

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 20 March 2023 at 10 a.m.

Present:- Councillors S Mountford (Chair), M. Douglas, D. Moffat, A. Orr, V. Thomson, N. Richards, S. Scott.

Apologies: Councillors E. Small, J. Cox.

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

1. CONTINUATION OF REVIEW 22/00041/RREF

With reference to paragraph 2 of the Minute of 20 February 2023, the Local Review Body continued their consideration of a request from Mr P J Lewis, c/o RM Architecture Ltd, Bloomfield, Heatherlie Park, Selkirk to review the decision to refuse the planning application for the erection of a dwellinghouse on Land South West of Castleside Cottage, Selkirk. The supporting papers included the written submission from the Applicant detailing the fibre cement cladding and colour proposed, together with photographs of the use of the material; Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies; further representations and list of policies. The Applicant had also supplied a sample of the fibre cement to be used.

- 1.1 At their initial consideration of the Review, Members noted that the application had not been refused in relation to the principle of a house under Policy HD2 of the Local Development Plan and the New Housing in the Borders Countryside Supplementary Planning Guidance. However, they did consider the principle as part of their overall consideration of the Review, the relationship with the Development Plan and all other material issues. Members accepted that there was a building group present at Castleside, that there was capacity for addition of another house and that the application site was an appropriate site within the group. The Review Body concluded that the principle of a house was acceptable under Clause A of Policy HD2 and the New Housing in the Borders Countryside SPG.
- 1.2 Members then considered the issues of siting and design and noted that the Appointed Officer had accepted the scale, position and alignment of the proposed dwellinghouse but had considered that the external cladding material, its colour and the fenestration, especially to the south-west elevation, were inappropriate and out of context with the character and architectural styles of the building group and surrounding area.
- 1.3 After careful consideration of the fibre cement sample and additional photographs, the Review Body were of the opinion that the design would result in a house very different from what existed within the building group, appearing prominent and incongruous adjoining the existing cottage. Whilst there were no objections to the overall scale and form of the house, the type, colour and extent of external cladding and fenestration would result in a design that would be out of character with the group and area.

VOTE

Councillor Thomson, seconded by Councillor Orr, 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 overturned and the application approved.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 2 votes

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;**
- (c) the design was contrary to Policies PMD2 and HD2 of the Local Development Plan and the advice within the SPGs;**
- (d) NPF4 Policies did not alter their conclusion.**
- (e) that the Officer's decision to refuse the application be upheld.**

PROCEDURAL HEARINGS

2.0 Mrs Thompson, Solicitor explained that that the following applications had been placed on the Agenda as procedural hearings as a result of the Scottish Government introducing the National Planning Framework 4 (NPF4) on 13 February 2023, which superseded previous guidance and now formed part of the Development Plan. In accordance with the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority must ensure that Planning Decisions and Reviews took account of the new Framework. It was therefore agreed that comments on the impact of NPF4 on the planning application and subsequent review be sought from the Planning Officer and Applicant, prior to the following applications being presented to the Local Review Body for consideration.

3.0 REVIEW OF 23/00004/RREF

There had been circulated copies of a request from W A Mole & Son, c/o Cockburn's Consultants, 1A Belford Park, Edinburgh to review the decision to refuse the planning application for the erection of 4 No. dwellinghouses on Land West of Greenburn Cottage, Auchencrow. 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 consultation replies.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.**

4.0 **REVIEW OF 23/00005/RREF**

There had been circulated copies of request from Mr Alan Hislop, 100 Abbotseat, Kelso , to review the decision to refuse the planning application for the erection of a boundary fence (retrospective) at 100 Abbotseat, Kelso. 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 and Objection comments.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (f) **consideration of the review be continued to a future meeting on a date to be confirmed.**

5.0 **REVIEW OF 23/00007/RREF**

There had been circulated copies of a request from Mr and Mrs P Nowell, The Millers House, Scotsmill, Kailzie, Peebles to review the decision to refuse the planning application for the formation of access and boundary fence (retrospective) at The Millers House, Scotsmill, Kailzie, 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; Consultation Replies; Objection comments and further representations;

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) **consideration of the review be continued to a future meeting on a date to be confirmed.**

6.0 **REVIEW OF 23/00008/RREF**

There had been circulated copies of a request from Mr Rob Cameron c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of residential dwelling together with associated landscaping/amenity, parking, infrastructure and access at Land South of Ebbastrand, Coldingham Sands, Coldingham. 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; support comments and objection comments.

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 Planning Officer and Applicant be given the opportunity to submit an NPF4 statement; and**
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.**

The meeting concluded at 10.23 a.m.