



**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

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

Local Review Reference: 22/00037/RREF

Planning Application Reference: 22/01089/FUL

Development Proposal: Installation of photovoltaic array to the south facing roof

Location: Mansefield, 91 High Street, Coldstream

Applicant: Mr Patrick Jenkins

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice, subject to conditions as set out below.

DEVELOPMENT PROPOSAL

The application relates to the installation of a photovoltaic array to the south facing roof of Mansefield, 91 High Street, Coldstream. The application drawings and documentation consisted of the following:

Plan Type

Plan Reference No.

Location Plan

Roof and Photovoltaic Layout Plan

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19th December 2022. After examining the review documentation which included: a) Notice of Review (including Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultation Replies; and d) List of Policies, the Review Body noted that the applicant had requested further procedure in the form of a hearing and site inspection. After

consideration, Members did not consider these were necessary in this instance and proceeded to determine the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED9 and EP9

Other Material Considerations

- SBC Supplementary Planning Guidance on Renewable Energy 2018

The Review Body noted that the proposal was for planning permission to install a photovoltaic array to the south facing roof of Mansefield, 91 High Street, Coldstream.

Members noted that the property was within Coldstream Conservation Area and that the photovoltaic panels were proposed on the south facing roof slope which would be visible on the High Street and in the public realm. They noted that Policies PMD2 and EP9 required an alteration appropriate to the existing building, compatible with the character of its surroundings and preserving the special architectural character and appearance of the Conservation Area. However, the Review Body also noted strong support for domestic renewable energy schemes at a national level which was reflected in Local Development Plan Policy ED9. They also accepted the panels were positioned on the south-facing roof for maximum solar gain.

Members did discuss whether there were less visible alternatives for the panels such as ground, outbuilding or rear roof mounting. They were also aware of the precedent that could be set in the Conservation Area of allowing panels on publicly visible roofs.

After full consideration, the Review Body supported the growth in domestic green energy and concluded that the benefits outweighed the visual impact on the character of the dwellinghouse and the Conservation Area in this particular case. Members considered that the panels may also look more compact and integrated on the building than dispersed across other roofs and parts of the property. The Review Body also understood that the panels could be removed again should they no longer be used for electricity production. For these reasons, Members considered that compliance with Policy ED9 outweighed the impacts on the Conservation Area and Policy EP9 in this instance.

The Review Body finally considered other material issues relating to the proposal but concluded that they did not change their final decision.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD1, PMD2 and EP9 of the Local Development Plan and relevant Supplementary Planning Guidance. The proposal was considered to be in compliance with the Council's Policies on sustainability and renewable energy sources and

that this outweighed any impacts on the character of the house or the Conservation Area. Consequently, the application was approved.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until the precise details of the photovoltaic panels have first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure the installation is visually appropriate to the dwellinghouse and sympathetic to the surrounding area.
3. The photovoltaic panels to be removed from the roof and the roof restored to its previous condition to the specification of the Planning Authority, within one year of the cessation of electricity production from the panels.
Reason: To safeguard the character of the dwellinghouse and the visual amenity of the Conservation Area.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase,

other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed...Councillor S Mountford
Chairman of the Local Review Body

Date 11 January 2023

