
PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

5th August 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: 18/01086/FUL
Proposal: Erection of 2 blocks of residential flats comprising 40 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping
Site: 1 - 39 Tweedbridge Court, Peebles
Appellant: Eildon Housing Association Ltd

Reason for Refusal: The proposals would be contrary to Local Development Plan Policy PMD2 paragraphs (h), (i) and (k) in that the development would not be designed in sympathy with local Scottish Borders architectural styles, would be of a scale, mass, height and density inappropriate to its surroundings and would not be compatible with or respect the character of the surrounding area and neighbouring built form.

The proposals would also be contrary to Local Development Plan Policy EP9 in that the development would not preserve or enhance the special architectural or historic character and appearance of the nearby Peebles Conservation Area.

Grounds of Appeal: The appeal proposal represents a significant development within Peebles in a sensitive, prominent location on the edge of the Conservation Area. The physical land use principle of housing on the site is established through the site's previous residential use and its specific allocation in the adopted Local Development Plan for an indicative 50 housing units. Following an amended approach from the original submission, the revised design as currently proposed, presents a more traditional form of development which has reduced the mass and visual scale of the proposals and, as a consequence, secured the support of the Planning Officer and the Council's Heritage & Design Team. The very subjective nature of design and the interpretation of the relevant policies and guidance that assess the merits of proposals is recognised. It is however considered that, consistent with LDP Policies PMD2, HD3 and EP9, on balance, the appeal proposal provides for an acceptable form of development at this location which will not cause significant harm to the character, appearance and amenity of both the immediate and wider surrounding townscape, including the Peebles Conservation Area. The proposal, if implemented, will provide for much needed affordable housing in Peebles where there is a recognised acute shortfall of such accommodation.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Christopher Warren, stated that the proposed development would make an important contribution to the affordable housing provision in Peebles. It is on a brownfield site which is allocated for residential development in the adopted local development plan, and so the proposal is consistent with policy PMD3. The site is also highly accessible, and overall the reporter found it very well suited for providing affordable homes, despite the sensitive nature of the site. In his view, the favourable aspects of this proposal are considerable. However, this must be balanced against the undesirable aspects of the development. In light of the reporter's findings regarding the incompatibility of the design and scale of the building for its context, the reporter considers the development would have a detracting influence upon the distinctive character and appearance of the riverside area of the town, and it would appear incongruous in this location. The development's appearance would fail to preserve or enhance the Peebles conservation area, to which the site is adjacent. The reporter also found the development would have an unacceptable impact upon residential amenity at 30 Dukehaugh. He found the proposal to be contrary to policies PMD2, EP9 and HD3 for these reasons. The reporter therefore concludes that despite the principle of development being established and the benefits it would offer, 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 considered all the other matters raised, but there were none which would lead him to alter his conclusions.

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 25th July 2019. This relates to sites at:

• Land West of Whitslaid (Barrel Law), Selkirk	• Coopersknowe Phase 4 and 5, Coopersknowe Crescent, Galashiels
• Glenacre, Camptown, Jedburgh	•

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 18/01161/FUL
Proposal: Change of use of agricultural land to dog care walking facility and erection of boundary fence
Site: Land South West of Milkieston Toll House, Peebles
Appellant: Mr Paul Lawrie

Reason for Refusal: The development is contrary to Policy PMD2 of the Local Development Plan 2016 in that intensified traffic usage of the sub-standard vehicular access creates a detrimental impact on road safety on the A703. The continued use of the existing sub-standard access would result in an unacceptable adverse impact on road safety, including but not limited to the site access.

5.2 Reference: 19/00358/PPP
Proposal: Erection of dwellinghouse
Site: Garden Ground of Beechwood Pyatshaw, Lauder
Appellant: Mr R Martin

Reason for Refusal: The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would exceed the threshold of 2 additional dwelling units or a 30% increase in the building group permitted within the current Local Development Plan 2016 period and there are no exceptional circumstances that would justify a departure from this Policy. In addition, the proposal does not respect the character of the building group, in terms of plot size and spacing, and would constitute an over development of the site, potentially impacting on trees within the site, which would be detrimental to the visual amenities of the area.

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 25th July 2019. This relates to sites at:

• Deans Bar, 3 Orrock Place, Hawick	• Land West of Thornwood Lodge, Weensland Road, Hawick
• Land West of 1 Hallrule Farm Cottage, Bonchester Bridge	•

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 25th July 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.

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