

16 NOV 2018

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 2013

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Mr Abby Lazim
Address Scotts View Take Away Main Street St Bo

Postcode TD6 0AP

Contact Telephone 1
Contact Telephone 2
E-mail*

Agent (if any)

Name Hamish Hunter, Hunter Architecture
Address 231 Galashiels Road Stow

Postcode TD1 2RE

Contact Telephone 1 01578730510
Contact Telephone 2 07970465627
E-mail* hamish@hhunter.co.uk

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

Yes No

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

Planning authority Scottish Borders Council

Planning authority's application reference number 18/01010FUL

Site address Scotts View Takeaway, Main Street, St Boswells TD6 0AP

Description of proposed development

Replacemnet of shop front windows and door screen

Date of application 2nd August 2018

Date of decision (if any) 17th October 2018

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 (tick one box)

- 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 of 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.

In 2017, the applicant replaced the shop front windows and door of his take away shop with white Upvc units. At the time, he was unaware of the Conservation Area restrictions. Following this, he was reported to the Planning Enforcement team who, in turn, started proceedings to have the windows replaced. The applicant is now fully aware that his replacement shop front did not have the necessary consents; he instructed me to make a Planning Application on his behalf to have the front window screens replaced with timber frames units and the recessed window and door retained in UPVC. This application was refused on the grounds that the UPVC recessed side panel and door will not conform with policies PMD2 and EP9.

The replacement Upvc window screens have already cost the applicants a considerable amount. The replacement of the front prominent screens as proposed in his application is a costly operation which will tax his business. The cost of replacing the recessed side panel and door would add considerably to, what is already going to be a very expensive exercise.

There are many examples of recent replacement windows within Conservation Areas which do not conform with guidance mentioned above. The Post Office directly across the road from the applicants property has had its windows replaced in materials which do not conform with the guidance.

The applicant has accepted his error and is clearly prepared to replace the prominent windows on his shop front with windows that will conform with the guidance. However, insisting on the less visible recess door and side screen to be changes to timber is unreasonable.

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.

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. Note: there will be no opportunity to submit further documents to accompany this notice 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

Date

12.11.18

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/01010/FUL

To : Mr Abbay Lazim per Hunter Architecture 231 Galashiels Road Stow Scottish Borders TD1 2RE

With reference to your application validated on **7th August 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Replacement of shop front windows and door screens

At : Scotts View Take-Away Main Street St Boswells Scottish Borders TD6 0AP

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

**Dated 17th October 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



Depute Chief Planning Officer

APPLICATION REFERENCE : 18/01010/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
1349.PI.1	Location Plan	Refused
1349.PI.2 REV A	Elevations	Refused

REASON FOR REFUSAL

- 1 The UPVC door and side panels, by reason of their design and material, are contrary to policies PMD2 and EP9 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Replacement Windows and Doors 2015 in that they are harmful to the character and appearance of the Conservation Area and would set an undesirable precedent for similar doors which would further erode the character and appearance of the Conservation Area.

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 0SA.

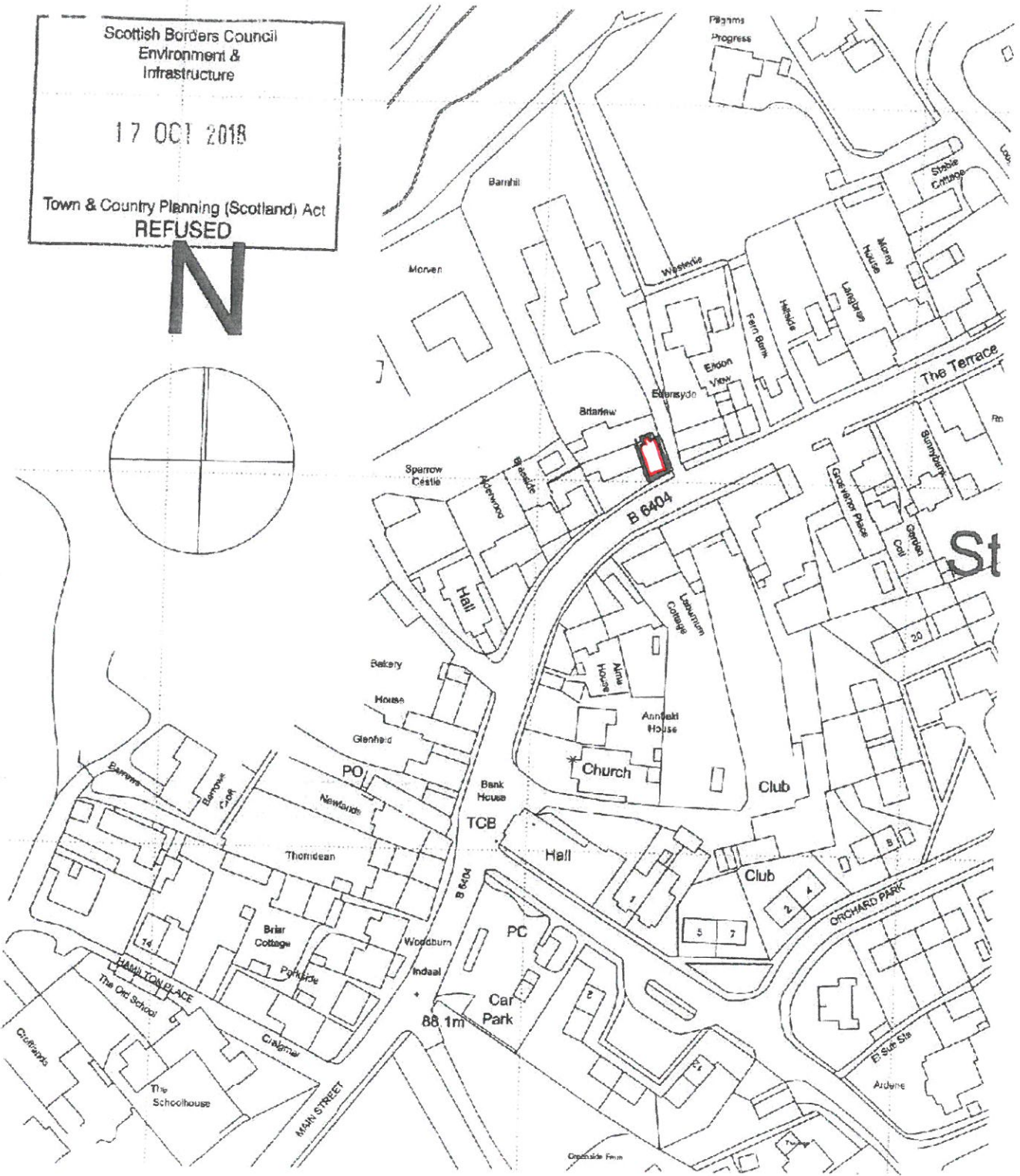
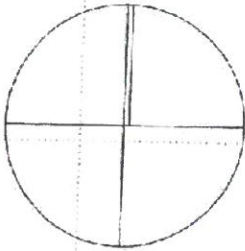
If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably 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.

Scottish Borders Council
 Environment &
 Infrastructure

17 OCT 2018

Town & Country Planning (Scotland) Act
REFUSED

N



HUNTER ARCHITECTURE 231 Galashiels Road Stow Galashiels TD1 3RF T 01578736500 E info@hunter.co.uk www.hunter.co.uk	Project Name Peplacemnet Shop Front Scotts View Takeaway St Boswells	Drawing Name Location Plan
		Drawing Scale 1:1250
Clients Name Abbas Lazim		

