

**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 Raymond Keddie

Address 2 Hillhouse, Damside, Innerleithen

Postcode EH44 6HR

Contact Telephone 1

Contact Telephone 2

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

E-mail\*

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 18/00728/PPP

Site address Land East of Rose Cottage Maxwell Street Innerleithen Scottish Borders

Description of proposed development

Erection of Dwelling House

Date of application 5th June 2018

Date of decision (if any) 30th Nov 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:

Assessment of evidence that the area has not historically been a 'green' space and the impact on the character of the area

### 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.

Please see attached document.

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.

Site map  
 evidence A - Image of site circa 1890 containing workshop and outbuildings  
 evidence B - Map of surrounding properties of modern build.  
 Copy of report by Lucy Hoad  
 Notice of Renew

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

20/1/19

**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](mailto:localreview@scotborders.gov.uk)**

Supporting Statement Appealing Planning Application 18/00728/PPP

Having fully reviewed the report outlining the decision to refuse the application 18/00728/PPP issued by Lucy Hoad I would like to state the case for undertaking a review of this decision. There are various statements made in the report that require to be highlighted for further review.

- 1) Planning applications have been made for this site in 1998 and 2001. In 2001 the proposal was refused on the basis that it was contrary to policy 43 of the Local Plan in that the development of this area of open space would have a detrimental impact on the special character and appearance of the conservation area. The ground was considered to be an "historic" green space (suggested that this site had never been built on), and was used by the community.

In 2018, the Border Telegraph published a photo of Damside (circa 1900) prior to the opening of the Maxwell Street School showing that this site had indeed contained a workshop, outbuildings and what looks like a dry-stane wall (Please see Evidence A). It is assumed that these buildings were demolished in order to form Maxwell Street.

Ms Hoad, in her report, dismisses this information as being historical, but that more recent records show this is a "green" space. I would like this evidence to be reviewed, as it is evident that this site was never and has never been defined a "green" space other than it now forms a gap site following the demolition of the buildings to form Maxwell Street.

- 2) It is acknowledged that this is a well established residential area and that there is a unique mix of house styles. Please refer to Evidence B, where all modern build houses adjoining the site have been marked. Had there been no modern building in the immediate vicinity I could understand the refusal to build next to traditional buildings. However, this mix of character is subject to opinion rather than the application of any policy. I would ask that the character of the site be reviewed in respect of all immediately adjoining properties and not just those chosen of historical character (Mill houses on Damside and Rose Cottage).

In the previous application 01/00838/FUL "it was accepted that the development of this site would be consistent with policy requirements in terms with its fit within a well-established residential area. Thus the proposed development of the site for housing would be considered to be compatible with the surrounding uses provided that it does not lead to a town cramming effect, and that there is no significant adverse impact in terms of visual or residential amenities.

This application had been awarded "no objection" from Roads Planning, Education, Environmental Health, Access, Flood or neighbouring amenity – therefore I would ask that this point be reviewed, as surely as long as the dwelling is compatible with the surrounding area, there should be no objection?

- 3) Current use of the site. It has been stated on previous application refusals and Ms Hoad's report that the land is of great importance to the local community. I refute this statement on the basis that the erection of the fence on this area of land was necessitated by local residents allowing their pets to defecate on this land. I would propose that turning this site into a residence would be better use of this space and ultimately better valued.

As there were no objections to the erection of this dwelling other than that of conservation and green space policy. I would welcome the above points being reviewed.

