



**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: 22/00045/RREF

Planning Application Reference: 22/00371/FUL

Development Proposal: Alterations and extension to dwellinghouse

Location: 17 George Street, Eyemouth

Applicant: Mr and Mrs Craig Fletcher

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 set out below.

DEVELOPMENT PROPOSAL

The application relates to extensions and alterations at 17 George Street Eyemouth. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Proposed Plans & Elevations	006
Proposed Plans & Elevations	007

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 20th February 2023.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; and e) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new

evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to a Heritage Statement. After consideration, Members agreed that this information was new, met the Section 43B test and that it could be considered, given it was material to the applicant's case and, therefore, to the determination of the Review.

Members also noted that since the determination of the application National Planning Framework 4 (NPF4) had been adopted and it now forms part of the Development Plan. The Review Body considered that it was necessary to have regard to any relevant Policies in NPF4 before determining the Review. Members concluded that it was appropriate to undertake further procedure by seeking written submissions from the Appointed Officer and Applicant in relation to NPF4.

The Review was, therefore, continued to the Local Review Body meeting on 17th April 2023 where the Review Body considered all matters, including the responses from the Planning Officer, Heritage and Design Officer and the applicant's reply to the responses. Members then 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: Scottish Borders Local Development Plan 2016 and National Planning Framework 4. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED9, HD3, , EP5, EP7, EP8, EP9 , EP14, IS5, IS7, IS9, IS13
- National Planning Framework 4 Policies: 1, 7, 14, 16 and 27

Other Material Considerations

- SBC Supplementary Planning Guidance on Contaminated Land Inspection Strategy 2001
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015
- SPP 2014
- Historic Environment Policy for Scotland 2019
- HES: Managing Change in the Historic Environment
- Scottish Government Planning Advice Note: Planning and Archaeology 2/2011

The Review Body noted that the proposal was for alterations and extension to a dwellinghouse. Members also acknowledged that through the course of the application the applicants had reduced the height of the extension and revised the detailing of the proposals which included revisions to the new window opening and dormers on the north elevation.

The Review Body noted that LDP Policy PMD2 requires any house extensions and alterations are required to be of a scale, massing and height that is appropriate to the existing building. The proposal should recognise its context and be finished in materials which complement the existing building and the area. Members noted that as the site is located within the Eyemouth Conservation Area, the proposed development is required to preserve or enhance the special character architectural or historic character and appearance of the Conservation Area in accordance with LDP Policy EP9.

Members observed that the proposal was located within a densely developed part of the Conservation Area and although the development would result in the loss of a parking space, they were satisfied that the amended scale of the proposed extension did not represent overdevelopment of the existing building or surrounding area. The Review Body considered that the design of the extension and alterations were modern but that they would complement the character and appearance of the existing building and Conservation Area. It was considered that it would be important to ensure that the development was completed with suitable material finishes which includes the finishes of all windows and doors, however Members were satisfied that this matter could be addressed by an appropriately worded planning condition. The Review Body were satisfied that the amended design of the proposals complies with placemaking and design policy requirements within LDP Policy PMD2 and NPF4 Policy 16 and that the development would not harm the special character of the Eyemouth Conservation Area in accordance with LDP Policy EP9 and Policy 7 of NPF4.

The Local Reviewed Body considered the impact of the development on residential amenity. Having heard evidence on this matter, in particular loss of light and potential for the proposal to appear visually overbearing for immediate neighbours, Members were satisfied that any impacts were not significantly adverse. The development was found to comply with residential amenity policy requirements within Policy HD3, the Councils SPG on Householder Developments and NPF4 Policy 14, criteria g) part ii.

The Review Body finally considered other material matters, including archaeology impact. Members agreed with the recommendation of the Archaeology Officer in their consultation response to request a watching brief and historic building survey to mitigate archaeological impacts.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, EP9 and HD3 of the of the Local Development Plan and Policies 7, 14 and 16 of National Planning Framework 4. The siting, scale and design of the proposal was considered to respect the character of the existing building and the special character and appearance of the Conservation Area. No adverse impacts on residential amenity were judged to be caused by the proposals. Consequently, the application was approved subject to conditions.

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 precise details of all external materials to be used on the extension and alterations, including all window and door material finishes have been submitted to, and approved in writing by, the Planning Authority and

thereafter the development then to be implemented in accordance with the approved scheme.

Reason: To safeguard the special character and appearance of the Conservation Area.

3. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building

Reason: To preserve by record a building of historical interest.

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 (Carlisle 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.
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Signed...Councillor M Douglas
Vice Chairman of the Local Review Body

Date 28th April 2023