

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber at Newtown St Boswells on Monday, 18 July 2022 at 10 a.m.

- Present:- Councillors S Mountford (Chair), J. Cox (from para 2), M. Douglas, V. Thomson, N. Richards, S. Scott.
- Apologies:- Councillors, D. Moffat, A. Orr, E. Small
- In Attendance:- Principal Planning Officer (paragraphs 2 - 5) Assistant Planning Officer (S. Shearer – paragraph 1), Solicitor (S. Thompson), Democratic Services Officers (F. Henderson and D. Hall).
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MEMBERS

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

1. REVIEW 21/00448/FUL

With reference to paragraph 1 of the Minute of 20 June 2022, there had been re-circulated copies of the request from Camerons Strachan Yuill Architects, 1 Wilderhaugh, and Galashiels to review the decision to refuse alterations and extensions to dwellinghouse and formation of access at East Lodge, Netherurd Blyth Bridge, and West Linton. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultee comments; consultation replies and List of Policies. Also circulated were copies of further information requested by the Local Review Body, in the form of a Bat Emergency Survey and a response from the Councils Ecology Officer. Following consideration of all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, EP13 and EP1 of the Local Development Plan and relevant Supplementary Planning Guidance. The alterations and extension would revitalise East Lodge, Netherurd to provide a viable family home in a manner which could be accommodated within the landscape without detracting from the character of the surrounding area. No adverse impacts on adjacent trees would be caused and following the submission of further ecological information, the development would not have an adverse impact on any European Protected Species.

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 and the comments from the Officer on new information;
- (c) the proposal would be consistent with the consistent with Policies PMD2, EP13 and EP1 of the Local Development Plan and relevant Supplementary Planning Guidance and that there were no other material

considerations that would justify departure from the development plan; and

- (d) the officer's decision to refuse the application be reversed and planning permission granted, subject to the direction, conditions and informatives detailed in Appendix 1 to this Minute.**

MEMBER

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

2. REVIEW 21/01909/FUL

There had been circulated copies of a request from Mr Laurie Bunyan, c/o Peter Macleod Planning Services, 122 Scott Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse on garden ground of Greenrig, Blair Avenue, Jedburgh. 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. The Review Body noted that the proposal was for planning permission to erect a dwellinghouse on the front garden of Greenrig, Blair Avenue, Jedburgh. Members noted that the site was surrounded by other residential properties and that a second access would be provided to serve Greenrig to the rear, the site being provided with its own access and sufficient parking and turning for two cars. Members noted that the proposed dwellinghouse was modest in scale and that the development would be in keeping with the character of the street and the general urban pattern and density. Subject to the retention of the existing roadside hedge containing the development, Members considered the site to be acceptable infill in compliance with the relevant criteria of Policy PMD5. After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, PMD5, HD3 and IS7 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be of appropriate design and layout on an infill site with acceptable parking and access provision. Consequently, the application was approved, subject to conditions.

VOTE

Councillor Mountford, seconded by Councillor Thomson moved that the Officer's decision be upheld and the application refused.

Councillor Scott, seconded by Councillor Richards, moved as an amendment that the Officer's decision be reversed and the application approved.

Members voted as follows:-

Motion - 2 votes

Amendment - 4 votes

The Amendment was accordingly carried and the application approved.

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 any further procedure on the basis of the papers submitted;**
- (c) the development was consistent with Policies PMD2, PMD5, HD3 and IS7 of the Local Development Plan and relevant Supplementary Planning Guidance**

and was considered to be of appropriate design and layout on an infill site with acceptable parking and access provision;

- (d) the officer's decision to refuse the application be overturned and the application approved, subject to conditions, for the reasons detailed in Appendix II to this Minute.**

3. REVIEW 21/01283/PPP

There had been circulated copies of a request from Duns Golf Club, c/o Andrew Lester, Wellrig Lea, Pouterlynie, Duns to review the decision to refuse the planning application for the change of use from Greenkeeper's Yard to site for single dwelling house on Land South East of Hardens Hall, 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; general comments, additional information, consultation replies; objection comments and list of policies. The Planning Adviser drew attention to information, in the form of 3 photomontages, but as the information contained in the photomontages had already been available to the Appointed Officer, the Planning Adviser suggested to members that this was not new information which required the 43B Test. Members noted that the proposal was for the erection of a dwellinghouse on land South-East of Hardens Hall, Duns and the planning history leading to development in Hardens Road, both within and outwith the Duns settlement boundary. After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD1, PMD2, PMD4 and HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to an existing building group to the west of the site and this outweighed the location of the site outwith the Duns defined Settlement Boundary. Members were also content that it would be disproportionate to require a footpath link to Duns for a single dwellinghouse in consideration of the existing developments in the vicinity. Consequently, the application was approved subject to conditions and legal agreement.

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 development was consistent with Policies PMD1, PMD2, PMD4 and HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to an existing building group to the west of the site and this outweighed the location of the site outwith the Duns defined Settlement Boundary. Members were also content that it would be disproportionate to require a footpath link to Duns for a single dwellinghouse in consideration of the existing developments in the vicinity. Consequently, the application was approved subject to conditions and legal agreement.**
- (d) the officer's decision to refuse the application be overturned and the application approved, subject to conditions, for the reasons detailed in Appendix III to this Minute.**

4. REVIEW OF 21/01421/PPP

There had been circulated copies of a request from Mr and Mrs J Seed c/o Ferguson Planning, 54 Island Street, Galashiels Duns to review the decision to refuse the planning application for the erection of a dwellinghouse, on Land North East of Woodend Farmhouse, Gavinton, 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; consultation replies and list of policies. The Planning Adviser drew attention to information, in the form of a Soil Fertility Report; 3D image of the proposed new house in relation to the existing house and revised Site Plan indicating a reduced development boundary 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 new information could not be considered without affording the planning officer an opportunity of commenting on the new information so agreed that the application be continued for further procedure.

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 a Soil Fertility Report; 3D image of proposed new house in relation to existing house and revised Site Plan indicating a reduced development boundary 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 be given the opportunity to comment on the new evidence submitted with the Notice of Review; and**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

5. REVIEW OF 21/01982/FUL

There had been circulated copies of a request from Mr Graeme Forsyth, c/o Andrew Walker, to review the decision to refuse the planning application for the change of use from Agricultural Store, alteration and extension to form dwellinghouse with garage. 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 and list of policies. The Planning Adviser drew attention to information, in the form of a 3D image of the proposed new development 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 without further procedure. 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. Members considered that the scale of the new-build additions would be excessive in scale and overbearing in relation to the existing building. This could result in the existing building appearing to be a subservient element, resulting in an incongruous relationship of little architectural merit. The Review Body concluded that a reduced scale extension would be more appropriate. 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 proposed dwellinghouse was contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building.**
- (d) the officer's decision to refuse the application be upheld and the application refused, subject to conditions, for the reasons detailed in Appendix IV to this Minute.**

The meeting concluded at 12.45 p.m.