

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, 19 November 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, H. Laing (for paragraphs 3, 4 & 5), S. Mountford and E. Small

Apologies:- Councillors S. Hamilton and C. Ramage

Absent:- Councillor J. A. Fullarton

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

MEMBER

Having not been present at the site visits for the reviews of applications 18/00929/PPP and 18/00832/PPP, Councillor Laing did not take part in the determination of these reviews and left the Chamber during their consideration.

1. REVIEW OF 18/00929/PPP

With reference to paragraphs 1 and 3 of the Minute of 15 October 2018, there had been circulated copies of the request from Mr and 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 a dwellinghouse on land North East of Ladywood, Lower Greenhill, Selkirk. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; consultations; and a list of relevant policies. In accordance with the decision made at a Pre Examination meeting on 15 October 2018 the Local Review Body had carried out an unaccompanied site visit on 31 October 2018. In their initial discussion Members agreed the existence of a building group at Lower Greenhill and the extent of that group. They agreed that the site visit had been useful and had assisted in their determination of whether the proposal was an appropriate addition to the building group in terms of plot size, layout and character.

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 site visit and 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, informatives and a legal agreement, for the reasons detailed in Appendix I to this Minute

2. REVIEW OF 18/00832/PPP

With reference to paragraph 2 of the Minute of 15 October 2018, 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 erection of two dwellinghouses on land North East of Stainiebrae, Lower Greenhill, Selkirk. The supporting papers included the Notice of Review (including the Decision Notice, Officer's Report and consultations); papers referred to in the Officer's Report; a representation; and a list of relevant policies. In accordance with the decision made at a Pre Examination meeting on 15 October 2018 the Local Review Body had carried out an unaccompanied site visit on 31 October 2018. Members agreed that a building group existed at Lower Greenhill and that the site visit was useful in allowing them to consider how the proposed development would relate to the layout and character of the other dwellings within the group. In this respect, the ensuing discussion focussed on the boundary and topography of the proposed development site, the size of the plots in comparison to those of other dwellings within the group and the capacity of the building group.

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 site visit and 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 II to this Minute.

MEMBER

Councillor Laing returned to the meeting for consideration of the following reviews.

3. REVIEW OF 18/00635/FUL

There had been circulated copies of the request from J. S. Crawford Properties (Borders) Ltd, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application for change of use from Class 4 to include Class 11 (Leisure) and Class 3 (Café) at Factory Plexus Facility, Tweedside Park, Tweedbank, Galashiels. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; consultations; and a list of relevant policies. In considering this application Members noted that the proposals were contrary to the Local Development Plan and the recently adopted Supplementary Guidance and Simplified Planning Zone for the Central Borders Business Park. Members accepted that there was an apparent local demand for the gym and proposed soft play area and café and the potential economic benefits of the application. They also noted that part of the building had been vacant since 2014. However views were also expressed that this facility did not have to be located in a Business Park, that it was too soon to allow business space to be lost in this area and that this would be contrary to investment and regeneration objectives relating to the railway corridor. After lengthy debate, Members' opinion remained divided.

VOTE

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

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

On a show of hands Members voted as follows:-

*Motion - 2 votes
Amendment - 4 votes*

The amendment was accordingly carried and the application refused.

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 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.**

4. REVIEW OF 18/00580/FUL

There had been circulated copies of the request from Miss Fiona Duff, per Christopher Thomson Design, 63 Queen Charlotte Street, Edinburgh, to review the grant of planning permission subject to conditions in respect of alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsielea, 61 West High Street, Lauder. 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. In considering the application de novo, Members were content with the proposed alterations and extension to the dwellinghouse. They then turned their attention to the proposed erection of detached garage/workshop and in particular to the condition relating to the orientation of the building which was the subject of the request for review. Members had sympathy with the view of the applicant that the tall blank elevation of the proposed building would be better disguised from the High Street if placed as described in the plans submitted rather than reversing the building as required by the condition. However Members also expressed a general concern about the height and design of the proposed garage/workshop and questioned the height proposed and the choice of a mono-pitched roof as against a dual-pitched roof which they considered might better suit the character of the surrounding buildings and be lower in ridge height. After further discussion, Members agreed to further procedure and to request this information from the applicant before making a determination.

DECISION

AGREED:-

- (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 not be considered without further procedure in the form of written submissions from the applicant in respect of the detached garage/workshop;**

- (c) to request further information from the applicant as to whether there was a particular reason for the height proposed and for the choice of a mono-pitched roof as against a dual-pitched roof which they considered may better suit the character of the surrounding buildings and be lower in ridge height; and
- (d) consideration of the review be continued on a date to be arranged.

5. **REVIEW OF 18/00644/PPP**

There had been circulated copies of the request from Mr, Mrs and Mr Archie, Helen & Hugh Stewart, per Farningham Planning Ltd, The Bourse, 47 Timber Bush, Leith, Edinburgh, to review refusal of the planning application for erection of dwellinghouse (renewal of planning permission 15/00036/PPP) on land North West of Chapel Cottage, Melrose. Included in the supporting papers were the Notice of Review (including the Officer's Report); Decision Notice; papers referred to in the Officer's Report; consultations; and a list of relevant policies. Members noted that previous consent had been granted in July 2015 for the same proposal as that now the subject of the appeal following refusal. In noting that the previous consent was in compliance with the Consolidated Local Plan in force at that time they recognised that the application to renew the planning permission had to be considered under the terms of the current Local Development Plan policies. Although the existence of a lodge was historically documented on this site, Members' ensuing discussion centred on the issue that, unlike the previous Local Development Plan, the current policies did not support development of a replacement house where no physical remains existed. Members' opinion remained divided about the interpretation of part of the current policy and about the weight that should reasonably be attached to the fact that a consent existed at the time of application for renewal.

VOTE

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

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

On a show of hands Members voted as follows:-

*Motion - 3 votes
Amendment - 2 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 was contrary to the Development Plan but that there were material considerations that would justify departure from the Development Plan; and

- (d) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and informatics for the reasons detailed in Appendix IV to this Minute

The meeting concluded at 12.25 pm