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## **PLANNING APPEALS & REVIEWS**

### **Briefing Note by Service Director Regulatory Services**

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**2<sup>nd</sup> February 2015**

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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: 14/00763/FUL  
Proposal: Installation of anaerobic digestion sustainable energy plant  
Site: Ravelaw Farm, Whitsome, Duns  
Appellant: Ivor Gaston & Son

Reason for Refusal: Having regard to the 250m appropriate separating distance between the proposed anaerobic digester and any sensitive receptors recommended by Scottish Planning Policy, the proposed development would give rise to unacceptable impacts on the living conditions of neighbouring residents, by particular reason of odour, contrary to Policies G1 and H2 of the Scottish Borders Local Plan.

Grounds of Appeal: The appellant believes that the proposal: 1. Has no significant siting, design or visual impacts. 2. Will not have an unacceptable impact on residential amenity. 3. Adheres to criteria regarding traffic and access, storage of hazardous substances, waste, water supply and biodiversity. 4. Complies with the Development Plan and all related planning policy in particular with regard to the requirement of national and local governments to support renewable energy development. 5. Will support sustainable economic development as promoted by SPP as it will sustain a local business, create new local employment and provide other spin-off employment/business as part of constructing/servicing the plant. 6. Is smaller than AD Plant approved by SBC in the recent past and which have been approved despite the proposals being under the 250 metre guideline outlines in SPP. There is clear precedence therefore that the proposal should be treated in the same way as other AD Plants within the region.

Method of Appeal: Written Representations

2.1.2 Reference: 14/01231/MOD75  
Proposal: Discharge of planning obligation pursuant to  
planning permission 06/01404/FUL  
Site: Land South of Meigle Row, Clovenfords  
Appellant: B D W Trading Ltd

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

Grounds of Appeal: Following the decision of the Scottish Ministers, in obligations Appeal POA-140-2002, the Appellant believes the £70,000 Roads Network Contribution should be discharged.

Method of Appeal: Written Representations

## 2.2 Enforcements

Nil

## 3 APPEAL DECISIONS RECEIVED

### 3.1 Planning Applications

Nil

### 3.2 Enforcements

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained 1 appeal previously reported on which a decision was still awaited when this report was prepared on 22<sup>nd</sup> January 2015. This relates to a site at:

- Lylestane Farm, Oxton •

## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 14/00990/FUL  
Proposal: Change of use from workshop (Class 4) to children's soft-play centre, ancillary cafe, sensory area (Class 11) and extension incorporating new welfare facilities  
Site: No 1 Works, Hillview Trading Estate, Guards Road, Coldstream  
Appellant: Mr and Mrs Jon & Anna Standing

Reasons for Refusal: 1. The proposals would be contrary to Policy Inf4 and Inf11 of the Consolidated Local Plan 2011 in that the proposed change of use could cause unacceptable adverse impacts on road and pedestrian safety, and may harm the estate through the introduction of mixed use traffic demand. 2. The proposed change of use would be contrary to Policy ED1 of the Consolidated Local Plan in that that change of use to form children's soft play centre would result in the loss of employment floor

space. Benefits to the surrounding area and community do not outweigh the need to retain the site for Class 4, 5 and 6 employment. The proposal is incompatible with neighbouring employment uses, could blight the Estate, and could cause long term harm through the introduction of mixed use.

## 6 REVIEWS DETERMINED

## 7 REVIEWS OUTSTANDING

7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 22<sup>nd</sup> January 2015. This relates to sites at:

- 1 Prendergust Farm Cottages, Eyemouth
- School House, Heriot

### Approved by

**Brian Frater**  
**Service Director Regulatory Services**

**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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