

# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held via Microsoft Teams on Monday,  
21 February 2022 at 10.00 am

Present:- Councillors S Hamilton (Chair), A. Anderson, J. Fullarton (from para 2), D. Moffat, C. Ramage, N. Richards and E. Small.

Apologies:- Councillor S. Mountford, H. Laing.

In Attendance:- Principal Planning Officer (C. Miller), Solicitor (S. Thompson), Democratic Services Team Leader (L McGeoch), Democratic Services Officer (F. Henderson).

## MEMBERS

Having not been present when the following review was first considered, Councillor Fullarton left the meeting.

## ORDER OF BUSINESS

The Chairman varied the order of business as shown on the agenda and the Minute reflected the order in which the items were considered at the meeting.

### 1. CONTINUATION OF REVIEW - 21/00027/RCOND

With reference to paragraph 4 of the Minute of 13 December 2021, there had been re-circulated copies of the request from Mr Richard Amos Ltd, 2 Golden Square, Duns to review the decision to impose a temporary three month consent by attaching Condition 2 on the planning permission for the erection of a glazed covered Pergola to Existing Outside Seating Area (part retrospective) at the Waterloo Arms, Chirnside, Duns. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Objection comments; Consultation replies; further objection comments and Applicant Response and List of policies. Also circulated were copies of further information requested by the Local Review Body, in the form of responses from the Council's Environmental Health Officer to pictures illustrating an increase in height of the fencing panels to the rear of the existing seating area to mitigate noise. Following consideration of all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, HD3 and EP7 of the Local Development Plan. The development was considered to be an appropriate structure within the grounds of a public house, without adverse impact on listed building character. Members did not consider the potential consequent noise impacts on residential amenity as a result of the pergola to justify either removal of the structure or further temporary permission, especially as the seating area already existed and an increase in the existing fence height could be required by condition. Consequently, the application was approved.

## DECISION

### AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for further procedure on the basis of the papers submitted;

- (c) **the proposal would be consistent with Policies PMD2, HD3 and EP7 of the Local Development Plan; and**
- (d) **the officer's decision to approve the application subject to Condition 2 be overturned for reasons detailed in Appendix I to this Minute.**

#### **MEMBER**

Councillor Fullarton joined the meeting prior to consideration of the following review.

#### **2. REVIEW OF 21/00031/RREF**

There had been circulated copies of the request from Mr Conrad Campbell, 2 Winston Road, Galashiels to review the decision to refuse the planning application for the erection of summer house and formation of off street parking (retrospective) at 2 Winston Road, Galashiels. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations and a list of policies. The Planning Advisor drew attention to new evidence on the site, in the form of letters of support. This information had been submitted with the Notice of Review but had not been before the Appointed Planning Officer at the time of determination. The Review Body considered that the new evidence met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review and could be considered. After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, HD3 and IS7 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate garden building, well designed and in keeping with the character of the surrounding area. The provision of off-street parking was also of benefit both to road safety and visual amenity in terms of the street scene. Consequently, the application was approved subject to conditions.

#### **VOTE**

*Councillor Moffat, seconded by Councillor Richards moved that the outer colour of the summer house remain as it was.*

*Councillor Ramage, seconded by Councillor Small moved as an amendment that the outer colour be changed to Mahogany.*

*As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-*

*Motion – 5 votes*

*Amendment – 2 votes*

*The motion was accordingly carried.*

#### **DECISION**

##### **AGREED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the new information submitted with the Notice of Review documentation in the form of letters of support met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (d) **the proposal would be consistent with Policies PMD2, HD3 and IS7 of the Local Development Plan and relevant Supplementary Planning Guidance; and**
- (e) **the officer's decision to refuse the application be overturned for reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 21/00033/RREF**

There had been circulated copies of the request from Mr and Mrs H Lovatt, c/o Suzanne McIntosh Planning Limited, 45C Bath Street, Portobello, Edinburgh to review the decision to refuse the planning application for the modification of condition 2 of planning permission 12/01191/PPP in respect of extension to period of permission. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; Consultations and a list of policies. The Review Body were advised that this review had been withdrawn at the request of the Agent.

**DECISION  
WITHDRAWN.**

4. **REVIEW OF 21/00034/RREF**

There had been circulated copies of the request from Mr Lee Tickhill, 15 Howdenburn Court, Jedburgh to review the decision to refuse the planning application for change of use of Amenity land to garden ground and erection of bike/log store. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations, Objection comments, support comments and a list of policies. The Review Body queried whether the structure had been built on land which was not in the Applicants ownership and sought further information in terms of what utilities, if any were contained below the structure within the grass verge.

*VOTE*

*Councillor Anderson, seconded by Councillor Ramage moved that the Officers' decision be upheld.*

*Councillor Small, seconded by Councillor Fullarton moved as an amendment that the application be continued for further information regarding location of utilities.*

*As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-*

*Motion – 3 votes*

*Amendment – 4 votes*

*The amendment was accordingly carried.*

**DECISION  
AGREED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could not be considered without the need for further procedure in the form of written submissions;**
- (c) **the Roads Officer be given the opportunity to submit information on what utilities, if any, were contained below the structure.**

- (d) consideration of the review be continued to a future meeting on a date to be confirmed.**

**5. REVIEW OF 21/00035/RREF**

There had been circulated copies of the request from Buccleuch Estates Ltd c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the conversion of existing barn to Residential dwelling with associated amenity, parking, infrastructure and access. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations, additional information, objection comments, general comments and a list of policies. After considering all relevant information, the Local Review Body concluded that the proposal was contrary to Part C of policy HD2 of the Local Development Plan 2016 in that the building had little architectural or historic merit and was not physically suited for residential use. The structural survey had not demonstrated that the building was capable of conversion without significant demolition and changes to the structure. The proposal was also contrary to policy PMD2 of the Local Development Plan 2016 as the development would not be compatible with or respectful to the neighbouring built form. The scale, massing and height would result in a building out of character, unattractive and overbearing in relation to existing houses in the village. The Local Review Body also concluded that as the proposal intended works and demolition to an extent that represented new-build replacement, the development was contrary to policy PMD4 of the Local Development Plan 2016 as the site was outwith the development boundary for Eckford and the proposal did not satisfy the criteria within the policy for exceptional circumstances. Members also considered that the proposal would result in the loss of prime agricultural land, contrary to policy ED10 of the Local Development Plan and did not meet any of the exceptions in that policy.

**DECISION**

**AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure on the basis of the papers submitted;**
- (c) The proposal was contrary to policies PMD4, Part C of policy HD2, policy PMD2 and to policy ED10 of the Local Development Plan 2016.**
- (d) the officer's decision to refuse the application be upheld, for the reasons detailed in Appendix III to this Minute.**

*The meeting concluded at 12.50 p.m.*