

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through
this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

see attached statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

n/a

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

see list on attached statement of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [REDACTED] Date 27-12-2017

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

KANAK K BOSE

B ARCH HONS DIP ARCH

OGSCASTLE
CARNWATH
LANARK
ML11 8NE

TEL 01555 840971 MOB 07736 503321 E kanakbose@yahoo.co.uk

STATEMENT OF REVIEW

Planning Decision Notice 17/01406/FUL
Land to North west of Alderbank, Macbiehill
Douglas & Gillian Gold

This planning application was a revised application, the previous application (17/00530/FUL) having been refused by the Council. We asked for a review to be carried out on the earlier planning application.

The previous review was positive in many respects in that it confirmed three key issues :

- 1 That the development boundary at Macbiehill is indeed the natural boundary of the Macbiehill estate policies which form the extent of what Mr & Mrs Gold own.
- 2 It also confirmed the appropriateness for a further house at Macbiehill.
- 3 It agreed with the suitability of the design of that house.

However, it did not agree with the position of the new house relative to Alderbank and as such, the review was unsuccessful.

We carried out a more thorough appraisal of the levels on the site before making the current submission. We compared the roof-top heights of the buildings at the steading and looked at the juxtaposition of the buildings relative to one another. The existing tree-planting was also surveyed and the proposed building sited so as to avoid any detrimental effect to what has been planted in the past.

There is currently a natural platform on the site and this is where we located the new house in the 17/01406/FUL application. This moved the house away from Alderbank and removed any potential risk of harm or over-burden. If one studies the site section (drawing 265 05) a pattern is now demonstrated in the relationship between building/space/building. The proposed new house follows this pattern.

We also looked at the roofscapes of the other buildings. Alderbank is very 'roof-y' - a result of a steep pitch relative to the girth of the building. The proposed new house respects the massing and overall dimensional relationship already established by Alderbank. However, given the elevated site platform it was decided to temper the ridge height by creating a level section of roof between mansards. The mansard pitches were still able to reflect the pitches of the building group whilst the overall height is relative to ridges of the existing steading buildings.

The planning officer criticises this solution in his report but it should be noted that this design solution has already been used (twice) in the upgrading and subsequent extension of Juniper Cottage. Both of these pieces of design formed earlier submissions scrutinized by the planning department (see photograph in productions)

Finally, we understand that this is a review of a series of so-far unsuccessful planning applications on this site. In 2014 the applicants consulted with Dorothy Aymes at Scottish Borders Council regarding the site. She encouraged the applicants and they were led to believe that this site was appropriate for one further dwelling. They were given considerable hope and yet four years later have received little or no support.

The application we are currently asking you to review is a design solution that has been built around the lessons learned in all the previous attempts to obtain planning consent. It is not a 'flippant' submission. Each time we have received negative feed-back we have worked hard to over-turn the problems and the current submission is the culmination of the lessons learned from this of investigative process.

We ask you to consider this review not least understanding that the adjacent residents at Macbiehill have expressed no concerns regarding this new house. To the contrary they are in favour of the application being granted. Non-granting will result in the applicants - who are in their retirement years - having to move from Macbiehill. This disruption would be detrimental to the symbiosis of the tight-knit community.

We also stress that there have been no matters of concern raised through the consultation process and having addressed all the criticisms previously raised we trust the consent can be granted under review.

Kanak Bose
27th December 2017

Documents Submitted

- 1 Refusal Notice 17/01406/FUL
- 2 Drawings OGS 265 01/02/03/04 with Refusal Stamp.
- 3 Design Statement issued on application dated 8th October 2017 (3 pages)
- 4 Contextual Section Drawing OGS 265 05
- 5 Local Review Body Decision Notice 17/00027/RREF (3 pages)
- 6 Photograph – Juniper Cottage showing roof of first extension, with (almost) imperceptible flat roof over – as detail of new proposed house.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/01406/FUL

To : Mr And Mrs D Gold per Kanak Bose Ltd Ogscastle Roman Road Carnwarth ML11 8NE

With reference to your application validated on **11th October 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse with attached garage

At : Land North West Of Alderbank Macbiehill West Linton Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the reason(s) stated on the attached schedule.

**Dated 1st December 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01406/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
OGS 265 02	Site Plan	Refused
OGS 265 01	Location Plan	Refused
OGS 265 03	Floor Plans	Refused
OGS 265 04	Elevations	Refused
OGS 265 05	Sections	Refused

REASON FOR REFUSAL

The proposed development does not relate well to the existing building group due to its location in undeveloped ground, in an elevated position and being remote from the existing building group. This would have an adverse effect on the character and setting of the building group. The proposal is contrary to policy HD2, council guidance on "New housing in the Borders countryside" and "Placemaking and design".

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.