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## **PLANNING APPEALS & REVIEWS**

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### **Briefing Note by Chief Planning & Housing Officer**

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**25<sup>th</sup> March 2019**

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### **1 PURPOSE**

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

### **2 APPEALS RECEIVED**

#### 2.1 Planning Applications

- 2.1.1 Reference: 18/01627/LBC  
Proposal: Replacement windows  
Site: The Honey House, The Row, Longformacus  
Appellant: Mr Michael Stevensom

Reason for Refusal: The proposed replacement windows are contrary to Policy EP7: Listed Buildings of the Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance: Replacement Windows and Doors 2015. The proposed replacement windows would introduce an inferior material (uPVC) to the principal elevation of the property which would not be in keeping with the character and appearance of the category C Listed Building. Thus, adversely impacting upon its integrity and authenticity.

Grounds of Appeal: The applicant is appealing against the inconsistency of approach. The appellant wishes the case to be considered on a basis consistent with all other previous comparable applications, which in turn means granting permission for the use of upvc. Especially as the appellant has gone beyond many previous cases by seeking permission to install upvc windows which have been specifically designed to be sympathetic to the heritage of historic buildings.

Method of Appeal: Written Representations

#### 2.2 Enforcements

Nil

## 2.3 Works to Trees

Nil

### 3 APPEAL DECISIONS RECEIVED

#### 3.1 Planning Applications

Nil

#### 3.2 Enforcements

Nil

#### 3.3 Works to Trees

Nil

### 4 APPEALS OUTSTANDING

4.1 There remained 4 appeals previously reported on which decisions were still awaited when this report was prepared on 14<sup>th</sup> March 2019. This relates to sites at:

• Land West of Whitslaid (Barrel Law), Selkirk	• March Street Mills, March Street, Peebles (17/00063/PPP)
• March Street Mills, March Street, Peebles (17/00064/CON)	• Greenloaning, The Loan, West Linton

### 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 17/01368/FUL  
Proposal: Variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no windows in lieu of air conditioning units  
Site: Deans Bar, 3 Orrock Place, Hawick  
Appellant: Mark Deans

Reason for Refusal: The proposal does not comply with Adopted Local Development Plan Policy HD3 in that: (a) where the proposed windows are both openable and required to be open for the purposes of ventilation; and (b) where the function room were capable of being used to accommodate the public bar's customers and entertainment without there being any approved alternative ventilation system in operation to avoid the need to open the windows (or fire exit) when the function room is occupied by customers (that is, were the function room to be occupied contrary to the explicit requirements of Planning Condition No 4 attached to Planning Consent 17/01368/FUL); then this would give rise to a set of circumstances in which the amenity of existing neighbouring residential properties would be liable to be subject to adverse impacts; specifically in terms of them being liable to be subject to disturbance from unacceptable noise nuisance impacts emanating from within the function room. Further, the Applicant's Noise Impact Assessment has neither provided any

substantive evidence to the contrary nor has it identified any effective alternative scheme of mitigation, which might reasonably be employed to address these impacts appropriately.

- 5.2 Reference: 18/00681/FUL  
Proposal: Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure  
Site: Site Adjacent No 9 Caberston Avenue, Walkerburn  
Appellant: Mr and Mrs Ewan McCarthy

Reasons for Refusal: 1. The proposed development would be contrary to Policies PMD2 and PMD4 of the Scottish Borders Local Development Plan (2016) in that the proposed development would lie outwith the settlement boundary of the village, there is inadequate justification for development beyond the settlement boundary and the proposals would not relate sympathetically to the sense of place of the existing streetscape. 2. The means of access to the public road is inadequate and it has not been demonstrated that it is capable of sufficient improvement, contrary to Policy PMD2 of the Scottish Borders Local Development Plan (2016). This would have an adverse impact on road safety.

- 5.3 Reference: 18/00961/FUL  
Proposal: Erection of dwellinghouse with detached garage  
Site: Plot 3 Land North East of The Old Church, Lamberton  
Appellant: Mrs Suzanne Currie

Reasons for Refusal: 1. The development will conflict with Policies PMD2 and HD2 of the Local Development Plan 2016 because the proposed dwellinghouse is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010. The form, scale and mass of the proposed building produce an inappropriate appearance which amount to an unacceptable overall design. The siting and orientation of the proposed building would not produce a satisfactory frontage or achieve an adequate relationship with the existing building group. The development will contribute negatively to the visual amenity of the surrounding area as a result. 2. The development will conflict with Policy EP8 (Archaeology) of the Local Development Plan 2016 in that the development will adversely affect the setting of the Scheduled Monument, there is no strong social or economic benefit arising from this development, and there is an alternative means of meeting development need.

## 6 REVIEWS DETERMINED

Nil

## 7 REVIEWS OUTSTANDING

- 7.1 There remained 5 reviews previously reported on which decisions were still awaited when this report was prepared on 14<sup>th</sup> March 2019. This relates to sites at:

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| • Storage Units, Farknowes, Langshaw Road, Galashiels | • Bruce Motors Redburn Garage, Peebles Road, Galashiels |
|---|---|

• Land East of Rose Cottage, Maxwell Street, Innerleithen	• Mansfield Bar, 16 Mansfield Road, Hawick
• Sunnybrae, Midlem, Selkirk	•

**8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED**

Nil

**9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED**

Nil

**10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING**

10.1 There remained 2 S36 PLI’s previously reported on which decisions were still awaited when this report was prepared on 14<sup>th</sup> March 2019. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
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**Approved by**

**Ian Aikman**  
**Chief Planning & Housing Officer**

**Signature .....**

**Author(s)**

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**Background Papers:** None.

**Previous Minute Reference:** None.

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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