

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held via Microsoft Teams on Monday,
21 March 2022 at 10 a.m.

Present:- Councillors S Mountford (Chair), J. Fullarton, H. Laing, S. Hamilton, C. Ramage, N. Richards, and E. Small.

Apologies:- Councillors A. Anderson, D. Moffat.

In Attendance:- Principal Planning Officer, Planning Officer (S. Shearer para 5), Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **REVIEW OF 21/01262/FUL**

There had been circulated copies of the request from Timber Bush Associates Ltd, 2 Seton West Mains, Tranent to review the decision to refuse the planning application for the removal of condition 2 of planning permission 18/01000/FUL pertaining to use of holiday let accommodation at Warlawbank Steading, Reston. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; Further representations and Agent Response; consultation replies; objections, and list of policies. After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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 any further procedure on the basis of the papers submitted;**
- (c) the proposal was contrary to the Local Development Plan and there were no other material considerations that would justify departure from the Development Plan.**
- (d) the officer's decision to refuse the application be upheld and the application refused for the reasons set out in Appendix I to this Minute.**

2. **REVIEW OF 21/01270/FUL**

There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the application for change of use from Industrial (Class4,5,6) to a functional Fitness Gym (Class11) at Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report;

additional information; consultation replies; general comments, further representations and list of policies. The Planning Adviser drew attention to information, in the form of testimonials from Members of the Gym which had been submitted with the Notice of Review documentation but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the matter could not be considered without enabling the Planning Officer and Economic Development Service to respond to the details of the vacant and available industrial and commercial premises list provided by the applicant, therefore, agreed that the application be continued for further procedure in the form of written submission from the Planning Officer and Economic Development.

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) new evidence submitted with the Notice of Review in the form of testimonials from gym members met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) the Planning Officer and Economic Development be given the opportunity to comment on the available industrial and commercial premises list provided by the applicant.**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

DECLARATION OF INTEREST

Councillor Richards declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

3. REVIEW OF 20/00796/FUL

There had been circulated copies of the request from Malcolm McEwen Designs, 11 Forest Road, Bonchester Bridge, and Hawick to review the decision to refuse the planning application for the erection of single storey cottage on land west of Causewayfoot Cottage, Wolflee, and Hawick. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information; Consultation replies; general comments and List of policies. Members agreed that the site was an acceptable addition to the building group, in compliance with Policy HD2 and the relevant SPG. The Review Body also did not consider there was justification to seek amendment to design in this location. Members then considered the issue of flood risk and compliance with Policy IS8. Members were particularly concerned about safe access and egress during a flood. The Review Body gave significant weight to the fact that both SEPA and the Flood Risk Officer had objected, but also noted that the applicant would be willing to provide a more detailed Flood Risk Assessment to attempt to address the objections. After considering all relevant information, the Local Review Body concluded that the more detailed Assessment could be included within the submission of any revised planning application and that the development was contrary to the Development Plan and there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

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 any further procedure on the basis of the papers submitted;
- (c) the proposal was contrary to the Local Development Plan and there were no other material considerations that would justify departure from the Development Plan.
- (d) the officer's decision to refuse the application be upheld and varied for the reasons set out in Appendix II to this Minute.

MEMBER

Councillor Richards re-joined the meeting.

4. REVIEW OF 21/01132/FUL

There had been circulated copies of the request from Lisa Dawkins, 58 George Street, Peebles EG45 8DN to review the decision to refuse the retrospective planning application for the Erection of a pergola and fence at 58 George Street, Peebles. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report and list of policies. After considering all relevant information, the majority of Members concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

VOTE

Councillor Laing, seconded by Councillor Ramage moved that the Officers decision be upheld.

Councillor Fullarton, seconded by Councillor Richards moved as an amendment that the Officers decision be overturned and the front fence be replaced with vertical slats and the pergola be retained but roof material changed to slate colouring.

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 – 4 votes

Amendment – 3 votes

The motion was accordingly carried.

DECISION

DECIDED 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 development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan

- (d) the decision of the appointed officer be upheld and the application refused, for the reasons detailed in Appendix III to this Minute.**

5. REVIEW OF 21/00312/AMC

There had been circulated copies of the request from Keith Renton Architects, Humestanes, Hume Hall Holdings, Greenlaw, Duns to appeal a planning condition attached to planning permission 21/00321/AMC for the Erection of new dwellinghouse with garage (approved of all matters specified in condition of planning permission 18/01632/PPP) on Land North of Old Manor Inn, Lanton. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies and List of Policies. After considering all the information, the Local Review Body considered that the development was consistent with relevant policies of the Local Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was approved subject to the conditions.

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 any further procedure on the basis of the papers submitted;**
- (c) that the development was consistent with relevant policies of the Local Development Plan and that there were no other material considerations that would justify departure from the Development Plan.**
- (d) the decision of the appointed officer be overturned and planning permission granted subject to conditions, for the reasons detailed in Appendix IV to this Minute.**

The meeting concluded at 12:50 p.m.