

## **PLANNING APPEALS & REVIEWS**

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

### **PLANNING AND BUILDING STANDARDS COMMITTEE**

**29<sup>th</sup> April 2019**

#### **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**

Nil

##### **2.2 Enforcements**

Nil

##### **2.3 Works to Trees**

Nil

#### **3 APPEAL DECISIONS RECEIVED**

##### **3.1 Planning Applications**

3.1.1 Reference: 17/00063/PPP  
Proposal: Erection of residential units, formation of dwellinghouse from engine house, relocation of allotment space, erection of workshop units with associated access and infrastructure works.  
Site: March Street Mills, March Street, Peebles  
Appellant: Moorbrook Textiles Ltd

Reason for Refusal: Appeal against non-determination of application.

Grounds of Appeal: The site is identified as suitable for residential development in SBC's adopted Supplementary Guidance on Housing Land. The applications had a prolonged pre-application consultation period including two public exhibitions. The applications were considered at

Planning Committee on 5 November 2018 with a recommendation from Planning Officers to approve and grant planning permission in principle and conservation area consent. No objections from any SBC department or statutory consultee remained, save for that of the Community Council. Following presentations by a local councillor, third party objectors, the applicant and their agent, in addition to the presentation by the case officer, the committee members discussed the applications, questioned the case officer and concluded that the item should be continued to allow for a site visit on 28 November 2018. The appellant feels that putting the highly complex and emotive decisions into the hands of the Report acting on behalf of Scottish Ministers to be the appropriate action.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

**Summary of Decision:** The Reporter, Chris Norman, stated that the proposal could make a contribution to the supply of housing in Peebles by the provision of some 70 new residential units on vacant brownfield land within the settlement boundary and conservation area. It would therefore be compliant with the policies of the local development plan dealing with these matters and the relevant supplementary guidance. However, the Reporter found that the proposed relocation site does not favourably compare with the existing allotment site and would not be an acceptable and adequate replacement in terms of the requirements of the local development plan. He therefore concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. The Reporter has considered all the other matters raised, but there were none which would lead him to alter his conclusions.

3.1.2 Reference:

17/00064/CON

Proposal:

Demolition of mill buildings

Site:

March Street Mills, March Street, Peebles

Appellant:

Moorbrook Textiles Ltd

Reason for Refusal: Appeal against non-determination of application.

**Grounds of Appeal:** The site is identified as suitable for residential development in SBC's adopted Supplementary Guidance on Housing Land. The applications had a prolonged pre-application consultation period including two public exhibitions. The applications were considered at Planning Committee on 5 November 2018 with a recommendation from Planning Officers to approve and grant planning permission in principle and conservation area consent. No objections from any SBC department or statutory consultee remained, save for that of the Community Council. Following presentations by a local councillor, third party objectors, the applicant and their agent, in addition to the presentation by the case officer, the committee members discussed the applications, questioned the case officer and concluded that the item should be continued to allow for a site visit on 28 November 2018. The appellant feels that putting the highly complex and emotive decisions into the hands of the Report acting on behalf of Scottish Ministers to be the appropriate action.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

**Summary of Decision:** The Reporter, Chris Norman, concluded that although presently vacant he does not consider the mill buildings' current condition and appearance detracts to any great extent from the character and appearance of the conservation area. The demolition of the vacant mill buildings would not preserve or enhance the character or appearance of Peebles Conservation Area and therefore he refuses to grant conservation area consent.

### 3.2 Enforcements

Nil

### 3.3 Works to Trees

Nil

## 4 APPEALS OUTSTANDING

- 4.1 There remained 3 appeals previously reported on which decisions were still awaited when this report was prepared on 18<sup>th</sup> April 2019. This relates to sites at:

• Land West of Whitslaid (Barrel Law), Selkirk	• Greenloaning, The Loan, West Linton
• The Honey House, The Row, Longformacus	•

## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 18/01071/FUL  
Proposal: Part change of use from agricultural barn to vehicle body repair and paint shop with associated parking (retrospective)  
Site: Agricultural Barn Mid Softlaw Farm, Kelso  
Appellant: Mr Keith Redpath

Reasons for Refusal: 1. The use of the agricultural building as a motor vehicle workshop does not comply with policy ED7 of the Local Development Plan 2016 as the use does not require this particular rural location and is not appropriate to the rural character of the area. Such a use would be more reasonably accommodated within the Development Boundary of a settlement rather than in this particular rural location. Increased frequency and intensification of the use of this building for Class 5: Industry would be harmful to the amenity and character of the surrounding area and to residential amenities. Further, the applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location. 2. The proposal does not comply with policies PMD1 and IS7 of the Local Development Plan 2016 in that it would be more reasonably accommodated within the Development Boundary of a settlement to encourage uptake of sustainable transport methods. The proposal would lead to the over-dependence of the private car. Car parking requirements or means of sustainable transport for this proposal have not been demonstrated. 3. The proposal does not comply with

policies PMD1 and PMD2 of the Local Development Plan 2016 in that the long term adaptability of the building has not been demonstrated. No proposals have been made for provision of toilet facilities, staff welfare rooms or office space, waste water treatment or water sources to comply with sustainability and quality standards.

## **6 REVIEWS DETERMINED**

6.1	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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions, informatics and a Section 75 Legal Agreement)

6.2	Reference:	18/00723/FUL
	Proposal:	Change of use to joiners workshop and showroom; caravan repairs and sales; car valet; retail; and siting of catering unit (retrospective)
	Site:	Bruce Motors Redburn Garage, Peebles Road, Galashiels
	Appellant:	D Howard

Reasons for Refusal: 1. The proposed joiner's workshop would be contrary to Policy ED2 of the Local Development Plan 2016 in that there is inadequate justification for the proposed use on this site which is not located within an allocated employment, mixed-use or redevelopment area, and would be potentially detrimental to the character and amenity of the surrounding area. Other material considerations do not outweigh this conflict. 2. The proposed retail use would be contrary to Policies PMD2 and ED3 of the Local Development Plan 2016 in that the site is not within the town centre and it is not been demonstrated that there are no sequentially preferable sites closer to or within the town centre or that the proposed development would not detract from the vitality and viability of the town centre, and because the visual impact of the retail use proposed would be detrimental to the character of the surrounding area. Other material considerations do not outweigh this conflict.

Method of Review: Review of Papers

	Review Decision:	Decision of Appointed Officer Overturned (Subject to conditions and informatics)
6.3	Reference: Proposal:	18/01229/FUL Extension to provide an additional 7 No workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area
	Site:	Storage Units, Farknowes, Langshaw Road, Galashiels
	Appellant:	Wilson G Jamieson
	Reasons for Refusal:	1. The development of Class 5 and 6 workshops would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient justification has been provided to demonstrate an economic or operational need for this particular countryside location and the development would have a significantly adverse impact on the rural character of the surrounding area. Other material considerations do not outweigh this conflict. 2. The development would be contrary to Policies ED7 and PMD2 of the Local Development Plan 2016 in that the visual appearance of the proposed extension would not be compatible with the rural character of the surrounding area. Other material considerations do not outweigh this conflict. 3. The development of Class 5 and Class 6 workshops would be contrary to Policy PMD1 of the Local Development Plan 2016 in that the location of the site and types of uses would mean that there would be significant reliance on the private car, with limited potential for the development to be accessed by other transport modes, ultimately amounting to unsustainable development. Other material considerations do not outweigh this conflict.
	Method of Review:	Review of Papers & Site Visit
	Review Decision:	Decision of Appointed Officer Overturned (Subject to conditions and informatics)
6.4	Reference: Proposal:	18/01330/FUL Change of use from public bar and alterations to form residential flat
	Site:	Mansfield Bar, 16 Mansfield Road, Hawick
	Appellant:	Mr Brian Lee
	Reason for Refusal:	The proposal does not comply with Adopted Local Development Plan Policy IS8 in that the site is subject to a significant flood risk and the development would be at significant risk of flooding.
	Method of Review:	Review of Papers
	Review Decision:	Decision of Appointed Officer Overturned (Subject to conditions)
6.5	Reference: Proposal:	18/01462/FUL Replacement windows
	Site:	Sunnybrae, Midlem, Selkirk
	Appellant:	Mrs Joan McKay
	Reason for Refusal:	The design of the replacement windows fails to comply with Policies PMD2 and EP9 of the Scottish Borders Council Local Development Plan 2016, and with the advice contained within the

Replacement Windows and Doors SPG (2015), in that their appearance would result in an adverse visual impact on the character of the building and would be detrimental to the character and appearance of the Midlem Conservation Area, including the Area of Prime Frontage.

Method of Review:      Review of Papers

Review Decision:      Decision of Appointed Officer Overturned (Subject to conditions)

## **7    REVIEWS OUTSTANDING**

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 18<sup>th</sup> April 2019. This relates to sites at:

• Land East of Rose Cottage, Maxwell Street, Innerleithen	• Deans Bar, 3 Orrock Place, Hawick
• Plot 3 Land North East of The Old Church, Lamberton	•

## **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 18<sup>th</sup> April 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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