

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, 15 October 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small
Also present:- Councillor G. Turnbull.
In Attendance:- Chief Planning Officer, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **PRE-EXAMINATION MEETING 18/00929/PPP**

There had been circulated copies of the request from Mr & Mrs Eric Forster, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels for review of refusal of the planning application in respect of the erection of dwelling on land north east of Ladywood, Lower Greenhill. Members considered the manner in which this review should be considered under the terms of Regulation 14(1) of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. They noted that the agent had put forward reasons why a site visit should be held and also that there were differences in opinion between the Appointed Officer and the agent regarding the levels and containment of the site.

DECISION

AGREED:-

- (a) **to hold an unaccompanied site visit on a date to be arranged prior to consideration of the review of application 18/00929/PPP; and**
- (b) **to defer consideration of application 18/00929/PPP to the Local Review Body meeting scheduled for 19 November 2018.**

2. **PRE-EXAMINATION MEETING 18/00832/PPP**

There had been circulated copies of the request from Mr Mike Orr, per Mr Steven Irvine, Stainiebrae, Lower Greenhill, Selkirk for review of refusal of the planning application in respect of the erection of two dwelling houses on land North East of Stainiebrae, Lower Greenhill, Selkirk. Members considered the manner in which this review should be considered under the terms of Regulation 14(1) of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. They noted that the agent had put forward reasons why a site visit should be held and that a site visit was being held for review of an application on an adjacent site. In the interests of fairness, Members decided that a site visit should also be held for this review and that for reasons of efficiency, both site visits should be carried out on the same day.

DECISION

AGREED to hold an unaccompanied site visit on a date to be arranged prior to consideration of the review of application 18/00832/PPP which was due to take place at the LRB meeting scheduled for 19 November 2019.

3. **REVIEW OF 18/00929/PPP**

Consideration of this review was deferred to the Local Review Body meeting scheduled for 19 November 2018, as detailed in paragraph 1 above.

4. **REVIEW OF 18/00686/FUL.**

There had been circulated copies of the request from Thomas and Pamela Atkinson, Flatt Farm, Newcastleton, Roxburghshire for review of refusal of the planning application in respect of the change of use of land (optional locations) to Site 2 No glamping units for holiday let on land North West, East and South East of Flatt Farmhouse, Newcastleton. 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. Members' attention was drawn to new evidence submitted with the Notice of Review documentation in the form of letters of support from neighbours and local businesses. They concluded that under the terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 this evidence could be referred to in the determination of the review. In a lengthy discussion Members were broadly supportive of the proposals which represented an expansion of an existing farm diversification business based on tourism. There were views expressed about there being insufficient information with the application to enable a full assessment of the impacts of the development but Members concluded that their concerns could be addressed by appropriate conditions and by limiting consent to a temporary period in the first instance.

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) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review could be determined with reference to the new evidence submitted with the Notice of Review documentation;**
- (c) the review could be considered without the need for any further procedure on the basis of 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 informatives, for the reasons detailed in Appendix I to this Minute**

5. REVIEW OF 18/00745/FUL

There had been circulated copies of the request from David and Claire McTaggart, per RG Licence Architect, Hillend, Cliftonhill, Kelso for review of refusal of the planning application in respect of the change of use of steading, alterations and extension to form dwellinghouse (revision to planning permission 17/00915/FUL) at Billerwell Farm, Hawick. 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. Members noted that there was a previous valid consent for conversion of the steading building into a dwellinghouse and agreed that the building was suitable for conversion. Their ensuing discussion focussed on the proposed revision of the design and layout which was sought by the applicant to improve the residential accommodation. In particular Members considered the impact of the proposed increased height and scale on the character of the building and the surrounding farm steading and after lengthy debate their opinions remained divided.

VOTE

Councillor Hamilton, seconded by Councillor Mountford, moved that the decision to refuse the application be reversed and the application approved.

Councillor Aitchison, seconded by Councillor Laing, moved as an amendment that the decision to refuse the application be upheld.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 4 votes

The motion was accordingly carried and the application approved.

DECISION

DECIDED 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 papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and informatives, for the reasons detailed in Appendix II to this Minute.**

6. REVIEW OF 18/01039/FUL

There had been circulated copies of the request from Mrs Laura Paterson, 41 North Hermitage Street, Newcastleton for review of refusal of the planning application in respect of replacement windows (revision to planning permission 18/00211/FUL). The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the officer's report; and a list of relevant policies. Members noted that the application for uPVC top-hung replacement windows was a revision to previous planning consent for uPVC sash and case replacements. Whilst accepting that the property was outwith the Core Frontage part of the Newcastleton Conservation Area and that there were a mixture of window styles and materials in neighbouring properties, Members were keen to maintain the traditional profile of the windows on this frontage.

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 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 III to this Minute.**

The meeting concluded at 11.50 am