

PLANNING AND BUILDING STANDARDS COMMITTEE

2nd November 2015

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: 13/00789/FUL
Proposal: Wind farm development comprising of 9 No wind turbines and associated infrastructure/buildings/access (further revised scheme - tip heights of Turbines 1, 2 and 4 reduced to 110m - all others to remain at 125m)
Site: Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick
Appellant: Windy Edge Wind Farm Ltd

Reasons for Refusal: 1. The proposed development would be contrary to Policies G1 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to: (i) overwhelmingly adverse impacts on landscape character arising from placement of turbines and infrastructure on a sensitive and distinct landscape with grandeur, historical, remoteness and wilderness qualities, which can be observed and experienced from a range of public paths and recreational access areas; (ii) the introduction of an array of large commercial turbines into a locality which is significantly remote from main settlements and road networks and where no logical reference can be made to any other similar man-made interventions (including noticeable electrical infrastructure) or settlement, which is characterised by simplistic landforms with which the development does not harmonise; thereby the development would appear as an incongruous and anachronistic new item; and (iii) the introduction of a medium-sized commercial wind farm in an area which is presently free from wind farm development and which provides a spatial separation between areas occupied by wind farms in Borders. 2. The development conflicts with Policy D4 of the Consolidated Scottish Borders 2011 Local Plan, in that by virtue of its adverse impact on: (i) the ability of National Air Traffic Services to safely manage en route non-military air traffic due to impacts on the Great Dun Fell radar serving

Prestwick Airport; it would be incompatible with national objectives relating to protection of public safety at a UK level and the obligations set out in international treaties.

Grounds of Appeal: The proposed development accords with the Development Plan and can also draw support from other material considerations. The Appellant has two main Grounds of Appeal that relate directly to the issues set out within the Reasons for Refusal, which relate to Landscape impact of the proposed development on the Borders landscape and Aviation: impact on the ability of NATS to manage effects of the proposed development on Great Dun Fell radar. The Appellant states that the Appeal and the evidence submitted in support of it demonstrates that the landscape impacts of the proposed development will be acceptable and the Aviation impacts are capable of being mitigated and a solution is currently available. The Appellant and NATS are in the course of concluding a contract which will enable an agreed technical solution to be implemented.

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 2 appeals previously reported on which decisions were still awaited when this report was prepared on 21st October 2015. This relates to sites at:

• Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge	• Land West of Muircleugh Farmhouse, Lauder
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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 14/01282/FUL
Proposal: Change of use of land to form extension to existing holiday park
Site: Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth
Appellant: Park Resorts Ltd

Reasons for Refusal: 1. The proposals would be contrary to policy H3 of the Consolidated Local Plan in that the proposed change of use of land would result in the loss of allocated housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area. 2. The proposal would be contrary Policy Inf3 of the Consolidated Local Plan in that the proposed development would give raise to road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.

5.2 Reference: 15/00601/FUL
Proposal: Replacement windows (retrospective)
Site: Tushielaw Inn, Ettrick Valley, Selkirk
Appellant: Donna Cornish

Reasons for Refusal: 1. The replacement windows do not comply with Local Plan Policy G1in that they are not of an appropriate design or style and do not complement the quality of the architecture of the historically important building. 2. The proposals do not comply with the Supplementary Planning Guidance on Replacement windows as they have not been replaced on a 'like for like' basis and the essential features which formed part of the historical character of the building have not been retained.

5.3 Reference: 15/00682/FUL
Proposal: Siting of portacabin for use as flour mill
Site: Land North West of Spruce House, Romano Bridge, West Linton
Appellant: Romanno Mains Renewables Ltd

Reason for Refusal: The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.

5.4 Reference: 15/00745/PPP
Proposal: Erection of dwellinghouse
Site: Land East of Park Lane, Croft Park, Croft Road, Kelso
Appellant: Mr James Hewit

Reason for Refusal: The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form

6 REVIEWS DETERMINED

6.1 Reference: 15/00179/FUL

Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure
Site: Land South West of Clackmae Farmhouse, Earlston
Appellant: Mr Alex Wilson

Reason for Refusal: The development would fail to comply with Policies G1 and D4 of the Consolidated Local Plan 2011 as a result of its adverse landscape and visual effects, most specifically on the setting of Earlston and receptors within the village, due to its prominent positioning above the skyline when viewed from the east of the application site.

Method of Review: Review of Papers

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

6.2 Reference: 15/00403/FUL
Proposal: Erection of dwellinghouse
Site: Land South West Pyatshaw Schoolhouse, Lauder
Appellant: Mrs Paula Milanese

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposal would in the short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw. 2. The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road.

Method of Review: Review of Papers

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

6.3 Reference: 15/00424/FUL
Proposal: Erection of dwellinghouse
Site: Land South of Riding Centre, Newlands, Sunnyside, Reston
Appellant: Messrs Morgan Partnership

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural

boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

Method of Review: Review of Papers

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

- 6.4 Reference: 15/00504/FUL
Proposal: External alterations and erection of 4 No flagpoles
Site: Office West Grove, Waverley Road, Melrose
Appellant: Rural Renaissance Ltd

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form. 2. The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.5 Reference: 15/00511/FUL
Proposal: Erection of decking and balustrade
Site: 12 Todburn Way, Clovenfords, Galashiels
Appellant: Peter Smillie Esq

Reason for Refusal: The decking as constructed is contrary to Policies G1 and H2 of the Consolidated Scottish Borders Local Plan (2011) in that the decking leads to an unacceptable loss of privacy to habitable rooms and gardens of neighbouring dwellings on Lairburn Drive. Furthermore, the decking has an overbearing impact upon neighbouring dwellings and their garden ground, leading to significant loss of residential amenity

Method of Review: Review of Papers

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

- 6.6 Reference: 15/00616/FUL
Proposal: Installation of 16 No solar photovoltaic (PV) panels to roof
Site: Raebank, Chapel Street, Selkirk
Appellant: Mr Gethin Chamberlain

Reason for Refusal: The proposed panels would have an unacceptable impact upon the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of development. As such, the proposed development is considered to be contrary to policies G1, BE4, and D4 of the Consolidated Scottish Borders Local Plan 2011.

The benefits of the development do not outweigh these conflicts with the development plan

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

7 REVIEWS OUTSTANDING

7.1 There remained 1 review previously reported on which a decision was still awaited when this report was prepared on 21st October 2015. This relates to a site at:

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| • Plot A Chirnside Station, Chirnside | • |
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Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant 01835 824000 Ext 5409

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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