business established on the site and also to include any spouse, partner and dependants.  
Reason: Unrestricted occupation of the dwellinghouse would be contrary to the Council's policies on housing in the countryside.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75, or other suitable legal agreement, be entered into to secure developer contributions for Peebles High School. A Section 69 Agreement has now been concluded.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 “Code of Practice for Noise and Vibration Control on Construction and Open Sites”.

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
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If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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### **Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.**

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...**Councillor M Douglas  
Vice Chairman of the Local Review Body

**Date**      **19 July 2023**

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**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION 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:** 23/00009/RREF

**Planning Application Reference:** 22/01612/FUL

**Development Proposal:** Alteration and extension to dwellinghouse

**Location:** Ratchill Farmhouse, Broughton

**Applicant:** Mrs Jane Prady

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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 and subject to the conditions and informatives noted below.

**DEVELOPMENT PROPOSAL**

The application relates to the alteration and extension to Ratchill Farmhouse near Broughton. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	-
Existing cottage plans	PL_E01 Rev A
Demolition plan	PL_DEM
Proposed site plan	PL_101 Rev A
Proposed roof plan	PL_03 Rev A
Proposed first floor plan	PL_02
Proposed ground floor plan	PL_01
Existing site plan	PL_E101 Rev A
Existing cottage elevations	EL_101 Rev A
Proposed short elevations	EL_02 Rev A
Proposed long elevations	EL_01 Rev A
Design Statement	-
Site Diagrams	EL_03

## **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 19<sup>th</sup> June 2023.

After examining the review documentation at that meeting, which included: a) Officer and applicant response to NPF4 statements; b) Notice of Review (including the Decision Notice and Officer's Report); c) Papers referred to in Officer's Report; d) Additional Information; e) Consultation Replies; and f) List of Policies; the Review Body proceeded to determine 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: Scottish Borders Local Development Plan 2016 and National Planning Framework 4. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD2 and HD3
- National Planning Framework 4 Policies: 14 and 16

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

The Review Body noted that the site lay outwith the settlement boundary of Broughton, located within a grouping of traditional buildings in a secluded and mature landscape setting. The existing cottage lay to the west of the grouping and was of a modest single storey nature.

Members acknowledged that the proposal was a large contemporary extension to the existing cottage. However, they were content that the design was sensitive to the locus and had architectural merit. Following discussion, they agreed that the extension was appropriate in scale, height and form when considered in the context of the group of buildings as a whole and not solely as an addition to the existing cottage.

In terms of the external materials, the Review Body considered that the red corrugated sheeting proposed for use on the roof and walls was a bold choice but noted that it was used in other agricultural buildings in the countryside around Broughton and was therefore an acceptable material in this locality.

Members decided that overall the development complemented the existing group of buildings at Ratchill, made a positive impact on the character and appearance of the existing cottage and provided an attractive family home.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2 and HD3 of the Local Development Plan and Policies 14 and 16 of National Planning Framework 4 and that there were no other material

considerations that would justify departure from the Development Plan. Consequently, the application was approved for the reasons stated above.

## **CONDITIONS**

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.
2. No development to be commenced until precise details of all external materials and colours have been submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved scheme.  
Reason: To safeguard the visual amenity of the area.

## **INFORMATIVES**

1. As the development involves proposed demolitions of parts of the existing cottage, the applicant is reminded of the duties and responsibilities under the Conservation (Natural Habitat, &c.) Regulations 1994 and the Wildlife and Countryside Act 1981 in respect of protection of bats, birds and other protected species.
2. The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council).

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

## **Notice of Initiation of Development**

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## **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
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British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
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THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
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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 S Mountford  
Chairman of the Local Review Body

**Date 3<sup>rd</sup> July 2023**

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**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION 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:** 23/00010/RREF

**Planning Application Reference:** 22/01811/FUL

**Development Proposal:** Modification of Condition No. 1 of planning permission  
15/01355/FUL to allow the holiday chalet to be occupied as dwellinghouse

**Location:** Land at Disused Railway Line, Rachan, Broughton

**Applicant:** Mr I Maxwell

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**DECISION**

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The development would be contrary to policies PMD1 and HD2 of the Local Development Plan 2016 and supplementary planning guidance on New Housing in the Borders Countryside in that no information has been submitted to demonstrate that the proposal is incapable of being operated as a viable holiday accommodation business. Granting permission would result in unsustainable development in a rural location. The resultant dwellinghouse would be isolated and physically segregated from the dispersed Rachan building group. As a result, the development would represent sporadic and unjustified housing development in the countryside. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

**DEVELOPMENT PROPOSAL**

The application relates to

The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location plan	14-032/PP/006

## 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 19<sup>th</sup> June 2023.

After examining the review documentation at that meeting, which included a) Submission by Officer and Applicant response on NPF4 statements; b) Notice of Review (including the Decision Notice and Officer's Report); c) Refused drawings; d) Additional information; e) Support comments; f) Consultation replies; g) Objections; and h) List of Policies.

## 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: Scottish Borders Local Development Plan 2016 and National Planning Framework 4. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, HD2 and ED7
- National Planning Framework 4 Policies: 16, 17 and 30

### Other Material Considerations

- SBC Supplementary Planning Guidance New housing in the Borders Countryside

The Review Body noted that this was a section 42 application for the deletion of condition 1 of planning permission 15/01355/FUL to allow the holiday chalet built on land at the disused railway line at Rachan, Broughton to be occupied as dwellinghouse.

Members firstly considered whether there was a building group in the vicinity of the site under Clause A of Policy HD2. After considering all of the submissions in this regard, they were satisfied there was a dispersed building group at Rachan, which is characterised by the sense of place created by the Tomb Plantation, the former sawmill site, the pond and the existing estate dwellings.

In considering the suitability of adding to this group, they did not accept that the site, formed part of this wider dispersed group or would be within its identifiable limits. Whilst the Review Body acknowledged the points advanced by the applicant in contending that the site was part of the sense of place at the group, Members disagreed. In coming to this view, they exercised their reasonable and proportionate planning judgement and gave weight to the interpretation of the nature of the building group.

The Review Body noted that the reason residential approvals were granted at such residential sites is usually due to their connection with justifiable business uses such as the keeping of rare sheep or in the current case for holiday use. Members considered that the deletion of the occupancy condition in essence removed that policy justification and would be tantamount to allowing an isolated housing in the countryside, which was contrary to the provisions of Policy HD2.



The Review Body noted that the tourism use of the building had never commenced and therefore the viability of the business had not been tested by actual operation. Whilst noting the health condition of the applicant this would not, in their view, prevent the operation of the business as set out in the applicant's original business plan, or indeed, by other parties on his behalf. Members were not convinced a persuasive argument had been made to remove the condition or that the case set out by the applicant outweighed the strong planning policy objections.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

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### **Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.**

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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**.....

Councillor S Mountford  
Chairman of the Local Review Body

**Date**     **3<sup>rd</sup> July 2023**

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**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION 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:** 23/00011/RREF

**Planning Application Reference:** 22/01982/FUL

**Development Proposal:** Installation of photo voltaic array to roof

**Location:** Scott House, Douglas Square, Newcastleton

**Applicant:** Mr Alistair Hodgson

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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 as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to the installation of a photo voltaic array to the south facing roof of Scott House, Douglas Square, Newcastleton. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	10252-PL-001
Existing Plans and Site Plan	10252-PL-002
Existing Elevations	10252-PL-003
Proposed Plans and Site Plan	10252-PL-004
Proposed Elevations	10252-PL-005
Design and Heritage Statement	

**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 19<sup>th</sup> June 2023. After examining the review documentation which included: a) Notice of Review

(including Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; and c) Consultation Replies, the Review Body noted that the applicant had requested further procedure in the form of a hearing. After consideration, Members did not consider this was necessary in this instance and proceeded to determine 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: Scottish Borders Local Development Plan 2016 and National Planning Framework 4. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD2, HD3, ED9, EP1 and EP9
- National Planning Framework 4 Policies: 1-3, 7 and 11

### Other Material Considerations

- SBC Supplementary Planning Guidance on "Renewable Energy" 2018
- "Managing Change in the Historic Environment" HES

The Review Body noted that the proposal was for planning permission to install a photo voltaic array to the south facing roof of Scott House, Douglas Square, Newcastleton.

Members noted that the property was within Newcastleton Conservation Area and that the photo voltaic panels were proposed on the south facing roof slope of the terraced property which was located within Douglas Square. They noted that Policies PMD2, EP9 and 7 required an alteration appropriate to the existing building, compatible with the character of its surroundings and preserving the special architectural character and appearance of the Conservation Area. However, the Review Body also noted strong support for domestic renewable energy schemes at a national level which was reflected in Local Development Plan Policy ED9 and Policy 11.

Members did consider whether there were less visible alternatives for the panels but also noted that, as required by Policy 7, the applicant was providing mitigation in the form of in-roof flush-fitting photo voltaic panels. The Review Body welcomed this innovative method of fitting panels which they considered to be of lower visual impact and intrusion. As a consequence of this proposed method of fitting, Members concluded that the impacts on the Conservation Area would be minimised, when also taking into account the unexceptional character of the building, the fact it was not a listed building, the limited visibility of the panels throughout Douglas Square, the fact that the property did not occupy a prominent focal position in itself and the lack of impact on the main features and character of the Conservation Area which was the grid layout of buildings rather than their individual architectural character or merit.

Whilst the Review Body were aware of the precedent that could be set in the Conservation Area in allowing panels on publicly visible roofs, they considered that the impact would be minimised for the aforementioned reasons and that Government and local support for domestic renewable energy provided additional weight to their decision. Ultimately, Members considered that compliance with Policies ED9 and 11 outweighed the impacts on the Conservation Area in this instance. Those impacts were reduced further by virtue of the flush-

fitting panel design, plain architecture and limited impact of the house roof in Douglas Square and Conservation Area in general.

The Review Body finally considered other material issues relating to the proposal but concluded that they did not change their final decision.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, ED9 and EP9 of the Local Development Plan, Policies 7 and 11 of NPF4 and relevant Supplementary Planning Guidance. The proposal was considered to be in compliance with the Council's Policy on renewable energy sources and that this outweighed any impacts on the character of the house or the Conservation Area. Mitigation of impacts had also been minimised by the use of flush-fitting photo-voltaic panels. Consequently, the application was approved.

## **CONDITIONS**

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.
2. Should any bats or bat roosts be encountered when carrying out roof and slate works to accommodate the photo voltaic panels, works should immediately cease and advice then obtained from Nature Scot who will then advise regarding procedure.  
Reason: To safeguard internationally protected species at the site.
3. The photo voltaic panels to be removed from the roof and the roof restored to its previous condition to the specification of the Planning Authority, within one year of the cessation of electricity production from the panels.  
Reason: To safeguard the character of the dwellinghouse and the visual amenity of the Conservation Area.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

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Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
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**Signed...**Councillor S Mountford  
Chairman of the Local Review Body

**Date** 27 June 2023

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