



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

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Contact Telephone 2

Contact Telephone 2

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Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders Council

Planning authority's application reference number 21/01905/FUL

Site address Cheviot View, Eden Road, Gordon. TD3 6JT

Description of proposed development

Erection of detached, single storey, two bedroomed dwelling.

Date of application 06/12/2021

Date of decision (if any) 02/06/2022

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review (tick one box)

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

To facilitate affirmative promotion of very strong evidence to uphold review..

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The application fully complies with policies PMD2 and PMD5 as well as the Councils' Supplementary Planning Guidance, 'Placemaking and Design 2010', and should not have been refused. The reasons for refusal are erroneous, irrelevant and invalid. The report fails to acknowledge and apply Policy HD3, to which specific reference is made in policy PMD5 and applies to Garden Ground, 'Backland' gap, brownfield and infill developments. The application of policy HD3 clearly refutes the reasons for refusal. Policy HD3 has not been applied

There are also several factual errors in the report which lead to incorrect conclusions. For example, it is stated that a dwelling exists between the proposed development and Eden Road, this is factually incorrect.

Please see 30 pages of attached documentation and photographs...

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

30 pages of supporting documents including:
 1 cover page
 10 pages of script
 13 pages of images
 6 pages maps/diagrams

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

05/08/2022

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

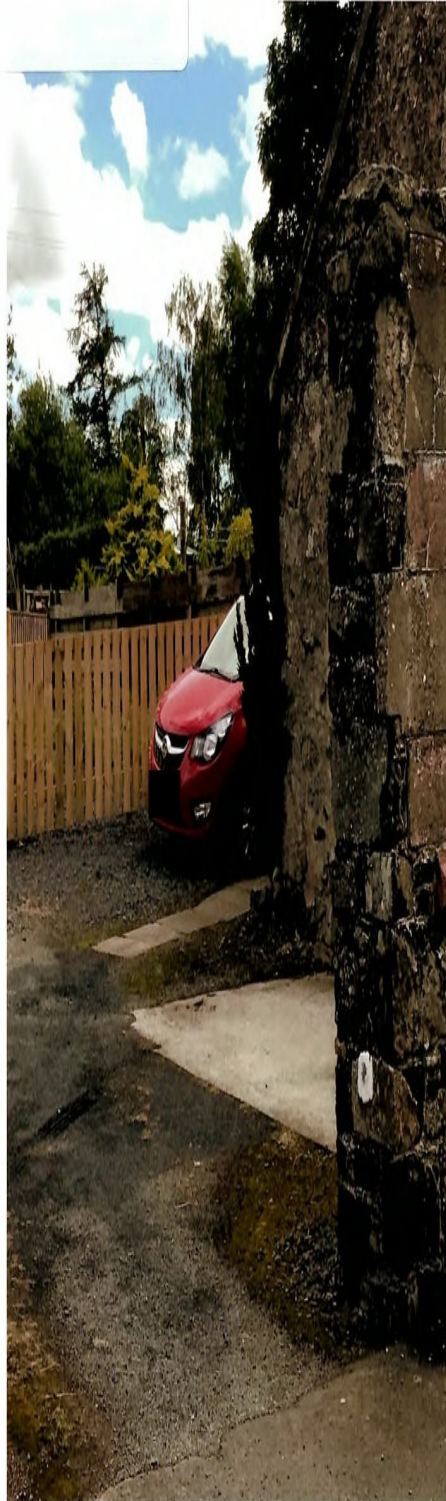
Request for Local Review of Application: 21/01905/FUL

The application site is located within the development boundary for the settlement of Gordon. The application site is fairly flat and is delineated by low level fences to the east and west boundaries and a low level stone wall to the south boundary. There are neighbouring residential properties to the east and west, and Eden Rd to the north, while the tennis court and bowling green lie to the south. The application site is identified as being an area of prime quality agricultural land. The site was created from part of the garden of a house which was demolished many years ago. What remains of the original property are a small plot situated towards the rear of the site and on the east side, (under development) access to which is granted by a right over the greater site; A garage, which has been formed from part of the remains of the original house, Cheviot View, (it was reputedly the last thatched house in Gordon) which has long since been re-titled and sold separately, and 25' frontage onto Eden Road which is partly walled and enables vehicular access between the neighbours' garage to the east and the garage formed from the original house on the west. (see provided photos) The wide double gate sized entrance could be made significantly wider with the removal of the remnants of the original front wall, and further integrate the property into the street scene, if required. But this section of wall contributes towards security, privacy and noise abatement from the road. Gordon village is undergoing significant additional development with a potential development site for 8 new residences further to the west along Eden Road and a development slightly to the north of the intersection of Eden Road and Edinburgh Road of 7 houses in what was Hunters Transport yard.

APPLICATION SITE

FROM EDEN ROAD.

2





The site is a plot of approximately 450 square meters in a prominent off street village location. A single storey timber building of around 30 square meters (10x3) was erected on the site, it is believed immediately after WW II, and was used for business purposes until mid 1970's. It was professionally wired for electrical and telephonic connections, had a small office at its southern end and was furnished with a variety of storage racks. Having not been used for many years, the structure had fallen into disrepair and had deteriorated with dry rot and woodworm. During the excessively dry period of April 2021, it caught fire due to a spark from an adjacent bonfire jumping. The fire was extinguished by an attentive neighbour, but the urgency to remove what had become a major hazard became imperative. Nevertheless, the site had been populated by a single storey structure of around 30 square meters for around 80 years.

The owners of the site were far distant, in the USA and France, and over the years the site had become an untended overgrown wasteland, attracting random dumping and flytipping. During the removal of the old timber building, a large variety of items were also cleared from the site, including an abandoned car, old wheels and tyres, old bicycles, broken childrens' toys, sanitary fittings, window frames, pallets, ironmongery, broken glass and assorted building rubble. The site had become a local eyesore as well as potential danger for the curious and target for dumping waste. It badly needed reintegrating into the local village community. Anecdotally, several residents have visited whilst I've been on site and expressed relief and approval that, at last, the site is being developed. This is evident by the absence of any objections during the planning process. (see provided photos)

APPLICATION SITE PRIOR

TO CLEARING



APPLICATION SITE PRIOR

TO CLEARING



The planning report quotes : "In order to establish the principle of development it must be assessed against Policy PMD5. Policy PMD5 advises that the development must not conflict with the established land use of the area. The application site is located within a residential area it would therefore be in keeping with the established use and character of the area. Other issues required to be considered under Policy PMD5 are whether the proposed development would detract from the character and amenity of the surrounding area; lead to over-development or 'town and village cramming'; would respect the scale form, design, materials and density in context of its surroundings; can be adequately accessed and serviced; and it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking."

The planning report further states: "The general principle of exploring residential development is acceptable subject to other site specific considerations.....":

Policy PMD5 refers to Policy HD3 for sites like the application site, such as 'backland', garden ground, infill, gap and brownfield. The application site conforms to policy HD3.

The planning report also states: "Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. As previously mentioned, Policy PMD5 aims to ensure that any development is in keeping with the pattern of development found within the surrounding area."

Policy PMD5 specifically refers to Policy HD3 which applies to 'Backland', garden ground, infill and gap sites, applicable to the application site. However the planning report fails to apply that part of policy HD3 to the application site.

The application site clearly conforms to the applicable policies and should not have been refused.

Eden Road has an eclectic mix of different styles of mostly residential properties. These range from single storey, two storey and one and a half storey terraces, detached and semi detached villas and bungalows. There is a wide spectrum of textures, colours and finishes which span different eras. Stone built as well as rendered houses are dotted along the road which has created an interesting and colourful ambience with a high degree of charm, enjoyed by many house-proud homeowners. Part of that charm and character is an absence of homogeneity of building and style. Most houses have a very distinct individualism. (see provided photos and diagram)



CEDAR WOOD



GP



EILDON VIEW



STABLE COTT





FORD COURT



CORNER MANSE RD / MANST

