

Public Document Pack



LOCAL REVIEW BODY MONDAY, 18 SEPTEMBER 2017

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 18 SEPTEMBER 2017 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

11 September 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of planning consent in respect of erection of dwellinghouse with attached garage on land NE of The Old Church, Lamberton. 16/00947/FUL. 17/00030/RREF.</p> <p>Copies of the following papers attached:-</p>	
	<p>(a) Notice of Review</p> <p>Including:- Officer's Report – page 33 Decision Notice – page 39</p>	(Pages 1 - 40)
	(b) Papers referred to in report	(Pages 41 - 64)
	(c) Consultations	(Pages 65 - 82)
	(d) Objections	(Pages 83 - 98)
	(e) List of Policies	(Pages 99 - 106)
5.	<p>Consider request for review of refusal of planning consent in respect of erection of dwellinghouse and retaining wall (part retrospective) on land W of Craigerne Coachhouse, Edderston Road, Peebles. 17/00323/FUL. 17/00031/RREF.</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 107 -

		176)	
	Including:- Officer's Report - page 135 Decision Notice- page 143		
	(b) Papers referred to in report	(Pages 177 - 186)	
	(c) Consultations	(Pages 187 - 192)	
	(d) List of Policies	(Pages 193 - 198)	
6.	Consider request for review of refusal of planning consent in respect of erection of micro meat processing unit and byre on land at Hardiesmill Place, Gordon. 17/00239/FUL. 17/00036/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review	(Pages 199 - 254)	
	Including:- Officer's report – page 231 Decision Notice – page 241		
	(b) Papers referred to in report	(Pages 255 - 260)	
	(c) Consultations	(Pages 261 - 266)	
	(d) List of Policies	(Pages 267 - 272)	
7.	Any Other Items Previously Circulated		
8.	Any Other Items which the Chairman Decides are Urgent		

NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Membership of Committee:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100060336-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Smith & Garratt		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hugh	Building Name:	The Guildhall
Last Name: *	Garratt	Building Number:	
Telephone Number: *	01289382209	Address 1 (Street): *	Ladykirk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Berwick-upon-Tweed
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD15 1XL
Email Address: *	ahg@smithandgarratt.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity



Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="4b Carrer Cap de Moro"/>
First Name: *	<input type="text" value="Malcolm"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pearson"/>	Address 1 (Street): *	<input type="text" value="La Drova"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Barx"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Valencia"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Spain"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="46758"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land north east of the old church, Lamberton"/>

Northing	<input type="text" value="657407"/>	Easting	<input type="text" value="396948"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)

Erection of dwellinghouse with attached garage (16/00947/FUL).

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The Appellant does not agree with the analysis made by the Case Officer, or the two reasons given for the refusal. His Statement of Case is attached.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Case Copy of application (Appendix I) Copy of Case Officer's Report (Appendix II)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00947/FUL

What date was the application submitted to the planning authority? *

03/08/2016

What date was the decision issued by the planning authority? *

09/06/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection is required in order to assess the building group and the relationship the proposed dwelling will have with the building group, including heights and privacy; to review the anchor points and the sense of place; to review the proposed access and road improvements; and to explore the degree of impact the proposal will have on the ruined church (a Scheduled Ancient Monument), if any.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Hugh Garratt

Declaration Date: 25/07/2017



SMITH &
GARRATT
HERITAGE · RURAL · PRIVATE CLIENT

Scottish Borders Council
Planning Department
Council Offices
Newtown St Boswells
Scottish Borders
TD6 0SA

3rd August 2016

Dear Sirs,

Re: Proposed Dwelling at Lamberton

We are applying for planning consent to erect a single dwelling at Lamberton. Our clients, Mr and Mrs Pearson, have owned the paddock beneath the old kirk for many years. They lived and worked locally before retiring to live in Spain. Due to uncertainty following the Brexit vote concerning their ability to stay in Spain long-term they are considering returning to live in the Scottish Borders once again.

This is not the first application on this land. In 2007 a local developer made a conditional offer to buy the site, subject to outline planning, which was refused (and the decision was upheld at appeal). The 2007 application was in outline, for three dwellings across the whole site. The current proposal is in full, for a single dwelling at the southern side. The dwelling is sensitively designed and oriented. It relates to the group and to existing landscape features. The site, which is separated from the remainder of the paddock, is to be benched with a modest cut-and-fill to ease the footprint of the house into the natural easterly slope.

The proposed house will be energy-efficient and will make the best of natural solar gain. It is designed so as not to overlook neighbours behind. It is to have a new access, slightly further down the slope from the existing gate and running east of the house, which will keep traffic away from the existing dwellings. The unused path that once ran eastwards from this gate can be reinstated to run eastwards from the new access. A little additional planting will provide a windbreak.

Since obtaining pre-application advice the new local plan has been adopted, so the artificial limit on additions to this rural building group has been lifted. We believe this well-considered application merits support.

Yours faithfully,



A H Garratt LL.B FRICS FAAY

Enc

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Appeal to Local Review Body

On Behalf of Mr M Pearson, in Respect of Scottish Borders Council Decision 16/00947/FUL

Statement of Appellant's Case

I, Alexander Hugh Garratt LL.B FRICS FAAV, senior surveyor at Smith & Garratt – a surveying firm based in Ladykirk, near Berwick-upon-Tweed – acting on behalf of Mr Malcolm Pearson (hereinafter referred to as ‘the Appellant’), wish to provide the following Statement of the Appellant’s case.

I hold a Bachelor of Laws with Honours, am a Fellow of the Royal Institution of Chartered Surveyors (‘RICS’), an RICS-registered valuer of real property, and a Fellow of the Central Association of Agricultural Valuers. I qualified as a rural practice surveyor in the mid-1980s, spent 20 years as the resident agent or resident factor on rural estates, and have been working with Smith & Garratt in the North of England and Southern Scotland for about fourteen years. The firm specialises in planning and development work, historic buildings and heritage work, and the provision of private-client surveying services.

FACTS

The Appellant and his wife moved from the Scottish Borders to live in Spain several years ago. Their only UK property is his 1.18 Ha of waste ground above the A1 at Lamberton, shown on the adjacent satellite photo (outlined in blue). They are concerned that, following ‘BREXIT’, they may have to return to the UK. Accordingly, the Appellant has applied for planning permission to build their UK home on that land. The application is for full planning for a single dwelling, so is supported with design drawings and other materials describing the home the Appellant wishes to build. The Appellant has no plans to build anything other than a single dwelling for occupation by himself and his family.



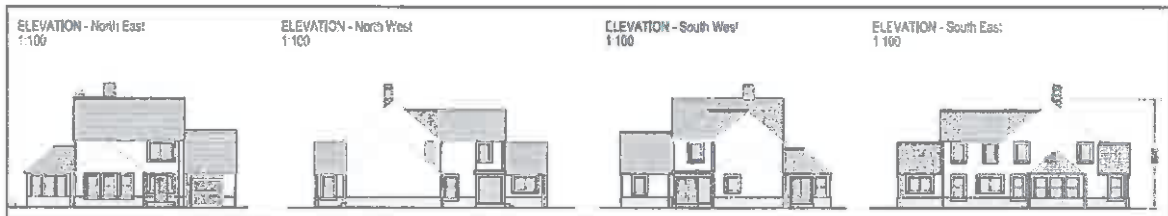
The application, exhibited at Appendix I, was validated on 5th August 2016. It took until 9th June 2017 (ten months) for the Planning Department to make its determination. It was clearly considered to be a borderline case. The application was refused on two grounds – (i) that the site would not have a satisfactory relationship to the existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting; and (ii) the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument (‘SAM’), Lamberton Church. The Planning Officer’s report is exhibited at Appendix II.

This area of ground has planning history. It is thought that until the middle of the 20th century a farmstead stood here; the ground is unlevel and strewn with building stone. After moving abroad, the Appellant permitted a developer to apply for planning permission for up to three dwellings in 2006/7. The developer divided the area into three and submitted three outline applications, each for one house. The applications lacked detail and were refused. The developer abandoned the northernmost, below the ruined church, and the refusals in respect of the other two were upheld at appeal in 2008. The Reporter found the development would not be well related to the existing group, being a departure from its character and built form; and he found an adverse impact on the setting of the SAM Lamberton Church and the wider landscape.

It will be noted that consents have been granted in the same building group, including one in September 2015. Examination of the relationship between the building group, the recent additions and the Appellant's plot follows.

Local Review Bodies ('LRBs') are required to take a *de novo* approach¹. This allows the LRB to review, not just the Planning Officer's recommendation, but the case as a whole. It is, therefore, appropriate to look at the design, matters raised by objectors and supplementary submissions, as well as the two reasons given for the refusal.

DESIGN AND LOCATION



The design provides a four-bedroom house with an integral garage. It is in the form of a two-storey building with lower out-shoots and traditional roof pitches, which minimises the massing and mimics a typical rural dwelling that has been added to over time. The materials are traditional – slate roofs over harled walls and timber windows with vertical emphasis – all typical of the building group. It is considerably smaller than the building opposite, which commands the high spot on the open, south-east side of the building group.

The proposed house has been oriented to benefit from natural solar gain. Its access drive will turn in below the house, not between it and its neighbour, which will help reinforce the separation between this – the easternmost in the building group – and the open countryside below; this will also provide a passing-place on the lane down to the junction on the A1. Landscape planting will enhance the sense of containment.

¹ Chief Planner's letter to Heads of Planning, 29th July 2011.



The proposed dwelling has been positioned in the southernmost corner of its plot – with a close relationship to others in the group – on a cut-and-fill platform which both provides a level base for building and reduces the height of the floor-plate such that the ridge is below that of the neighbouring dwellings. The ground floor windows cannot overlook the neighbour; the only upper window in the south-west elevation faces a sycamore tree. The neighbour will only see the building through the one narrow window in his east gable elevation ... at a distance of around 20 metres.

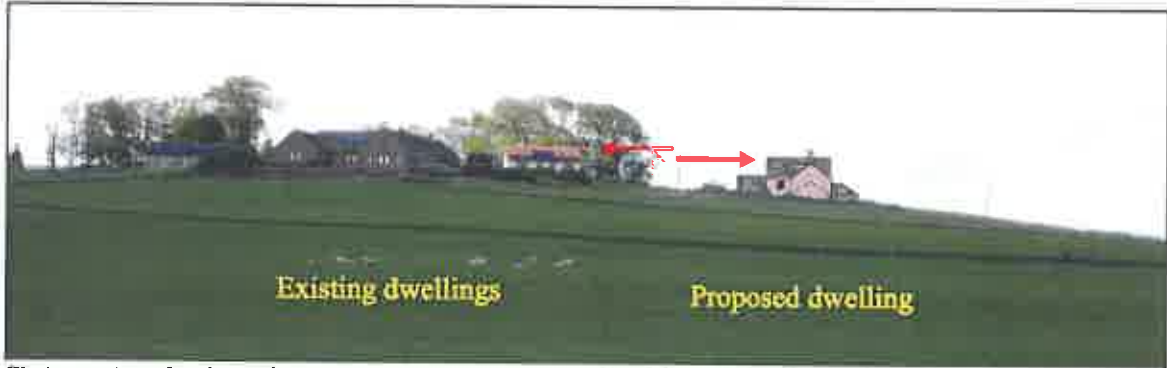


Photo-montage showing an image of the proposed dwelling and neighbours from the Border lay-by on the A1.

REPRESENTATIONS

There were five private objections to the application. The main points, and our responses, are as follows:

Impact on landscape setting	The council’s Landscape Architect is only concerned to protect tree roots, and has no wider concerns.
Impact on setting of Scheduled Ancient Monument Lamberton Church	The house will not be visible from the monument, or vice-versa. The two will only be in the same view if looked at from fields to the north-west. Historic Environment Scotland (‘HES’) does not object.
Outwith Building group	See dedicated paragraph and images (below).
Impact on Right of Way that should be maintained	The right of way is not currently used or maintained; its line is not discernible on the ground. The house will be to the east of the right of way and the right of

	way will not be affected. Irrespective, the Access Officer recommends diversion to a better route – to provide access to the monument.
Traffic/road safety during	The site provides plenty of room for contractors' vehicles to enter, turn and exit in forward gear. There is no record of a road traffic accident nearby, including during construction of other recent additions to the building group. The proposed development will, in any case, deliver road improvements.
Impact on water supplies	The house will have a mains water supply. Scottish Water's Asset Capacity Search reveals it has current capacity for 1,258 more dwellings in this area.
Ribbon development	The proposal does not create ribbon development.
Design and scale of house	These have been carefully considered (see above).

In addition, the following statutory consultees commented (listed alphabetically):

Access Officer: No objection. Points out the presence of Right of Way BB53. Recommends conditions to ensure the path is maintained open and free in perpetuity. Suggests possibility for diversion of pathway to more beneficial route, accessing the old church. The Access Officer's map (below) is adjusted to show the corrected plot boundary plus the footprint of the dwelling (in blue). It will be noted that the path is unaffected by the development.



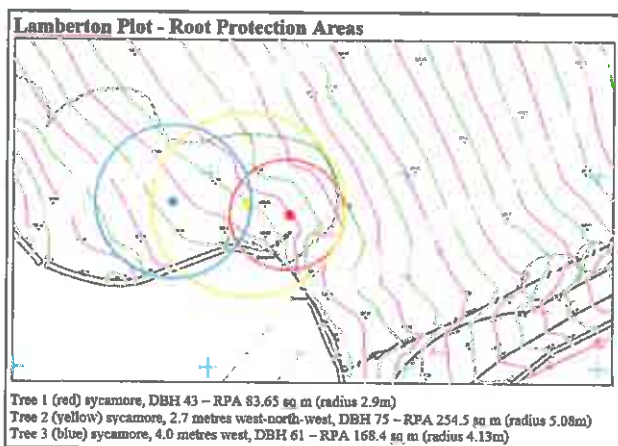
Archaeologist: No objection. Concurs with HES that the impact on the setting of the Scheduled Ancient Monument (Lamberton Church) is not significant. Notes the presence, within the plot, of earlier farmstead remains, demolished mid-20th century, so recommends that archaeological evaluation takes place, with a 'watching brief' during works.

Education: The development is located within the catchment area for Eyemouth Primary School and Eyemouth High School. A contribution of £2,438 is sought for Primary School and £3,428 is sought for the Secondary School.

Environmental Health Officer: No objection. Conditions recommended in respect of water and drainage.

Historic Environment Scotland: No objection. The HES letter of 19th August 2016 says, “From the plans provided it is our view that the house will not interrupt any known relationships between the monument and other archaeological sites or landscape features in the vicinity. Due to its proposed scale and location, the new house will not challenge the monument for dominance within its setting, fitting the existing dispersed settlement pattern of the area. It is unlikely therefore that the proposed development will represent a substantial change to the character of the setting of the monument and will not interrupt any obvious key views of the monument from the surrounding area.”

Landscape Architect: No objection. The LA’s consultation response of 15th August 2016 says, “There is no problem, in principle, in adding a single house to the existing settlement provided it appears to fit with existing features, which includes some buildings and a group of trees which provide a visual anchor point. However, there appear to be some practical difficulties with the site layout in relation to adjoining trees and this is exacerbated by the high visibility of the site position making the issue more sensitive. Basically, the proposed platforming would dig deeply into the root protection area (RPA) of the nearest adjoining tree, a sycamore, and would probably lead to the tree being lost. This would result in the new house being more exposed both physically and visually. The matter can be resolved by changing the house design to reduce the amount of platforming required (e.g. by underbuilding so that the house can sit on a sloping site) and also by re-locating the house further away from the tree so that the RPA of the tree is not disturbed. Guidance on RPA calculation and distances is available from BS5837:2012. There appears to be ample room on the site to allow for this.” In response, whilst it is agreed that there is ample room to redesign the layout, the three nearest trees were measured in accordance with BS5837:2012, their RPAs were calculated, and the resulting diagram was sent to the Planning Officer on 5th October 2015. The diagram is exhibited below, with a contour-draped satellite photograph alongside. BS5837:2012 recommends that incursions into RPAs should not exceed 20%. It will be observed that the platforming works skirt the RPAs, with less than 20% incursion into the nearest, so it was not necessary to change the house design or to move it further away. The appellant offered, in the same letter, to erect a retaining wall on the west side of the dwelling – outside the RPAs – approximately 500mm high and four or five metres long, to make absolutely certain that no soil within the RPAs is disturbed while benching for a level foundation. Neither the Planning Officer nor the Landscape Architect have responded to that letter.



Roads Planning: No objection. Conditions recommended in respect of service layby, passing place, parking and turning, and measures to prevent the flow of water onto the public road.

GUIDANCE

The application is to be considered in the light of Local Plan policy HD2 'Housing in the Countryside' and supplementary planning guidance 'New Housing in the Borders Countryside'. Policy HD2(A) says,

(A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or buildings currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented;
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts;
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

The key parts of the supplementary guidance are the Standard Criteria:

1. *No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;*
2. *Satisfactory access and other road requirements;*
3. *Satisfactory public or private water supply and drainage facilities;*
4. *No adverse effect on countryside amenity, landscape or nature conservation;*
5. *No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;*
6. *Appropriate siting, design and materials in accordance with the relevant Local Plan policies;*
7. *The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.*

And the factors to be taken into account:

- *The scale and siting of new development should reflect and respect the character and amenity of the existing group, and the individual houses within the group;*
- *New development should be limited to the area contained by that sense of place;*
- *Any new build should be located within a reasonable distance of the existing properties within the building group, the distance between existing properties and proposed new build should be guided by the spacing between the existing properties within the group;*
- *Proposals which involve the formation of new public roads for access (and public street lighting) will normally be of too large a scale;*
- *Sites should not normally break into a previously undeveloped field or require the removal of mature trees in good condition;*
- *Sites within 400m of existing intensive livestock units, will not normally be permitted unless required in connection with the farm or business itself;*
- *Sites close to working farm buildings or other rural industries will be given careful consideration to ensure no potential conflict;*
- *Existing groups may in themselves be complete, such as terraces of farm cottages and may not be suitable for further additions;*
- *Extensions of ribbon development along public roads will not normally be permitted;*
- *There will be a presumption against development which would result in the coalescence of a group with a nearby settlement;*
- *The use of Section 75 Agreements will be considered, for example, to restrict further housing at a building group.*

THE BUILDING GROUP

The immediate building group consists of seven dwellings, the ruin of the old church, the village hall and a number of ancillary buildings. As identified by HES, it is a dispersed group, with many buildings scattered beyond. A map of the central part of it is adjacent – the dwellings coloured orange and other buildings coloured green; the location of the proposed house is indicated by the red circle. There can be little doubt that the proposal relates appropriately and properly to the group. Recent additions to the group, lying to the south-west, are both more dispersed and further from the core dwellings.



The parcel in question is said to be previously developed land – the site of the former Lamberton Farmstead, demolished around 70 years ago. It is easily distinguished from the open fields to the north and east because it is unlevel, strewn with building stone, and grows nothing but weeds. It naturally attaches to the cluster of buildings

rather than to the open fields below. The plot is within the parcel of waste ground, at the southern end, separated off by a fence. It does not break into a previously undeveloped field. The council's Landscape Architect described it well, saying, "There is no problem, in principle, in adding a single house to the existing settlement provided it appears to fit with existing features, which includes some buildings and a group of trees which provide a visual anchor point."



1. The plot from the A1



2. View from the A1. One building group, or two?



3. The plot relates better to the core of the group than does the ribbon of newer additions to the west.



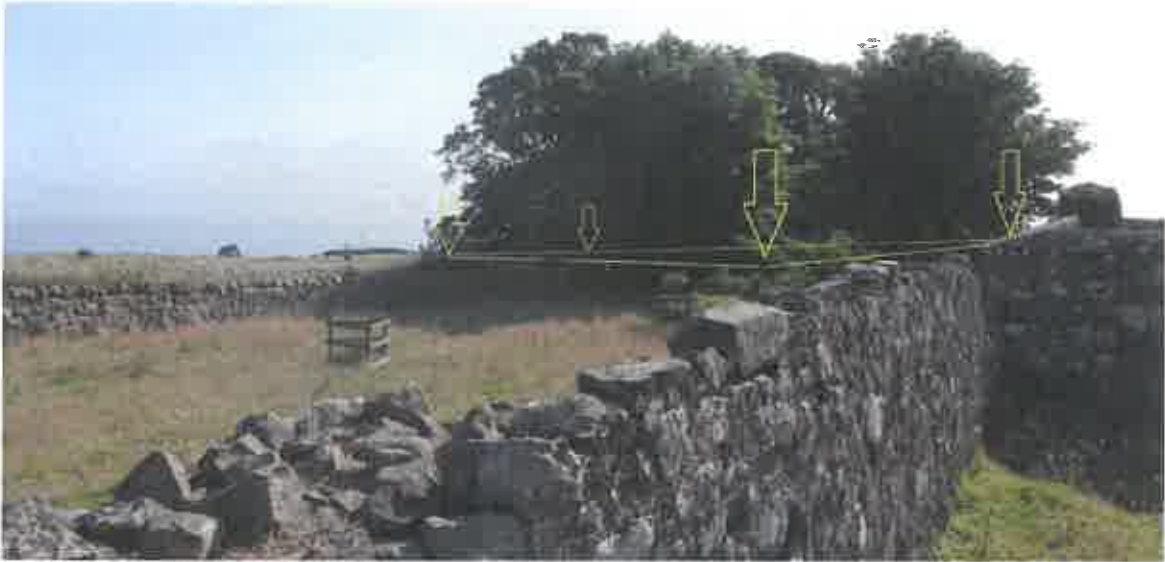
4. From the Border lay-by ... this looks like one big, dispersed group.



5. Close relationship seen from the bridge over the A1 at the Lamberton junction – plot edged and shaded red.



6. From the junction to the west – the arrow marks the ruined church and the ellipse indicates the location of the plot, which is screened by the trees.



7. From the ruined church, a Scheduled Monument. The plot is entirely screened by trees (yellow arrows, scaled in perspective, indicate the location of plot corners).



8. Another view from the ruined church. The plot is entirely screened. Yellow arrows indicate the NE and SE corners.



9. Looking east from the farm track above the building group – the ruined church is circled in red; the location of the plot, screened beyond the trees, is indicated by the yellow ellipse.

CASE ON BEHALF OF THE APPELLANT

The principal reason for refusal at first instance says, “*The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 – Housing in the Countryside – and Supplementary Planning Guidance New Housing in the Borders Countryside, as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting.*” Yet we see the site is, in fact, located within an existing building group of seven dwellings – its relationship secured by the ‘anchor points’ referred to by the council’s Landscape Architect; and with the sense of place identified by Historic Environment Scotland. The group is described as ‘dispersed’ and the distances between group members are greater than the distances between existing dwellings and the proposed house. The proposal thus meets the test of policy HD2(A). It also meets the seven Standard Criteria from the supplementary guidance; and satisfies all eleven of the other factors to be taken into account in determining such applications. The Appellant believes the Planning Officer simply made the wrong call in this instance.

The second reason for refusal at first instance says, “*The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 – Archaeology – in that the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument – Lamberton Church.*” Yet we see unequivocal support from Historic Environment Scotland, concurred with by the council’s Archaeology Officer ... with the addition of practical suggestions for researching the history of the plot while construction works are carried out. It was just plain wrong to offer non-compliance with policy EP8 as a reason for refusal.

The Appellant’s full and detailed application for permission to erect one new dwelling at the south end of the parcel of waste ground provided more and better information than did the outline applications of 2006/7. There are no objections to the current proposal from statutory consultees. The Appellant has answered all points raised by local objectors. It is difficult to see how the recommendation for refusal arose; it appears ill-founded.

The Appellant is from the Borders and he wishes to return to the Borders. He owns a parcel of waste land – described in the Planning Officer’s report as ‘overgrown scrub’ – which is eminently suitable for the erection of a single dwelling. Access is good, services are nearby and septic tank drainage will work well. The Appellant has invested considerable resources in making his planning application; it includes a topographical survey and full plans, and has involved additional work in response to representations – notably the RPA calculations in accordance with BS5837:2012. There is a regional shortage of housing land and Scottish Borders Council is currently processing a ‘call for sites’ to resolve a shortfall of housing land in its Local Plan. This proposal will, in its own small way, contribute to supply. The grant of consent will procure a local road improvement (a service lay-by and passing place); and, notwithstanding that the Appellant’s own children are well beyond school age, his consent will raise £5,866

towards the provision of local education facilities. Construction of the house will benefit the local economy; and the Appellant will become a Council Tax payer.

The proposed house has been carefully designed and sited to complement the existing settlement. Careful consideration has been given to height, massing, traditional appearance, orientation, precise positioning, relationship with neighbouring buildings and fenestration. It affects neither the right of way nor the ruined church. The nearby trees are not at risk. An archaeological 'watching brief' during construction will reveal and record whether any older buildings existed on the building platform.

This application has compelling merits. It should not have been considered borderline; determination at first instance should not have taken ten months and it should not have been refused.

PLEA

The Appellant craves that this appeal is allowed and planning consent for application reference 16/00947/FUL is granted with conditions to accord with the comments made by statutory consultees.

Prepared 23rd July 2017 by:

A H Garratt LL.B FRICS FAAV



The Guildhall, Ladykirk, Berwickshire, TD15 1XL.
Tel: 01289 382209 / 07702 091626.
E-mail: ahg@smithandgarratt.com



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemsAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100020059-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application. (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Smith & Garratt		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hugh	Building Name:	The Guildhall
Last Name: *	Garratt	Building Number:	
Telephone Number: *	01289382209	Address 1 (Street): *	Ladykirk
Extension Number:		Address 2:	
Mobile Number:	07702 091626	Town/City: *	Berwick-upon-Tweed
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD15 1XL
Email Address: *	ahg@smithandgarratt.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	4b Carrer Cap de Moro
First Name: *	Malcolm	Building Number:	
Last Name: *	Pearson	Address 1 (Street): *	La Drova
Company/Organisation:		Address 2:	Barx
Telephone Number: *		Town/City: *	Valencia
Extension Number:		Country: *	Spain
Mobile Number:		Postcode: *	46758
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

657407

Easting

396948

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Refers to our proposal to revisit 08/00022/OUT (refused and decision upheld at appeal). Policy D2 limit reached in local plan period. Poor relationship to group. These points are overcome by the adoption of the new Local Plan and redesign.

Title:

Miss

Other title:

First Name:

Lucy

Last Name:

Hoad

Correspondence Reference Number:

Date (dd/mm/yyyy):

26/11/2014

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.25

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Disused paddock.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Septic tank and tall drain soakaway. Details to be provided post percolation test.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

The proposal includes bin storage in the large garage.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Hugh Garratt

On behalf of: Mr Malcolm Pearson

Date: 03/08/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Covering letter.

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

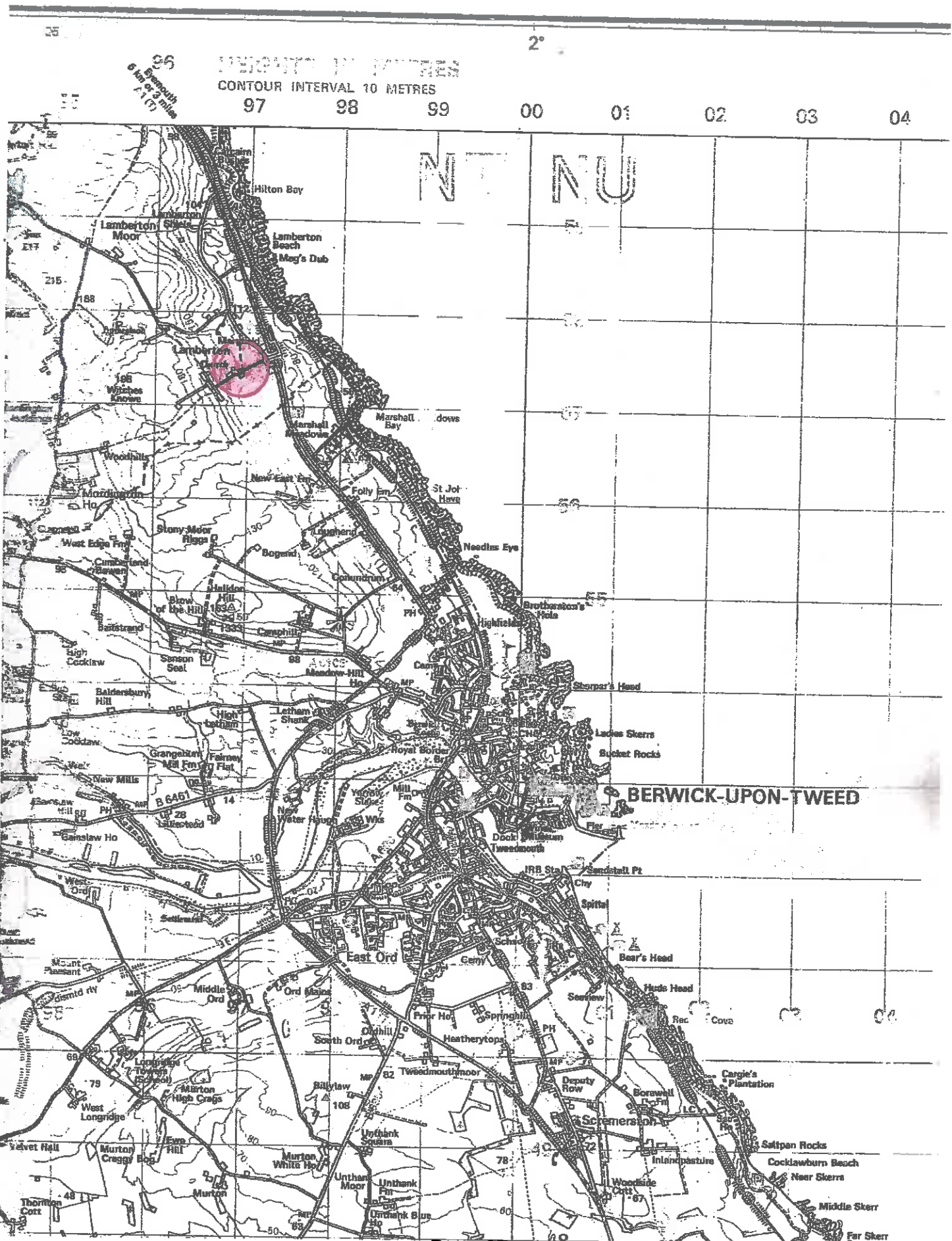
Declaration Name: Mr Hugh Garratt

Declaration Date: 03/08/2016

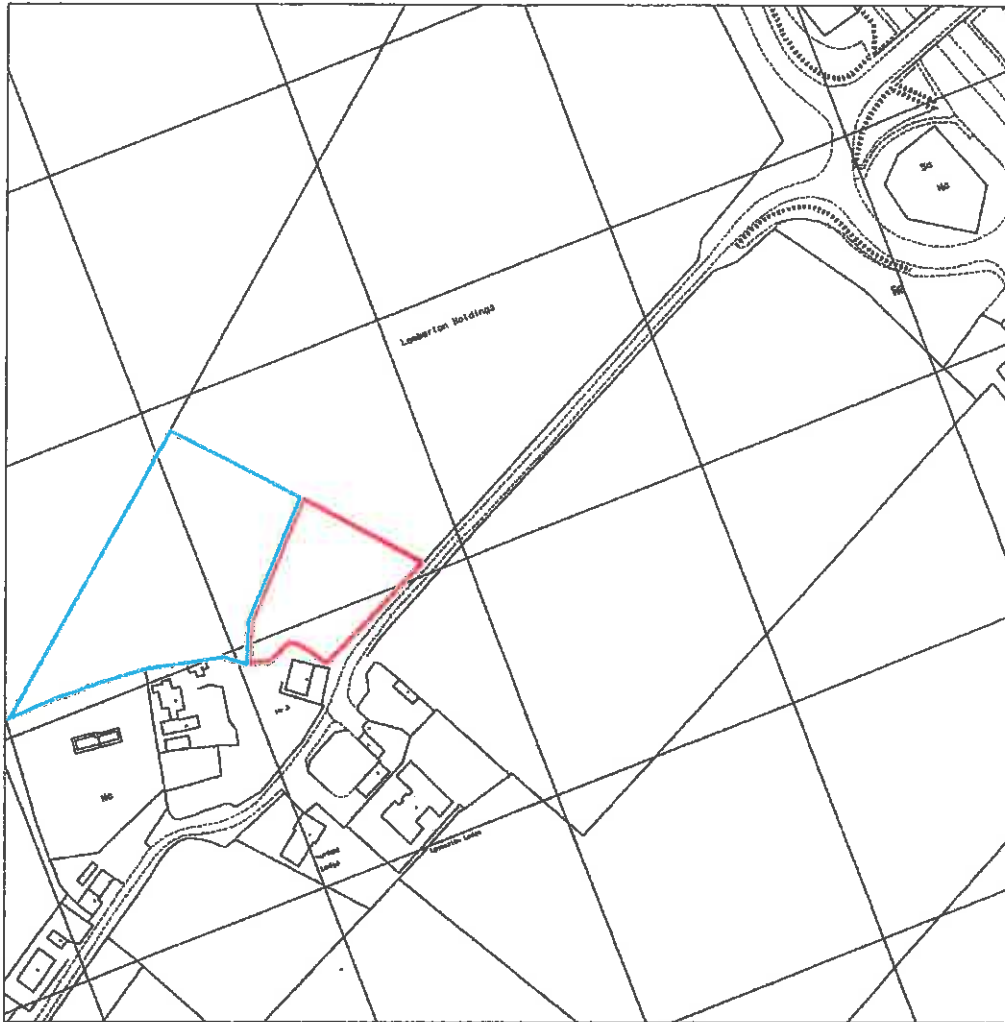
Payment Details

Cheque: Pearson, 007

Created: 09/08/2016 10:50



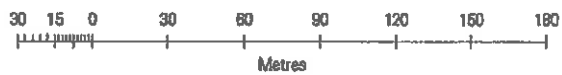
Proposed dwelling at Lamberton. Application site bounded in red; other land in the applicant's control bounded in blue.



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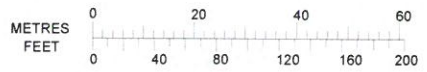


Centre Coordinates: 397022 667410

National Grid sheet reference at centre of this Siteplan: NT9757

Supplied by: Browns Newsagents
Serial Number: 00238100





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Notes

All dimensions are approximate. Do not scale from drawing.

Issues and Revisions

NO	DATE	REVISION
001	000	PROPOSED NEW HOUSE

MPA AHC 2201/3

Client

Mr & Mrs PEARSON

Project

PROPOSED NEW HOUSE
 Lamberton, Berwickshire

Drawing

SITE PLAN

Drawing Number	Scale
PL 900 001 000	1:500

ELEVATION - North East
1:100



ELEVATION - North West
1:100



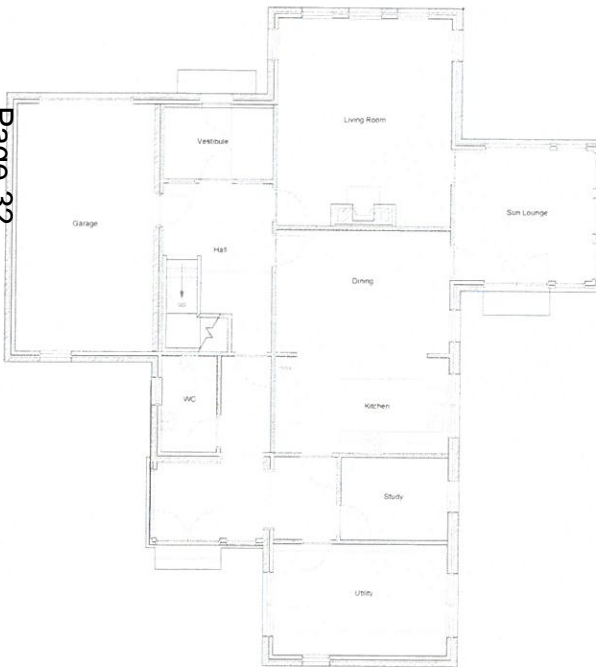
ELEVATION - South West
1:100



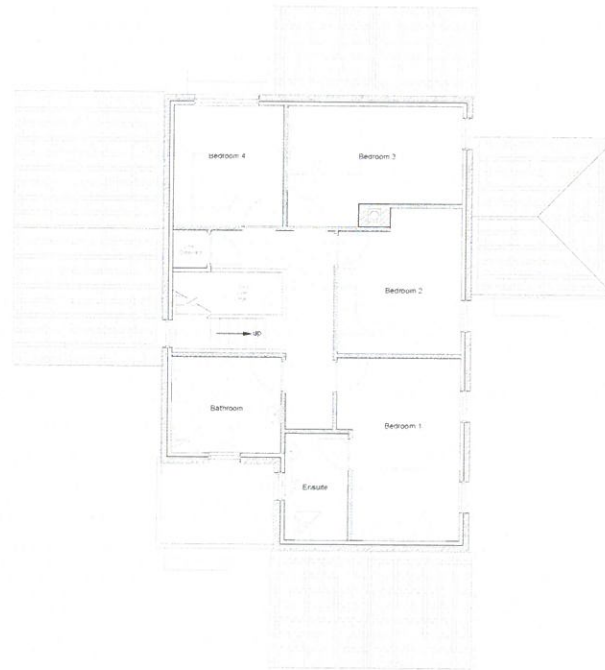
ELEVATION - South East
1:100



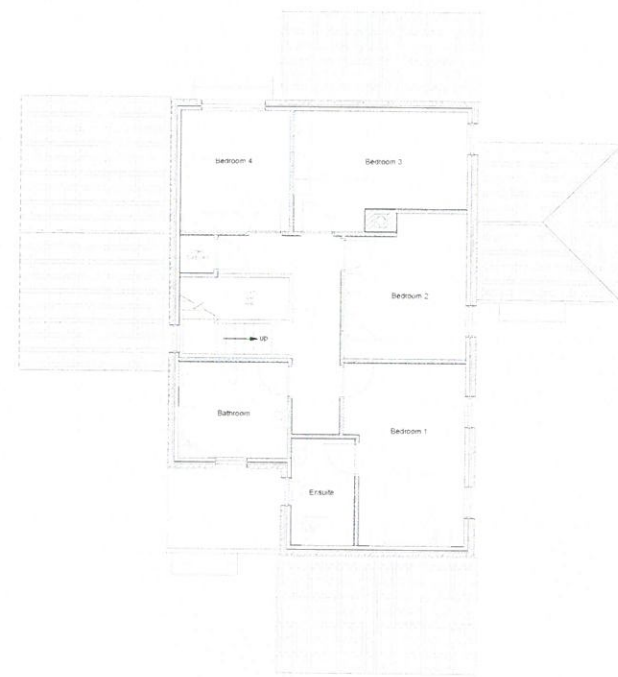
PLAN - Ground Floor



PLAN - First Floor



PLAN - Roof Level



Client: Mr & Mrs PEARSON

Project: PROPOSED NEW HOUSE

Location: BARKING

Date: 12/01/2011

Scale: 1:100

Notes:

Issue 01: 12/01/2011

Scale: 1:100

Drawn by: PEARSON

Client: Mr & Mrs PEARSON

Project: PROPOSED NEW HOUSE

Location: BARKING

Drawings: PLANS & ELEVATIONS

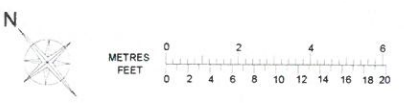
ALL LEVELS

Drawing Number: PL 100 001 000

Scale: 1:50

Date: 12/01/2011

Page 32



SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00947/FUL
APPLICANT : Mr Malcolm Pearson
AGENT : Smith And Garratt Rural Asset Management
DEVELOPMENT : Erection of dwellinghouse with attached garage
LOCATION: Land North East Of The Old Church
Lamberton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
ELEVS PLANS SE SW	Site Plan	Refused
	General	Refused
	Elevations	Refused
	Elevations	Refused
	Floor Plans	Refused
	Floor Plans	Refused
NE	Roof Plan	Refused
	Elevations	Refused
	Photos	Refused

NUMBER OF REPRESENTATIONS: 7

SUMMARY OF REPRESENTATIONS:

Community Council: Objection. Main concerns
Loss of right of way
Visual impact on landscape
Out with building group

Lamberton Hall and Lamberton Church Committee: Objection, main points
Objects to suggested re-route by Right Of Way by Access Officer.
Right of way should be maintained
Adverse impact on setting of listed building

5 No objections have been received - main points raised include:
Impact on landscape setting
Impact on setting of Scheduled Ancient Monument Lamberton church
Out with Building group
Impact on Right of Way that should be maintained
Traffic/road safety during
Impact on water supplies

Ribbon development
Design and scale of house
Impact on trees

Access Officer: No objection. Points out the Right of Way BB53 would be directly affected by the proposals. Recommends conditions to ensure path is maintained open and free in perpetuity. Suggests possibility for diversion to pathway.

Landscape Officer: Objects to siting and design with negative impact on root protection area of trees leading to tree loss over time.

Historic Environment Scotland: No objection The setting of the church would not be significantly impacted,

Archaeologist: No objection but encourages a balanced view be taken formed on the basis of policy EP8a. Notes and concur with the comments of Historic Environment Scotland pointing out that there will be impacts to the setting of the Scheduled Ancient Monument Lamberton Church that fall under the threshold of national significance. The proposal will not further interrupt views from the Border, but will cumulatively add to the sense that the church and its setting are diminished by the growth of the settlement. Recommends that an evaluation of the development area take place with Watching Brief.

EHO: No objection. Conditions recommended in respect of water and drainage.

Roads Planning: No objection. Conditions recommended in respect of service layby, passing place, parking and turning, and measures to prevent the flow of water onto the public road.

Education: The development is located within the catchment area for Eyemouth Primary School and Eyemouth High School. A contribution of £2438 is sought for Primary School and £3428 is sought for the Secondary School

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Local Development Plan 2016

PMD2 Quality Standards
HD2 Housing in the Countryside
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
IS2 Developer Contributions
IS5 Protection of Access Routes
IS7 Parking Provision & Standards

SPG New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 17th March 2017

History

08/00023/REF An application for the erection of 2No dwellings Land North East Of Old Church Lamberton was refused and dismissed on appeal in 2008, the reporter noting several issues within his report to include the fact that the site would not be well related to the existing group, being a departure from its character and built form, the adverse impact on the setting of the SAM Lamberton Church and the wider landscape.

15/00743/PPP Erection of dwellinghouse Land South of Border View 8a Lamberton Holding Lamberton Approved 16/09/2015

Site

The application site (0.25 ha) is a broadly rectangular area of ground forming part of a paddock, located to the north east of the Old Church at Lamberton Berwickshire. The former church (Scheduled Ancient

Monument) forms the northern edge of a small building group of 7 dwellings comprising a mixture of traditional and modern properties.

The council's archaeologist notes that the site lies within an area of archaeological interest, taking into account the potential for a 12th century settlement being located in the vicinity.

The ground (comprising overgrown scrub) is separated from the church and building group by a woodland belt and boundary planting. The BB53 Right of Way runs through the site. The land slopes down from a knoll upon which the former church/monument sits to the A1 trunk road to the east.

Proposal

The application seeks planning permission in full for the erection of 1 No dwelling within the southern section of the application site, with access to be taken from the existing minor public road to the south. The plans accompanying the application detail a 2 storey (with attic) house with pitched roofing, to include central main section and several minor offshoots (with garage and sunroom). The proposed design and materials are traditional in style and similar to other rural housing found in the Berwickshire locality. It is proposed to undertake earthworks to create a level platform for the house position, taking into account the topography.

The plan illustrates that the building would be set back in the plot from the roadside and sit in line with the property No3 to the south west, at a slight angle to the public road. The dwelling would be visible on the skyline from sections of the A1 trunk road to the east, as traffic travels north.

It is noted that the Community Council are not supportive of the application, concerned over the siting and scale of the proposed dwelling to include an adverse impact on the landscape, with house positioned outside of the building group, and the restriction to/loss of an established right of way.

The Landscape Officer has raised concerns over the proposed earthworks impinging on tree root protection areas with potential tree loss. The officer objects to the current layout suggesting the dwelling be re-located further away from the existing trees, and re-designed to take account of the sloping nature of the site. The officer notes that the property would appear on the skyline from views from the A1 trunk route. The Access Officer confirms that the right of way BB53 would be affected by the proposals, recommending a condition to ensure that the path is kept open, and suggesting potential for a re-route/diversion of the track. The agent contends that the proposed house is not located on the path and would be outwith the RPA of the trees.

Policy

Any application for a dwellinghouse in the countryside must be assessed against the prevailing policies and, in this case, it is mainly Local Plan policy HD2- Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside. Policy EP8 Archaeology seeks to protect archaeological assets and is relevant given the history of the site.

Assessment

The landform and existing buildings, to include village hall and ruined church Scheduled Ancient Monument at this location provide for a real sense of place. A single track public road runs through the small group terminating at farm holdings further to the west. The site on the north side of the minor road is regarded as being a greenfield site, forming part of an undeveloped field that occupies an elevated position on the hill slope facing east towards the coastline and A1 trunk route. On the north side of the minor road the existing building group is bounded to the north west by mature woodland and boundary planting that provides a strong landscape edge to this grouping. The proposed dwelling, set at a distance apart from the group beyond the treeline and planting, would therefore would not relate well to these properties, nor would it contribute to the contained sense of place or character of the group.

Given the above, it is considered that the application should be refused, as the site would not have a satisfactory relationship to the existing building group or contained sense of place at this location as required by Policy HD2 A Building Groups. In addition the proposed house would appear as a prominent feature on the skyline as viewed from sections of the A1.

It should be noted that in reviewing the decision of the Reporter (appeal (08/00023/REF) the officer had concluded that the appeal site (wider paddock) would not be well related to the existing group and would be a departure from its character and built form. The presence of the trees on the edge of the group was considered to contribute to the demarcation of the group and their health and longevity recognised. The

Reporter concluded that the development of the appeal site would cause an unacceptable impact on the landscape as the development could not be integrated satisfactorily into the wider environment.

In consideration of the current application the view of The Reporter is a material consideration. The current development, although of a smaller scale, would have an adverse impact on the landscape setting given its poor relationship to the group.

In reviewing the history of applications for the paddock site the Reporter has specifically referred to protection of the setting of the scheduled Church, noting that in its elevated position, the church commands wide ranging views to north, northeast and southeast across the coastal area towards the sea. He states that protection of the setting requires the remaining views to and from the site over a wide area both north and south of the border, to be kept free.

It should be noted that concerns have been raised by objectors to the potential impact on the setting of the ancient church given the topography and long views into the site from sections of the surrounding networks of travel. Whilst the archaeologist and Historic Environment Scotland have not objected to the development on its own, the proposal raises questions over the potential for further erosion of the setting of the Scheduled Ancient Monument Lamberton Church taking into account the cumulative impact from the pattern of development of the group over time.

On balance, taking into consideration the fact that the development would be read in conjunction with the SAM in long views into the site, the application should be refused to avoid erosion of the setting of the Church. The assessment takes into account the recent development on the south-western side of the group, fronting the minor road through the group, this expansion being the most logical extension to the grouping, given the above constraints. (The most recent approval for a dwelling was under application 15/00743/PPP).

Design

Whilst the design of the development is typical of modern rural housing in the Borders countryside, the presence of the dwelling would create a new visual feature in the landscape setting with potential to compete with the scheduled ancient monument.

Other matters

It should be noted that, if the application were to be approved it would attract development contributions of towards Education and Lifelong Learning.

Roads required several works to include service layby, passing place, parking and turning, with measures to deal with water flow to roadway.

Nuisance concerns have been raised over use of drainage with condition sought for maintenance. A watching brief to detail a written scheme of investigation (Watching Brief) would be required.

REASON FOR DECISION :

The proposals are not acceptable as they do not comply with Scottish Borders Local Plan policy HD2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is located outwith the existing building group, would not be contained within the identifiable sense of place and there are no economic needs or benefits to the local community that would justify approval in this case.

Recommendation: Refused

- 1 The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 - Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting.

- 2 The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 - Archaeology, in that the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument - Lamberton Church.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/00947/FUL

**To : Mr Malcolm Pearson per Smith And Garratt Rural Asset Management The Guildhall Ladykirk
Scottish Borders TD15 1XL**

With reference to your application validated on **5th August 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse with attached garage

At : Land North East Of The Old Church Lamberton Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 9th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00947/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
ELEVS PLANS SE SW	Site Plan	Refused
	General	Refused
	Elevations	Refused
	Elevations	Refused
	Floor Plans	Refused
	Floor Plans	Refused
NE	Roof Plan	Refused
	Elevations	Refused
	Photos	Refused

REASON FOR REFUSAL

- 1 The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 - Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting.
- 2 The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 - Archaeology, in that the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument - Lamberton Church.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

16/00947/FUL

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Issues and Revisions

Issue No.	By	Date	Description
001	000	000000	Original

1:000000
MPA / AHG 15/10/14

Client

Mr & Mrs PEARSON

Project

PROPOSED NEW HOUSE
Lamberton, Berwickshire

Drawing

PLAN
NORTH EAST ELEVATION

Drawing Number				Scale at A2
series	number	sub no.	revision	
PL	001	001	000	1:50



Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED
subject to the
requirements of the
associated Decision
Notice



16/00947/FUL



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Issues and Revisions

Issue	Number	Originator
001	000	
MPA AHC	15/10/14	

Client

Mr & Mrs PEARSON

-
-
-

Project

PROPOSED NEW HOUSE
Lamberton, Berwickshire

Drawing

PLAN
SOUTH EAST ELEVATION

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



Drawing Number

series	number	issue	revision
PL	002	001	000

Scale at A2

1:50

16/00947/FUL

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Issues and Revisions

Rev	Issue	Originator
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1	1	MPA/ANG

Client

Mr & Mrs PEARSON

Project

PROPOSED NEW HOUSE
Lamberton, Berwickshire

Drawing

PLAN
SOUTH WEST ELEVATION

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



Drawing Number				Scale at A2
series	number	issue	revision	
PL	003	001	000	1:50

16/00947/FUL



Page 44

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Issues and Revisions

Issue	Revised	Originator
001	000	
Drawn	18/10/14	
Checked		
Approved		

Client

Mr & Mrs PEARSON

-
-
-

Project

PROPOSED NEW HOUSE
Lamberton, Berwickshire

Drawing

PLAN
NORTH WEST ELEVATION

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

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requirements of the
associated Decision
Notice



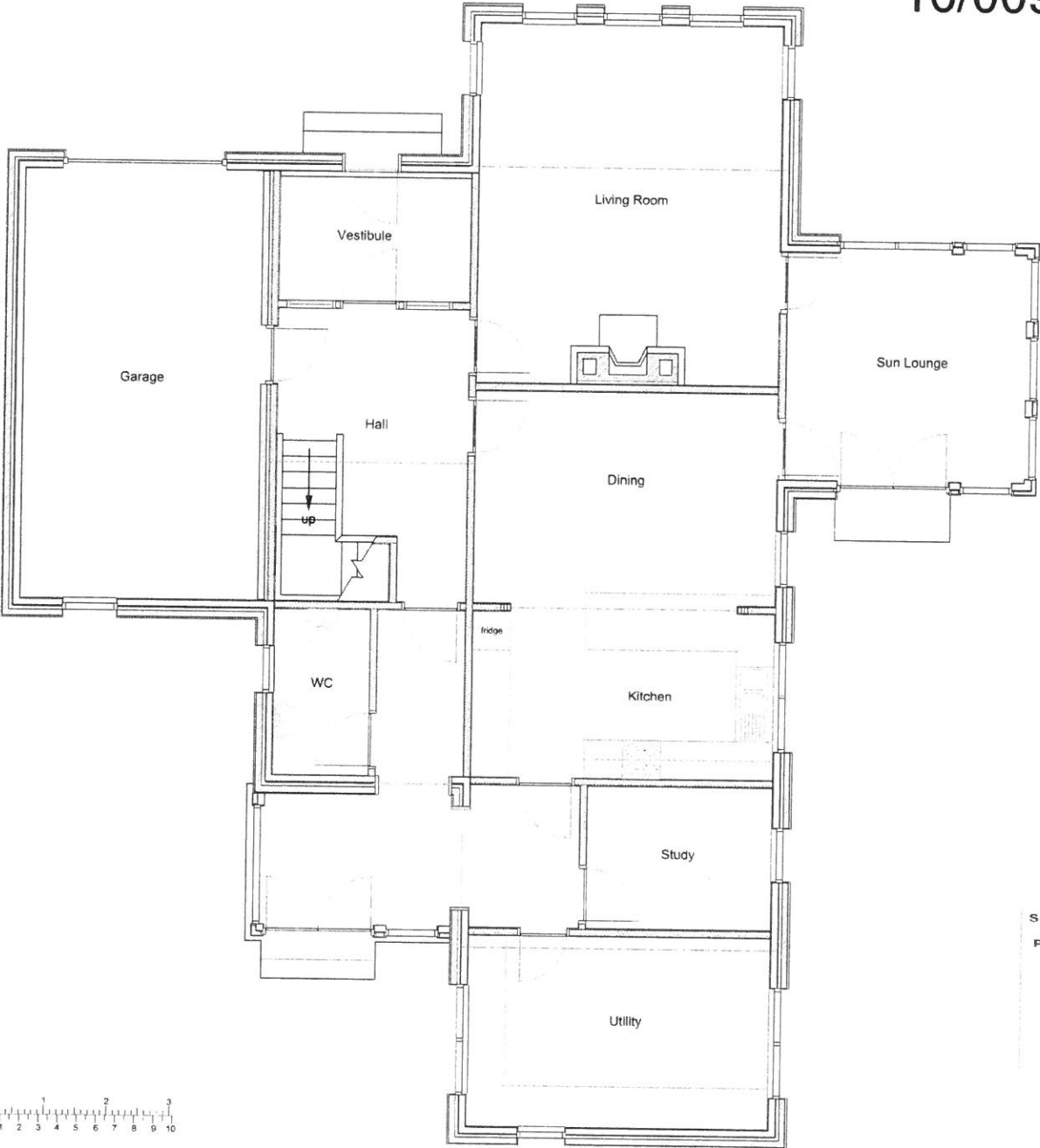
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16/00947/FUL



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Issues and Revisions

Issue No.	Date	Description
001	13/12/14	Original

Client

Mr & Mrs PEARSON

Project

PROPOSED NEW HOUSE
 Lamberton, Berwickshire

Drawing

PLAN
 GROUND FLOOR

Scottish Borders Council
 Town And Country
 Planning (Scotland) Act
 1997

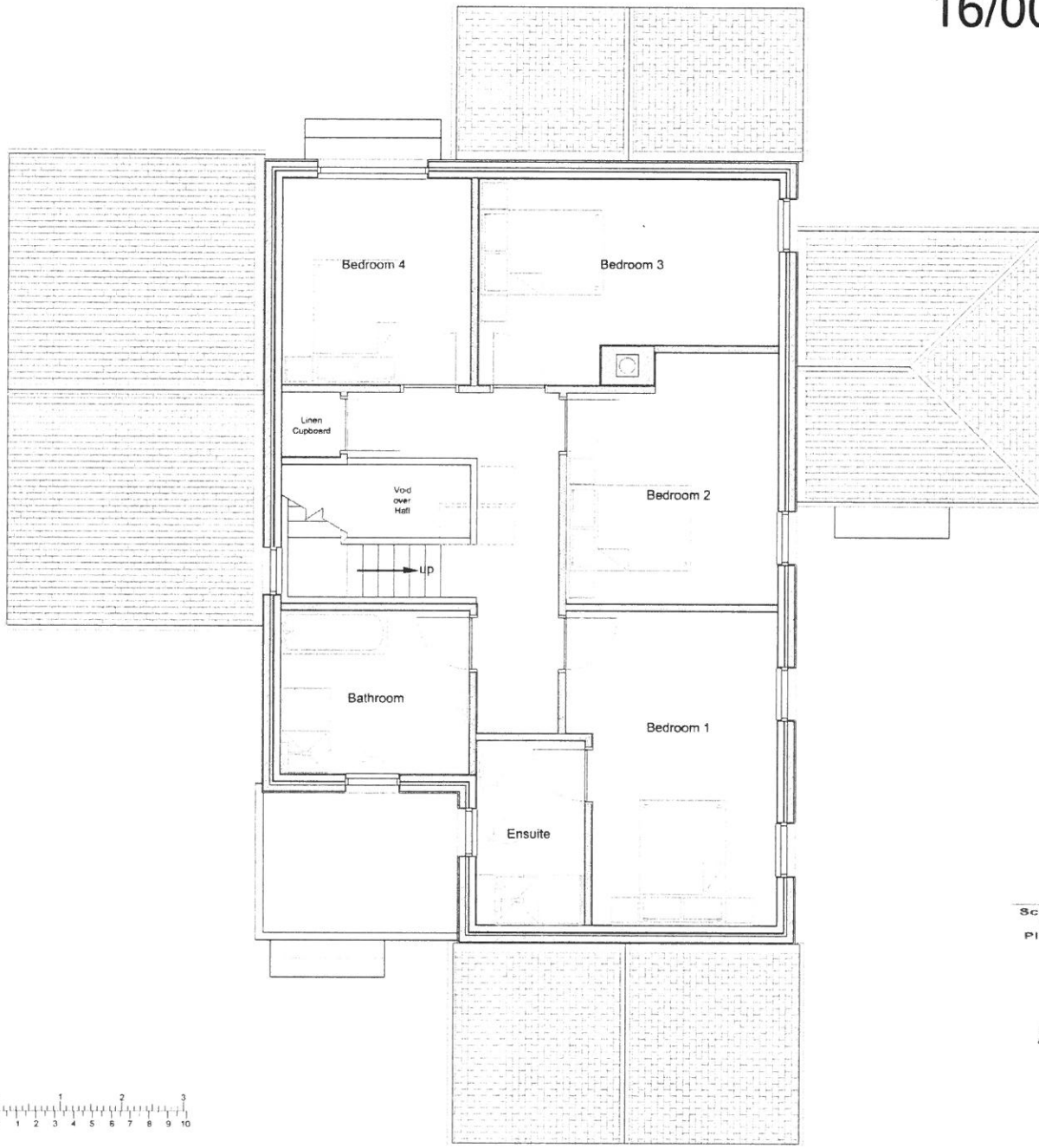
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 associated Decision
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Page 45



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series	number	sheet	revision	
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Issues and Revisions

Issue	Date	Revision	Originator
001	2000		

Client

Mr & Mrs PEARSON

Project

PROPOSED NEW HOUSE
 Lamberton, Berwickshire

Drawing

PLAN
 FIRST FLOOR

Scottish Borders Council
 Town And Country
 Planning (Scotland) Act
 1997

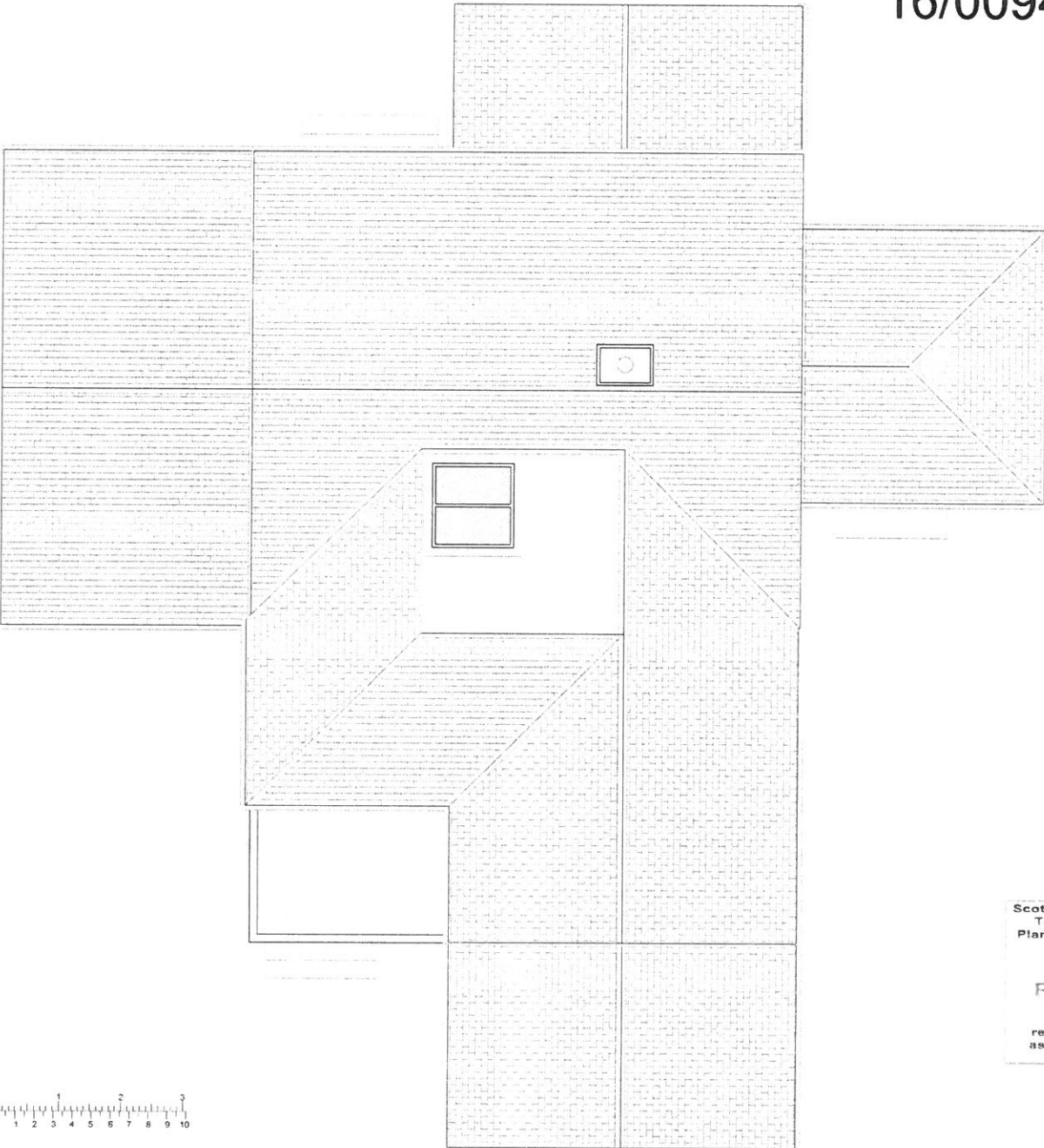
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series	number	issue	revision	
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16/00947/FUL



Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

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Issues and Revisions

Issue No	Notes	Originator
001		

Track Date
MPA AHG 18/10/14

Client

Mr & Mrs PEARSON

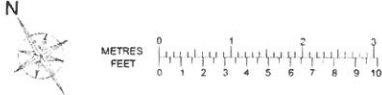
Project

PROPOSED NEW HOUSE
Lamberton, Berwickshire

Drawing

PLAN
ROOF FLOOR

Drawing Number				Scale at A2
series	number	issue	revision	
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Directorate for Planning and Environmental Appeals

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Edward Hitchings, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/140/381
- Site address: northeast of the old church, Lamberton, Berwickshire, TD15 1XB
- Appeal by Mrs M.L.Weddell against the decision by Scottish Borders Council
- Application for outline planning permission 08/00022/OUT dated 28 December 2007 refused by notice dated 22 April 2008
- The development proposed is the erection of 2 dwellings
- Application drawings: site plan with indicative layout
- Date of hearing: 30 September 2008

Date of appeal decision: 6 November 2008

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. The determining issues in this appeal are: (1) whether the proposal accords with policy N14 of the Scottish Borders Structure Plan (SBSP) and with policies G1 & D2 of the adopted Scottish Borders Local Plan (SBLP); and notwithstanding (2) whether approval or refusal is justified by other material considerations.
2. The council agrees that, after allowing for permissions granted, in principle, the addition of a further 2 dwellings to the group of houses and other buildings (the group) adjacent to the old church at Lamberton would comply with policy D2 of the SBLP. Therefore, the key considerations are whether the site is suitable for this purpose taking account of the setting of the ruined church, a Scheduled Ancient Monument (SAM), the relationship to the existing building group, and any effect on the wider landscape.
3. The group is sited on the shoulder of a hillside in a prominent position above the sea and coast road and less than ½ mile from the national border. The ruins of the church offer little of architectural interest, but the church played a significant role in history, particularly in the union of England and Scotland. Apart from the historical associations, the importance of the monument lies in its prominent position on a knoll that is the highest point within the group. At one time, without the buildings and trees on its eastern side, the church must have been the main focus of views from the sea and coastal plain. The reduction of the church to low walls, adjoined by later buildings and trees, particularly the prominent belt of trees to the east, has much reduced its dominating position in the

4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR
DX 557005 Falkirk www.scotland.gov.uk/Topics/Planning/Appeals



landscape. Nevertheless, in this elevated position the church site still commands wide ranging views to north, northeast and southeast across the coastal area towards the sea.

4. I consider that the protection of its setting requires the remaining views to and from the site over a wide area both north and south of the border, to be kept open. The appeal site is part of a larger enclosure, of which the north-western part is the foreground of views to the northeast from the church site. The appeal site has been defined to exclude this area. This definition of the building site would substantially protect existing views from the site, although in some sharply angled views from the northern part of the churchyard, part of the development site would be visible.
5. Of greater concern are the effects on views from the northeast, in particular from the footpath that crosses the appeal enclosure. Although this footpath is impassable at present, because of overgrowth and barbed wire fences, it is reasonable to assume that its condition can and should be remedied. Approaching from the northeast, the existing buildings of the group are set on the far side of the church knoll and behind substantial trees, thus allowing the monument site to be appreciated in a less domesticated setting. New houses on the appeal site would be in the foreground and become the dominant features of these views, reducing to insignificance the low stone walls of the monument. I conclude that the proposal would adversely affect the setting of the SAM contrary to SBSP policy N14.
6. At present, the form of the group is generally linear taking direct access from the road that skirts the southeast side of the monument. To my mind, there is a sharp demarcation on the eastern side of the group between the grounds of Lamberton Lodge and Lamberton Nursery and the open agricultural landscape sloping down towards the coast. This distinction is reinforced by the double line of large sycamore and some ash trees along the boundary between the Nursery and the appeal site. Although some of these trees are in poor condition, most are growing well in this exposed situation and have a reasonable life expectancy. I consider that the development of the appeal site would not be well related to the existing group and would be a departure from its character and built form, contrary to SBLP policies D2 & G1.
7. Furthermore, the appeal site is part of an enclosure that in the past was little different from adjoining agricultural land, but became used as an informal horse jumping ring, and, more recently, has been entirely neglected. I see no reason why it should not be cleared and reused for agriculture. Therefore, its current neglected condition adds no weight to the case for its development.
8. By reference to sub-clause (ii) of policy N14 harm to the setting of a SAM may be justified if there are no reasonable alternative means of meeting a development need. The most recent development of the group has taken place on the south-western side of the group fronting the road. If further houses are to be added to the group, there appears to me to be scope for similar development on this road frontage that would cause little or no harm to the setting of the SAM.
9. I have also considered the effect of the development on the wider landscape. The existing building group is clearly visible from the southeast, but for the most part the buildings are set against a background of trees or higher hills. Buildings on the appeal site would be clearly visible from a wide area of the coastal strip including some lengths of the

A1 coast road to north and southeast and from the lay-bys at the border crossing point. In some views, they would be seen against the background of the belt of sycamore and ash trees, but in others would be on the skyline without any background of trees or hills. Although, given time, the new buildings could be partly absorbed within new tree planting, I do not believe that they could be integrated satisfactorily into the wider environment. Therefore, I consider that the development would cause an unacceptable impact on the landscape contrary to SBLP policy D2.

10. Turning to other material considerations, although this is an outline application, the appellant included an indicative scheme for a traditionally designed country house, in the style of a manse, with a service cottage. It was suggested that Lamberton "lacks sparkle" and that this would provide a new focal point for the group. Whilst I appreciate the reason for this suggestion, I believe it would be inappropriate to introduce a new focal point that could compete for attention with the monument. As far as possible, the latter should be allowed to maintain its already rather understated presence within the group, which is heavily dependent on its elevated site and relative isolation.

11. The appellant drew my attention to the recent housing strung along a loop from the coast road. Some of the roofs are visible from the church site, but these buildings are set at a much lower levels towards the foot of the hillside, which mutes their impact as compared with the relative exposure of the proposed houses on the appeal site.

12. It is also suggested that as part of the development of this area, at present neglected and overgrown, the remainder of the enclosure should be seeded and managed as a wildlife meadow. Whilst this would be beneficial for nature conservation, I am concerned that effective management of this rather awkward residual area might be difficult to ensure in the long term.

13. I have taken into account this possible benefit to nature conservation together with all the other matters that were covered in written submissions or discussed at the hearing, but none outweigh the harm to the setting of the SAM and to the landscape that I have identified.



Edward Hitchings
Reporter

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission in Principle****Reference : 15/00743/PPP****To : Mr Derek Jordan per C/o Julie Craig The Workshop Princes Street Spittal Berwick
Upon Tweed TD15 1QX**

With reference to your application validated on **1st July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse**at : Land South Of Border View 8A Lamberton Holding Lamberton Scottish Borders**

The Scottish Borders Council hereby **grant planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, subject to the following directions:

- That an application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a) The expiration of three years from the date of this permission, or
 - b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 16th September 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed.....
Chief Planning Officer

Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Information Online

APPLICATION REFERENCE : 15/00743/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Site Plan	Approved

REASON FOR DECISION

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

SCHEDULE OF CONDITIONS

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - (a) the expiration of three years from the date of this permission, or
 - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
 Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 No dwelling shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

- 5 Two parking spaces, excluding any garaging, and turning area shall be provided within the curtilage of the site before the dwellinghouse is occupied and shall be retained in perpetuity.
Reason: In the interests of road safety.
- 6 The new vehicular access, which shall incorporate a service layby, shall be constructed to Roads specification (DC-3) prior to occupation of any of the dwelling.
Reason: In the interest of road safety.
- 7 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 8 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.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

In line with condition No 7:

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

In line with condition No 8:

The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.

If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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.

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. A form is enclosed with this decision notice for this purpose.

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

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00743/PPP
APPLICANT : Mr Derek Jordan
AGENT : GM Craig Building Contractors
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South Of Border View
8A Lamberton Holding
Lamberton
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Outdoor Access Officer: No objection. According to our records there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal.

EHO: No objection in principle subject to a condition and informative in respect of private water supply.

Archaeologist: No objection in principle subject to a condition in respect of a Written scheme of Investigation outlining a Watching Brief. The development shall require to proceed in accordance with the WSI.

Education: The proposed development, is located within the catchment area for Eyemouth Primary School and Eyemouth High School. A contribution of £3209 is sought for the Primary School and £4512 is sought for the High School, making a total contribution of £7721.

Roads Planning: The public road serving the site consists mostly of single track road. However I am satisfied that there are ample passing opportunities and the road is capable of accommodating the traffic generated by this proposal. As part of any subsequent detailed application I will require a minimum of 2 parking spaces, not including any garages, and turning to be provided within the curtilage of the site. I will also require the access to the site to be by way of a service layby, constructed to my specification DC-3.

Community Council: Whilst not objecting in principle to the development the community council considered an additional passing place would be beneficial

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Plan 2011

G1 Quality Standards for New Development
G5 Developer Contributions
D2 Housing in the Countryside
H2 Protection of Residential Amenity
INF4 Parking Provision and Standards
INF6 Sustainable Urban Drainage

SBC SPG New Housing in the Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 23rd August 2015

This application seeks planning permission in principle for the erection of a dwelling house on a rectangular piece of land to the south of the property Border View in Lamberton. The site is part of a former paddock and sits between 2 existing dwellings, No4 Fairview and No 5a Lamberton Holdings. The site is delineated by post and wire fencing to the north, south and east and timber fencing to west. There is an existing field gate allowing access from the adjacent minor public road (north) and the old A1.

Policy

Policy D2 aims to support new housing in the countryside that is associated with existing building groups. The Councils Housing in the Countryside policy requires the existence of a building group of at least 3 houses or buildings capable of conversion to residential use. It is accepted that there is an established building group at this location. Policy allows for a 30% addition to the building group or an additional two dwellings. The calculations on building group size are based on the existing number of housing units within the group at the start of the local plan period, including those units under construction or nearing completion. For this group the base line figure is considered to be 6 units to include Maple Lodge, Border View and No3 Lamberton Holdings to the north of the minor road, and Lamberton Lodge, Ivanhoe Lodge, and No5a to the south of the minor road.

During the current Local Plan period it is noted that Fairview (No4) has been consented and constructed (10/01333/FUL) and an application for outline consent on a plot to the north of Lamberton Lodge approved on 25 June 2012 has now expired (11/00218/PPP). Taking these factors into account and given the base line figure of 6 units for this group there is potential for a further dwelling to be considered under Policy D2a.

The landform, existing buildings to include village hall and ruined church SAM at this location provide for a real sense of place, and it is considered that this site, to the southern side of the track, is well related to the group being situated between 2 existing dwellings forming part of this enclosure.

Cultural heritage

The Archaeologist has been consulted and confirmed that, given the historical evidence of a former settlement in the area connected to the ruined Lamberton church, there is an increased likelihood that this development will impact on unknown archaeological features from the early historic, medieval or early modern periods. The officer notes that little evidence was uncovered in the adjacent housing plot during excavations however there would still be a requirement for a watching brief in this instance given the archaeological implications. Taking into account the proximity of the site to the ruins and evidence of a former settlement at Lamberton mitigation shall be sought via a condition.

Layout and design

The proposed plot is of an adequate size to accommodate a modest dwelling. Details of design and materials are not provided for at this outline stage, however it is noted that there is a mixture of traditional and modern housing within the group, with recent new build comprising modest bungalows constructed of

render and slate. Consideration of siting and fenestration during the detailed application stage should take account of any issues with regard to neighbouring amenity.

Access

Whilst not objecting in principal to the development the community council consider an additional passing place would be beneficial. The plot lies adjacent to the existing public road which comprises a single track road. The Roads Officer has no objections to the development, provided parking and turning is provided within the curtilage of the site. Access should be by way of a service layby. These matters can be controlled by condition. The Roads Officer considers that there will be no requirement for additional passing places at this location.

Services

The application states that it is proposed to connect to a private water supply, and to provide private drainage arrangements in order to deal with foul sewage. No details of surface water drainage have been submitted. The EHO has been consulted on the application and has no objections subject to further details of water supply being secured by condition. Drainage details will require to be assessed by Building Standards through the building warrant regulatory process.

Developer Contributions

There are no other over-riding environmental circumstances in respect of material planning concerns. A legal agreement is required to be concluded in order to secure developer contributions in respect of education provision. A contribution of £3209 is sought for Eyemouth Primary School and £4512 is sought for Eyemouth High School, making a total contribution of £7721.

Subject to conditions and conclusion of the legal agreement, the proposal for the erection of a house on this site is deemed to be acceptable.

REASON FOR DECISION :

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

Recommendation: Approved - conditions, inform & LA

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 3 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 No dwelling shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 5 Two parking spaces, excluding any garaging, and turning area shall be provided within the curtilage of the site before the dwellinghouse is occupied and shall be retained in perpetuity.
Reason: In the interests of road safety.
- 6 The new vehicular access, which shall incorporate a service layby, shall be constructed to Roads specification (DC-3) prior to occupation of any of the dwelling.
Reason: In the interest of road safety.
- 7 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 8 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.

Informatives

It should be noted that:

- 1 In line with condition No 7:

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie borehole, spring, well etc

2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

2 In line with condition No8:

The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.

If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

PLANNING CONSULTATION REPLY



To: Development Management
 F.A.O. Lucy Hoad
 From: Planning & Regulatory Services
 Contact: Mike Marsh Ext. 5267 Ref: 16/00947/FUL Date: 04 September 2017

PLANNING CONSULTATION

Nature of Proposal: Erection of dwelling house with attached garage
Site: Land north east of The Old Church, Lamberton

CONSULTATION REPLY

ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access consultation response. You should note the following:

LEGISLATION

It is the duty of local authority to uphold access rights, under the [Land Reform \(Scotland\) Act 2003](#), in doing so to, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

Rights of Way are specifically protected by law under the [Countryside \(Scotland\) Act 1967](#) sec. 46 'it shall be the duty of a planning authority to; assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

COMMENTS

According to our records there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Right of Way BB53 passes to the east of the application.

The Access Team have no objections to make regarding this proposal.

However the following condition should apply: The path indicated above must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property (*as outlined in this application*)

Reason: To protect general rights of responsible access.

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Mike Marsh

Access Ranger (East)
 Planning & Regulatory Services
 Scottish Borders Council
 Newtown St Boswells
 TD6 0S



Legend

Managed Path
(Local Community)

Managed Path SBC
(Core Path,
Promoted Route,
Aspirational Core Path)

Other (Right of Way,
Permissive/ Customary
Path,
Longer-term Aspirational Path)

Path Link on SBC-Adopted
Road (No Pavement)
(Core Path Link and
Promoted routes)

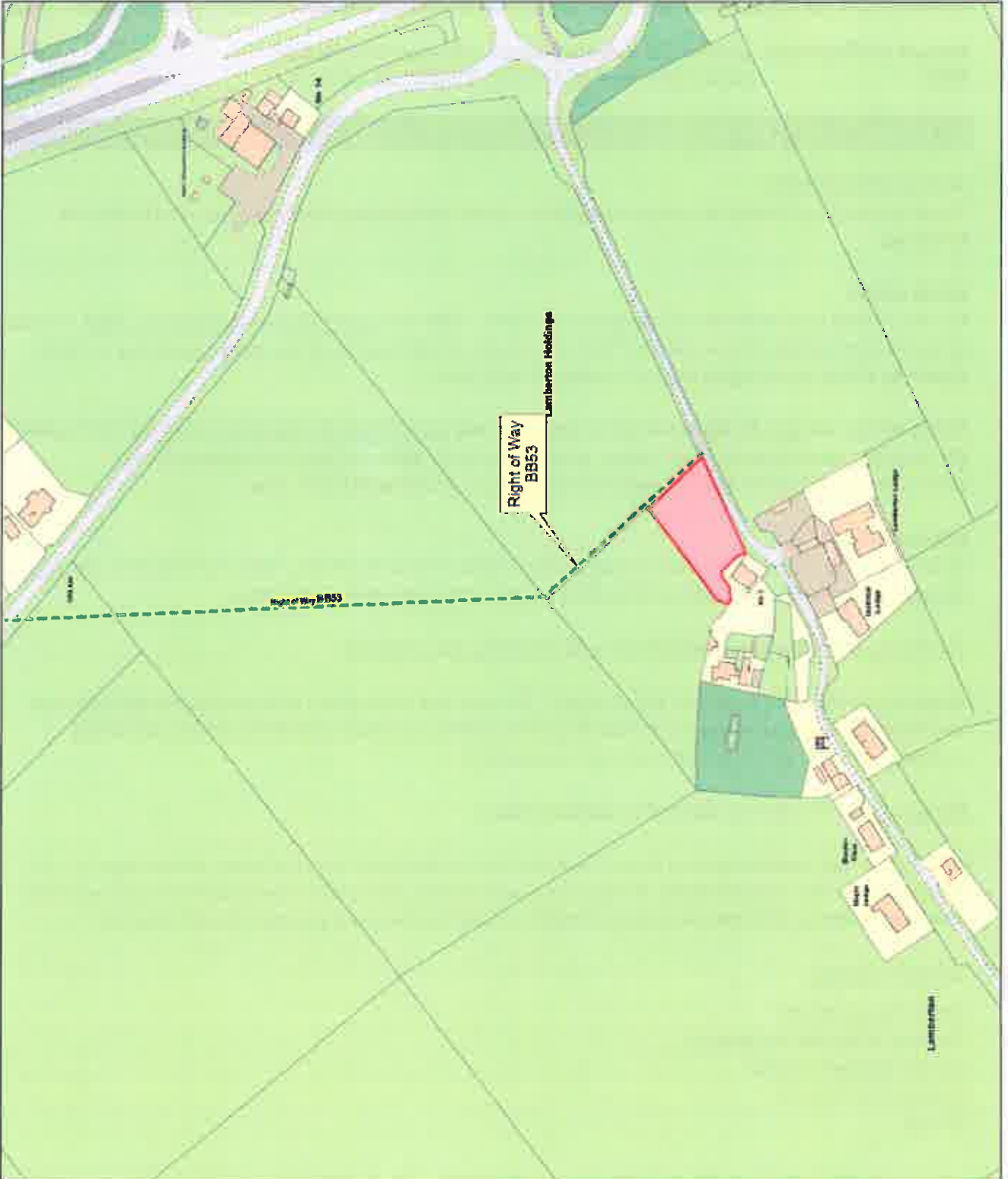
Scale: 1:1,908

This map has been prepared by the
Countrywide Access Ranges Service
of Scottish Borders Council.

For further details contact:
countrysideaccess@scotborders.gov.uk
01835 826509

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PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 8th August 2016

Contact: Lucy Hoad ☎ 01835 825113

Ref: 16/00947/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th August 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 29th August 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Mr Malcolm Pearson

Agent: Smith And Garratt Rural Asset Management

Nature of Proposal: Erection of dwellinghouse with attached garage

Site: Land North East Of The Old Church Lamberton Lamberton Scottish Borders

OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 12.08.16

CONSULTATION REPLY dated 15 August 2016

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The site is an East facing, hill side location at around 125m AOD on the north east side of the hamlet of Lamberton. Due to the elevation of the site and the alignment of the A1 trunk road north from Berwick, the site is visible and directly in the line of sight, on the skyline, when travelling north.

Nature of the Proposal

It is proposed to build a single detached house on an earthworks platform as shown on the applicant's Site Plan (drawing PL 900 001 dated 22.01.15).

Implications of the Proposal for the Landscape including any mitigation

There is no problem, in principal, in adding a single house to the existing settlement provided it appears to fit with existing features, which includes some buildings and a group of trees which provide a visual anchor point. However, there appear to be some practical difficulties with the site layout in relation to adjoining trees and this is exacerbated by the high visibility of the site position making the issue more sensitive.

Basically the proposed platforming would dig deeply into the root protection area (RPA) of the nearest adjoining tree, a sycamore, and would probably lead to the tree being lost. This would result in the new house being more exposed both physically and visually.

The matter can be resolved by changing the house design to reduce the amount of platforming required (e.g. by underbuilding so that the house can sit on a sloping site) and also by re-locating the house further away from the tree so that the RPA of the tree is not disturbed. Guidance on RPA calculation and distances is available from BS5837:2012. There appears to be ample room on the site to allow for this.

Recommendation

Given the conspicuous location of this site, I cannot support this application until the above matter is addressed.

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards
Contact: Lucy Hoad ☎ 01835 825113

Date: 26 July 2017
Ref: 16/00947/FUL

PLANNING CONSULTATION

Name of Applicant: Mr Malcolm Pearson

Agent: Smith And Garratt Rural Asset Management

Nature of Proposal: Erection of dwellinghouse with attached garage

Site: Land North East Of The Old Church Lamberton Lamberton Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Eyemouth Primary School and Eyemouth High School.

A contribution of £2438 is sought for Primary School and £3428 is sought for the Secondary School.

The new Eyemouth High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2017.

If you require any further information, please do not hesitate to contact me.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/00947/FUL
Uniform Ref	16/01551/PLANCO
Proposal	Erection of dwellinghouse with attached garage
Address	Land North East Of The Old Church Lamberton Scottish Borders
Date	29/08/16
Amenity and Pollution Officer	Forbes Shepherd
Contaminated Land Officer	

Amenity and Pollution

Assessment of Application

Nuisance

Use of Private Drainage Arrangements

Developments situated away from mains drainage will seek to discharge their waste water to a septic tank, reed bed or other private treatment system.

Issues can arise in the future if no clear legal duty exist setting out responsibility for maintaining the system. This is of particular importance when the system serves multiple properties in different ownership or when a new property connects to an existing system.

Condition

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Water Supply.

As the dwelling is serviced by a public water supply then the applicant should provide written communication from Scottish Water indicating that the dwelling will be accepted on to their supply.

It is recommended that the following condition be applied:

No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

Recommendation

Information to be Provided Before Work Commences (see conditions)

Contaminated land

Assessment of Application

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object

Conditions

Informative

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 8th August 2016

Contact: Lucy Hoad ☎ 01835 825113

Ref: 16/00947/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th August 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 29th August 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Mr Malcolm Pearson

Agent: Smith And Garratt Rural Asset Management

Nature of Proposal: Erection of dwellinghouse with attached garage

Site: Land North East Of The Old Church Lamberton Lamberton Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. I have reviewed the case history for this site, Historic Environment Scotland's comments, historic maps and documents, and our own Historic Environment Record.

The previous application for two houses on this site was refused on appeal. A reason given for refusal was impacts to the setting of the Scheduled site of Lamberton Church. I was not involved in this earlier application, but having reviewed the case I can concur with the reasons given for refusal. In the earlier plans, a house located to the north of the present proposal would have impacted views of the church setting from the north-east and were therefore contrary to policy.

The present application for one house proposes a building near the road and to be read with the existing building group. I note HES's comments that they do not object to this and that the setting of the church would not be significantly impacted. However it is worth noting that HES have not said there will be no impact. Their emphasis on the prominence of the knoll on which the church sits, and the statement that 'it is unlikely...that the proposed development will represent a substantial change to the character of the setting of the monument' should be read to suggest that there will be impacts to the setting that fall under the threshold of national significance. I concur with this.

The setting of the church has already been impacted by development at Lamberton, particularly by those buildings that interrupt views of the knoll from the south-east. Indeed,

I note that later 20th century development has closely encroached on the eastern extent of the churchyard. The current proposal will not further interrupt views from the Border, but will cumulatively add to the sense that the church and its setting are diminished by the growth of the settlement. Views from the north-east will see the settlement extending further to the east, and this will also lead to a sense of diminishment of the church and its setting. While both HES and I feel that this is not, at present, significant enough to merit refusal, further development to the east and north would cumulatively contribute to the loss of the church's setting.

In addition to the setting impacts, the proposal is within an area of archaeological potential. The church and settlement of Lamberton (shown as Lammertoun on 16th century maps) likely date from the 12th century. It is unknown where the settlement surrounding the church was located before the 18th century when it first appears on maps. By this time the settlement was focussed around the church knoll, with Lamberton farmstead being a prominent feature of the landscape before it was demolished around the middle of the 20th century.

As the medieval and post-medieval settlement layout is unknown, there is potential for remains of this date to exist within the proposed development area. Given this potential I recommend that a trial trench evaluation of the development area (comprising 10% of the total area) take place in advance of development. Further excavation may be required in the event that potentially significant archaeological remains are discovered.

In summary, I do not object to this proposal but would encourage a balanced view to be formed on the basis of Policy EP8a of the LDP. I do however recommend that an evaluation of the development area take place in advance per the following condition:

Archaeology: Developer Funded Watching Brief

No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved **Written Scheme of Investigation (WSI) outlining a **Watching Brief**. **Development and archaeological investigation shall only proceed in accordance with the WSI.****

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a

Post-Excavation Research Design (PERD).

- Initial results shall be submitted to the Planning Authority for approval in the form of a **Data Structure Report (DSR)** within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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.

REGULATORY SERVICES



To: **Development Management Service**
FAO Lucy Hoad

Date: **31 Aug 2016**

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **16/00947/FUL**

**Subject: Erection of Dwellinghouse, Land North of The Old Church,
Lamberton.**

Whilst I have no objections in principle, I will require the following points to be incorporated into the design at detailed planning stage:

- Service lay-by to my specification (DC-3) to be constructed at the junction with the public road.
- 1 No. passing place (DC-1) to be constructed on the public road at a location to be agreed on site, prior to any construction work on the dwellinghouse.
- Parking and turning for a minimum of two vehicles, not including any garages, must be provided and retained in perpetuity within the curtilage of the property.
- Measures to be put in place to prevent the flow of water onto the public road.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

DJI



P R Trickett
Mills Mess
Burnbank
Foulden
TD15 1UH



Date: 08/9/16

Ms Lucy Hoad
Scottish Borders Council
Planning
Newtown St Boswells
Melrose
TD6 0SA

Dear Madam

Planning application no: 16/00947/FUL

The community council met on 5th September 2016 on site and following extensive discussion at the council meeting we wish to object to the above planning application on the following grounds:

The council are of the opinion that this application does not conform with the terms of Policy PMD2 in the local development plan in that the development will have a negative impact on the existing buildings, surrounding landscape and visual amenity of the area. The proposed house is a two storey dwellinghouse in contrast to those neighbouring being single storey and as such will be dominant on the landscape. At the moment the existing settlement forms a natural boundary with the tree line in an elevated position and this new proposed development will be out with this area, on a green field site and could form the beginning of a new ribbon development and lead to further applications in the future.

Lamberton lies within the Berwickshire Coast, an area covered by the coastline policy EP14 which protects development out with the Burnmouth, Eyemouth and St Abbs settlement boundaries. We feel this development would have a negative impact due to its proximity to the coast and the dominant position the property would have on the visual landscape. We do not feel that the benefits of this development would outweigh the damage to the characteristics of the surrounding landscape.

In addition, the situation of the proposed property would effectively obliterate a right of way which has been in place for a historic number of years.

Yours sincerely,





HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 01316688688
Switchboard: 0131 668 8600
hazel.johnson@hes.scot

Our ref: AMH/384/10
Our Case ID: 201602479
Your ref: 16/00947/FUL

Planning and Economic Development
Scottish Borders Council
Council Headquarters
NEWTOWN ST. BOSWELLS
Melrose
TD6 0SA

19 August 2016

Dear Sirs

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Land North East Of The Old Church, Lamberton - Erection of dwellinghouse with attached garage**

Thank you for your consultation which we received on 08 August.

You have consulted us because you believe the development may affect:

Lamberton old church, church and churchyard 75m NNE of Border View

Historic Environment Scotland has reviewed your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do **not object**.

While we do not object, we do however have the following comments which your Council should take into account under the terms of Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Lamberton Church is located on a prominent knoll on an east facing hillslope overlooking the North Sea. Lying close to the Border between Scotland and England and close to the main coastal route between the two countries, Lamberton Church was a site of strategic importance from the 11th to the 16th century. Notably, it is believed to be the location where, in 1502, Margaret Tudor was transferred from English to Scottish custody on her journey to marry James IV. The church would once have been a prominent feature in the landscape, but it is now a ruinous structure and its location is indicated by the buildings and trees of the surrounding settlement of Lamberton.

From the plans provided it is our view that the house will not interrupt any known relationships between the monument and other archaeological sites or landscape features in the vicinity. Due to its proposed scale and location, the new house will not challenge the monument for dominance within its setting, fitting into the existing dispersed settlement pattern of the area. It is unlikely therefore that the proposed development will represent a

substantial change to the character of the setting of the monument and will not interrupt any obvious key views of the monument from the surrounding area.

Note

Historic Environment Scotland, HES, has a national remit for the Historic Environment, and as such does not provide detailed comments on every application. We consider consultations in national terms, and will decide whether to provide detailed advice depending on the scale, nature or complexity of the proposals.

A decision not to provide detailed comments or not to object should not be taken as support for the proposals by HES, and the application should be assessed as normal by your Council against local and national policy and guidance on the Historic Environment.

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/>.

If you require any further information, please contact me directly.

Yours faithfully

Hazel Johnson
Heritage Management Officer

PLANNING CONSULTATION REPLY

To: Development Management
F.A.O. Lucy Hoad
From: Planning & Regulatory Services
Contact: Mike Marsh Ext. 5267 Ref: 16/00947/FUL Date: 04 September 2017

PLANNING CONSULTATION

Nature of Proposal: Erection of dwelling house with attached garage
Site: Land north east of The Old Church, Lamberton

CONSULTATION REPLY

ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access consultation response. You should note the following:

LEGISLATION

National Access Legislation

It is the duty of local authority to uphold access rights, under the [Land Reform \(Scotland\) Act 2003](#), in doing so to, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

Rights of Way are specifically protected by law under the [Countryside \(Scotland\) Act 1967](#) sec. 46 'It shall be the duty of a, planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

COMMENTS

The previous consultation dated 09 August 2016 was incorrect. After consulting with the Scottish Rights Of Way & Access Society (SCOTWAYS) it has been confirmed that Right of Way BB53 was incorrectly realigned. Subsequently claimed Right of Way BB53 is directly affected by this proposal. Details as follows:

Rights of Way Code	Start (Approx. Grid Ref)	Finish (Approx. Grid Ref)	Length
BB53	NT 969 574 Lamberton Church	NT 969 578	0.5 km

Therefore should the Planning Authority seek to approve this application, the following planning condition must be incorporated into any permission that may be granted:

- The path shown on the map below must be maintained open and free from obstruction in the course of development and in perpetuity.
- There should be no additional gates, steps, stiles, fences, walls or hedges on this route shown which would confer restricted public access.

Reason: To protect general rights of responsible public access.

ADDITIONAL COMMENT

Notwithstanding the above comments the possibility exists for BB53 to be diverted to allow access to the

ancient monument. The recommended route would follow the north boundary of the site to the wall and a 2m path south to the road. It would be advisable to meet with the applicant to discuss the potential diversion on site.

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Mike Marsh

Access Ranger (East)
Built & Natural Heritage
Regulatory Services
Scottish Borders Council
Newtown St Boswells
TD6 0SA



Scottish Borders
COUNCIL

Planning Application
16/00947
Lamberton
Scottish Borders

Legend

— Managed Path
(Local Community)

— Managed Path SSC
(Core Path,
Promoted Route,
Aspirational Core Path)

— Other (Right of Way,
Permissive/ Customary
Path,
Longer-term Aspirational Path)

— Path Link on SEC Adopted
Road (No Pavement)
(Core Path Link and
Promoted routes)

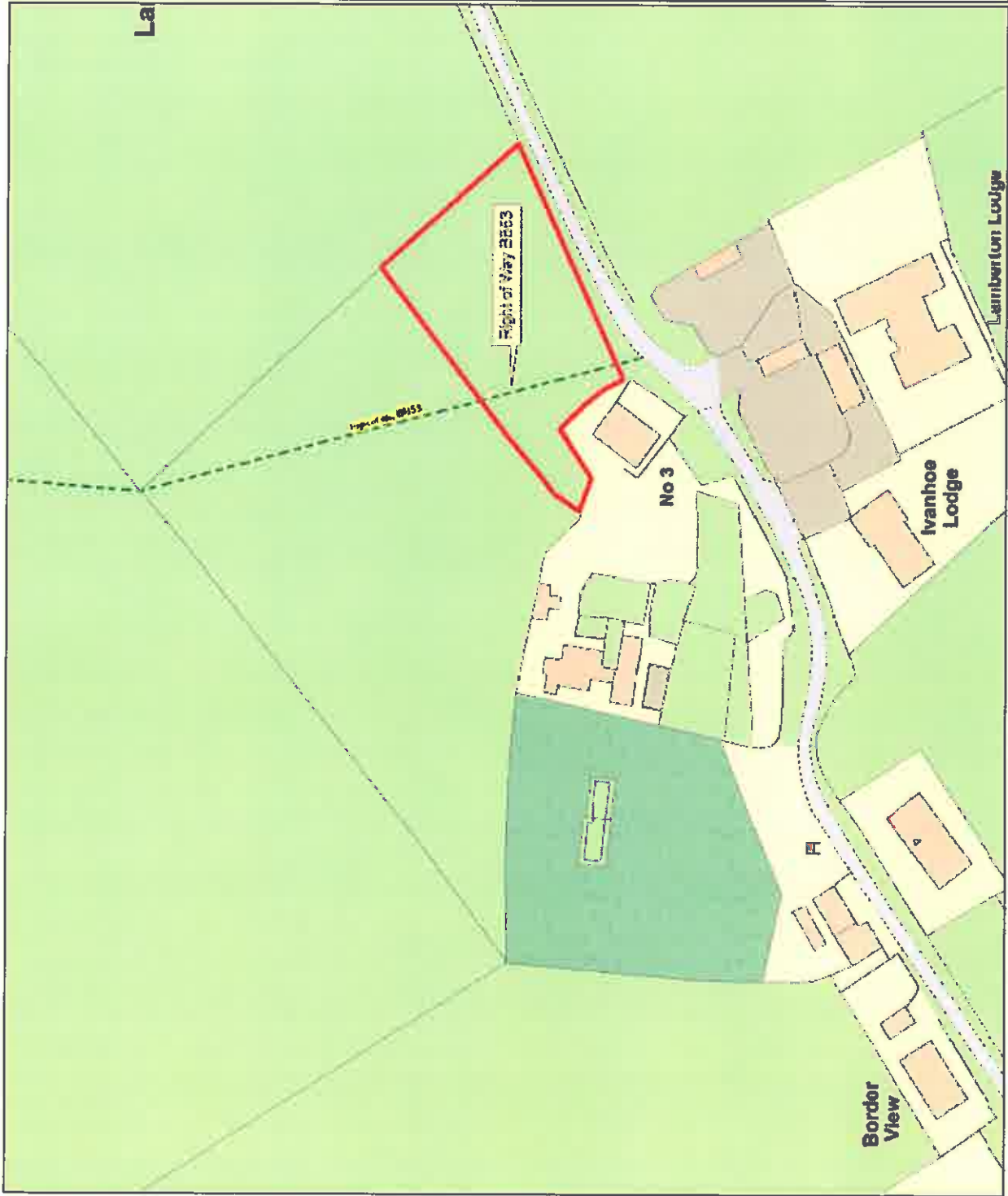
↑ Scale: 1:777

This map has been prepared by the
Community Access Ranger Service
of Scottish Borders Council

For further details contact:
outdooraccess@scotborders.gov.uk
01835 824509

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number 100023423



Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services: 0300 100 1800 www.scotborders.gov.uk

Dear Ms. Hoad,

Please find attached a letter of objection to planning application no. 16/00947/FUL.

A signed copy has also been posted to you.

Regards,

Dr. B. Brown.

Lamberton Lodge,
Lamberton,
Berwick upon Tweed TD15 1XB.

Scottish Borders Council, Chief Planning Officer,
Regulatory Services, Council Headquarters,
Newtown St. Boswells,
MELROSE TD6 0SA

14th August, 2016.

OBJECTION TO PLANNING APPLICATION NO. 16/00947/FUL
LAND NORTH EAST OF THE OLD CHURCH LAMBERTON.

Dear Sir/Madam,

An application for planning permission on this site was made in 2007 and the refusal was upheld on appeal.

In Mr Garratt's cover letter of 3rd. August 2016, a justification for the new application is that, in his opinion, the limit on additions to this rural building group has been sufficiently eased. However the principal reasons for the Reporter to the Scottish Ministers to reject the 2007 application were related to the setting of the ruined church, a Scheduled Ancient Monument (SAM). Some comments by the Reporter in his Decision Notice of 6th. November 2008 may be quoted:

- ***"The key considerations are whether the site is suitable for this purpose taking account of the setting of the ruined church, a Scheduled Ancient Monument (SAM), the relationship to the existing building group, and any effect on the wider landscape."***
- ***"In this elevated position the church site still commands wide ranging views to north, northeast, and southeast across the coastal area towards the sea."***
- ***"I consider that the protection of its setting requires the remaining views to and from the site over a wide area both north and south of the border, to be kept open."***
- ***"New houses on the appeal site would be in the foreground and become the dominant features of these views, reducing to insignificance the low stone walls of the monument."***
- ***"Buildings on the appeal site would be clearly visible from a wide area of the coastal strip including some lengths of the A1 coast road to north and southeast and from the lay-bys at the border crossing point."***

- ***“It would be inappropriate to introduce a new focal point that would compete for attention with the monument. As far as possible, the latter should be allowed to maintain its already rather understated presence within the group, which is heavily depended on its elevated site and relative isolation.”***

The previously rejected application was for 2 (unspecified) houses whereas this is for one large house. However, this difference is not relevant since the reasoning of the Reporter applies equally well to any building which is of the size of a house. In all circumstances it would have a negative impact on the setting of the SAM by providing a rival focal point.

The conclusions of the Reporter about the effect in the wider landscape are still valid for this application since nothing has changed in that landscape.

This application should be refused; the reasons have been fully examined in the appeals procedure of the previous refusal. The multiple reasons given by the Reporter are not related to any aspect of house design or the layout of the site; they are fundamental characteristics of the location of the site and the local landscape.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

DR. D.A. BROWN & MRS. A.C. BROWN

Comments for Planning Application 16/00947/FUL

Application Summary

Application Number: 16/00947/FUL

Address: Land North East Of The Old Church Lamberton Scottish Borders

Proposal: Erection of dwellinghouse with attached garage

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Audrey Sanderson

Address: Ivanhoe Lodge Lamberton, Lamberton, Scottish Borders TD15 1XB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Inadequate access
- Increased traffic
- Land affected
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected
- Water Supply

Comment: Dear Ms. Hoad,

Objection to planning application no. 16/00947/FUL.

A signed copy has also been posted to you.

Regards,

Mr & Mrs A Sanderson

No3 Lamberton
Lamberton
Berwickshire
TD15 1XB

25/08/2016

**Objection to Planning Application No. 16/00947/FUL
Land North East of the Old Church Lamberton**

Dear Sir,

We are writing to object to the above planning application on the following grounds -

- 1) This is a large house which will clearly be seen and stand out on its own. It will be obvious above the skyline and it will clearly be visible from the Scottish Border viewpoint and many other places from the south and east. The other houses in the vicinity have been built with low profiles and are backed by large trees or hillsides and do not stand out above the horizon.
- 2) This proposed new house stands alone in an agricultural field which has previously been used as horse paddock. It is not connected in any way to the buildings to the west, No 3 Lamberton and Lamberton Lodge. This group of buildings have an obvious straight defining ending to them on their eastern edge, which makes an obvious boundary. This has been accepted as the boundary to the group in previous planning applications and planning has been rejected by Scottish Borders Council.
- 3) If planning was granted then the precedent would have been set for building in this agricultural field. There is no doubt that a number of planning applications would follow. Previous applications which were rejected have been for a number of houses across the field
- 4) **The Right of Way BB53**
In the field in which the planning application to build a house has been lodged it has been accepted in the past that there is a Public Right of Way running across the middle of this field, from the south east corner to the north west corner. It is clearly seen on the recent, previous planning application ground maps. It can be seen on OS maps for 1926, 1954 and sheet 64 1952- 1961 and other maps as a straight line ending up at the gateway into the field in the south west corner of the site. This Right of Way **has been moved** on the application plans to run along in the neighbouring field along the eastern edge of the field boundary. As it stands on the plans it now ends up in the corner of a field where there are two stock fences which between them have 5 lines of barbed wire and five lines of fencing wire, 10 lines in total plus an old roadside Hawthorn hedge which is about 3m tall and wide! There is no access from this new line of right of way onto the road and if there was people would end up half way down the hill on a narrow road.
- 4) A new single line barbed wire fence 1m high has been erected across the field in which it is proposed to build the house and **across** the Right of Way.
- 5) **Access to the proposed development**
The Whales Jaws road up to Lamberton is narrow with a boundary dry stone dyke on the south side. Any access junction onto this road would have to be very wide to allow the

entrance and exit of large vehicles. There is a bend just above the access point and there could be problems from restricted vision for vehicles descending the road.

6) Lamberton Church

In the previous planning application the Reporter stated "*I consider that the protection of its setting requires the remaining views to and from the site over a wide area both north and south of the border, to be kept open.*"

7) In long dry periods will there be sufficient water pressure for all the houses and numerous farm stock which rely on the water at the end of the water line at this part of Lamberton ?

We believe that this planning application is contrary to the Scottish Border Council Local Plan.

Previous similar applications have been rejected by the Council and on Appeal. We can see no difference in this application from previous applications.

Yours faithfully

Ronald and Susan McBeath

Comments for Planning Application 16/00947/FUL

Application Summary

Application Number: 16/00947/FUL

Address: Land North East Of The Old Church Lamberton Scottish Borders

Proposal: Erection of dwellinghouse with attached garage

Case Officer: Lucy Hoad

Customer Details

Name: Miss Kerry Holden

Address: Fairview Cottage, 4 Lamberton, Berwick upon Tweed TD15 1XB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic
- Land affected
- Loss of view
- Road safety
- Trees/landscape affected
- Water Supply

Comment: The plans proposed are for a large two-story house which is not in fitting and breaking away from the surrounding houses.

Access to the house will be through or next to the passing place on a single-track road which is used by farm vehicles and local residents, walkers, tourists and cyclists.

The development would destroy or affect the appearance or setting of Lamberton's ancient kirk.

Would this plan affect the current water pressure to the other surrounding properties? If so, new water supply and pipelines would need to be investigated.

Comments for Planning Application 16/00947/FUL

Application Summary

Application Number: 16/00947/FUL

Address: Land North East Of The Old Church Lamberton Scottish Borders

Proposal: Erection of dwellinghouse with attached garage

Case Officer: Lucy Hoad

Customer Details

Name: Mr Duncan Budge

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic
- Road safety
- Trees/landscape affected
- Water Supply

Comment: Dear Sir / Madam,

I am writing to object to the proposed planning application. The grounds for this objection relate to the following:

Landscape

This proposed development will have a significant impact on the landscape due to its location. It will be situated in a dominant position, and due to being a two storey property, is unlike other properties within the holdings at Lamberton. The photo montage provided, shows an image of the property as seen from the layby on the England / Scotland border. As a result of its location, this property will be clearly visible from over a mile and a half further south of the border layby on the A1. It will stand out from the natural containment of the buildings near to the village hall as they are contained by the surrounding trees.

Road safety / inadequate access

The entrance for this property appears to be in close proximity to the current designated passing place. This is a single track road which has a stone wall bordering the south side, and hedging to the northern side. As a result, any entrance onto this road will have a significant impact on road safety. Visibility for vehicles exiting the site will be reduced, therefore impacting on the safety of others using the road. There will also be an increase in traffic using the road as a result of the

proposed property.

Water supply

I understand any development may have an effect on the water pressure to other properties in the area. Therefore investigations would be required in relation to the provision of the water supply

I believe this proposed property would have a significant impact on the properties, land and trees surrounding it, including the ancient Kirk.

I submit these comments for your consideration.

Yours sincerely,

Duncan Budge

RECEIVED
30 AUG 2016

LH

Ivanhoe Lodge
Lamberton
Berwick upon Tweed
TD15 1XB

22/08/16

**OBJECTION TO PLANNING APPLICATION NO.16/00947/FUL
LAND NORTH EAST OF THE OLD CHURCH LAMBERTON**

Dear Sir,

We are writing to object to the above planning application. Our grounds for this objection are;

- Landscape
- Inadequate access of proposed site
- Water Supply
- Contrary to Scottish Borders Local Plan
- Right of Way
- Loss of view
- Increased traffic
- Land affected
- Scheduled Ancient Monument
- Road safety
- Trees affected

Scotland is;

“renowned for its distinct and diverse range of landscapes...their varied character and the historical record they contain defines what is distinctive about different parts of Scotland and contributes to a sense of identity both nationally and regionally.”

Coasts and seascapes are part of the landscape too, an aspect in which the UK and Scotland are particularly rich. (Scottish Natural Heritage Landscape Considerations in Strategic Environmental Assessment)

Landscape

The proposed plan would, due to its elevated situation be a dominant feature on the landscape. It would be exposed and not blend with existing buildings and properties. If this went ahead it would consequently influence change in the landscape.

Inadequate access of proposed site

The proposed plan appears to take access through or near to a designated passing place. Access to and from the property is from a single track road that is the only access road to the other properties. This would cause great congestion during any build.

Water Supply

New water supply and pipelines would need to be investigated. Would this plan affect current water pressure to other properties?

Contrary to Scottish Borders Local Plan

The proposed plan could not be absorbed into the landscape without significant impact upon the landscape. This house would be a ribbon development breaking away from the already established community.

Right of Way

The proposed plan is sited on a public Right of Way. This Right of Way HAS BEEN CHANGED on the application plans to run along the Eastern edge of the field boundary! The original Right of Way is now barred by a NEW single lined barbed wire fence!

Increased Traffic

The proposed plan would mean an increase in daily traffic up a steep, narrow, single track road. This road has a single passing place which now appears to be the new access point for the proposed plan. The road is used by residents, tourists, pedestrians, walkers, cyclists, horses, and farm vehicles. Any increase in traffic would greatly compromise the safety and access of this road.

Land Affected

The scale of the proposed plan is visually overbearing and would have a negative impact upon the character of the land.

Loss of View

The artist's drawing (photo montage with and without drawing) of the planned property clearly shows the impact of the property upon the hillside, accentuated by no tree cover or landscape backdrop. This would create a significant impact on the view to tourists from the A1 English/Scottish Border and visitors to the viewpoint, out to sea, from the Ancient Kirk.

Scheduled Ancient Monument

The Ancient Lamberton Kirk is a SAM, the significance of its historical importance and national identity should not be underestimated. It is one of the most important kirks in Scotland, being of immense historical importance due to its Royal connection and is referred to as, 'The Cradle of the United Kingdom'

Scottish Borders Council policy, (consolidated structure plan 2001-2018) clearly states in policy N14

'Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted'

In the previous planning application the Reporter stated,

'I consider that the protection of its setting requires the remaining views to and from the site over a wide area both North and South of the border, to be kept open'

Road Safety

The proposed development will compromise road safety. The road bends just above the proposed access point which could result in restricted vision for those using the road. This could lead to potential safety hazards.

Trees Affected

There are problems with the site layout in relation to adjoining trees. The proposed platforming **would dig deeply** into the root protection area of the nearest adjoining tree and would probably lead to the tree being lost, thus greatly exposing, both physically and visually, the proposed house. This is exacerbated by the high visibility of the site position which is not in keeping with the design and character of the existing dwellings.

In conclusion, we feel there is nothing in this new planning application that addresses the issues raised in the previous plan that was rejected. The number, scale and design of **ANY** structure in this locality will significantly impact upon the topography and therefore should be rejected.

We respectfully request that you seriously consider these reasons as valid objections.

Yours faithfully

Audrey and Aubrey Sanderson

Lamberton Lodge,
Lamberton,
Berwick upon Tweed TD15 1XB.

Mr. M. Marsh,
Planning & Regulatory Services,
Scottish Borders Council Headquarters,
Newtown St. Boswells,
MELROSE TD6 0SA

26 SEP 2016

23rd September, 2016.

Right of Way BB53, Lamberton

Dear Mr. Marsh,

This is to request that action be taken to make the Right of Way BB53 at Lamberton accessible along its correct route.

The responses to Planning Application No. 16/00947/FUL have highlighted certain points.

- Your own response specifies the requirements of the Countryside (Scotland) Act 1967 sec. 46 i.e. *'It shall be the duty of a planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'* I wish to formally request that this be applied to Right of Way BB53.
- Another response (McBeaths) shows that the location of the Right of Way has been misrepresented in the planning application to be outside the eastern boundary of the land. A previous application by the same agent in 2007 also showed it incorrectly near the centre of the land. This response asserts that the correct location is that it terminates in the obvious place which is the gateway at the southwest corner of the site. References to the appropriate OS maps are provided.
- A further response (Sandersons) points out that a new extra barbed wire fence has been installed recently across the Right of Way.

The exact location of the Right of Way is important for the reasons outlined below. This information is available from various sources. Attached is one printout from the National Library of Scotland website. The OS maps show the location georeferenced alongside the Google Earth image. With great precision it can be seen to start from the southwest corner and run to the northeast corner of what is now the application site.

This Right of Way is of unusual significance and not simply a means to walk along a path. The ruins of the Old Kirk at Lamberton are a Scheduled Ancient Monument (SAM) and an important aspect of any SAM is its setting. When viewed from the NE (i.e. the footpath) the setting is still well-preserved due to its position on a knoll and a belt of mature trees behind it which hides all more recent buildings.

The most authoritative report on record in relation to the setting of the Kirk is that of the Reporter appointed by the Scottish Ministers to make the final decision on the appeal (ref. P/PPA/140/381) of a previously rejected planning application. Several comments of the Reporter were:

"Apart from the historical associations, the importance of the monument lies in its prominent position on a knoll that is the highest point within the group..... I consider that the protection of its setting requires the remaining views to and from the site over a wide area both north and south of the border to be kept open.

Of greater concern are the effects on views from the northeast, in particular from the footpath that crosses the appeal enclosure. Although this footpath is impassable at present, because of overgrowth and barbed wire fences, it is reasonable to assume that its condition can and should be remedied".

The SAM is the most important object in Lamberton. The Right of Way, following its correct route, passes close to the monument and at a favourable viewing angle. It is now time to enforce the restoration and ongoing protection of this Right of Way.

Yours faithfully,



Dr. B.A. Brown & Mrs. A.C. Brown.

cc: Ms. L. Hoad ✓
Mr. I. Aikman

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1. Select a category:

2. Select a map series:



From:Lamberton Hall
Sent:27 Sep 2016 12:16:32 +0100
To:Planning & Regulatory Services;Hoad, Lucy
Cc:Lamberton Hall
Subject:Planning application 16/00947/FUL

RE: Planning Application 16/00947/FUL. Erection of dwelling house with attached garage. Land north east of The Old Church, Lamberton.

I am writing on behalf of the committee responsible for the management of the site that includes Lamberton Hall and Old Lamberton Church and Graveyard. It is quite unusual for a village hall committee to have responsibility for maintaining such a site but the graveyard and church ruins came with the Hall when the Department of Agriculture disposed of their interest in the Lamberton smallholdings in the 1980s. The deeds cover a single site of about 0.4 of a hectare and specify the trustees of the whole are the Chairman, Treasurer and Secretary of the Lamberton Holders' Hall Committee. The church ruins are protected as a Scheduled Monument

The comments by Mike Marsh, the Access Ranger, about the possibility of diverting the footpath to allow access to the church are a matter of some concern. What he is suggesting as a recommended alternative route is entirely inappropriate and one to which we would object. Access to the site is via a gate in the Hall car park on the south side of the site, just off the single track road. The land on the north side of the boundary walls falls away from the wall and there is no access or good visibility to the church from this side. We would not want any pathway running alongside the boundary walls as this may encourage walkers to lean on, climb on or otherwise damage them. We have had to repair the walls in various places recently and the cost of this has been significant. If there is any proposal to divert the footpath because of this planning application then we ask that we be included in any discussion.

We would repeat the comments made by Mr Ron McBeath about the existing right of way having recently been obstructed by a new barbed wire fence. In addition it has been poorly maintained by the current owner of the land and although it is used, access is difficult. This right of way is well established as shown on maps dating back to the 1920s. We ask that the owner be required to reinstate the right of way free from obstruction.

We see that Historic Environment Scotland have not objected to this planning application. We disagree with their view that the proposed development will not make a substantial change to the character of the setting. Whilst the church and new proposed house will not be visible together, from a longer view the setting and skyline of the vicinity in which the church is located will be significantly affected. This large house will stand to the side of the existing group of buildings and will become the predominant feature in this group especially when looking towards Lamberton from the Scottish Border and coastline. Furthermore it extends housing into the green fields to the east of the existing buildings so it appears as ribbon development and this would be detrimental to the character of the area if it set any precedent for further development along this road.

Joanna Marshall
for Lamberton Holders' Hall Committee
Lamberton TD15 1XB

LIST OF POLICIES

Local Review Reference: 17/00030/RREF

Planning Application Reference: 16/00947/FUL

Development Proposal: Erection of dwellinghouse with attached garage

Location: Land North East of The Old Church, Lamberton

Applicant: Mr Malcolm Pearson

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the

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wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,

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- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

(A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

(B) DISPERSED BUILDINGS GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

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(C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

(E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

(F) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued

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use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and

- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

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In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS2: DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act

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and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

POLICY IS5: PROTECTION OF ACCESS ROUTES

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

SUSTAINABLE URBAN DRAINAGE

LIST OF POLICIES

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100061198-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ericht Planning & Property Consultants		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Kate	Building Name:	The Office - Gifford House
Last Name: *	Jenkins	Building Number:	<input type="text"/>
Telephone Number: *	07795 974 083	Address 1 (Street): *	Bonnington Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Peebles
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH45 9HF
Email Address: *	kate@kjenkins.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Pilgrim Cottage"/>
First Name: *	<input type="text" value="Patricia"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Crippin"/>	Address 1 (Street): *	<input type="text" value="Venn Farm Lane"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text" value="Teignmouth"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Devon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TQ14 9PB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="639398"/>	Easting	<input type="text" value="324664"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwelling and retaining wall (part retrospective). Land to north west of Craigerne Coach House, Edderston Road, Peebles

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Supporting Statement.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

SUPPORTING STATEMENT (for the Review). 17/00323/FUL Officer's Report 17/00323/FUL Decision Notice 17/00323 Landscape Architect +Roads response 17/00323 Agent response to Landscape Architect 17/00323/FUL Location Plan, Site Plan and Elevations 17/00323/FUL Site Plan with RPA 17/00323/FUL email confirming removal of stove 17/00323/FUL Tree Report 17/00323/FUL Original Application Supporting Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00323/FUL

What date was the application submitted to the planning authority? *

28/02/2017

What date was the decision issued by the planning authority? *

03/05/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The Officer's key reason for refusal relates to the relationship between the Craigerne Coach House development (6 attached units) and the proposed site. As a result, and in order to fully understand the relationship, it is considered to be important and necessary that Members undertake a site visit.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Kate Jenkins

Declaration Date: 28/07/2017

Supporting Statement to Notice of Review

**in relation to Scottish Borders Council's refusal of planning permission for the
erection of a dwellinghouse on land to the west of Craigerne Coach House,
Edderston Road, Peebles**

on behalf of Mrs Patricia Crippin

28th July, 2017

1.0 INTRODUCTION

1.1 This Notice of Local Review is submitted on behalf of Mrs Patricia Crippin against the decision of Scottish Borders Council to refuse planning permission, on 3rd May, 2017, for the erection of a dwelling to the west of Craigerne Coach House. The application reference was 17/00323/FUL.

1.2 The appeal site is located adjacent to the development: ***“6 houses by sub-division, alteration and extension at Craigerne Coach House”***. This statement necessarily considers the relationship between the two proposals within the Grounds of Appeal, as that matter forms part of the Planning Authority’s reason for refusal.

1.3 The reasons for refusal include the Planning Officer’s view that:

- The proposal would result in a cramped form of development;
- The house would result in an overdevelopment of ground, and reduction of ground, required for a landscaped and wooded setting of the above-mentioned Craigerne Coach House;
- The proposal would result in an inappropriate congested appearance between the development and Edderston Road;
- The proposal would undermine the retention of a preserved tree;

1.4 This statement will provide the background to the application, planning history and context and set out the grounds for Local Review, prior to demonstrating the acceptability of the proposal under those grounds.

1.5 This Appeal Statement is submitted by Ericht Planning & Property Consultants on behalf of Mrs Patricia Crippin to seek to challenge the refusal, by Scottish Borders Council, of consent for the erection of a two storey dwellinghouse on land to the west of Craigerne Coach House which fronts Edderston Road.

1.6 A different application within the same application boundary was submitted in 2015. It was for a house which was 30% larger than the proposal under Review, and of a different, less suitable, design. A revised application was submitted in February, 2017 and refused in May, 2017 for a house of 11.35 m frontage and 6.7 m height. This appeal asks that the decision to refuse that second application be reviewed.

- 1.7 The following 17/00323/FUL application drawings are included with the Local Review.
- Location Plan Ref: 2014/12/101/A
 - Site Plan Ref: 2014/12/102/C + separate drawing with **root protection area**
 - Floor Plans Ref: 2014/12/103/C
 - Elevations Ref: 2014/12/104/C
- 1.8 Site photographs are provided. This information was available to the Planning Authority during the application's processing, as at least one site visit was made. Photographs are recent (July '17). It clearly would not have been possible to provide these actual photographs at the time of the application (Feb '17) and it is material to this Review that the depicted Coach House development is now complete (no longer under development) as a key reason for refusal relates to the relationship between the Coach House and the proposed plot. **A site visit by LRB Members is strongly encouraged and is the only way to fully understand the relationship between the proposed site and the Coach House.**
- 1.9 Members of the Local Review Body are requested to note a number of key points regarding the application. These are set out below:
- 1.10 The subjects are located within the Peebles town boundary, adjacent to the 6-unit development at the Coach House [Refs: 12/00314/FUL; 14/00786/FUL and 15/01081/FUL]. The relationship of the subjects to the Coach House development can be seen within the 'Proposed Elevations' drawing 2014/12/104/B.
- 1.11 The footprint of the house has been reduced by 30% from 112 sqm to 79 sqm (comparing the 2015 application to that under review at present);
- 1.12 The frontage of the house has been reduced by 4.65 metres (comparing the 2015 application to that under review at present);
- 1.13 There have been significant changes to design, including fenestration. The Planning Officer has consequently stated that following design changes of the house since the earlier application and local review "*I find no reason to oppose the revised application on the grounds of design*" (which was a previous reason for refusal in 2015).

- 1.14 Key external finishes include wet dash render walls (painted white), slated roof, timber casement windows, composite woodgrain effect external doors and upvc gutters and downpipes etc.
- 1.15 The distance of the northern gable to the site boundary (where tree planting is to occur) has increased from 7.35m to 12m (comparing the 2015 application to that under review at present). The Planning Officer states (following submission of a tree report) *"I would conclude that that the new proposal resolves one element of the previous reason for refusal being sufficiency of ground for the establishment of replacement tree planting."* It has been firmly established that there is enough ground for the tree planting required. The planting was carried out in April, 2017.
- 1.16 The tree report also notes that the existing drainage in this northern part of the site will not have a detrimental impact upon tree establishment or their ability to reach maturity. The issues expressed at the previous LRB (in relation to the then-proposed larger house) and impact upon replacement planting/ root protection areas and impact of drainage on root systems are thus satisfactorily answered.
- 1.17 The appellant is agreeable to retention of all trees on the subjects and carrying out additional planting of 3 trees. As noted, this was done in April, 2017, following issue of the tree report. Two beech trees and one oak tree were planted. The Appellant confirms that the proposal does not impact upon Root Protection Areas, a point now accepted by the Planning Authority, as can be seen from the Planning Officer's Report.
- 1.18 The Officer's decision largely centers on the relationship of the appeal site with the approved Craigerne Coach House development. It is therefore necessary to consider the appeals subjects in that context. It is relevant to inform Members that a reduced application boundary in respect of the Coach House development was consented in 2014 and 2015. The Planning Authority approved the omission of the land on which the appeal site lies from the Craigerne Coach House development –twice. The proposed house is located within the area which was 'excluded' from the Craigerne Coach House development boundary.
- 1.19 Access to the subjects will be taken by way of the existing access to Craigerne Coach House as shown on the Site Plan. No new access is to be created, thus maintaining the wall and hedge alongside Edderston Road. No new opening in the wall is required. Access to the dwelling from the parking spaces is by way of a pedestrian walkway. An

accessible permeable walkway between the house and parking will be formed to prevent impact on trees' root protection areas.

- 1.20 The dry stone wall fronting Edderston Road will be preserved, with no new opening to be formed and the beech hedge inside this wall will remain intact.
- 1.21 The adjacent Coach House is no longer a listed building.
- 1.22 A 1.2m high timber close boarded fence has been erected along the boundary of the Coach House development and the subjects, with a new beech hedge to be planted along the top of the banking. The retaining wall to the rear of the subjects will be 1.5m high above finished ground level of the plot.
- 1.23 There have been no public objections or Community Council objections to the proposal (either the first (2015) or second (2017) applications).

2.0 PLANNING CONTEXT AND HISTORY

- 2.1 A summary of previous applications/ local review for one dwellinghouse on land to northwest of Craigerne Coach House:

15/01034/FUL Application – 5 bedroomed house: Refused 27 October '15
16/00001/RREF Review – 5 bedroomed house: LRB Decision Notice 2 March '16

17/00323/FUL Application – 2 bedroomed house: Refused 3rd May, 2017
17/00323/FUL Application subject to this Local Review

Previous Application 15/01034/FUL and Local Review 16/00001/RREF

- 2.2 An application for a 5 bedroomed house of footprint 112 sqm, frontage 16.0 m and height 7.2m (north gable) was refused by the Planning Authority in October, 2015. This decision was subject to Local Review, at which the Local Review Body upheld the Officer's decision (by a majority vote 2:5) in March, 2016.
- 2.3 There were no objections by the Officer relating to impact on residential amenity.
- 2.4 There were no objections to the proposal from the Roads Planning Service. Glentress Homes Ltd recently constructed a passing place in the west side of Edderston Road.

Key differences between 2015 application & 2017 application (subject of this review)

- 2.5 The proposal under Review, whilst being contained within the same application boundary as the larger house 2015 application, is demonstrably different from the earlier application in the following respects:
1. The **footprint** of the house was reduced by almost 30% from 112 sqm to 79.4 sqm. The **frontage** of the house was reduced from 16.0m to 11.35m.
 2. The distance of the northern gable of the house from the northern boundary has been increased from 7.35m to 12.0m leaving, in particular, increased (and sufficient) space for **tree planting** (now implemented) and long term retention of these trees;
 3. The **fenestration** on the front elevation has been altered. In particular, the northernmost dormer windows were reduced to double units (from triple units). The ground floor windows were reduced to triple units (from quadruple units).
- 2.6 The appeal site is closely related to the adjacent Craigerne Coach House development. Given that a key concern of the Planning Officer has been the perceived impact on the *“success of the [Coach House] development and amenity of the area”*, it is essential to consider the appeal subjects in the context of the Coach House development.
- 2.7 The Coach House development comprises sub-divisions, alterations and extensions to form 6 dwellinghouses. 3 applications were submitted for this: an original proposal (2012) and two variations (2014 and 2015). These applications have all been approved.
- 2.8 In 2012, the boundary of the Coach House development included the area of land on which the appeal subjects are located. Reduction in the size of the Coach House site boundary was approved by the Planning Authority **twice** without objection; once in application 14/00876/FUL and again in application 15/01081/FUL. The result of both these applications was to exclude the subjects of this review from the development boundary of Craigerne Coach House. The approved plans for applications 12/00314/FUL; 14/00876/FUL and 15/01081/FUL are provided overleaf to demonstrate how the plot was excluded from the boundary of development at Craigerne Coach House.
- 2.9 The extent of open space associated with Coach House permissions 14/00876/FUL and 15/01081/FUL was thus reduced from the 2013 consent by way of approved altered site boundaries, as per the plans overleaf. The Planning Authority did, however, seek, by way of planning condition, the submission of a proposed landscaping scheme to cover both the Craigerne Coach House application boundary and the current application subjects.

Fig 1: 2012 site plan – 12/00314/FUL

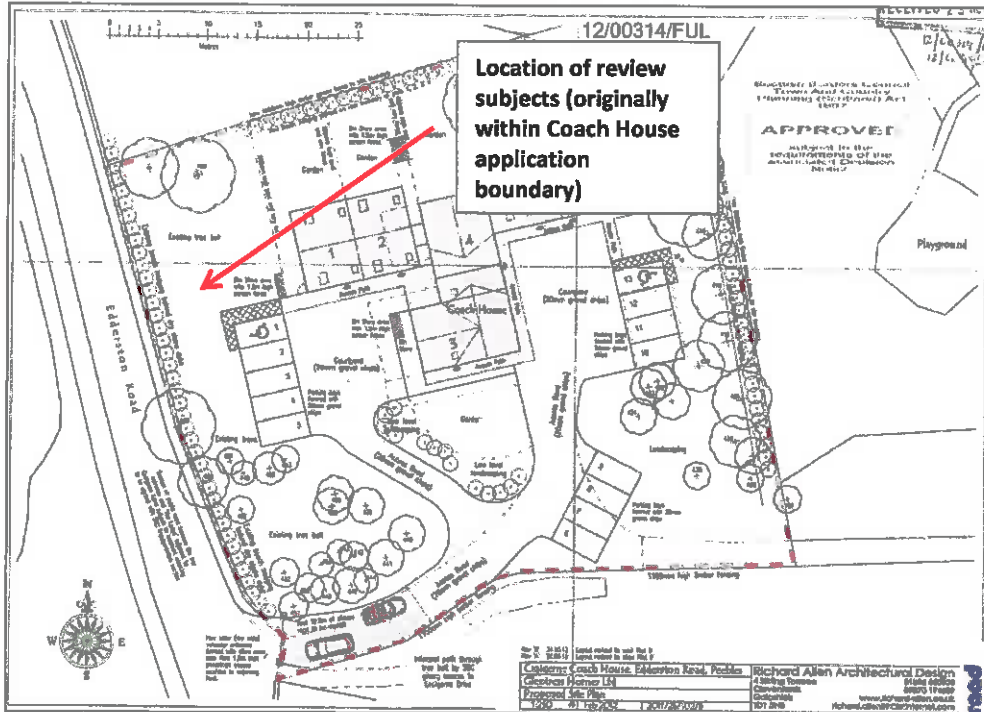


Fig 2: 2014 site plan – 14/00876/FUL

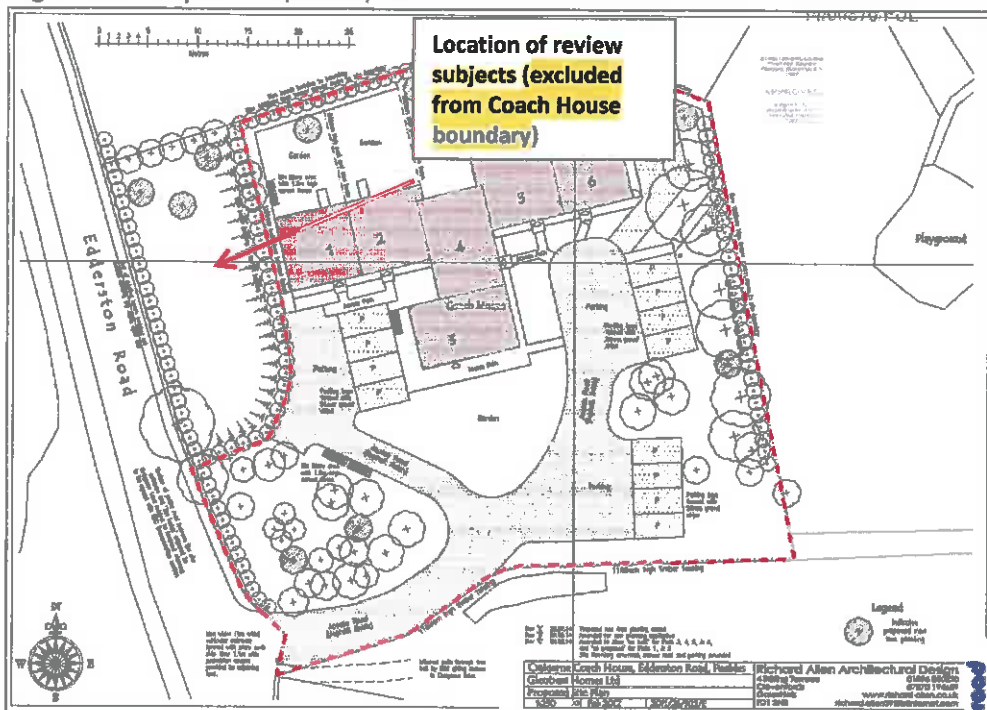
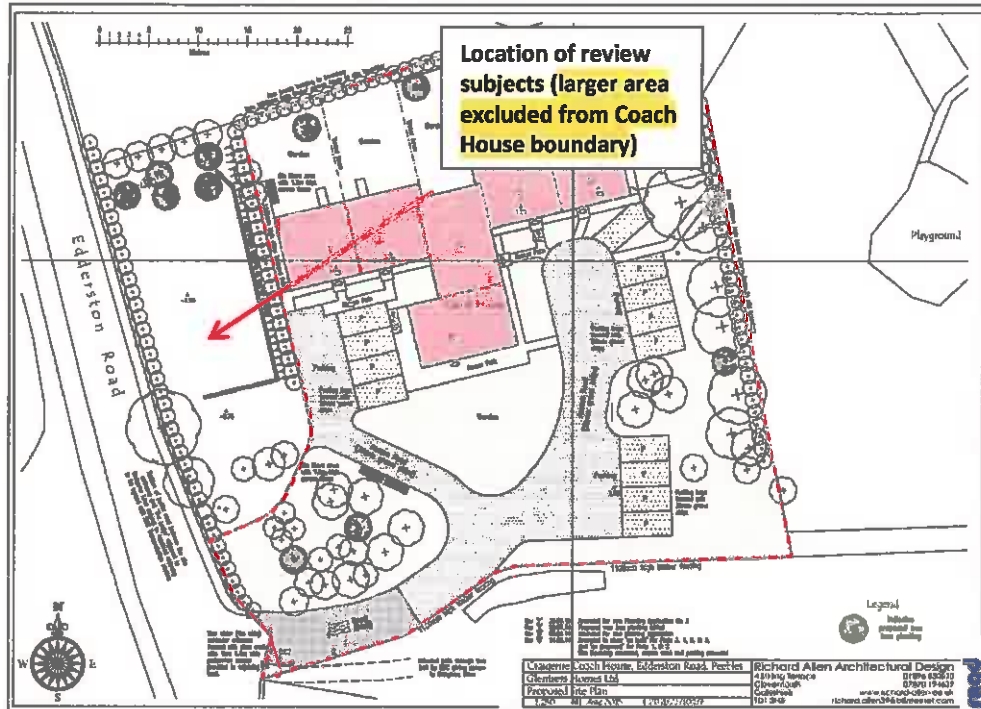


Fig 3: 2015 site plan – 15/01081/FUL



- 2.10 The Appellant maintains that adequate shared open space is available for the Coach House development without the land of the appeal subjects, which is appropriate to a development of that scale within the Peebles settlement boundary. The shared open space exists in addition to private garden ground.
- 2.11 It is also worth noting that Craigerne Coach House used to be a category B listed building. It is, however, no longer listed. After detailed consideration and consultation with Scottish Borders Council, Historic Environment Scotland confirmed on 25th June, 2015 that the listed status of Craigerne House and Craigerne Lodge had been updated and the Coach House had been removed from the statutory listing address.
- 2.12 The Case Officer has been clear in reports concerning the previous applications on this plot that *“any assessment of this current application for a new house cannot take into account listings or the previous listed status of the house”*.

3.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

- 3.1 The application was refused by Scottish Borders Council on 3rd May, 2017 on the basis set out below.

The application is contrary to policies PMD2, PMD5 and EP13 of the Scottish Borders Local Development Plan 2016 in that the proposed development would represent overdevelopment, and a significant reduction in, an area of ground required for landscaped and wooded setting for the Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road and providing insufficient space from existing preserved trees which would undermine their protection.

- 3.2 It is noted that the Planning Officer has **removed two key points of objection** which formed part of reason for refusal of the 2015 application (larger house of different design), on the appeal site.

1. There is now no objection to the **design** of the proposed house;
2. There is now acceptance, following submission of a Tree Report, that there is **enough room for the tree planting, and the future growth of the trees to maturity**, which the Planning Authority requires be carried out at the north of the site. It is also accepted that the trees' root systems will not be detrimentally impacted by drainage pipes which serve the Coach House.

4.0 GROUNDS FOR LOCAL REVIEW

- 4.1 The Appellant sets out the following two Grounds for Review, both of which are justified in the next section 5.0 'Case for the Appellant'.

Ground 1 – Addresses issues of spatial context and relationship to Coach House development.

The proposal would not comprise a cramped form of development or overdevelopment of the area around the Coach House. The area between the Coach House and the road would not appear 'congested'.

Ground 2 – Addresses issue of trees and landscaping relating to the Coach House development

There is no material reduction in the ground otherwise required for the landscaped and wooded setting of the Coach House. The proposal does not undermine the retention of the preserved trees.

5.0 CASE FOR THE APPELLANT

The Case for the Appellant is provided within the context of information provided in Sections 1, 2 and 3 of this Report, all of which forms the basis of Appeal.

GROUND 1: The proposal would not comprise a cramped form of development or overdevelopment of the area around the Coach House. The area between the Coach House and the road would not appear 'congested'.

5.1 The proposed site lies within the settlement boundary of Peebles. There are various houses and garages along the upper section of Edderston Road including:

[See Appendix 1 for photographs]

- Loaningdale,
- The Steading (Loaningdale)
- Tantah Lodge/ Sandwood
- Tantah Cottage
- Craigerne Lodge/ Garage

5.2 The area of land is considered to comprise a **gap site** in terms of policy on **infill development**. In this regard, the proposal does not conflict with the established residential use of the area, nor detract from its character and amenity.

5.3 The proposal can be satisfactorily accommodated within the site:

- The dry stone wall fronting Edderston Road will be preserved, with no new opening.
- The beech hedge inside the dry stone wall alongside Edderston Road will remain intact.
- Vehicle access is via the Coach House entrance. There is no need to create a new wall opening.
- The size of the parking area, as required by the Roads Officer (5m wide by 5m long to accommodate 2 vehicles) can be achieved.

- Access to the dwelling from the parking spaces is by way of a pedestrian walkway. A compliant walkway will be formed from gravel filled 'ground guard' to prevent impact on trees' root protection areas.
 - The elements of replacement tree planting required in terms of the Craigerne Coach House development, in so far as they lie within the application boundary, have been provided as shown on the Block Plan.
 - The Appellant confirms that the proposal does not impact upon Root Protection Areas of existing trees – a point now accepted by the Planning Authority.
 - The adjacent Coach House is no longer a listed building.
- 5.4 The level of open space remaining at Craigerne Coach House is sufficient for a development which lies within the Peebles settlement boundary at this location. There are several other properties with direct road frontage.
- 5.5 The site has no impact upon the provision of the public 'pedestrian access corridor' which exists from the entrance gate of Craigerne Coach House through the wood to the Cala Homes development, as was required by the Access Officer as part of the Coach House development.
- 5.6 The Appellant strongly asserts that the development of the subjects would not lead to overdevelopment based upon the plot sizes in the vicinity – the development of the house known as 'Sandwood' has been carried out behind Tantah Lodge (notwithstanding it is a listed building). It is noted that, at consultation, the Landscape Officer did not wish to comment on the relevance of that proposal (which is directly relevant) stating "*I have no previous knowledge of the case*". It must be assumed that the said Officer could have reviewed an archived file, but elected not to.
- 5.7 The proposal on the appeal site has road frontage with open agricultural land to the west and woodland to the north. It has an open 'spacious' aspect.
- 5.8 The scale of the proposal is in keeping, in terms of footprint, with the houses within the Cala Homes development, although its overall massing is significantly smaller than most. Its relationship with the massing of the Coach House development is considered to be appropriate also. The development will not result in loss of daylight, sunlight or privacy to the properties at Craigerne as a result of overshadowing or overlooking. It is situated on a lower level. The design of the house and the lack of impact on residential amenity were acceptable to the Case Officer in his report.

- 5.9 There are several houses with direct road frontage in the immediate vicinity, including Tantah Lodge, Tantah Cottage, Craigerne Lodge with its prominent modern roadside garage (see Appendix 1 photographs) and The Steading at Loaningdale. **The presence of numerous houses in the immediate locality having road frontage is established.** The proposed house is set back by 4m and separated from the road by the wall and hedge, unlike Tantah Lodge or Cottage.

Tantah Lodge (07/00668/OUT and 09/01496/AMC)

- 5.10 In 2007, planning consent was obtained for the development of a house, now called 'Sandwood' in the garden ground to the rear of Tantah Lodge, next to the Coach House. (Ref: 07/00668/OUT and 09/01496/AMC). This application was not considered to be overdevelopment. See map overleaf to view Sandwood sitting in the rear garden of Tantah Lodge. The application boundary for the house is shown in red.
- 5.11 The Officer's report for the "Sandwood" case made the following comments which the Applicant considers to be of relevance to the current appeal.
- a) *'The proposal does not intrude into the open countryside and it would be consistent with the character of the settlement as well as being consistent with and conforming to the form of the settlement'*.
Comment: This is considered to be equally true in respect of the subjects.
- b) *'There would be some impact on the amenity of Tantah Lodge but it is considered that this would be minimal'*.
Comment: Similarly, the impact of development of the subjects on Craigerne Coach House would not be significant.
- c) *'The proposal can be satisfactorily accommodated within the site. The garden areas would be consistent with Tantah Lodge and Tantah Cottage'*.
Comment: The garden ground afforded to the current proposal is greater than that afforded to Tantah Lodge and Cottage. The footprint of the appeal subjects is 79 sqm and the application boundary measures 536sqm. The house thus occupies 14.7 % of the plot. The figure for Tantah Lodge appears to be higher at c.30%.
- d) *'The area surrounding the application site is predominantly residential in character, and the type of development would be consistent with its surroundings'*.
Comment: The same comment applies to the proposed development.

- e) 'There would be an insignificant increase in traffic and the visual impact would be minimal'.

Comment: Likewise, there would be insignificant traffic increase. The visual impact from Edderston Road would not be unreasonable, particularly given the presence of other houses in the vicinity with road frontage. The subjects would be partially screened at low level by the wall and hedge. The relationship of the two developments can be seen within the elevation drawings.

Fig 4: Development of a new house 'Sandwood' to the rear of listed Tintah Lodge – immediately adjacent to the TPO woodland.



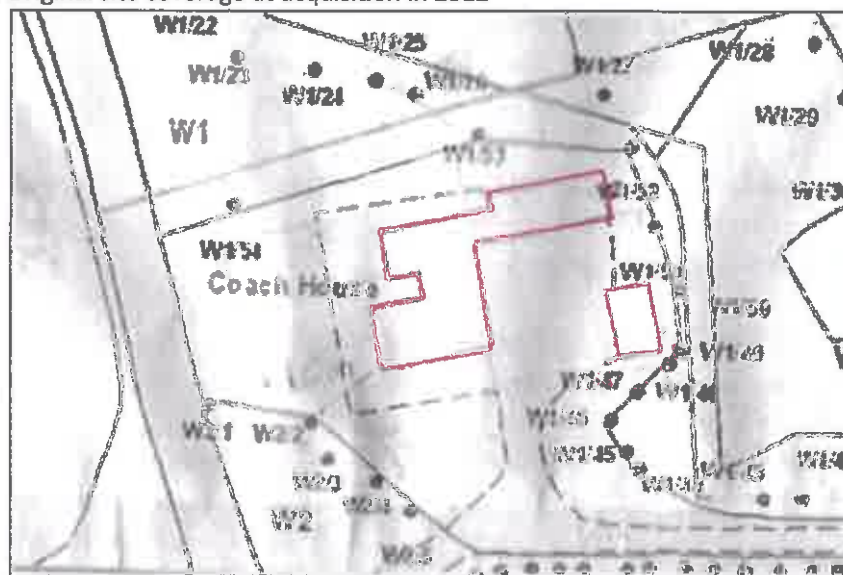
- 5.12 This proposal provides for a dwelling which fronts Edderston Road, adjacent to existing development at Craigerne Coach House. The proposal respects the character of the surrounding area, neighbouring uses and neighbouring built form in terms of scale, massing, height and density. The resulting density of development is not inconsistent with the surrounding area as can be seen from the Location Plan. It is specifically noted that Craigerne Coach House's main elevation faces to the south. Its key outlook and setting is the land to the south and not to the west (road). The proposed house will not obscure the principal elevation of the Coach House.
- 5.13 The house will have slate roof and white-painted wet dash harled render to ensure that it is in keeping with the development at Craigerne Coach House. Finishes include timber casement windows and woodgrain effect composite doors. The proposal will fit well with the sense of place at Craigerne and will complete the development at this location. The acceptability of the design was confirmed by the Planning Officer in his Report.
- 5.14 The proposal retains the physical features of the stone wall along Edderston Road, together with the mature beech hedge. This will ensure that the development will retain an attractive boundary as viewed from the public road. There is no requirement to form a new access through the wall.
- 5.15 The Officer's Report refers to the approx. 5m separation distance between the Coach House's western gable and the proposed house. The Officer omitted to consider, however, the fact that the new house is to be set at a lower level than the Coach House. The previous LRB did, however state "*Members noted the relationship between the proposed house and the new western wing on the Coach House and raised no issues in terms of overlooking or any detrimental impacts on privacy or amenity*". The Officer had expressed the view, in relation to the previous 2015 application for the larger dwelling, that the impact on residential amenity is not such to warrant refusal.
- 5.16 The Officer expresses concern about the visually intrusive nature of the retaining wall. This would not be visible to the rear of the house to be constructed.

GROUND 2: There is no material reduction in the ground otherwise required for the landscaped and wooded setting of the Coach House. The proposal does not undermine the retention of the preserved trees.

- 5.17 The build development coverage (area of land with buildings thereon) of the Coach House site when the land was acquired by Glentress Homes, pre any development

taking place, was 336 sqm. This included the Coach House, two lean-to extensions and dilapidated garages to the east. The site coverage by the completed Coach House development (excluding the proposed plot) is 335 sqm. The coverage of the Coach House site has remained consistent and the addition of the proposed house with road frontage is considered to be reasonable in the context of the setting. In his Report, the Planning Officer refers to “the enlarged Coach House” in terms of a requirement for an associated ‘green apron’ setting. This is misleading. The overall footprint of the Coach House has enlarged by only one square metre.

Fig 5: Original site coverage at acquisition in 2012



- 5.18 The Planning Officer has accepted that, following the provision, of a tree report, the proposed development does leave enough space for trees which are to be planted on the site, to become established. This previous ground of objection (and part-reason for refusal) has thus ben dropped.
- 5.19 The Appellant is agreeable to all existing trees being retained within the subjects and carrying out required new planting within the boundary. The proposal has been designed to respect the Root Protection Areas of the existing and replacement trees.
- 5.20 It has been accepted by the Planning Authority that construction could be carried out using a ‘slab foundation’ and ‘no dig techniques’ within the area of slight overlap into the root protection area (RPA)of one mature tree to the south west of the site. This is acceptable to the Appellant. It has therefore been accepted by the Landscape and

- Planning Officers that the no root protection areas of any trees would be detrimentally impacted by the proposed development, subject to these construction techniques, where required. The Landscape Officer wrote " *Following discussion with our Tree Officer, I can confirm that we agree a no-dig method of construction is essential where the building comes within the RPA and it could be achieved by either mini pile and beam, pads or reinforced slab*".
- 5.21 The Planning and Landscape Officers maintain the view that there could be pressure on the above-mentioned preserved tree as a result of overshadowing *in the future*. This is clearly a highly subjective view, a point which has been acknowledged by the Landscape Officer, stating "*shading and overshadowing is to some degree a subjective matter*". There are many houses in Peebles with woodland (TPO and non-TPO) immediately adjacent e.g. Sandwood, Edderston Road and Witch Wood, Bonnington Road.
- 5.22 The proximity of the house, "Sandwood" to TPO trees outwith its boundary is noted to be only 1.2m and this does not appear to have given rise to any concern. See Fig 14 below in Photograph Appendix 1
- 5.23 The Appellant strongly asserts that the Coach House development would remain situated in attractive grounds as illustrated within photographs at Appendix 1.
- 5.24 The Planning Officer observes that "*There is no doubt that these trees, hedges and walls form a strong positive characteristic of Edderston Road.*" It should be noted that these trees, hedges and the wall remain fully intact within the Appellant's proposal.
- 5.25 Whilst it is acknowledged that the final landscaping plan for the Coach House is to be agreed, as it will be dealt with by way of a planning condition associated with the Coach House consent, it is a matter of fact that the Planning Authority agreed (in 2014 and again in 2015) to a reduction in the area of ground contained within the development site boundary of the Coach House which resulted in the appeal subjects being excluded from the Coach House development boundary.
- 5.26 The Officer has indicated that the land which comprises the appeal subjects must be used entirely as landscaping for the Coach House development. In this regard it should be noted that the ownership of the appeal site is separate from the ownership of the Coach House site (Glentress Homes). Any planning conditions relating to landscaping associated with the Coach House would be required to meet the tests contained in Planning Circular 4/1998.

- 5.27 The Circular states that particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted. If the land is outside that site, a condition requiring the carrying out of works on the land cannot be imposed unless the Authority is satisfied that the applicant has sufficient control over the land to enable those works to be carried out. Any planning condition which requires the appeal subjects to be used solely for landscaping purposes may not be enforceable given the facts at hand and the separate ownership.
- 5.28 In terms of timescales, the Disposition by Glentress Homes in favour of Mrs Patricia Crippin and Mr Trevor Crippin is understood to have been signed in December, 2015. The timing of the transfer of ownership was a point of discussion at the previous Local Review.
- 5.29 The Coach House development (application 15/01081/FUL) was submitted on 15th September, 2015 and approved, with conditions (including landscaping conditions) on 3rd February, 2016. The imposition of the landscaping condition thus appears to **post-date the signing of the disposition** by Glentress Homes Ltd to Mr & Mrs T Crippin. In essence, application 15/01081/FUL was approved almost 2 months after the signing of the Disposition by Glentress Homes Ltd in favour of Mr & Mrs Crippin *snr*. Glentress Homes Ltd state that it is now not possible to achieve landscaping on the disposition (application) subjects.

Appendix 1 – Photographs

(Planning Officer made site inspection. This visual information was available at application.)

Fig 1: The Coach House principal elevation (south).



Fig 2: The Coach House central and eastern sections



Fig 3 The Coach House and plot viewed from the west

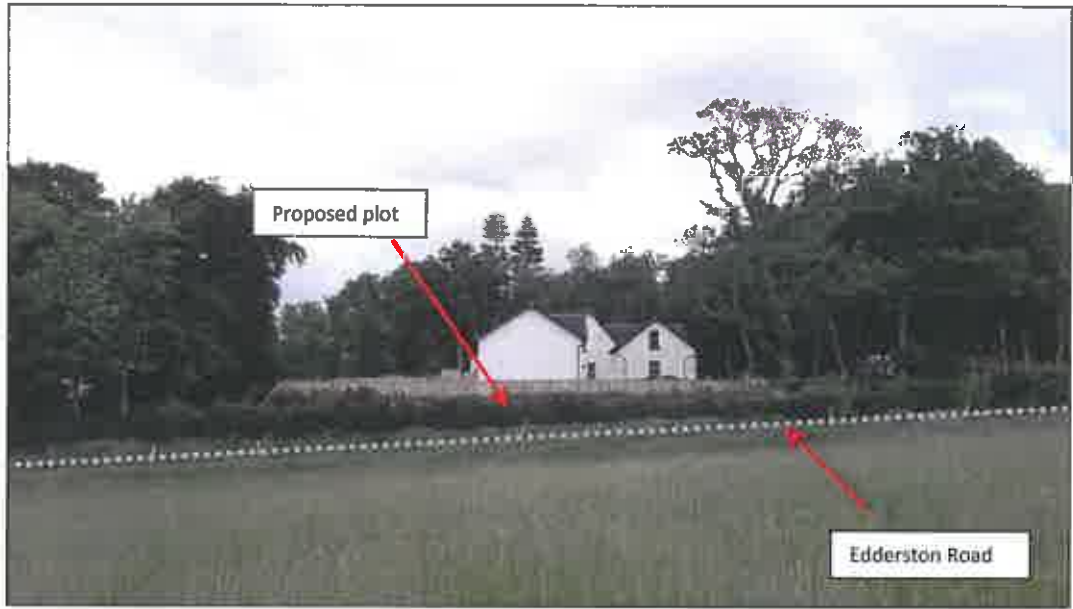


Fig 4: Three trees planted on plot in accordance with tree report

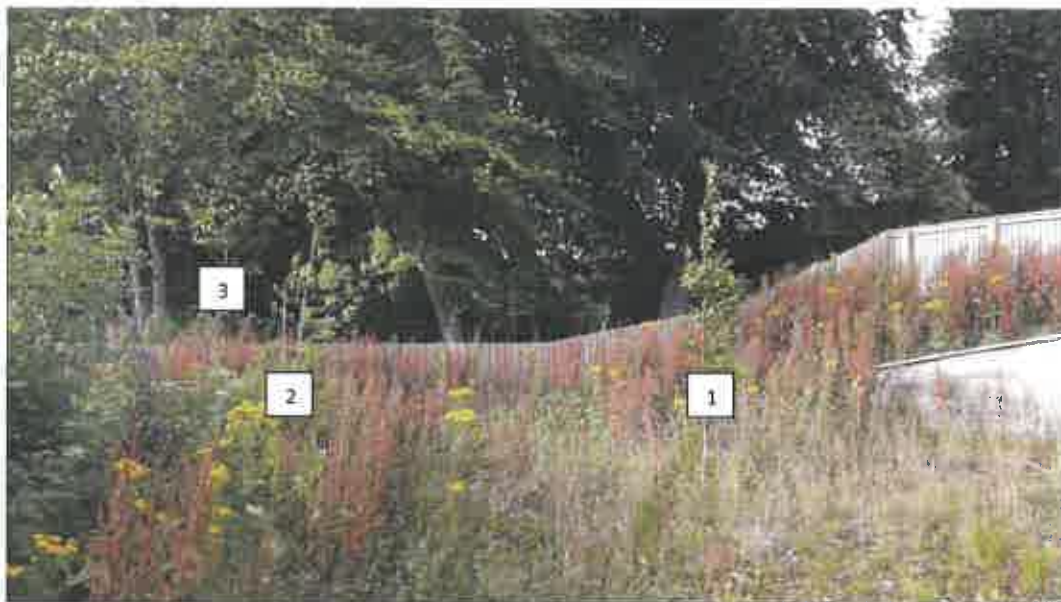


Fig 5: View north on Edderston Road showing wall, trees and beech hedge which will remain intact



Fig 6: Access into Craigerne Coach House which will be used by the plot



Fig 7: Sandwood – adjacent to Craigerne Coach House and TPO woodland



SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00323/FUL

APPLICANT : Mrs Patricia Crippin

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of dwellinghouse and retaining wall (part retrospective)

LOCATION: Land West Of Craigerne Coachhouse
Edderston Road
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
2014/12/102/C	Site Plan	Refused
2014/12/101/A	Location Plan	Refused
2014/12/103/C	Floor Plans	Refused
2014/12/104/C	Elevations	Refused
PLANNING SUPPORTING STATEMENT		Report Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous application for a dwelling on this site (15/01034/FUL), which was subsequently refused, raised no objection from the Roads Planning Service subject to certain conditions.

Given the above, I will reiterate my previous comments which must be satisfactorily addressed by any subsequent planning approval;

o The parking area shown on the Proposed Site Plan (Dwg 2014/12/102/B) must be a minimum of 5 metres wide by 5 metres long in order to accommodate two vehicles. The parking area must be fully formed and available for use prior to occupation of the dwelling.

o A £1000 contribution, as a result of the proposed unit, is required as per the current SBC Development Contributions SPG. This contribution is towards improving traffic management in and around the town centre and/or towards the funding of transport appraisal work in respect of options for a second vehicular crossing in the town over the River Tweed.

o No access, either pedestrian or vehicular, is to be taken directly off Edderston Road.

Landscape Architect:

he site has been visited on a number of occasions, most recently on 15th March 2017.

The proposed development is almost identical to the application made in 2015, albeit the footprint of the house has been reduced by approximately a quarter.

As stated in my consultation response to the previous application 'I am of the opinion that the addition of another sizeable house on this small site immediately to the west of the original coachhouse, diminishes the aesthetic and setting of the 6 unit development. It does not offer any meaningful garden ground to the proposed house and I suggest will put the remaining TPO trees under pressure of removal due to future overshadowing.'

The oak tree to the south west of the proposed house is one of the TPO trees that would be affected - a mature specimen that lies within 5m of the footprint of the proposed house. None of the supporting information identifies the Root Protection Area (RPA) of this tree but it is extremely likely that the house would be well within its RPA. If it is decided that a house is appropriate in this location, the development should be moved out of the RPA of this tree to protect its long term viability.

I reiterate my previous concerns about a development in this location - 'I think this proposal will have a negative impact on the setting and amenity of the approved development and will undermine the Tree Preservation Order by putting undue pressure on the remaining trees in the immediate area.... in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. I suggest that the proposal amounts to overdevelopment of the site and therefore, on landscape and visual grounds, I cannot support this application.'

Response to points raised by Kate Jenkins on behalf of her client in email below are as follows;

The Landscape Consultation response sent to Planning Officer on the 4th November 2017 is now on IDOX

(as of 19th April 2017)

It is good to have the TPO tree (mature oak) now accurately located on site as my previous comments

including its distance away from the proposed development, was based on its position as shown on the

Proposed Site Plan. I do not take issue with Ken Harvey's revised position or the measurements and agree the RPA of the tree is as shown.

The distance I referred to was based on the position of the tree shown on Proposed Site Plan (see also

above) submitted, and had assumed that it was reasonably accurate.

Following discussion with our Tree Officer, I can confirm that we agree a no-dig method of construction is absolutely essential where the building comes within the RPA and is could be achieved by either mini

pile and beam, pads or reinforced slab. Detail of preferred method should be submitted for approval, should this development be consented.

I can agree to some degree that shading and overshadowing is a subjective matter, but I do consider the

tree will be under long term pressure for removal given its position to the south west of the proposed house.

I acknowledged the reduction in size -whether it is a 29% reduction in size or as I stated 'has been reduced by approximately a quarter' is not the main disagreement -my concern is that the proposal will have a negative impact on the setting and amenity of the approved development and will undermine the Tree Preservation Order by putting undue pressure on the remaining trees in the immediate area and suggest that the proposal amounts to overdevelopment of the site.

I cannot comment on Sandwood as I have no previous knowledge of this case .

Archaeology Officer: No known implications.

Education and Lifelong Learning:

I refer to your request for Educations view on the impact of this proposed development which is located within the catchment area for Halyrude Primary School, Kingsland Primary School and Peebles High School.

A contribution of £7,463 is sought for Kingsland Primary School and £1,051 is sought for Peebles High School.

Rolls over 90% place strain on the schools teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index, therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2017.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality
Nuisance

This Application indicates that a solid fuel heating appliance will be installed in the dwelling.

The plans lodged with the Application show that properties situated downwind of the site have window openings at a higher level than the discharge point for the heating appliance.

This is liable to impact on the health and amenity of other occupiers.

Recommendation
Object.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards
Policy PMD5 Infill Development
Policy HD3 Protection of Residential Amenity
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP16 Air Quality
Policy IS2 Developer Contributions
Policy IS7 Parking Provisions and Standards
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

"Development Contributions" SPG
"Trees and Development" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 24th April 2017

This is a revised application for the erection of a dwellinghouse on this site, following on the refusal of 15/01034/FUL in October 2015 for the following reason:

"The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development would represent a cramped form of development, out of character with this part of Edderston Road. The proposed house would result in an overdevelopment and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coach House development and the traditional houses in the area."

The application was taken to the Local Review Body in March 2016 and the refusal decision was upheld, the LRB agreeing to the reasons for refusal of the application.

This revised application has been accompanied by another Planning Statement from the agent which details the history of the site and lists, at para 1.7, the changes represented by the current application. These are mainly a footprint reduction from 112 - 79 sq m, a frontage reduction of 4.65m, smaller two bedroom house, an increase in distance of the northern gable to boundary from 7.35 - 12m leaving more space for tree planting and amendments to frontage fenestration. The main determining issues are whether any of these changes would result in justification to reverse the previous decision of refusal which was upheld at LRB.

In considering this, it is important to reiterate parts of the previous case Handling Report as they remain relevant in relation to the principle of the proposal for a house on the site, as follows:

"Craigerne Coach House was previously a Category B Listed Building when extensions were consented to it to create an additional five dwellinghouses. This involved a new wing to the west towards Edderston Road and a reconfigured and enlarged wing to the east. The design was carefully negotiated during processing of the application to ensure that the character of the listed building and its landscaped, former parkland, setting were preserved. However, that development proceeded in an unauthorised manner with numerous changes which necessitated new applications for listed building and planning consent. Subject to conditions, consents were granted to rectify some of the less appropriate changes. A new application has now been submitted to attempt to keep some of the changes which were sought to be rectified by condition.

Before those conditions could be enforced, Craigerne Coach House was de-listed by Historic Environment Scotland for the reasons given by the agent in her Supporting Statement, Therefore, any assessment of this current application for a new house cannot take into account listings or the previous listed status of the house. Assessment must be based principally upon Local Plan Design, Infill and Tree Policies - G1, G7 and NE4. It is important to note that, although subsequent applications sought to create a cleared site without significant landscaping on the land between the proposed west wing and Edderston Road, no such approval has been granted for the final landscaping scheme on the overall site. Indeed, two TPO trees were removed within the site and an unauthorised retaining wall erected which is also the subject of this consent."

The only changes to be reflected in the above background are that there is now a new Local Plan in place and that the changes to the Coach House development were ultimately consented. However, the overall landscaping scheme for that development remains to be agreed, interrupted by the unauthorised retaining wall that this revised application agains seeks to retain.

In terms of the landscaped setting for the Coach House, the previous Handling Report stated:

"The agent has submitted a Supporting Statement which gives the background to the site, justification for the application, reports on pre-app consultation and draws parallels with other recent infill developments. I have looked carefully at this Statement and the examples given elsewhere but do not believe that any of them can be considered direct comparisons which form a compelling case to allow this development. Despite Craigerne Coach House being delisted, the overall property, with extensions, would lie in attractive landscaped grounds whereby the amenity of the area is preserved by protected trees, walls, hedges and a general green apron and setting to the site. There is no doubt that these trees, hedges and walls form a strong positive characteristic of Edderston Road and the retention and protection of this setting was considered vital in the decisions to allow the enlargement and extension of the Coach House. Despite the western wing being allowed which would bring the built form nearer to the public road, it was felt that, with

retention and augmentation, the landscaped framework could enhance the attraction and amenity of the building despite its enlargement. Although there have been subsequent revisions and a delisting of the building, the landscaped framework is still considered essential to the success of the development and amenity of the area - and has never been finally consented through successive conditions and landscaping submissions."

"Indeed, nomatter what size, shape or height of house proposed on the site, the hardening of the space would be detrimental to the green setting of the enlarged Coach House, exacerbated by the intrusive retaining wall which has been formed along the length of the site and the circulation space required around the house. Although the wall and hedge are intending to be retained along the roadside, the face of the house will be no more than 3-4 metres from the hedging, its 15.5m length and 6-7m height dominating the boundary treatment and reducing the attraction and setting currently created by the wall and hedge. If the application is refused, then it is partially retrospective in relation to the retaining wall and this would need to be addressed in the overall discharge of the landscaping condition."

I maintain these views which are supported by the Landscape Section. Their response makes it clear that this area of ground should not be considered to be suitable for a house and that any development "...diminishes the aesthetic and setting of the 6 unit development." The reductions in the house size still do not improve the impacts of the house within the limited depth of the site, it still being 3-4m from the roadside hedging and at least 6.7m in height. The reduction in length is welcomed but does not outweigh the congestion, dominance and detrimental impacts on the landscaped boundary treatment that exists and that is required to be restored in this location.

The revised development should also be assessed against impacts on existing TPO trees and those trees requiring to be replanted as part of a previous agreement for felling of trees at the northern end of the plot. The previous Handling Report stated the following:

"Two trees were felled within and at the northern end of the site which have been agreed to be replaced. Five trees are shown on the plan at the northern end but it was also noted that services appear to run through this part of the site which also raises questions about the success and suitability of new planting in this area. Furthermore, only 6-7 metres space is given between the site boundary and the northern gable of the proposed house which is considered wholly inadequate for the replanting of appropriate tree replacements and their subsequent growth. The comments of the Landscape Architect on the revised application make it clear that the reservation of green apron and appropriately planted space with hedging and dry stone walling are essential to be retained in line with Local Plan Policy NE4 and the requirements of Policies G1 and G7. "

"The Landscape Architect opposes the proposal for the above reasons but also makes the point that due to the congested nature of the proposal and lack of garden ground around it, there would be increased pressure on the remaining and replacement TPO trees as a result, which will undermine the integrity and protection of the Tree Preservation Order."

The revised application improves the gap between the northern gable of the house and the northern boundary to provide more space for the establishment of three replacement beech trees which are proposed. A report from a tree specialist also accompanies the revised application which attempts to advise that sufficient space would be allowed for the establishment of these trees and that, despite the presence of drainage through this part of the site, any future problems of drain ingress by roots would be likely to be caused by existing trees outwith the site and that there should not be any impacts on the new trees with regards to drainage maintenance works etc. The tree specialist concludes that the site can comfortably accommodate the three new trees and that they could develop to maturity.

The Landscape Architect makes no specific reference to this matter apart from remaining opposed to the development due to insufficient garden space and proximity of the house to existing preserved trees. As the house has been reduced in size and there is no challenge from her to the report from the tree specialist over space and suitability of the ground for the new planting, I would conclude that the new proposal resolves one element of the previous reason for refusal over sufficiency of ground for the establishment of replacement tree planting.

The other element is not resolved with regard to impacts of the development on existing preserved trees. Meaningful garden ground is still not provided for the development which remains congested and close to protected trees at the southern end, partly due to the scarcement required from the new trees to be planted at the northern end. The Landscape Architect continues to express objections that protected trees will be under long term pressure for removal, especially the oak tree to the south west of the proposed house. Whilst the distance from that tree has now been clarified and the Landscape Architect considers specialist construction would not, necessarily, damage the roots of the tree, proximity of living quarters will still result in overshadowing and pressure for removal. I concur with this view and do not believe that the site represents an appropriate infill opportunity which would respect the setting of the former Coach House, its consented expansion nor the longer term protection of the preserved trees in the immediate area.

The issue of overdevelopment and congestion were central to the refusal of the previous application and to the decision of the Local Review Body. The Handling Report stated the following:

"Apart from the impacts on amenity, there are also issues of congestion and overdevelopment caused by the actual proposal on both the site and immediate surrounds itself and on the approved western wing of the Coach House development. Whilst the agent has sought to reference other plot ratios on modern developments elsewhere, none compare to this particular case where significant enlargement and development of Craigerne Coach House has already been allowed, partly on the basis of retention and augmentation of its landscaped and wooded grounds. To place a large house (over 200 square metres) on an intervening space of no more than 15m and within 5m of the new western gable of the Coach House would result in a congested and cramped visual relationship, to the detriment of the carefully design Coach House extension and the overall amenity of the area. The 5m separation between properties is further congested by the retaining wall, timber fencing and beech hedging. It is insufficient space without creating a strong impression of overdevelopment and congestion. Even if the house was proposed as a smaller single storey house, these impacts would still be considerable and considered inappropriate, the main restriction being the lack of depth of the site and the current house only being 6.5m deep - there is no further reduction possible in this respect.

The relationships of other existing houses to new houses referenced by the agent do not, in my opinion, create any compelling case for arguing that the relationship proposed at the application site is part of the general density or built fabric of the area. There is no accurate assessment of plot ratios on the other cases mentioned at Tantah Lodge or Craigmount and, in any case, both those cases involved retention of older houses to the site frontages where the relationship is already existing. The facts are that the relationship created by the proposal would represent overdevelopment and cramping both in terms of buildings to buildings and hard to soft buffer space and landscaping."

The paragraphs from the previous Handling Report particularly highlight the restricted depth of the site and the congestion between the proposed house and the western wing of the Craigerne Coach House development. Although the current house proposal is of reduced length, there is no difference in depth, height or impressions of overdevelopment. The previous Handling Report had identified that our objections would remain even if a single storey house was proposed - in this case, a one and three quarter storey house of the same height and depth as previously proposed is still intended. The impacts of cramping, congestion and overdevelopment, therefore, remain.

The agent continues to compare the proposed development with local cases but these have previously been considered and should have no bearing on the acceptability, or otherwise, of this proposal. They have previously been considered by both the Department and the LRB and cannot be compared as presenting the same issues and site specific constraints.

The previous application was also refused for being out of character with the local vernacular. The Handling Report stated:

"In terms of the design of the house, however, there are improvements that could be made in terms of the fenestration which is dominantly horizontal in emphasis along the frontage. The dormers are oversized and the triple and quadruple window arrangements provide an inappropriate suburban form within the context of

more vertical window patterns nearby and forming the character of the area. Had the application been acceptable in other respects, then there would have been further negotiation over the fenestration but, as it stands, the design represents a further reason to oppose the application, in line with Policies G1 and G7."

The agent has stated that the new design changes the front fenestration by changing triple window dormers to double windows and reducing quadruple ground floor windows to triple units. Compared to the refused application, the revised design provides a shorter building with a greatly improved front public facade. The dormers are better proportioned and the quadruple one removed, the ground floor windows also being improved by being reduced to triples. The design now meets the principles of the "Placemaking and Design" SPG and complies better with the local architectural vernacular. Traditional materials such as slate and wet render continue to be proposed. I find that there is no reason to oppose the revised application on the grounds of design.

One final issue is returned to by the agent in the supporting statement which is in relation to the timing and ownership of the site in relation to the required landscaping which is seen as an obstacle to developing the site. Whilst the timing of the sale of the site to the current applicants is not disputed, the site was sold without the issue of overall landscaping being resolved and approved. The agent states that the site is owned by the parents of the original Coach House developer and that "...it is not now possible to achieve landscaping on the disposition". This matter was also debated at length at the LRB. Whatever view is taken of the "impossibility" of achieving landscaping on a site that has been sold but retained within the family, this cannot be used as a reason to approve the site for housing development on grounds that nothing else would be achievable. In fact, the previous site owner only got permission to fell trees subject to replanting on the site and must still carry this out - yet this is not suggested by the agent as being prohibited by site ownership. It seems inconsistent to suggest that whilst replacement planting can be carried out, a suitable landscape restoration treatment cannot be due to land ownership restriction. The site has been sold without the benefit of planning permission for a house and the current site owners will need to address the requirement for landscape treatment of the overall site.

There are no other issues impacting on the decision, matters relating to residential amenity, roads and Environmental Health either having been dealt with by amended plans or being able to be addressed by planning conditions. There is also no suggestion that the development would not comply with the required development contributions.

Overall, and whilst the revised and reduced design has addressed a couple of previous reasons for refusal, it is not considered that these sufficiently outweigh or satisfactorily address the main reasons for refusal.

REASON FOR DECISION :

The application is contrary to Policies PMD2, PMD5 and EP13 of the Scottish Borders Local Development Plan 2016 in that the proposed development will represent overdevelopment, and significant reduction, of an area of ground which is required for landscaped and wooded setting for the Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road and providing insufficient space from existing preserved trees which would undermine their protection.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, PMD5 and EP13 of the Scottish Borders Local Development Plan 2016 in that the proposed development will represent overdevelopment, and significant reduction, of an area of ground which is required for landscaped and wooded setting for the Craigerne Coach House development, resulting in an inappropriate congested appearance

between the development and Edderston Road and providing insufficient space from existing preserved trees which would undermine their protection.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/00323/FUL

**To : Mrs Patricia Crippin per Erich Planning & Property Consultants Per Kate Jenkins 57
Northgate Peebles EH45 8BU**

With reference to your application validated on **1st March 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and retaining wall (part retrospective)

At : Land West Of Craigerne Coachhouse Edderston Road Peebles Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 3rd May 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00323/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
2014/12/102/C	Site Plan	Refused
2014/12/101/A	Location Plan	Refused
2014/12/103/C	Floor Plans	Refused
2014/12/104/C	Elevations	Refused
PLANNING SUPPORTING STATEMENT	Report	Refused

REASON FOR REFUSAL

- The application is contrary to Policies PMD2, PMD5 and EP13 of the Scottish Borders Local Development Plan 2016 in that the proposed development will represent overdevelopment, and significant reduction, of an area of ground which is required for landscaped and wooded setting for the Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road and providing insufficient space from existing preserved trees which would undermine their protection.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

From:McDermott, Siobhan
Sent:20 Apr 2017 10:29:48 +0100
To:Miller, Craig
Cc:Wilkinson, Simon
Subject:RE: Craigerne -Landscape reply 17/00323/FUL

Craig,

Response to points raised by Kate Jenkins on behalf of her client in email below are as follows;

'As an aside, my Client notes that Landscape's consultation to the original application 15/01034/FUL is still not posted to the public access portal. I note that you kindly acknowledged this matter by email on 26/11/15 and asked your Officer to have it posted to the portal that day, but it does not seem to have reached it. This is relevant as the Landscape Officer refers to her original consultation in the current consultation'

The Landscape Consultation response sent to Planning Officer on the 4th November 2017 is now on IDOX (as of 19th April 2017)

'Ken Harvey, Tree Consultancy Group states that the tree to which your Officer refers is 19m high, has average crown radius of 8m, trunk diameter of 0.81m and the crown develops above 3m. The RPA (i.e. 12 x trunk diameter) has a radius of 9.72m measured from centre of the trunk. The noted oak, and its average crown radii (green) and RPA (red), is indicated on the attached version of the site plan.'

It is good to have the TPO tree (mature oak) now accurately located on site as my previous comments , including its distance away from the proposed development, was based on its position as shown on the Proposed Site Plan. I do not take issue with Ken Harvey's revised position or the measurements and agree the RPA of the tree is as shown.

'Your Landscape Officer indicates the noted oak to be 5.0 m from the south west corner of the house. My Client has measured the distance at 5.75 m.'

The distance I referred to was based on the position of the tree shown on Proposed Site Plan (see also above) submitted, and had assumed that it was reasonably accurate.

Ken Harvey notes that oaks are deep rooting on clay (source - Cutler & Richardson: *Tree Roots and Buildings* 1981) but that foundations would need to be no-dig where the building comes within the RPA. My Clients states that this is acceptable and a reinforced slab foundation would be used to take into account part of the footprint lying within the RPA.

Following discussion with our Tree Officer, I can confirm that we agree a no-dig method of construction is absolutely essential where the building comes within the RPA and is could be achieved by either mini pile and beam, pads or reinforced slab. Detail of preferred method should be submitted for approval, should this development be consented.

'As far as shading and overshadowing is concerned, this is a subjective matter. It is noted that the tree has been pruned in the past.'

I can agree to some degree that shading and overshadowing is a subjective matter, but I do consider the tree will be under long term pressure for removal given its position to the south west of the proposed house.

My Client also notes the almost 30% reduction in house footprint (reduced from 112 sqm to 79.4 sqm) so does not understand why the Landscape Officer states the application to be "almost identical" to the last one. Indeed, it needed to be materially different to enable it to be validated (albeit that this is a discretionary point).

I acknowledged the reduction in size -whether it is a 29% reduction in size or as I stated 'has been reduced by approximately a quarter' is not the main disagreement –my concern is that the proposal will have a negative impact on the setting and amenity of the approved development and will undermine the Tree Preservation Order by putting undue pressure on the remaining trees in the immediate area and suggest that the proposal amounts to overdevelopment of the site.

My Client has requested that the consenting of adjacent Sandwood within RPAs of adjacent TPO trees be noted.

I cannot comment on Sandwood as I have no previous knowledge of this case.

I hope this clarifies my comments but please come back to me if you wish to discuss further

Siobhan

Siobhan McDermott

Landscape Architect

Built and Natural Heritage

Regulatory Services

*Scottish Borders Council
Newtown St Boswells, Melrose TD6 0SA*

tel: 01835 824000 ext 5425

fax: 01835 825071

email: smcdermott@scotborders.gov.uk



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From: Miller, Craig
Sent: 17 April 2017 10:58

To: McDermott, Siobhan
Subject: FW: Craigerne -Landscape reply 17/00323/FUL

Siobhan – email 3 of 3.

Can you do two things. Firstly ensure your response to 15/01034/FUL is put on IDOX. Secondly, consider the points below and respond with any comments asap ?

Thanks

Craig

Craig Miller MRTPI

Lead Planning Officer

Development Management

Regulatory Services

Scottish Borders Council

tel - 01835 825029 mobile - 07765 386404

email - cmiller@scotborders.gov.uk



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From: Kate Jenkins [<mailto:kate@kjenkins.co.uk>]
Sent: 14 April 2017 18:47
To: Miller, Craig
Subject: Craigerne -Landscape reply

Craig,

My Client wishes to respond to Landscape's consultation posted on 5th April, 2017 as follows please:

As an aside, my Client notes that Landscape's consultation to the original application 15/01034/FUL is still not posted to the public access portal. I note that you kindly acknowledged this matter by email on 26/11/15 and asked your Officer to have it posted to the portal that day, but it does not seem to have reached it. This is relevant as the Landscape Officer refers to her original consultation in the current consultation.

Ken Harvey, Tree Consultancy Group states that the tree to which your Officer refers is 19m high, has average crown radius of 8m, trunk diameter of 0.81m and the crown develops above 3m. The RPA (i.e. 12 x trunk diameter) has a radius of 9.72m measured from centre of the trunk. The noted oak, and its average crown radii (green) and RPA (red), is indicated on the attached version of the site plan.

Your Landscape Officer indicates the noted oak to be 5.0 m from the south west corner of the house. My Client has measured the distance at 5.75 m.

Ken Harvey notes that oaks are deep rooting on clay (source - Cutler & Richardson: *Tree Roots and Buildings* 1981) but that foundations would need to be no-dig where the building comes within the RPA. My Clients states that this is acceptable and a reinforced slab foundation would be used to take into account part of the footprint lying within the RPA.

As far as shading and overshadowing is concerned, this is a subjective matter. It is noted that the tree has been pruned in the past.

My Client also notes the almost 30% reduction in house footprint (reduced from 112 sq. to 79.4 sqm) so does not understand why the Landscape Officer states the application to be “almost identical” to the last one. Indeed, it needed to be materially different to enable it to be validated (albeit that this is a discretionary point).

Lastly, My Client has requested that the consenting of adjacent Sandwood within RPAs of adjacent TPO trees be noted.

Regards

Kate

Kate Jenkins MRICS MRTPI | Director

ERIGHT PLANNING & PROPERTY CONSULTANTS

57 Northgate | Peebles | EH45 8BU

Tel: 07795 974 083 | W: www.erichtppc.co.uk



Message

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 Actions - Tags Select - Editing Zoom

From: Kate Jenkins <kate@kjenkins.co.uk>
 To: 'Miller, Craig'
 Cc:
 Subject: Original: Eddwinton Road Plot (Comments on Landscape Response)

Craig

I have been asked to respond to Landscape's most recent consultation response dated 20th April, 2017.

- My Client welcomes the Officer's comment " I can confirm that we agree a no dig method of construction is absolutely esse beam, pads or reinforced slab", and the agreement that "to some degree shading and overshadowing is a subjective matter"
- My Client wishes it to be noted that measures have been undertaken to address the concerns previously identified by La trees, (2) arboricultural assessment by Tree Consultancy Group, (3) the significant (30%) reduction in footprint of the pro
- It is accepted that the particular Landscape Officer was not involved in the application(s) relating to the property now kn own merits, the decision making process therein be reviewed with regard to trees to ensure consistency in decision maki

Regards

Kate

Kate Jenkins MRICS MRTPI | Director
 ERICHT PLANNING & PROPERTY CONSULTANTS
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ERICHT PLANNING & PROPERTY CONSULTANTS

**To: Development Management Service
FAO Craig Miller**

Date: 28 Mar 2017

**From: Roads Planning Service
Contact: Paul Grigor**

Ext: 6663

Ref: 17/00323/FUL

**Subject: Erection of dwellinghouse and retaining wall (part
retrospective)
Land West of Craigerne Coachhouse, Ederston Road,
Peebles**

The previous application for a dwelling on this site (15/01034/FUL), which was subsequently refused, raised no objection from the Roads Planning Service subject to certain conditions.

Given the above, I will reiterate my previous comments which must be satisfactorily addressed by any subsequent planning approval;

- The parking area shown on the Proposed Site Plan (Dwg 2014/12/102/B) must be a minimum of 5 metres wide by 5 metres long in order to accommodate two vehicles. The parking area must be fully formed and available for use prior to occupation of the dwelling.
- A £1000 contribution, as a result of the proposed unit, is required as per the current SBC Development Contributions SPG. This contribution is towards improving traffic management in and around the town centre and/or towards the funding of transport appraisal work in respect of options for a second vehicular crossing in the town over the River Tweed.
- No access, either pedestrian or vehicular, is to be taken directly off Ederston Road.

AJS



TREE CONSULTANCY GROUP

ARBORICULTURE - URBAN FORESTRY - PLANNING

ARBORICULTURAL REPORT

To: Ericht Planning and Property Consultants
Attn: Ms K Jenkins

Date: 21st March 2017

Our ref: CC0317

Client: Mrs P Crippin

Subject: Land west of Craigerne Coachhouse, Edderston Road, Peebles.

Dear Ms Jenkins,

Further to your emailed instructions, I confirm that I visited the site on 17th March 2017 to assess whether the area of land to the north of the proposed new house at Craigerne Coachhouse, as shown on Richard Allen Architectural Design's Drawing No.2014/12/102/C, can support three mature forest-type trees. I understand that doubts have been raised by the Planning Department at Scottish Borders Council that the site can accommodate this number of trees to maturity, and that this issue is a material consideration in determining the planning application. Concerns have also been raised with regard to the new trees' proximity to the existing drain running across the north-eastern corner of the site. I comment and advise on these matters as follows, numbering the paragraphs for ease of reference:

- 1 The site is a rectangular piece of ground located to the north of the proposed new house and is shown on the proposed development plan as 'Woodland Garden Area' with three indicative trees shown highlighted in green. It is bounded by a mature beech hedge along the Edderston Road frontage, a timber fence along the northern boundary, and a timber fence along the eastern boundary. The site has been partially excavated and is now generally level with a small depression towards the northern end, and a new retaining wall running roughly north to south close to the eastern boundary fence. A mature woodland of mixed broadleaved species lies immediately to the north of the northern boundary fence. To the south of the development site, there is a group of semi-mature to mature broadleaved trees within the curtilage of Craigerne Coachhouse.
- 2 In order to ascertain whether the site can support three forest-type trees into maturity, I looked at the existing stocking density (i.e. the number of trees per hectare) of the adjacent mature woodland immediately to the north of the site, and also the group of semi-mature and mature trees to the south between the site and the access drive into Craigerne Coachhouse. I will refer to these as Woodland



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WWW.TREECONSULTANCYGROUP.COM**

**PRINCIPAL CONSULTANT:
KENNETH HARVEY, DIP. FOR.**

Area 1 and Woodland Area 2 respectively. A sample plot taken in Woodland Area 1 adjacent to the boundary fence measured 19m wide by 17m deep and contained 11 trees over 100mm trunk diameter. A sample plot taken in Woodland Area 2 measured 19m wide by 12.6m deep and contained 19 trees with trunk diameters greater than 100mm.

- 3 The ground within the development site to the north of the proposed house is approximately 14.5m wide, and 11.5m deep measured from the boundary hedge to the retaining wall. I will refer to this as the 'Site'. It contains three recently planted young trees; two beech and an oak of 8 - 10 cm girth.
- 4 A comparison of the relative stocking density for each site is given below:

Site:

Area is 11.5m x 14.5m = 166.75m² or 0.017ha.

At 3 trees, stocking density is $1/0.017 \times 3 = 176.5$ trees per hectare.

Woodland Area 1:

Sample plot area of 19m x 17m = 323m² or 0.033ha.

At 11 trees, stocking density is $1/0.033 \times 11 = 233.3$ trees per hectare.

Woodland Area 2:

Area is 12.6m x 19m = 239.4m² or 0.024ha.

At 19 trees, stocking density is $1/0.024 \times 19 = 791.5$ trees per hectare.

- 5 As can be seen from the above, with three trees the stocking density of the site is below the density being supported comfortably by the adjacent woodland to the north, and well below the density being supported by the tree group to the south, both of which appear to be quite satisfactory and appropriate components within the local landscape. At a stocking density of 176.5 trees per hectare, the site has 53% of the density of Area 1 and 22% of the density of Area 2.
- 6 The stocking density of three trees in the site will give the newly-planted trees more room to grow both above, and below, ground than the trees in Woodland Areas 1 and 2, where the trees are relatively narrow and drawn due to mutual competition although they are still quite acceptable from both silvicultural and arboricultural perspectives.
- 7 The three new trees have been planted towards the front of the site roughly equidistant from both the existing drainage run (as shown on the supplied plan) and the proposed house. Given the constraints of the site, they are in the most appropriate positions. I would anticipate that any issues with root ingress into the drain in the future would be caused by the existing trees in the adjacent woodland, and not from the new trees as they develop. Should future access to the drain be required for maintenance or repair, the new trees would not hinder the works nor should the work result in excessive and damaging root severance.

I therefore believe that the site can comfortably accommodate the three new trees and allow them to develop to the same maturity as the adjacent woodlands. If the proposed development proceeds as shown on the supplied plans, I would not recommend any additional trees be planted, as this could have a detrimental impact on the living conditions of any occupiers, leading to future pressure to either remove some or have them reduced in size.

I trust this gives you the information you require. If I can be of any further assistance, please let me know.

yours sincerely,



Kenneth Harvey Dip. For.
for Tree Consultancy Group

From:Kate Jenkins
Sent:27 Mar 2017 13:08:52 +0100
To:Miller, Craig
Subject:17/00323/FUL- Craigerne, Edderston Road
Attachments:Elevations 270317.pdf, Floor Plan 270317.pdf

Craig,

Further to Environmental Health's objection due to flue, my Client has instructed me to issue revised floor plan and elevation following removal of stove and associated flue.

Regards

Kate

Kate Jenkins MRICS MRTPI | Director

ERIGHT PLANNING & PROPERTY CONSULTANTS

57 Northgate | Peebles | EH45 8BU

Tel: 07795 974 083 | W: www.erichtppc.co.uk



Planning Supporting Statement

Land west of Craigerne Coach House, Edderston Road, Peebles EH45 9JD

Erection of one dwellinghouse and retaining wall (part retrospective)

On behalf of Mrs Patricia Crippin

28th February, 2017

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This Planning Application is submitted by Ericht Planning & Property Consultants on behalf of Mrs Patricia Crippin (land owner) to seek planning permission for the erection of a two storey dwellinghouse and retaining wall on land to the west of Craigerne Coach House which fronts Edderston Road. Access to the plot will be taken by way of the existing access to Craigerne Coach House as shown on the Site Plan.
- 1.2 The Disposition by Glentress Homes in favour of Mrs Patricia Crippin and Mr Trevor Crippin is understood to have been signed in December, 2015. This is noted herein as the timing of the transfer of ownership was a point of discussion at the Local Review.
- 1.3 The Coach House development (application 15/01081/FUL) was submitted on 15th September, 2015 and approved, with conditions (including landscaping conditions) on 3rd February, 2016. The imposition of the landscaping condition thus post-dated the signing of the disposition by Glentress Homes Ltd to Mr & Mrs T Crippin.
- 1.4 The original application 15/01034/FUL for the plot at Edderston Road (the subject of this application) was submitted on 2nd September, 2015 and refused on 26th October, 2015.
- 1.5 The plot is located adjacent to the development which is subject to (most recently) planning permission 15/01081/FUL to form six dwellinghouses. The relationship of the buildings is shown within the Site Plan drawing 2014/12/102/B.
- 1.6 The following drawings have been provided by Richard Allen, Architect and form part of this application:
- Site Location Plan Ref: 2014/12/101/A
 - Site Plan Ref: 2014/12/102/B
 - Floor Plans Ref: 2014/12/103/B
 - Elevations Ref: 2014/12/104/B

- 1.7 The application, whilst being contained within the same application boundary, is demonstrably different from the application made in September, 2015 in the following respects:
- The footprint of the house has reduced by almost 30% from 112 sqm to 79.4 sqm;
 - The frontage of the house has reduced from 16.0m to 11.35m;
 - The resulting, smaller, 2 bedroomed house offers a more balanced dwelling;
 - The distance of the northern gable of the house from the northern boundary has increased from 7.35m to 12.0m leaving, in particular, increased (and sufficient) space for tree planting and long term retention of these trees;
 - The fenestration, discussed at LRB and noted in the Officer's Report of 15/01034/FUL, on the front elevation is altered. In particular, the northern-most dormer windows have been reduced to double units (from triple units). The ground floor windows have been reduced to triple units (from quadruple units).
 - It is also noted that this application is made under the new Local Development Plan (adopted May, 2016). The previous application was made under the Consolidated Local Plan (2011).
- 1.8 The application includes the following proposals:
- Retention of the beech hedge to east of the dry stone wall alongside Edderston Road.
 - No requirement to break through the existing wall as vehicle access is via the Coach House entrance, with parking as shown on the Site Plan.
 - Key external finishes to include wet dash render walls (painted white), slated roof, timber casement windows, composite woodgrain effect external doors and upvc gutters and downpipes etc.
 - Access to the dwelling from the parking spaces is by way of a pedestrian walkway.
 - Planting of 3 new beech trees at the north west of the site.

- 1.2m high timber close boarded fence is to be erected along the boundary of 15/01081/FUL and the current application site, with a new beech hedge to be planted along the top of the banking.
- The retaining wall to the rear of the plot is 1.5m high above finished ground level of the plot.

2.0 BACKGROUND AND PLANNING HISTORY

Application 15/01034/FUL and Local Review 16/00001/RRF

- 2.1 An application for a 5 bedroomed house of footprint 112 sqm, frontage 16.0 m and height 7.2m (north gable) was refused by the Planning Authority in October, 2015. This decision was subject to Local Review, at which the Local Review Body upheld the Officer's decision (by a majority vote 2:5) in March, 2016.
- 2.2 The key reasons for these decisions included:
- The house would represent overdevelopment;
 - The development would reduce the area of ground required for a landscaped and wooded setting for the approved development 15/01081/FUL at the adjacent Craigerne Coach House;
 - There would be an inappropriate congested appearance between the development and Edderston Road;
 - There would be insufficient space for replacement and new planting, undermining the retention of preserved trees;
 - The development would be out of character with the design of the Coach House, the traditional houses in the area and the specific part of Edderston Road.
- 2.3 It has been confirmed that there are no concerns by the Planning Authority relating to impact on residential amenity.
- 2.4 There are no objections to the proposal from the Roads Planning Service. Glentress Homes Ltd recently constructed a passing place in the west side of Edderston Road.
- 2.5 Craigerne Coach House is not a Listed Building. After detailed consideration and consultation with Scottish Borders Council, Historic Scotland confirmed on 25th June, 2015 that the listed status of Craigerne House and Craigerne Lodge had

been updated and the Coach House had been removed from the statutory listing address.

3.0 ANALYSIS AGAINST PLANNING POLICY

3.1 Key policies within the Scottish Borders Local Development Plan against which this application must be assessed include:

- PMD 5 Infill development;
- PMD 2 Quality Standards;
- EP13 Trees, Woodlands and Hedgerows;
- HD3 Protection of Residential Amenity.

3.2 Quality Standards

This proposal provides for a dwelling which fronts Edderston Road, adjacent to existing development at Craigerne Coach House. The proposal respects the character of the surrounding area, neighbouring uses and neighbouring built form in terms of scale, massing, height and density. The resulting density of development is not inconsistent with the surrounding area as can be seen from the Location Plan submitted with this application.

3.3 The distance between Edderston Road and the front elevation of the proposed house is c. 4 metres- substantially more than at adjacent Tintah Lodge.

3.4 The proposal can be satisfactorily accommodated within the site. The sale (footprint) of the dwelling has been reduced by almost 30%, as noted above. The Applicant requests that the Council consider the development of 'Sandwood', the house which was granted planning consent to the rear of Tintah Lodge (a listed building).

3.5 In 2007, planning consent was obtained for the development of what is now 'Sandwood' in the garden ground to the rear of Tintah Lodge. (Ref: 07/00668/OUT and 09/01496/AMC). The location of the site and its relationship with adjacent houses is shown overleaf. This application was not considered to be overdevelopment.

Fig 1: Tantah Lodge and Sandwood



- 3.6 In assessing the proposed “Sandwood”, the Officer made the following comments:
- a) *“The proposal can be satisfactorily accommodated within the site. The garden areas would be consistent with Tantah Lodge and Tantah Cottage”*. **Comment:** The garden ground afforded to the current proposal is greater than that afforded to Tantah Lodge and Cottage. The footprint of the house is 79.4 sqm and the application boundary measures 536sqm. The house thus occupies 14.8% of the plot. The figure for Tantah Lodge appears to be higher at c.30%.

- b) *"The area surrounding the application site is predominantly residential in character, and the type of development would be consistent with its surroundings"*. **Comment:** The same comment applies to the proposed development.
- c) *"There would be an insignificant increase in traffic and the visual impact would be minimal"*. **Comment:** Likewise, there would be insignificant traffic increase. The site lies within the Peebles town boundary. The visual impact from Edderston Road would not be unreasonable, particularly given the presence of other houses in the vicinity with road frontage. The site would be partially screened at low level by the wall and hedge. The relationship of the two developments can be seen within the elevation drawings.
- 3.7 The proposed house would have slate roof and white-painted wet dash harled render to ensure that it is in keeping with the development at Craigerne Coach House. Finishes include timber casement windows and woodgrain effect composite doors. The proposal will fit well with the sense of place at Craigerne and will complete the development at this location.
- 3.8 The proposal retains the physical features of the stone wall along Edderston Road, together with the mature beech hedge. This will ensure that the development will retain an attractive boundary as viewed from the public road. There is no requirement to form a new access through the wall. Existing trees are retained within the Craigerne Coach House development, and new planting is provided within the site boundary.
- 3.9 To the rear of the property is a 1.5m high retaining wall which is rounded off by an earth banking on which a new beech hedge will be planted on the west side of the 1.2m close boarded fence.
- 3.10 The level of open space remaining at Craigerne Coach House is appropriate and sufficient for a development which lies within the Peebles settlement boundary at this location. The site has no impact upon the provision of public access from the entrance gate of Craigerne to the Cala Homes development.
- 3.11 It is noted that the ownership of the Craigerne Coach House land, as depicted within planning permission 15/01081/FUL, and which requires landscape treatment in association with that permission, is owned by Glentress Homes Ltd, whereas the current application subjects are within separate ownership

(Mr and Mrs Crippin *snr*). The dates of the several 'Coach House' permissions, the Edderston Road plot's refusal and the subsequent Local Review Body decision are set out at parags. 1.2 -1.4, In essence, application 15/01081/FUL was approved almost 2 months after the signing of the Disposition by Glentress Homes Ltd in favour of Mr & Mrs Crippin *snr*. Glentress Homes Ltd state that it is now not possible to achieve landscaping on the disposition (application) subjects.

- 3.12 The extent of open space associated with permission 14/00876/FUL (and 15/01081/FUL) was reduced from the 2013 consent by way of an altered site boundary. This reduction in site area contained within the Coach House application boundary was approved by the Planning Authority, albeit that the Planning Authority sought, by way of planning condition, the submission of a proposed landscaping scheme to cover both the Craigerne Coach House application boundary and the current application subjects.
- 3.13 The applicant maintains that adequate shared open space is available for the Coach House development without the land of the application subjects, which is appropriate to a development of that scale within the Peebles settlement boundary. The shared open space exists in addition to private garden ground.
- 3.14 A proposed landscaping plan in respect of the Craigerne Coach House development was submitted on behalf of Glentress Homes to the Planning Authority on 17th August, 2015. A response was received by way of a consultation response to 15/01081/FUL on 26th November, 2015.

Infill Development

- 3.15 This application subjects are considered to comprise a gap site for the purposes of this policy. In this regard, the proposal does not conflict with the established residential use of the area, nor detract from its character and amenity. The Applicant wishes to express his opinion that there appears to have been little resistance, by the Planning Authority, to the development of gap sites within the Peebles town boundary.
- 3.16 The policy seeks to ensure that overdevelopment does not occur. The Applicant strongly asserts that the development of this site in the manner proposed, particularly given the reduced scale of the house, would not lead to overdevelopment, based upon the plot sizes in the vicinity, development which has been permitted behind (listed) Tantah Lodge and the specific location of

the proposal which has road frontage with open agricultural land to the west and woodland to the north.

- 3.17 The scale of the house proposed is smaller, in terms of footprint, with the houses within the adjacent Cala Homes development. The house's massing is significantly smaller than most in that development. The proposed dwelling's relationship with the Coach House development is considered to be appropriate also. The development will not result in loss of daylight, sunlight or privacy to the properties at Craigerne as a result of overshadowing or overlooking.
- 3.18 There are several houses which directly front Edderston Road in the immediate vicinity, including Tintah Lodge, Tintah Cottage, Craigerne Lodge and its prominent garage. The concept of the proposed house being located to front the road is established in the locality and should not be considered to be unacceptable. Indeed, the proposed house is set back and separated from the road by the wall and hedge, unlike Tintah Lodge.
- 3.19 The site will be served by mains drainage by connecting to the existing drainage system which serves the Craigerne Coach House development. Surface water will drain to a soakaway.

Policy NE4 Trees, Woodlands and Hedgerows

- 3.20 This policy supports the maintenance and management of woodland. Existing trees will be retained and replacement tree planting is to be carried out as shown on the Site Plan. The smaller scale of the house leaves a greater area for the growth of the new trees, which will be subject to TPO.

Policy H2 Protection of Residential Amenity

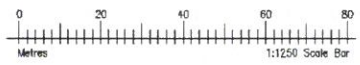
- 3.21 This development will not have adverse impact on the amenity of the residential area surrounding Craigerne in terms of the following points below. This has already been confirmed within the assessment of 15/01034/FUL.
- Loss of open space;
 - The scale, form and type of development in terms of its fit with the area;
 - The impact on surrounding properties in terms of overlooking and loss of privacy;
 - The generation of traffic or noise;
 - The level of visual impact (from the public road and from existing houses).



Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



Rev 'B' 07.02.17 Layout amended for revised house design

Proposed New Dwelling House			
Edderston Road, Peebles			
Location Plan			
1:1250	A3	Aug 2015	2014/12/101/A

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Page 172



Indicates
proposed new
tree planting

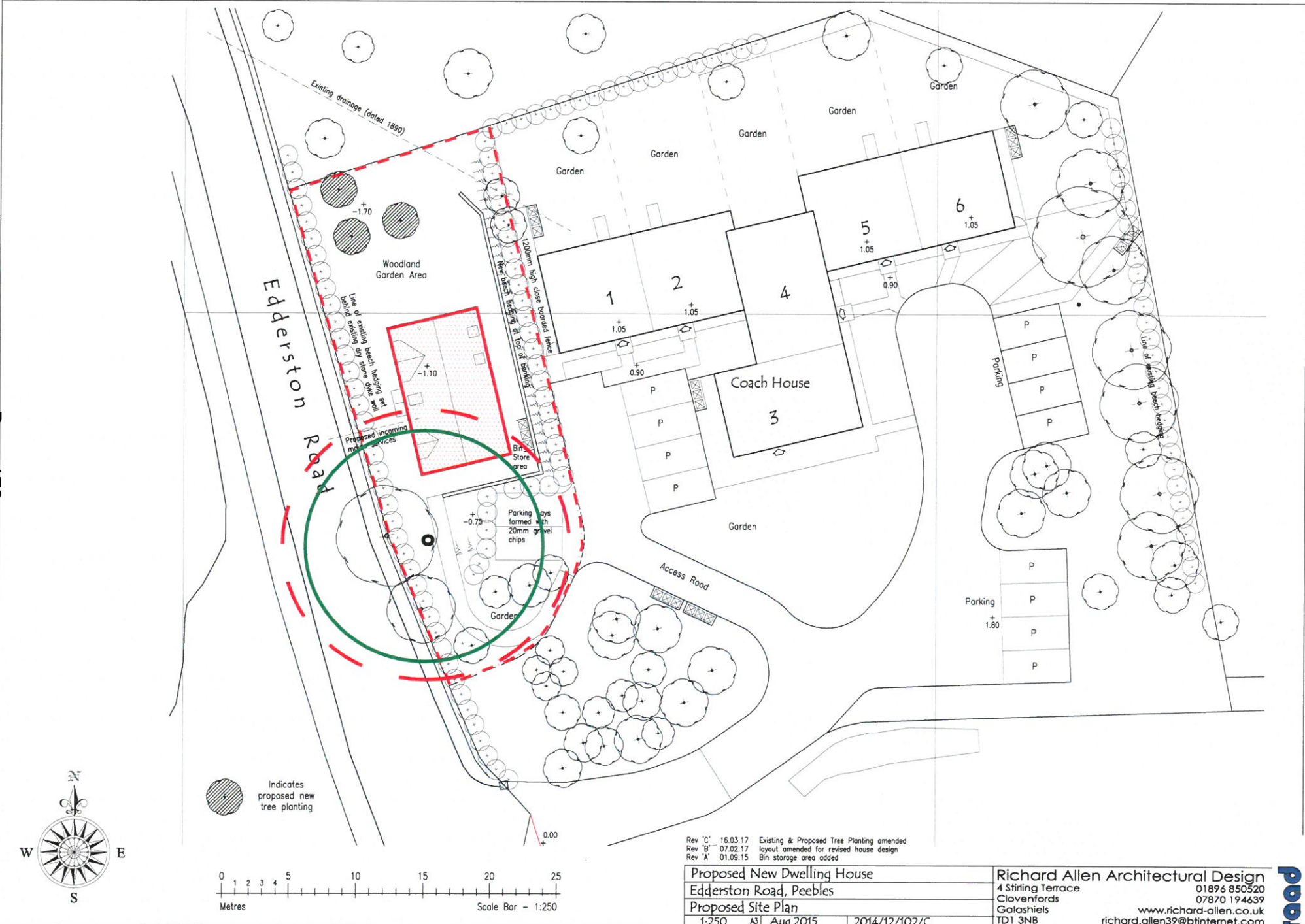


Rev 'C' 15.03.17 Existing & Proposed Tree Planting amended
Rev 'B' 07.02.17 layout amended for revised house design
Rev 'A' 01.09.15 Bin storage area added

Proposed New Dwelling House		
Edderston Road, Peebles		
Proposed Site Plan		
1:250	A3 Aug 2015	2014/12/102/C

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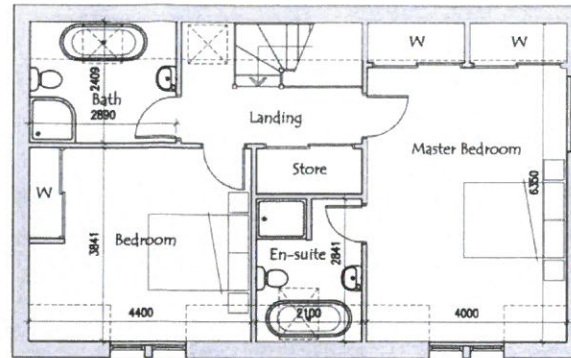
Rev 'C' 18.03.17 Existing & Proposed Tree Planting amended
 Rev 'B' 07.02.17 layout amended for revised house design
 Rev 'A' 01.09.15 Bin storage area added

Proposed New Dwelling House
 Ederston Road, Peebles
Proposed Site Plan
 1:250 A3 Aug 2015 2014/12/102/C

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27.3.2017

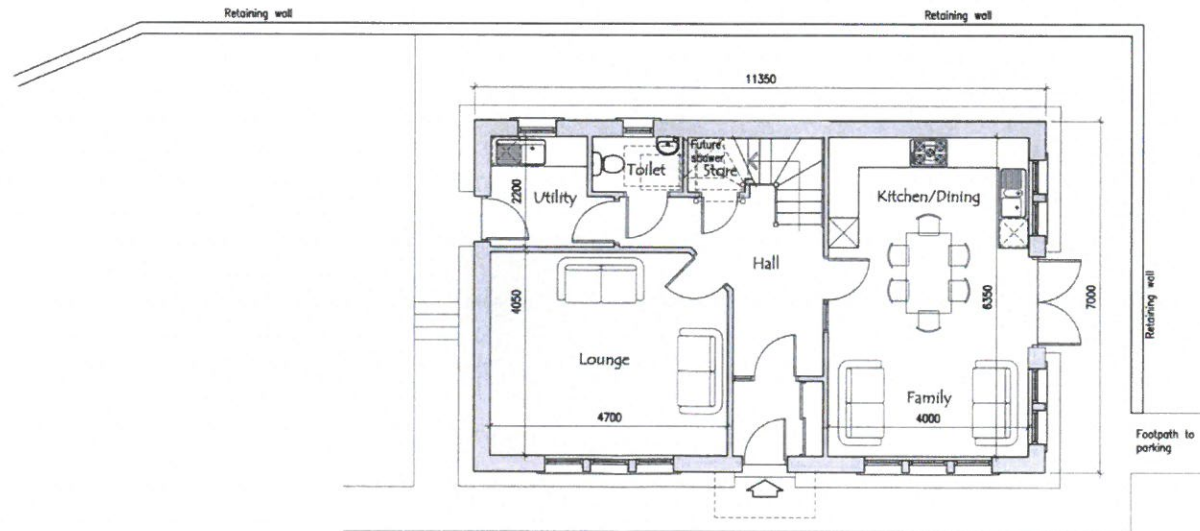


Upper Floor Plan

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

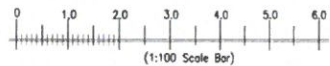
REFUSED

subject to the
requirements of the
associated Decision
Notice



Ground Floor Plan

Line of existing beech hedging set behind existing dry stone dyke wall



Rev 'C' 26.03.17 Slaves and Flue omitted
Rev 'B' 19.02.17 Windows and roof pitch amended
Rev 'A' 25.01.17 House reduced in size by 30%

Proposed New Dwelling House		
Edderston Road, Peebles		
Sketch Floor Plans		
1:100	A3	Aug 2015
		2014/12/103/C

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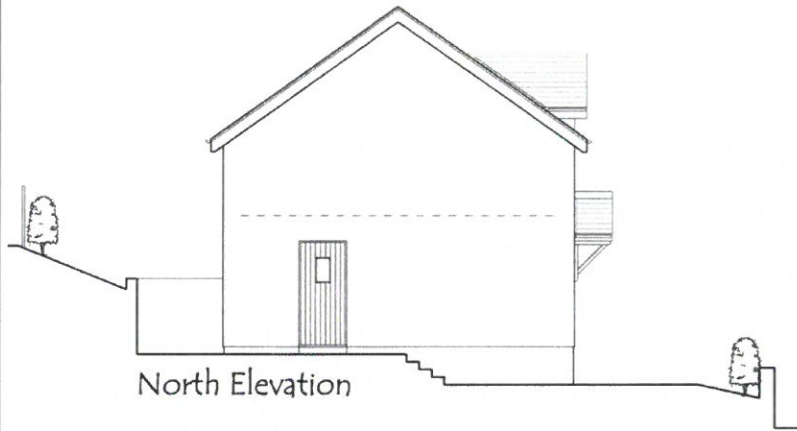


27.3.2017

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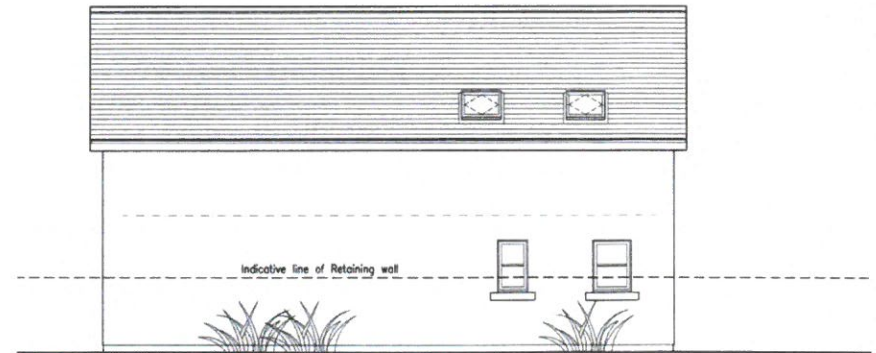
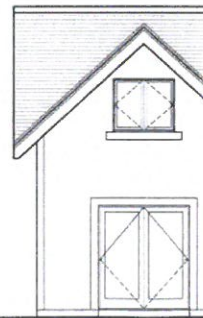
North Elevation



West Elevation



South Elevation



East Elevation

Outline Specification

External Walls - Wet dash render with 6mm whinstone chips, all painted white.

Pitched Roof - Welsh, purple natural slate.

Soffits & Fascia - Stained or painted timber fascia

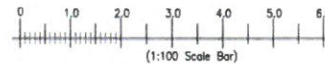
Dormer - Welsh, purple natural slate to dormer cheeks, stained timber to surrounds.

Windows - Timber casement windows

Cills - Cast stone cills

External Doors - Composite woodgrain front doors

Rainwater Goods - Black PVC gutters and downpipes to match existing



Rev 'C' 26.03.17 Slave and Flue omitted
Rev 'B' 19.02.17 Windows and roof pitch amended
Rev 'A' 25.01.17 House reduced in size by 30%

Proposed New Dwelling House		
Edderston Road, Peebles		
Proposed Elevations		
1:100	A3	Aug 2015
		2014/12/104/C

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SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01034/FUL

APPLICANT : Mrs Patricia Crippin

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land West Of Craigerne Coachhouse
Edderston Road
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	PLANNING SUPPORTING STATEMENT	Report Refused
	SITE PHOTOGRAPHS Photos	Refused
2014/12/104	Elevations	Refused
2014/12/102A	Site Plan	Refused
2014/12/103	Floor Plans	Refused
2014/12/101	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

There is satisfactory space for the parking of 2 vehicles and turning within the curtilage of the site. The site is served by a single track road however there are several passing opportunities. Overall I have no objections to the above proposal provided the following conditions are adhered to :-

1. Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to occupation and be retained thereafter in perpetuity.
2. A contribution of £1000 will be required for the development as per the Scottish Borders Local Plan revised Development contributions 2011.
3. No access, either pedestrian or vehicular, is to be taken directly off Edderston Road.

Landscape Architect: Response awaited.

Archaeology Officer: No implications.

Director of Education and Lifelong Learning:

Primary School Contributions

£9823

High School Contributions

£1383

Total = £11206

Rolls over 90% place strain on the school's teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools, or where deemed necessary to provide new schools, in order to ensure that over-capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

Environmental Health:

Amenity and Pollution

Assessment of Application

Nuisance

This is an application for planning permission in principle for a new house.

It is proposed to utilise a solid fuel stove within the premises.

These can cause smoke and odour problems if not properly installed and maintained.

Recommendation

Delete as appropriate – Agree with application in principle, subject to Informative.

Informative

Solid Fuel Stove

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

Scottish Water: Response awaited.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy G5 Developer Contributions

Policy G7 Infill Development

Policy NE4 Trees, Woodlands and Hedgerows

Policy H2 Protection of Residential Amenity

Policy Inf4 Parking Provisions and Standards

Policy Inf5 Waste Water Treatment Standards

"Development Contributions" SPG

"Trees and Development" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 26th October 2015

Craigerne Coach House was previously a Category B Listed Building when extensions were consented to it to create an additional five dwellinghouses. This involved a new wing to the west towards Edderston Road and a reconfigured and enlarged wing to the east. The design was carefully negotiated during processing of the application to ensure that the character of the listed building and its landscaped, former parkland, setting were preserved. However, that development proceeded in an unauthorised manner with numerous changes which necessitated new applications for listed building and planning consent. Subject to conditions, consents were granted to rectify some of the less appropriate changes. A new application has now been submitted to attempt to keep some of the changes which were sought to be rectified by condition.

Before those conditions could be enforced, Craigerne Coach House was de-listed by Historic Environment Scotland for the reasons given by the agent in her Supporting Statement. Therefore, any assessment of this current application for a new house cannot take into account listings or the previous listed status of the house. Assessment must be based principally upon Local Plan Design, Infill and Tree Policies - G1, G7 and NE4. It is important to note that, although subsequent applications sought to create a cleared site without significant landscaping on the land between the proposed west wing and Edderston Road, no such approval has been granted for the final landscaping scheme on the overall site. Indeed, two TPO trees were removed within the site and an unauthorised retaining wall erected which is also the subject of this application.

The agent has submitted a Supporting Statement which gives the background to the site, justification for the application, reports on pre-app consultation and draws parallels with other recent infill developments. I have looked carefully at this Statement and the examples given elsewhere but do not believe that any of them can be considered direct comparisons which form a compelling case to allow this development. Despite Craigerne Coach House being delisted, the overall property, with extensions, would lie in attractive landscaped grounds whereby the amenity of the area is preserved by protected trees, walls, hedges and a general green apron and setting to the site. There is no doubt that these trees, hedges and walls form a strong positive characteristic of Edderston Road and the retention and protection of this setting was considered vital in the decisions to allow the enlargement and extension of the Coach House. Despite the western wing being allowed which would bring the built form nearer to the public road, it was felt that, with

retention and augmentation, the landscaped framework could enhance the attraction and amenity of the building despite its enlargement. Although there have been subsequent revisions and a delisting of the building, the landscaped framework is still considered essential to the success of the development and amenity of the area - and has never been finally consented through successive conditions and landscaping submissions.

Two trees were felled within and at the northern end of the site which have been agreed to be replaced. Five trees are shown on the plan at the northern end but it was also noted that services appear to run through this part of the site which also raises questions about the success and suitability of new planting in this area. Furthermore, only 6-7 metres space is given between the site boundary and the northern gable of the proposed house which is considered wholly inadequate for the replanting of appropriate tree replacements and their subsequent growth. The comments of the Landscape Architect on the revised application make it clear that the reservation of green apron and appropriately planted space with hedging and dry stone walling are essential to be retained in line with Local Plan Policy NE4 and the requirements of Policies G1 and G7.

Indeed, no matter what size, shape or height of house proposed on the site, the hardening of the space would be detrimental to the green setting of the enlarged Coach House, exacerbated by the intrusive retaining wall which has been formed along the length of the site and the circulation space required around the house. Although the wall and hedge are intended to be retained along the roadside, the face of the house will be no more than 3-4 metres from the hedging, its 15.5m length and 6-7m height dominating the boundary treatment and reducing the attraction and setting currently created by the wall and hedge. If the application is refused, then it is partially retrospective in relation to the retaining wall and this would need to be addressed in the overall discharge of the landscaping condition.

Although the agent has responded to these points and it is noted that the access and parking now occur to the rear without impact on the hedge and wall, the development removes the attractive green apron to the proposed Craigerne Coach House development from Edderston Road and provides both insufficient space for adequate replacement planting and creates a hard, congested and inappropriate setting. The final landscape treatment of this area has still to be agreed and should not be dictated by the achievement of a dwellinghouse on the ground.

The Landscape Architect opposes the proposal for the above reasons but also makes the point that due to the congested nature of the proposal and lack of garden ground around it, there would be increased pressure on the remaining and replacement TPO trees as a result, which will undermine the integrity and protection of the Tree Preservation Order.

Apart from the impacts on amenity, there are also issues of congestion and overdevelopment caused by the actual proposal on both the site and immediate surrounds itself and on the approved western wing of the Coach House development. Whilst the agent has sought to reference other plot ratios on modern developments elsewhere, none compare to this particular case where significant enlargement and development of Craigerne Coach House has already been allowed, partly on the basis of retention and augmentation of its landscaped and wooded grounds. To place a large house (over 200 square metres) on an intervening space of no more than 15m and within 5m of the new western gable of the Coach House would result in a congested and cramped visual relationship, to the detriment of the carefully design Coach House extension and the overall amenity of the area. The 5m separation between properties is further congested by the retaining wall, timber fencing and beech hedging. It is insufficient space without creating a strong impression of overdevelopment and congestion. Even if the house was proposed as a smaller single storey house, these impacts would still be considerable and considered inappropriate, the main restriction being the lack of depth of the site and the current house only being 6.5m deep - there is no further reduction possible in this respect.

The relationships of other existing houses to new houses referenced by the agent do not, in my opinion, create any compelling case for arguing that the relationship proposed at the application site is part of the general density or built fabric of the area. There is no accurate assessment of plot ratios on the other cases mentioned at Tantah Lodge or Craigmount and, in any case, both those cases involved retention of older houses to the site frontages where the relationship is already existing. The facts are that the relationship created by the proposal would represent overdevelopment and cramping both in terms of buildings to buildings and hard to soft buffer space and landscaping.

Impacts on residential amenity are not severe enough to warrant refusal of the application, the design of the proposed house limiting windows to the rear to ground floor level looking into the retaining wall. Three upper floor velux windows serve a bathroom and landing and there will be no significant detrimental impacts in this respect. In terms of the design of the house, however, there are improvements that could be made in terms of the fenestration which is dominantly horizontal in emphasis along the frontage. The dormers are oversized and the triple and quadruple window arrangements provide an inappropriate suburban form within the context of more vertical window patterns nearby and forming the character of the area. Had the application been acceptable in other respects, then there would have been further negotiation over the fenestration but, as it stands, the design represents a further reason to oppose the application, in line with Policies G1 and G7.

REASON FOR DECISION :

The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development will represent overdevelopment, and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coach House development and the traditional houses in the area.

Recommendation: Refused

- 1 The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development would represent a cramped form of development, out of character with this part of Edderston Road. The proposed house would result in an overdevelopment and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coach House development and the traditional houses in the area.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

APPENDIX

**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: 16/00001/RREF

Planning Application Reference: 15/01034/FUL

Development Proposal: Erection of dwellinghouse

Location: Land west of Craigerne Coachhouse, Edderston Road, Peebles

Applicant: P Crippin

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development would represent a cramped form of development, out of character with this part of Edderston Road. The proposed house would result in an overdevelopment and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coachhouse development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coachhouse development and the traditional houses in the area.

DEVELOPMENT PROPOSAL

The application relates to the erection of a house on land to the west of Craigerne Coachhouse in Peebles. The application drawings consisted of the following drawings :

Plan Type	Plan Reference No.
Planning Supporting Statement	
Site photographs	
Elevations	2014/12/104
Site Plan	2014/12/102A
Floor Plan	2014/12/103
Location Plan	2014/12/101

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th February 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review and accompanying papers; b) Decision Notice; c) Officer's Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection.

Within the Notice of Review it was noted that new material had been submitted. These were :

- 1) An artist's 3D sketch of the house showing its relationship with the Coachhouse and how it related to other features within the site. Although it was accepted that this sketch was not part of the application proposal and there seemed little reason as to why this had not been included within it, it was considered that this sketch provided useful information that was a material consideration for decision making purposes. Consequently Members decided it could be considered as part of the Review in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997.

- 2) New information had also been submitted by the appellants stating that the Coachhouse and the appeal site were now in separate ownership and consequently the planning condition attached to the Coachhouse consent which required landscaping to be carried out could not be applied to the appeal site. Members noted that when the appeal site application was submitted the owner, Glentress Homes, owned both the sites. It was assumed the new owner had only recently taken over the site, although the appellants' appeal statement did not state who the new owner was. Members decided that given it appeared the ownership had recently changed this information could not have been raised earlier and as material information to the decision making process could be considered as part of the Review in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997.

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 consolidated Scottish Borders Local Plan 2011. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1, G7 and BE4

The proposed Local Development Plan 2013 had now been agreed by the Scottish Borders Council and is awaiting confirmation of adoption by Scottish Ministers. Reference was made to the corresponding policies within the proposed Plan. It was agreed that these corresponding policies within the proposed Plan did not raise any new material considerations in respect of this proposal.

Members noted that consent was initially granted for alterations and extensions to the Coachhouse which was a B listed building at the time. Works were carried out in an unauthorised manner and a retrospective application was submitted to rectify the deviations. The applicants then applied to have the building delisted. This was ultimately agreed by Historic Scotland and Members agreed that in essence this meant that any impacts on the Coachhouse could not now be considered in terms of it being a listed building.

The issue of ownership of the site was discussed and there was concern that there was no identification as to who the new owner of the site was, and that this apparent sale of the land allegedly prevented landscaping being carried out on the appeal site as desired by the planning case officer in terms of the existing Coachhouse consent. Debate ensued as to whether or not further information should be sought in order to confirm who the new owners of the land were. However, it was decided that this was not necessary and there was sufficient information for members to determine the proposal without this confirmation.

Members noted the relationship between the proposed house and the new western wing on the Coachhouse and raised no issues in terms of overlooking or any detrimental impacts on privacy or amenity.

Members noted that the planning officer and landscape architect had reservations regarding the physical practicalities of planting 5no proposed trees on the northern part of the site. It was noted that one of the proposed trees was to replace a mature tree covered by a Tree Preservation Order which had been removed. On this part of the site there is only some 6 to 7 metres between the proposed house and the mutual northern boundary and some services had also been installed in this area which would raise some conflict with tree root systems. This raised issues as to how successful the proposed landscaping would be. Reference had been made in the Council's landscape architect response to "BS5837 : 2012 - Trees in relation to design, demolition and constructions", and members accordingly considered this document. Members noted table A.1 within BS5837: 2012 which suggested safety distances new trees should be planted from services and buildings. Reference was made to future issues when the trees grew and that lopping or topping of trees may be required should the house be permitted in the location proposed. This would be a particular issue for the replacement TPO tree which should not be subject to measures which would prevent its natural growth. Members noted that the planning case officer stated that any tree planting should have been carried out first rather than the proposed house being built first which consequently dictated what landscaping may or may not be possible to be carried out.

The submitted site plan and photographs of the site were discussed in detail. Members considered that the proposal would represent a cramped form of development out of character with this part of Edderston Road and that it would detract from the setting, context and rural aspect of the Coachhouse. Some stated that even if the Coachhouse was not there they would still consider the proposal to be overdevelopment of the site.

CONCLUSION

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.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

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 R Smith
Chairman of the Local Review Body

Date...2nd March 2016

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 3rd March 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00323/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 24th March 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 24th March 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Mrs Patricia Crippin

Agent: Ericht Planning & Property Consultants

Nature of Proposal: Erection of dwellinghouse and retaining wall (part retrospective)

Site: Land West Of Craigerne Coachhouse Edderston Road Peebles Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

The site has been visited on a number of occasions, most recently on 15th March 2017.

The proposed development is almost identical to the application made in 2015, albeit the footprint of the house has been reduced by approximately a quarter.

As stated in my consultation response to the previous application 'I am of the opinion that the addition of another sizeable house on this small site immediately to the west of the original coachhouse, diminishes the aesthetic and setting of the 6 unit development. It does not offer any meaningful garden ground to the proposed house and I suggest will put the remaining TPO trees under pressure of removal due to future overshadowing.'

The oak tree to the south west of the proposed house is one of the TPO trees that would be affected - a mature specimen that lies within 5m of the footprint of the proposed house. None of the supporting information identifies the Root Protection Area (RPA) of this tree but it is extremely likely that the house would be well within its RPA. If it is decided that a house is appropriate in this location, the development should be moved out of the RPA of this tree to protect its long term viability.

I reiterate my previous concerns about a development in this location – *'I think this proposal will have a negative impact on the setting and amenity of the approved development and will undermine the Tree Preservation Order by putting undue*

pressure on the remaining trees in the immediate area.... in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. I suggest that the proposal amounts to overdevelopment of the site and therefore, on landscape and visual grounds, I cannot support this application.'

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00323/FUL
Uniform Ref	17/00600/PLANCO
Proposal	Erection of dwellinghouse and retaining wall (part retrospective)
Address	Land West Of Craigerne Coachhouse Edderston Road Peebles
Date	22/3/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

*Air quality
Nuisance*

This Application indicates that a solid fuel heating appliance will be installed in the dwelling.

The plans lodged with the Application show that properties situated downwind of the site have window openings at a higher level than the discharge point for the heating appliance.

This is liable to impact on the health and amenity of other occupiers.

Recommendation

Object.

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: **28 Mar 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **17/00323/FUL**

Subject: Erection of dwellinghouse and retaining wall (part retrospective)
Land West of Craigerne Coachhouse, Edderston Road, Peebles

The previous application for a dwelling on this site (15/01034/FUL), which was subsequently refused, raised no objection from the Roads Planning Service subject to certain conditions.

Given the above, I will reiterate my previous comments which must be satisfactorily addressed by any subsequent planning approval;

- The parking area shown on the Proposed Site Plan (Dwg 2014/12/102/B) must be a minimum of 5 metres wide by 5 metres long in order to accommodate two vehicles. The parking area must be fully formed and available for use prior to occupation of the dwelling.
- A £1000 contribution, as a result of the proposed unit, is required as per the current SBC Development Contributions SPG. This contribution is towards improving traffic management in and around the town centre and/or towards the funding of transport appraisal work in respect of options for a second vehicular crossing in the town over the River Tweed.
- No access, either pedestrian or vehicular, is to be taken directly off Edderston Road.

AJS

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Service Director Assets & Infrastructure

Contact: Neil Hastie, Estates Manager

To: Head of Planning & Building Standards

Date: 6th March 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00323/FUL

PLANNING CONSULTATION

Name of Applicant: Mrs Patricia Crippin

Agent: Ericht Planning & Property Consultants

Nature of Proposal: Erection of dwelling house and retaining wall (part retrospective)

Site: Land West of Craigerne Coachhouse, Edderston Road, Peebles, Scottish Borders

OBSERVATIONS OF: Education & Lifelong Learning (Neil Hastie)

CONSULTATION REPLY

I refer to your request for Educations view on the impact of this proposed development which is located within the catchment area for Halyrude Primary School, Kingsland Primary School and Peebles High School.

A contribution of £7,463 is sought for Kingsland Primary School and £1,051 is sought for Peebles High School.

Rolls over 90% place strain on the schools teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index, therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2017.

If you require any further information please do not hesitate to contact me by emailing estatementagement@scotborders.gov.uk

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 3rd March 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00323/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 24th March 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 24th March 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Mrs Patricia Crippin

Agent: Ericht Planning & Property Consultants

Nature of Proposal: Erection of dwellinghouse and retaining wall (part retrospective)

Site: Land West Of Craigerne Coachhouse Edderston Road Peebles Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no known implications for this proposal.

LIST OF POLICIES**Local Review Reference:** 17/00031/RREF**Planning Application Reference:** 17/00323/FUL**Development Proposal:** Erection of dwellinghouse and retaining wall (part retrospective)**Location:** Land West Of Craigerne Coachhouse, Edderston Road, Peebles**Applicant:** Mrs Patricia Crippin**SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016**POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

LIST OF POLICIES

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY PMD5: INFILL DEVELOPMENT

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:

LIST OF POLICIES

- (i) the scale, form and type of development in terms of its fit within a residential area,
- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
- (iii) the generation of traffic or noise,
- (iv) the level of visual impact.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS2: DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act

LIST OF POLICIES

and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

SUSTAINABLE URBAN DRAINAGE

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage

LIST OF POLICIES

strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008

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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100064585-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Clarendon Planning & Development Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Antony	Building Name:	5a
Last Name: *	Duthie	Building Number:	<input type="text"/>
Telephone Number: *	01312972320	Address 1 (Street): *	Castle Terrace
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH1 2DP
Email Address: *	aduthie@clarendonpd.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Hardiesmill"/>
First Name: *	<input type="text" value="Robin"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Tuke"/>	Address 1 (Street): *	<input type="text" value="Hardiesmill Place"/>
Company/Organisation	<input type="text" value="Hardiesmill Farm"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Gordon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD3 6LQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of micro meat processing unit and byre

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Planning Appeal Supporting Statement

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning Appeal Supporting Statement, Letters of Support (contained therein), Scottish Borders Council Decision Notice, Scottish Borders Part III Report (incorporating Report of Handling), Site Location Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00239/FUL

What date was the application submitted to the planning authority? *

16/02/2017

What date was the decision issued by the planning authority? *

31/05/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The applicant respectfully requests that a site visit be carried out by the Local Review Body to full appreciate the site's secluded location, relationship to the existing farming enterprise set within the context of the Reason for Refusal (please see Planning Appeal Supporting Statement for further corroboration).

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Antony Duthie

Declaration Date: 30/08/2017

Notice of Review Supporting Statement

Land at Hardiesmill Place, Gordon, Scottish Borders

Erection of Micro Meet Processing Unit & Byre

Ref. 17/00239/FUL

On behalf of

'Mr Robin Tuke - Hardiesmill Prime Aberdeen Angus'

August 2017



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EXECUTIVE SUMMARY

This request for 'Review' is submitted on behalf of 'Hardiesmill' following the decision of Scottish Borders Council, under delegated powers to the Head of Planning and based upon the Case Officer's recommendation, to refuse planning permission for the erection of a Micro Meat Processing Unit and Byre (application ref. 17/00239/FUL) at Hardiesmill Place, Gordon on the 31st May 2017.

The application subjects form part of Hardiesmill Farm, Scotch assured farmers and butchers, a Borders family firm run by Robin and Alison Tuke. Hardiesmill runs approximately 130 pedigree Aberdeen Angus Cows (300 head of cattle) on 480 acres employing traditional methods of grass in the Summer and to save the ground on hay, silage and straw in the Winter with no concentrates, preservatives, steroids or unnecessary antibiotics. Hardiesmill pride themselves on 'provenance' that the foregoing ensures. The herd is split between Autumn and Spring Calvers and weaned at 7months, are housed in adjoining courts to their Mothers to minimise stress.

Hardiesmill operate at the leading edge of British Butchery producing one of the largest ranges of steaks in Europe. Whilst most of the enterprise's business is trade related serving restaurants throughout the Borders, Edinburgh and Northumbria, retail activity is also generated from the Farm butchery as well as the regular Kelso Farmers' Market.

Notwithstanding the corresponding direct and indirect economic development that the development proposal would facilitate, in the spirit of both national and local planning policy and, moreover, at time when the Borders continues to face economic challenges, the Planning Case Officer disappointingly deemed that, without affording credence to national directive, the proposal was contrary to Policies ED7 and PMD2 of the Adopted Scottish Borders Local Development Plan, perceiving that the proposal would be unsympathetic to the rural character of the surrounding area and visible from the public realm including the adjoining local road.

This Statement sets out the opposing Case for the Applicants and will demonstrate that:-

- The proposal would, through the creation of an additional **2no 'on-site' jobs** generate viable employment in-line with the very principles of Policy ED7 on an Established Farm and support the sustainability of a growing Scottish Borders based business
- The decision to refuse consent does not properly take into account the practicalities and indeed Regulations properly enforced by the Food Standards Scotland Agency to ensure consumer protection, and the Scottish Government strategic approach to Animal Health and Welfare.
- The decision failed to objectively consider the proposal against the Scottish Government's presumption in favour of sustainable economic development per **Scottish Planning Policy (June 2014)**
- No alternative sites exist within Hardiesmill Farm that could practically serve the Farm and comply with the Regulations applied by the foregoing Authorities and the Planning Officer has failed to provide a reasoned counter position despite conversely having accepted that the principle of development is acceptable

- Food Standards Scotland, Quality Meat Scotland, the Scottish Society for the Prevention of Cruelty to Animals and the Animal & Plant Health Agency have unanimously endorsed the proposal and offer supportive Representations to this Appeal process
- There is widespread unified community and business support for the development including the Buccleuch Arms Hotel and even as far afield as 'Just Provisions' in Monaco given Hardiesmills' international appeal and growing export business. Concurrently, formal submission of Support to the appeal have been tendered

It is asked that the Local Review Body, whilst considering matters, simultaneously appraise the enclosed documentation which accompanied the original application. It is respectfully requested that the Local Review Body objectively reconsider the Head of Planning's recommendation and, **in the interests of both animal welfare and Scottish Borders based sustainable economic development**, find favour in the Applicants' proposal for which it is contended Policy is in place to support, subject to conditions, as deemed appropriate.

1.0 BACKGROUND TO HARDIESMILL - ETHICAL SCOTCH BEEF

- 1.1.1** The Hardiesmill ('the applicants') Aberdeen Angus Herd was originally established in 2001 and has positively bred cattle to perform on their Mother's own milk and grass, without the need for high protein cereals etc producing now internationally renowned meat. The business has developed in to a niche 'high end' producer now serving not just the Borders, Edinburgh and Northumberland, but overseas eateries including the 'super yachts' off Monaco.
- 1.1.2** With the success and growth that Hardiesmill has experienced since 2001, the dwindling plant numbers (i.e. abattoirs) in Scotland (of which there are now only four and are reliant on subsidies) is recognised, compounded by the closure Galashiels plant a number of years ago. In a proactive and positive response, the business now wishes to establish a 'home-based' Micro Abattoir to improve the welfare life cycle of livestock - a first in the whole of Scotland aiming to minimise the stress associated with handling and current transport to either Paisley or Shotts (the only Plant now serving the Scottish Borders) which in turn informs the quality of beef.

2.0 BACKGROUND TO THE APPLICATION

2.1 Location & Description

- 2.1.1 The application site falls within an existing agricultural shelter belt some 350m to the south west of the farm building complex known as Hardiesmill Place and to the immediate north of a minor unclassified road.
- 2.1.2 The proposal consists of the erection of two structures including a modular meat processing unit of 13.5m by 8.2m and, secondly, a byre to contain livestock extending to 12.3m by 4.61m as delineated at **Appendix 1** (NB the Case Officer offered no objection to the construction of the byre and is thus not considered herein). Due to manufacturing deadlines associated with overseas supply from Finland, the former structure has been partly implemented on site. Proposed landscape mitigation has, however, not yet been instigated pending the outcome of the appeal process and any conditions that may result from same.
- 2.1.3 The application was received by SBC on 16th February 2017, validated on the 28th February and, subsequently, to the disappointment of the applicant, refused by delegated decision to the Head of Planning on the 31st May 2017, on the basis of the appointed Case Officer's subjective recommendation. This will be considered further herein.

2.2 The Development Proposal, Operational Practicalities & Regulations

- 2.2.1 By way of background and to summarise, the proposals which were the subject of the aforementioned application for planning permission and this 'Notice of Review' Statement were informed by regulations set down by related governing Agencies. Indeed, the applicant sequentially assessed the whole farm within his ownership for suitable locations for the proposal culminating in the identified location subject of this appeal. Of specific note, both the Animal & Plant Health and Food Standards Scotland respective Agencies require that a processing unit must be isolated from existing farm buildings to ensure bio-security. In addition, the meat Industry Guide (August 2015) explicitly requires that processing units must be located 400m from the nearest non-related dwelling. The foregoing considerations, coupled with operational practicalities as well as access and site servicing resulted in the conclusion of the proposed siting together with the opportunity for instant landscape screening capable of augmentation.
- 2.2.2 In terms of design of the modular unit, the applicant fully considered a bespoke 'shed' option, however, it was proven that such would not comply with regulations as such facilities require to be of a sealed construction to prevent ingress from vermin. In addition, the exterior colour of materials affects temperature monitoring and so forth. The position of the proposal also ensures supervision and security from the main farm complex at a time of rising rural crime and theft.

2.3 Planning History

2.3.1 The subjects are not known to have been subject of any prior planning applications.

2.4 Reason for Refusal

2.4.1 The Decision Notice recommended refusal on the basis of just the following 'sole' reason:

“The proposal does not comply with the Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposals to the applicant’s farming and butchery businesses and wider rural economy”

3.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

3.1 Planning Policy

3.1.1 The Applicant, contrary to the Decision Notice, and notwithstanding the underpinning locational practicalities and rigid Regulations associated with the development proposal, remains of the view that proposals do, in any case, accord with intent of planning policy at both a national and local level. In particular, following review of the Case Officer's Report (copied at **Appendix 2**), the Applicant would take this opportunity of making the following comments.

Scottish Planning Policy (June 2014)

3.1.2. At a national level, it is respectively noted and considered pertinent to this Case that Scottish Planning Policy (SPP) introduces a **presumption in favour** of development that contributes to sustainable economic development. In particular, **Paragraph 28** states that the planning system should ***“support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term”***.

3.1.3 Paragraph 29 of SPP outlines the key related principles which include:

- ***“giving due weight to net economic benefit”***
- ***“making efficient use of existing capacities of land, buildings and infrastructure”***
- ***“supporting delivery of accessible housing, business, retailing and leisure development”***

3.1.4 Paragraph 30 proceeds to underscore that development plans should ***“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area”***.

3.1.5 In the foregoing regard, setting aside animal welfare considerations, it is respectively suggested by Hardiesmill that all due credence to the economic benefits that will be derived from this growing and adapting business development have not be afforded. In particular, this development will directly generate, and in the short-term, **2no ‘local’ additional jobs**.

Adopted Scottish Borders Local Development Plan (LDP)

3.1.6 At a local level, the Adopted LDP is a further material consideration in the determination of planning applications. In this respect, notwithstanding the Case Officer's narrow interpretation of **Policy ED7**, or to be exact just one strand (**e**) of its associated criteria which otherwise extends to 9no considerations, the general ethos is that of positivity

encouraging rural diversification initiatives. However, the Case Officer considers that proposals fall short of satisfying siting and design criteria as articulated within Policy PMD2.

- 3.1.7 It is worth noting, however, that the Case Officer narrates all the benefits to be derived from the development on **Page 2 (Paragraphs 7 & 8)** of the Report on Handling (**Appendix 2**) including that relating to animal welfare associated with current handling and long travel journeys for slaughtering which would otherwise be minimised. Again, on **Page 3 (Paragraph 7)** *“identified economic and employment benefits of allowing this facility”* are recounted (albeit latterly dismissed) and otherwise states *“having reviewed the applicant’s business case, it is considered that the proposal would be well related to the applicants existing business operations, and therefore that it would not reasonably be held to be objectionable in principle”*. It can therefore be concluded that, the principle of development is acceptable in planning terms thereby focusing the considerations underpinning this appeal.
- 3.1.8 In terms of site selection, the Case Officer again accepts on **Page 4** that there are no other building groups or structures within the farm and that *“the need for a new isolated site for the micro meat processing unit is considered to be reasonable”* (**Paragraph 6**). However, the Case Officer on **Page 5**, under the Heading of ‘Landscape and Visual Impact Considerations’ offers what, is respectively suggested, a contradictory assessment; on the one hand, having accepted the principle of development, given the *“isolated rural location”* (**Paragraph 4**) is somehow “not capable of being accommodated visually”. Conversely, it is the applicant’s opinion that an ‘isolated rural location’ minimises the number of visual receptors further supported by the fact that the adjoining unclassified local road (whilst providing the requisite physical access to the subjects) is lightly trafficked. Moreover, the Case Officer’s subjective opinion on landscape and visual impact is, and again with respect, not a qualified Landscape Architect’s official view. Indeed, no formal Landscape Officer assessment has been tendered by SBC to corroborate the Planning Case Officer’s contention which the applicant considers has been overstated as, otherwise, views into the site will, allowing for the progressive maturing of planting be limited to a glimpsed experience by road users of the adjoining minor road. In this respect, further mitigation by way of additional tree planting and the incorporation of a slate coloured roof have been tabled by the applicant which may be covered by Condition under powers afforded to the Local Review Body. Ironically, the Case Officer at **Page 7 (Paragraph 9)** of his report accepts that landscaping treatment could off-set his perceived impact and proceeds on **Page 8** with a rather confusing and laboured assessment of the existing on-site tree cover and the potential visual benefits or otherwise that additional screening would provide. Again, however, these opinions are without professional Landscape Architect visual Assessment are thus simply uninformed opinion which has thwarted sustainable economic development unless the Local Review Body deem otherwise.
- 3.1.9 In summary, taking into account both policy provisions, and weight of material considerations, it is the applicant’s position that the development proposal can be supported when appraised properly and, moreover, objectively, against both SPP and the LDP.

4.0 STATUTORY CONSULTEES

7.1.0 Significantly, in terms of **statutory and local Consultations**, no objections were received. In particular:

- Economic Development supported the application (verbally)
- Neither the Community Council or neighbours objected to the application.
- Roads Planning Service raised no objection (subject to conditions acceptable to the applicants)
- Environmental Health raised no objection
- SBC Landscape raised no objection (despite the Case Officer's assertions leading to his Recommendation)

7.1.1 In summary, there is therefore marked disparity between contributors to the decision-making process and the eventual refusal recommendation which has lamentably frustrated job creation and economic growth in the Gordon area.

5.0 AGENCY & COMMUNITY SUPPORT

- 5.1.0 Notwithstanding multi-departmental support for the appellant's proposal from within SBC itself, as a result of the need to appeal to the Local Review Body, the applicant is heartened, in recognition of the opportunity of economic generation and improved animal welfare, to have formal backing from the Food Standards Scotland, Quality Meat Scotland, the Scottish Society for the Prevention of Cruelty to Animals and the Animal & Plant Health Agency as well as an immediate neighbour and local and international businesses.

6.0 CONCLUSION

6.1.0 The preceding Statement, in conjunction with the appended supporting documentation, demonstrates the deliverability of the proposals within the context of a pragmatic approach to local planning policy with further support derived at a national level. In particular: -

- LDP Policy ED7 embraces and encourages rural diversification. The proposed creation of 2no additional permanent jobs are material considerations which have, thus far, been essentially overlooked in the determination of the application
- Scottish Planning Policy 'presumes' in favour of sustainable economic development as represented herein by Hardiesmills' proposal
- By virtue of the 'isolated rural location' (as described by the Case officer), the proposal is not widely visible to the public realm

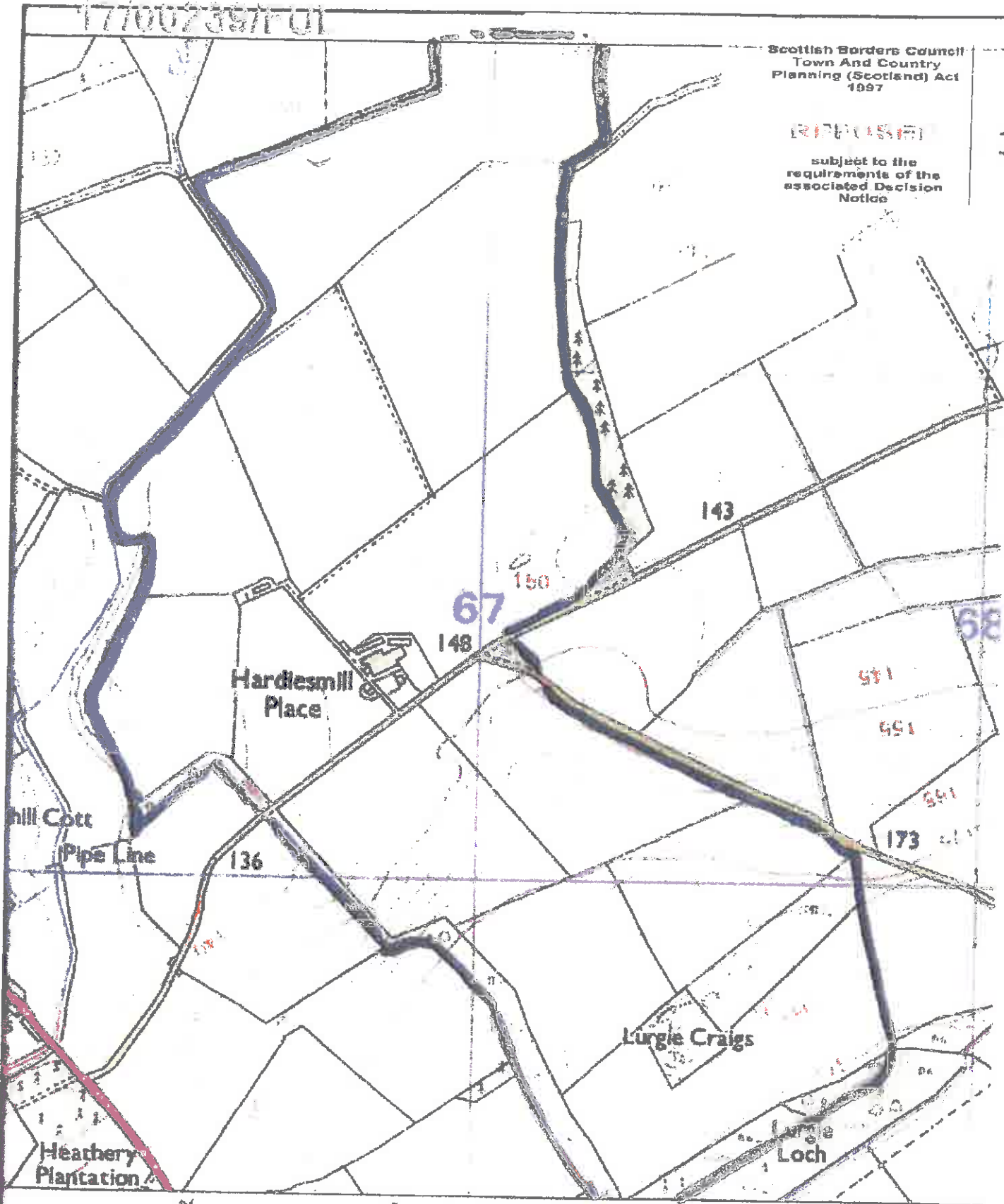
6.1.1 On the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively by the Local Review Board of SBC with the applicant being agreeable to the imposing of appropriate planning conditions, as necessary, to ensure delivery of employment and economic generation as well as in the interests of animal welfare.

APPENDIX 1

177007397F01

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED
subject to the
requirements of the
associated Decision
Notice



1:9,449

© 2015 Scottish Environmental
Protection Agency

268/0001 Hardiesmill Place

17/00298/FUL



Buy A Plan

UK's fastest and easiest Planning Site

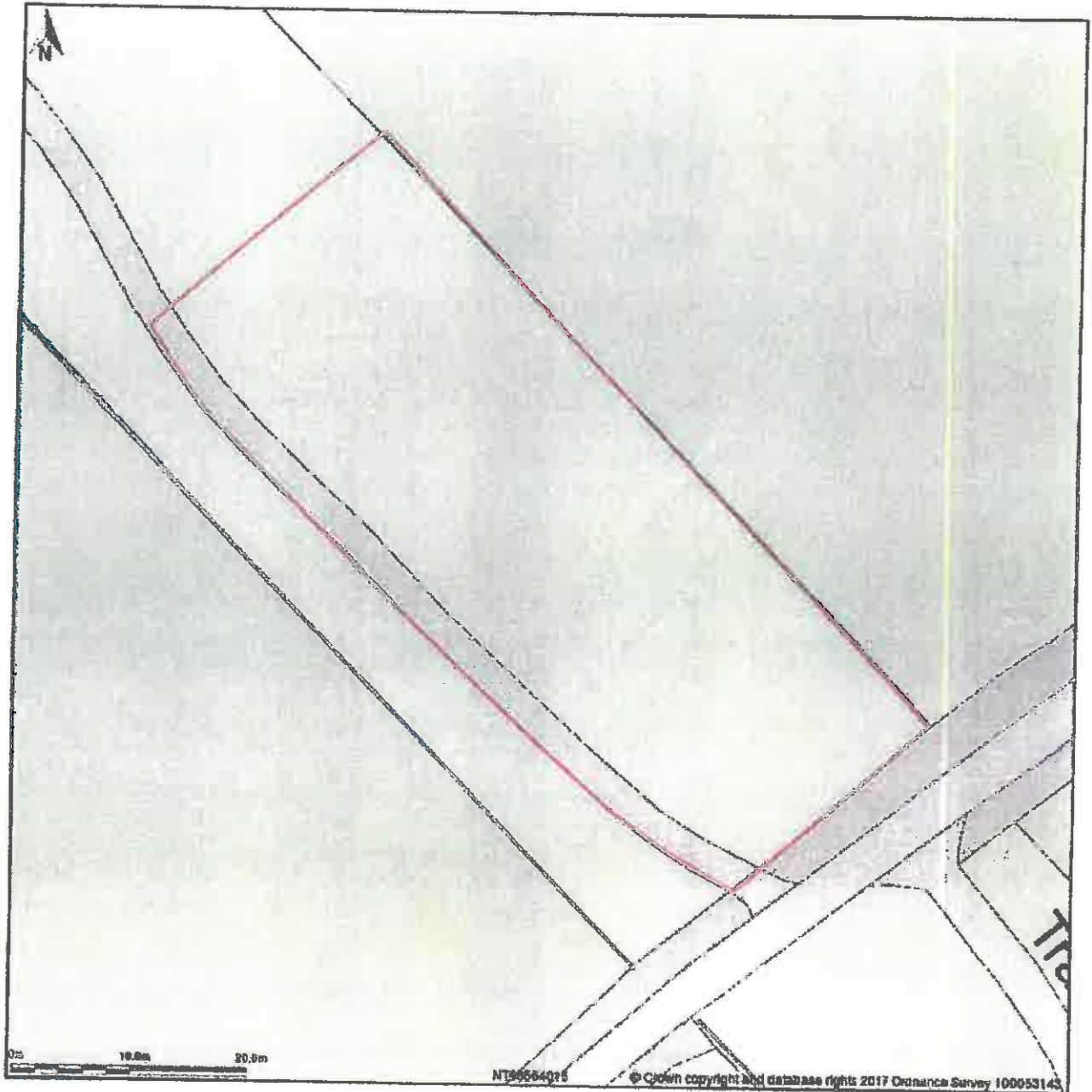
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1987

PLANNING PORTAL

Subject to the
requirements of the
associated Decision
Notice



Proposed Modular Micro Meat Processing Unit, Hardiesmill Place, Scottish Borders. TD3 6LQ



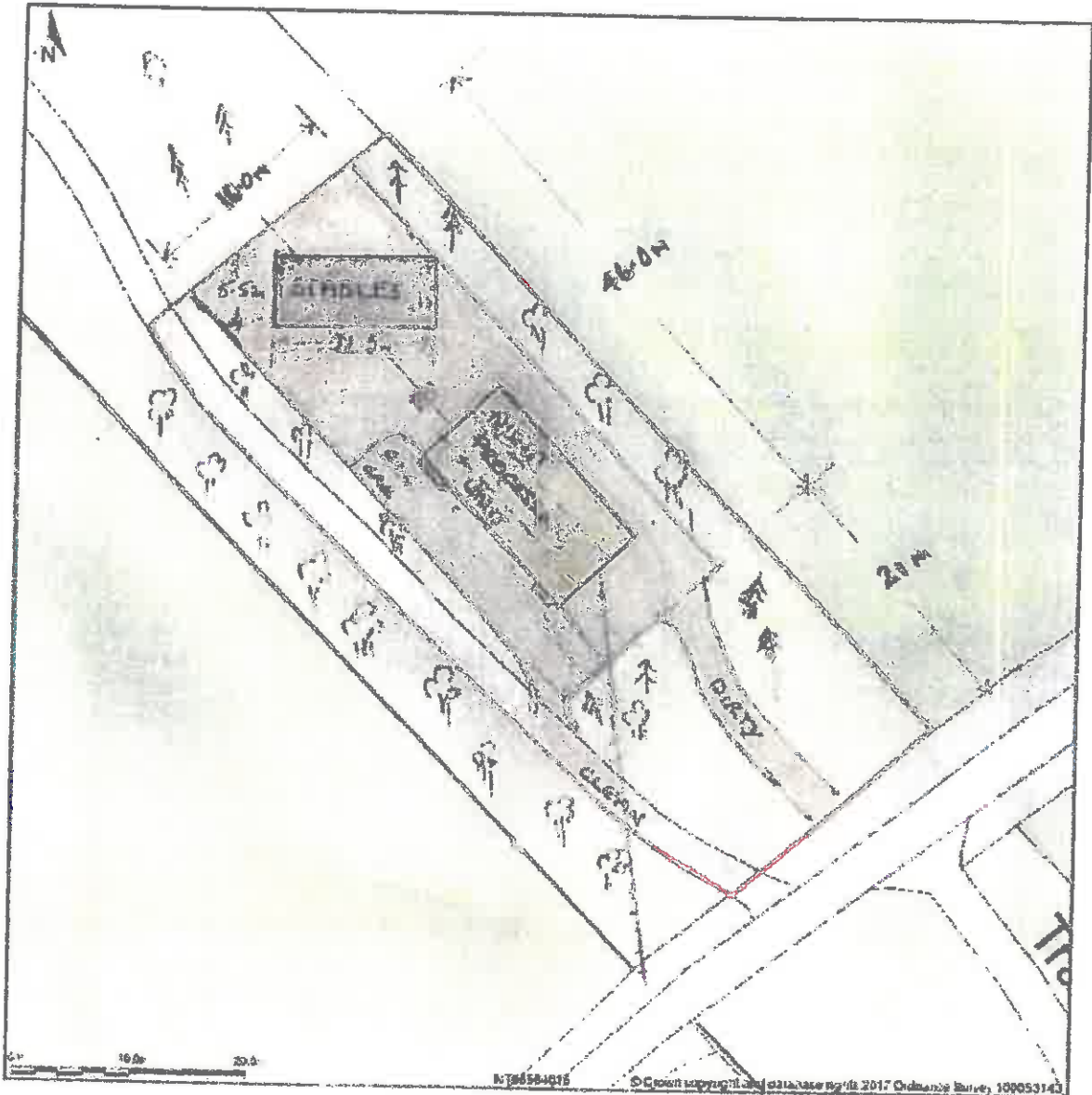
Block Plan shows area bounded by: 388520.48, 840108.83, 288610.48, 640186.83 (at a scale of 1:500, OSGridRef. NT66564015). The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Proposed Modular Micro Meat Processing Unit, Hardiesmill Place, Scottish Borders, TD3 6LQ



Each Plan shows were bounded by 365520.48, 640105.83 565810.48, 640165.83 (at a scale of 1:500). OSG Grid: N:76554015. The representation of a road, track or path is no evidence of a right of way. The representation of features or lines is no evidence of a property boundary.

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- KEY:**
- 1 FENCE LINE
 - 2 BARRIER WALL
 - 3 HATCH
 - 4 MAIN WATER
 - 5 STABLES, WOOD FIN. W. SHINGLES ROOF. 5.5m x 12.5m
 - 6 MEAT PROCESSING UNIT, SHITZ METAL WALLS WITH SHINGLES ON TIN ROOF. 16.4m x 8.2m.
 - 7 YOUNG FIR TREES
 - 8 YOUNG OAK & BIRCH
 - 9 SEWERAGE & BULK COLLECTION

7/00238/FUL







HARDIESMILL MODULAR MICRO MEAT PROCESSING UNIT.

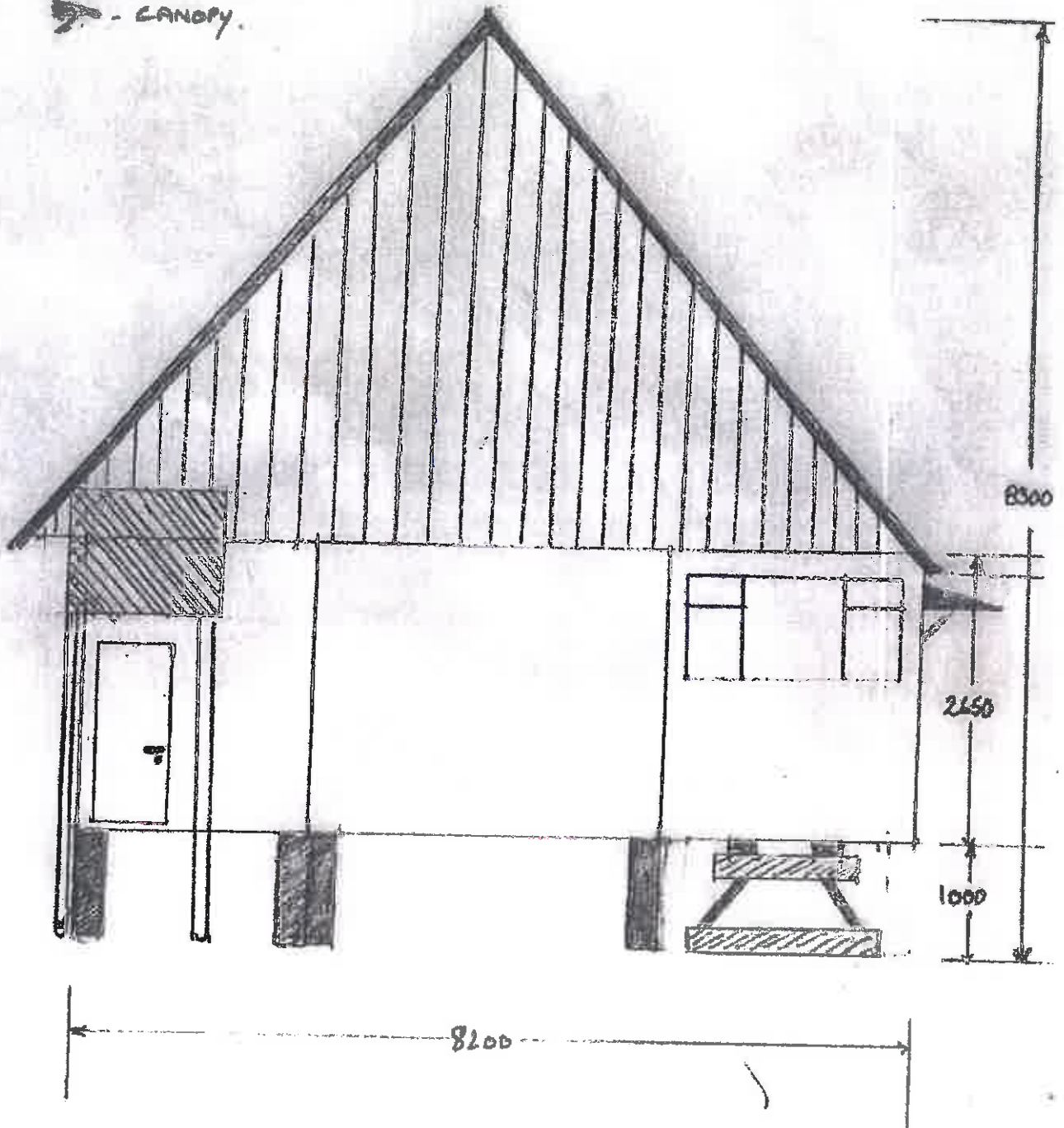
END VIEW - (NORTH SIDE)

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REVISIONS

subject to the
requirements of the
associated Decision
Notice

- Key:
-  - CONCRETE BLOCKS
 -  - WHITE WOODEN BOARDING
 -  - WHITE METAL SKIN
 -  - METAL STAND
 -  - SHINGLE PORCH
 -  - CANOPY



17/00239/UL






HARDIESMILL MODULAR MICRO MEAT PROCESSING UNIT.

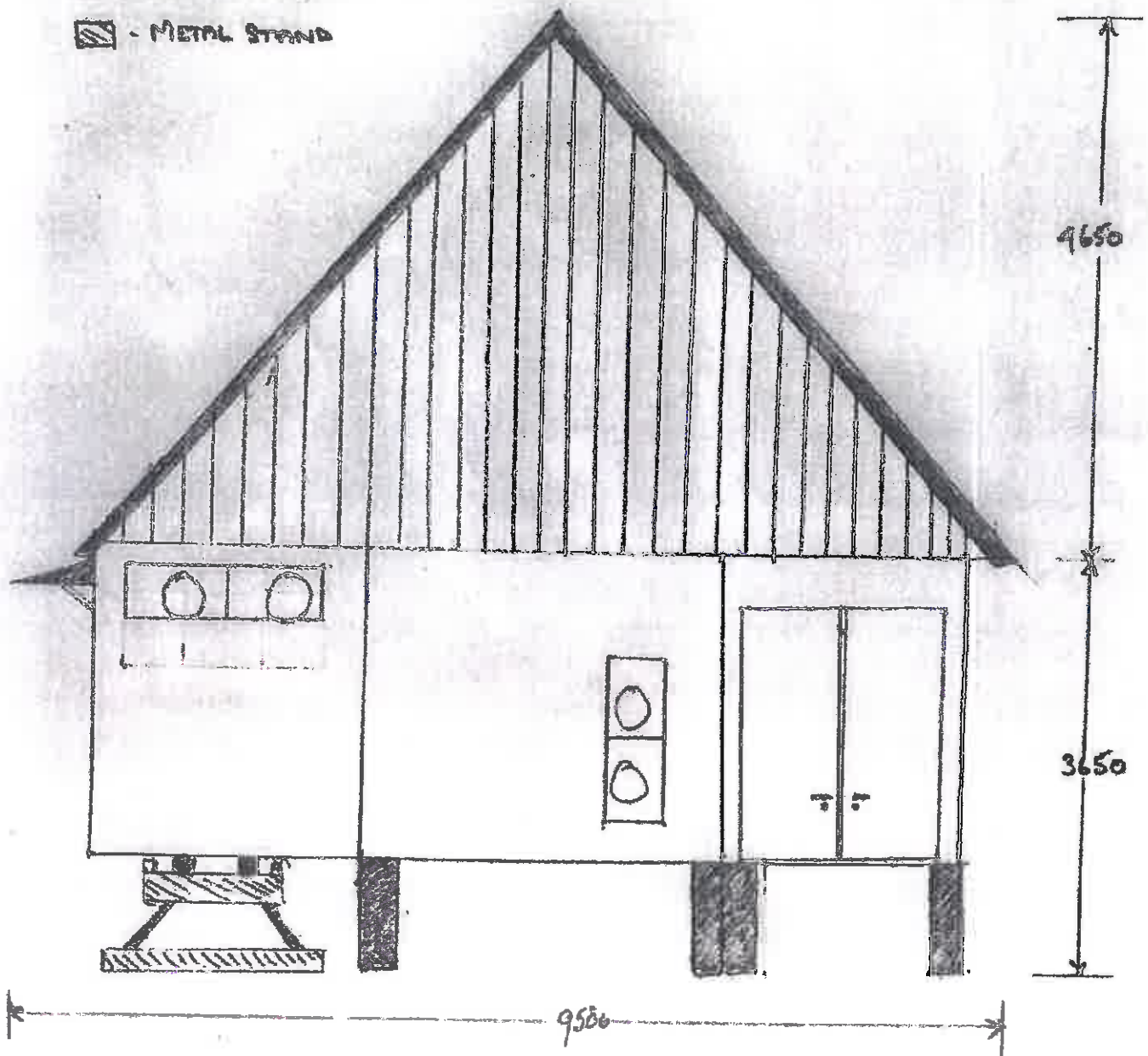
- END VIEW (SOUTH SIDE)

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

- Key:
-  - CONCRETE BLOCK
 -  - WHITE WOOD PANELS
 -  - WHITE METAL SKIN
 -  - CONDENSOR.
 -  - METAL STAND



V3 B. DATE 22 FEB 2017
SCALE 1/50

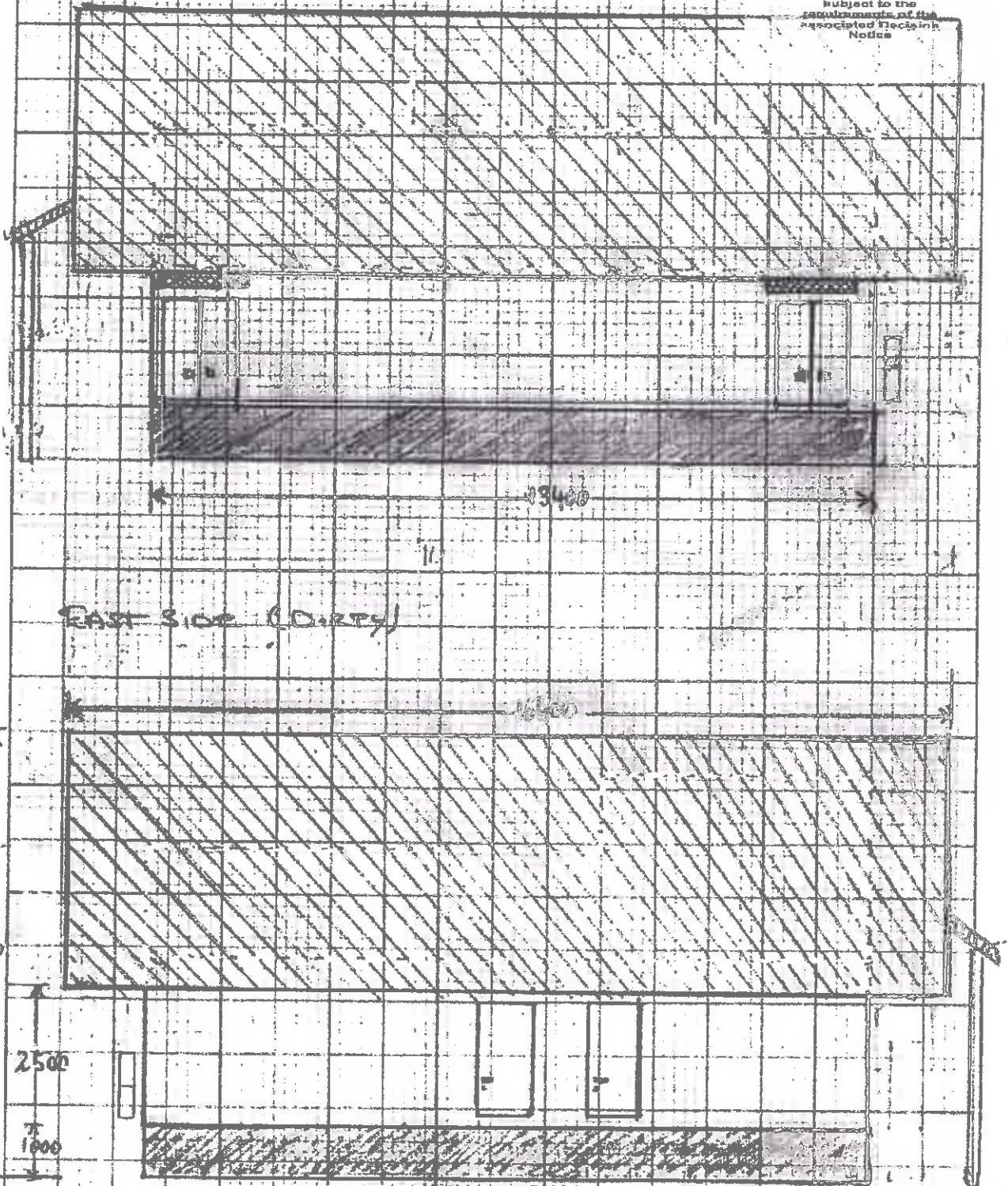
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HARDIEMINI MODULAR MICRO MEAT PROCESSING UNIT

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



EAST SIDE (DIRTY)

8300

2500

1000

13400

Key:

- WHITE METAL SKIN

- CONCRETE

- SHINGLE OR TIN ROOF

- BLACK (PORTABLE)
 - CANOPY

Y/S2 DATE 20 FEB 2017

SCALE 1:100



17/00239/FUL

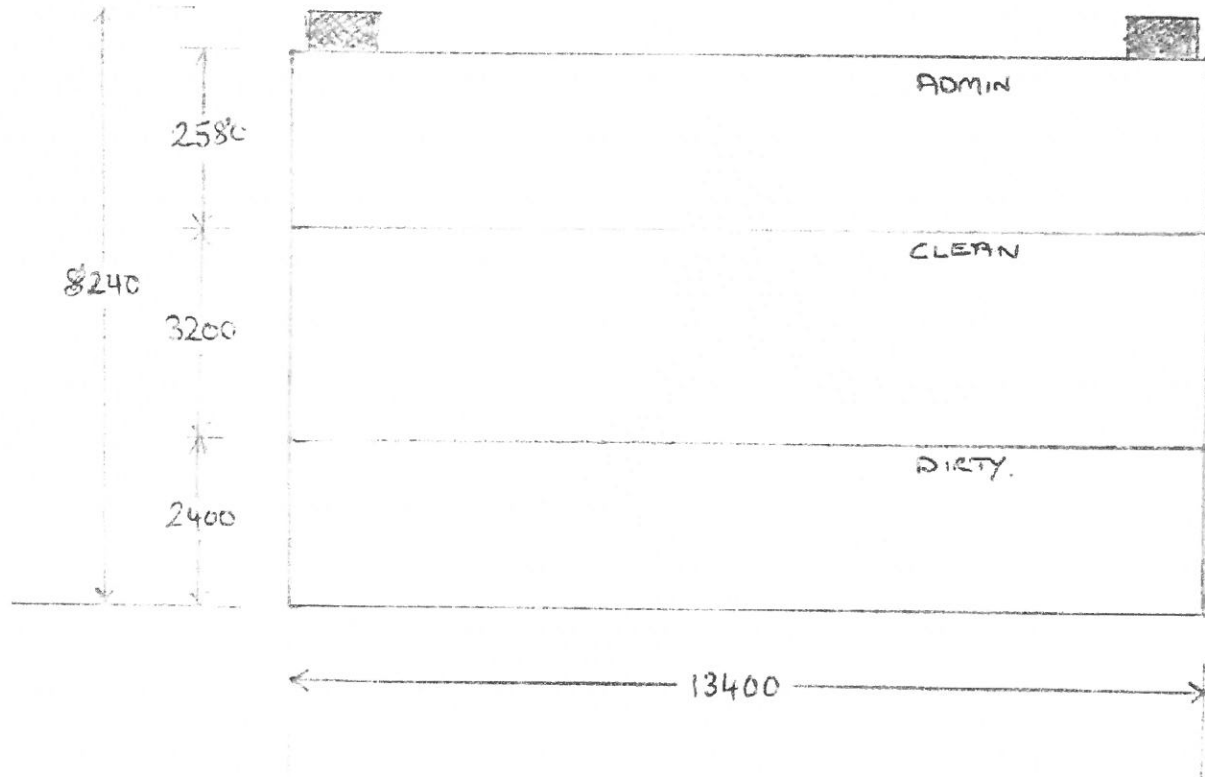
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

HARDIESMILL MODULAR MICRO MEAT PROCESSING UNIT
(BIRD-EYE VIEW)

REFUSED
Subject to the
requirements of the
associated Decision
Notice

SCALE 1:100

KEY:  WHITE METAL SKIN
 LANDMARK



17/00239/FUL

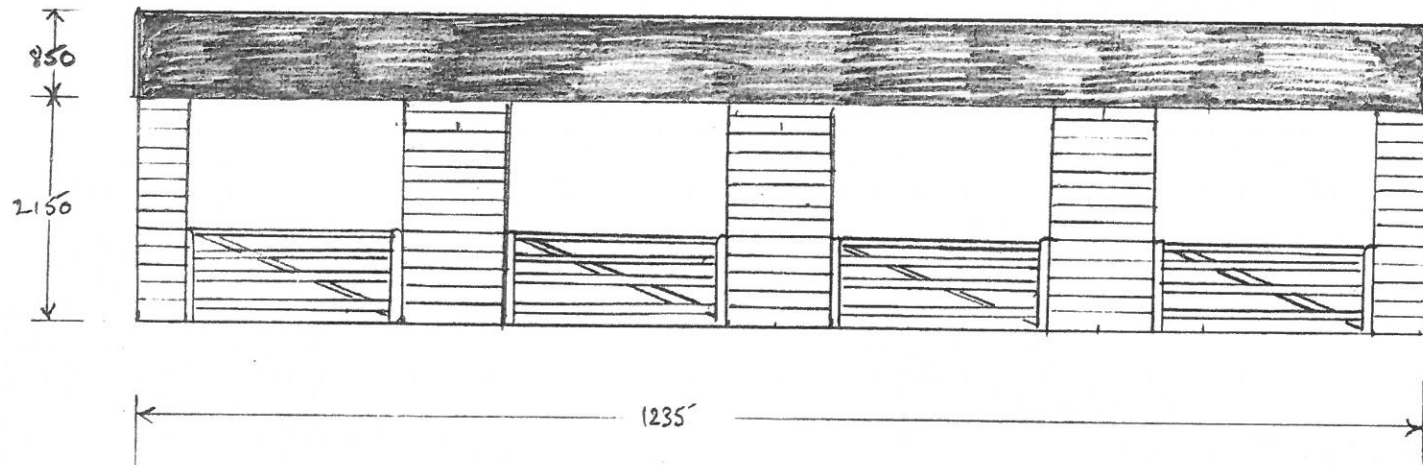
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1987

REFUSED

subject to the
requirements of the
associated Decision
Notice

BULL PEN - FRONT ELEVATION

- Key: ■ - BLACK ONDULINE ROOF
▨ - WOOD PANELLING
□ - OPENING



SCALE 1:50 VS 1. 23 FEB 2017

17/00239/FUL




1

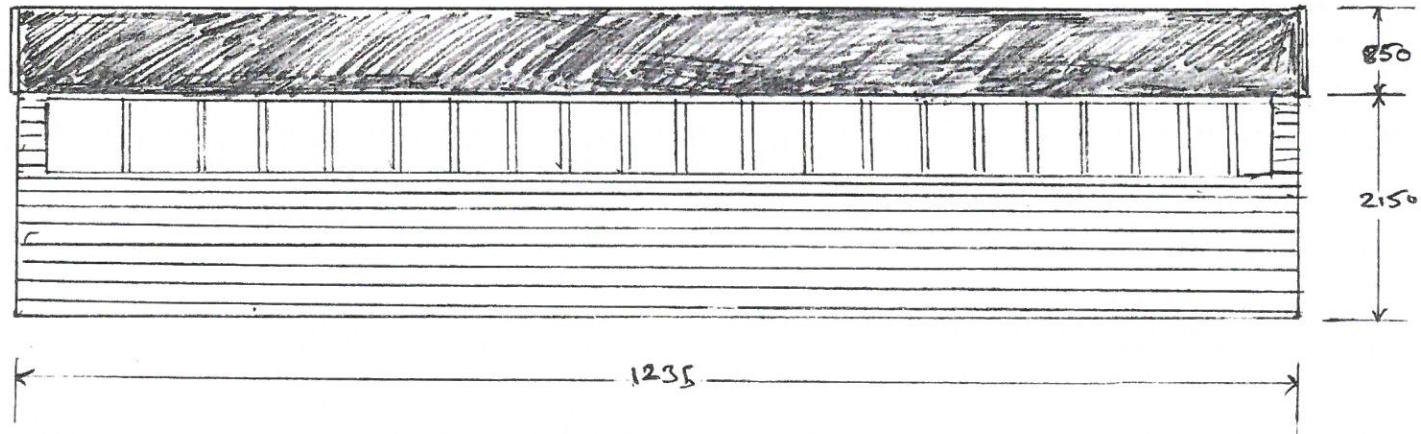
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

BULL PENS - REAR ELEVATION

- Key:
-  - BLACK ONDULINE ROOF
 -  - WOOD PANELLING
 -  - OPEN WINDOWS



SCALE 1:50 v.1. 23 FEB 2017


17/00239/FUL

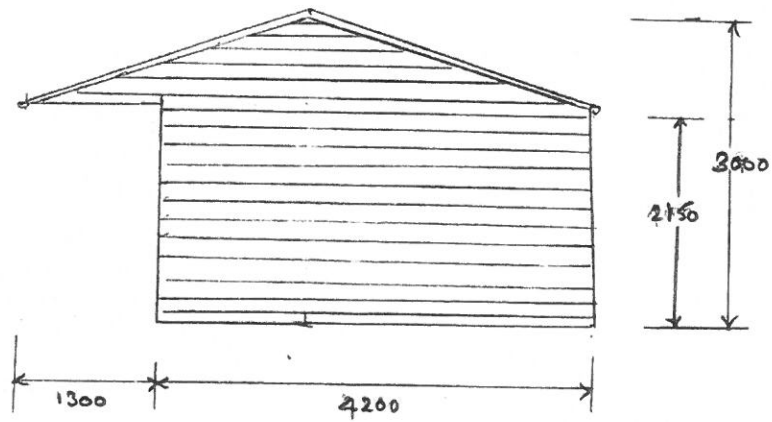
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

BULL PENN - SIDE ELEVATION.

Key:  - WOOD PANELLING



SCALE: 1:50

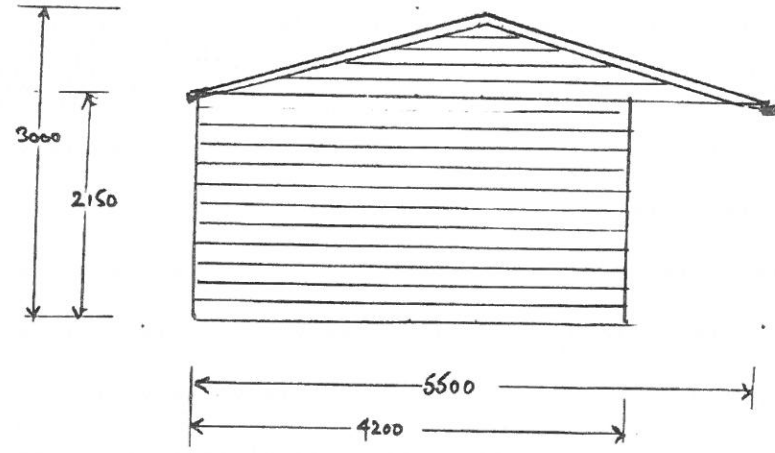
Vs. 1.

23 FEB 2017

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997
REFUSED
subject to the
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Notice

HARDIESMILL BULL PENS - SIDE ELEVATION

Key:  WOOD PANELING



SCALE 1:50 VC 1. DATE: 23 FEB 2017

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SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00239/FUL

APPLICANT : Mr Robin Tuke

AGENT :

DEVELOPMENT : Erection of micro meat processing unit and byre

LOCATION: Land At Hardiesmill Place
Gordon
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
HOLDING	Location Plan	Refused
SITE	Location Plan	Refused
	Planning Layout	Refused
VS1 MMPU	Elevations	Refused
VS2 MMPU	Elevations	Refused
VS3 MMPU	Elevations	Refused
MMPU	Floor Plans	Refused
VS 1 BYRE FRONT	Elevations	Refused
VS 1 BYRE REAR	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No objections. Community Council and Economic Development have not responded to the public consultation, although Economic Development has confirmed verbally that it has reviewed the business case, and is content with the Applicant's business case.

Roads Planning Section: initially responded to seek clarification and additional information from the Applicant, specifically with regard to: the need for the proposal to be isolated from the farm and operated with a separate vehicular access; the proposed vehicle movements; the need for the separation of 'dirty' and 'clean' accesses within the overall site access arrangements; and the potential for the latter to be amalgamated prior to joining the public road. Further to the provision of ulterior advice from the Applicant, Roads Planning has now responded to advise that this additional information alleviates the previously expressed concerns and it is now able to support the proposal subject to the following concerns being met: (i) the new accesses need to be surfaced to Roads' given specification; wheel washing facilities need to be put in place at the 'Dirty Access', to prevent debris being carried onto the public road; and measures require to be put in place, to prevent the flow of

water onto the public road boundary. It is further noted that it should be borne in mind that only contractors first approved by the Council, can work within the public road boundary.

Environmental Health Section: has no comments with regard to potential land contamination. With regard to amenity and pollution, planning conditions are sought to require (a) that it be demonstrated prior to the commencement of development that the private drainage system would be maintained in a serviceable condition; (b) that no water supply other than public mains water should be used for human consumption, without the prior written consent of the Planning Authority; (c) that written evidence should be supplied to the Planning Authority that the property has been connected to the public water supply network prior to its occupation; and (d) that conditions intended to regulate noise nuisance be applied. An informative is recommended to advise the Applicant of the need for the premises to be registered as a food premises with the Council, before any operations commence.

SEPA: has no objection, but has concerns with respect to the management of both foul drainage and surface water drainage at the site. With respect to the disposal of foul drainage, it is concerned that only one tank is indicated, when separate tanks would be required to manage the disposal of sewage and the disposal of animal blood and by-products. Advice is given as to how drainage would be appropriately regulated on-site, and what environmental regulatory mechanisms would be applicable to the development's operation.

Food Standards Scotland: advises that it has received an application for a food business establishment (operation of Micro Abattoir and Lairage facility) to which both Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004 apply. It advises that it is content with the proposed plans that have been laid before it to date. It will continue to liaise with the owner going forward.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability
Policy PMD2: Quality Standards
Policy ED7: Business, Tourism and Leisure Development in the Countryside
Policy HD3: Residential Amenity
Policy EP13: Trees, Woodlands and Hedgerows
Policy EP16: Air Quality
Policy IS7: Parking Provision and Standards
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Recommendation by - Stuart Herkes (Planning Officer) on 31st May 2017

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

This application proposes the siting and operation of a micro meat processing unit and byre within an existing agricultural shelter belt, around 350m to the southwest of the farmyard at Hardiesmill Place, the existing centre of operations of the proposed unit's prospective operator.

At present, the farm not only rears, but also butchers, its own meat. It is though reliant upon an abattoir off-site for slaughtering. Notwithstanding this, the business has a concern to process its own meat from field to market, and to do so to the highest possible standards with respect to animal welfare. At this moment in time, slaughtering takes place at some distance from Hardiesmill, which requires lengthy vehicular journeys to move livestock to slaughter from the farm, and then carcasses back to the farm's butchery for processing.

The intention behind the current proposal is to allow the business to gain full control over the entire processing - and therefore quality - of its meat products by essentially accommodating an abattoir 'on-site' at the farm. This would avoid the costs of haulage, and facilitate improvements in animal welfare through reduced handling and stress for livestock; principally by avoiding long journeys to abattoirs in other regions; an inevitable part of this, or indeed, almost any other cattle-rearing operation. These health and handling benefits, it is anticipated, have potential to lead directly to an improvement in the quality of the meat, translating into a better product, and critically, into a high quality product at the top end of the business'

target meat markets. The Applicant advises that the proposal would allow the business to take the next step in securing and improving its products, and in accessing new markets, and in a way that it anticipates, would be liable to achieve the highest levels of animal welfare in the world.

The planning proposal consists of the siting of two main structures. The first of these, would be a modular unit with a footprint of 13.5m by 8.2m, attaining a height of 8.3m to its roof ridge. This would more particularly be made up of three white-painted metal units aligned in parallel to one another, mounted on concrete blocks under a steeply sloping shingle or green-finished metal roof. Second of all, to the northwest, there would be what is described as a stables building, which is intended to contain livestock ahead of their processing within the unit. This would have a footprint of 12.3m by 4.61m, with an overall (roof ridge) height of 3m, and would be a relatively standard timber clad structure. In association with these structures, would be areas of hard standing, required for assembly of the unit and also car parking for up to three employees. The Applicant proposes to use an existing track for its 'clean' access, which is largely overgrown. While liable to require upgrading, this appears to already be finished in some form of hard surfacing. It is a requirement of the operation of the proposal that there should be 'clean' and 'dirty' accesses. Vermin proof fencing is also a requirement with respect to site management considerations.

More recently, the Applicant has proposed that the site, or at least the lower sections of it, should be screened by bunds planted with trees, and has provided photomontages which describe a building with a computer-generated slate grey coloured roof. These images are based upon a unit, which is now on site. The latter raises some difficulties with respect to the assessment of the current application in that what has been installed on site is notably different to what is proposed. The unit on site is effectively a double-height container unit, and in a position that appears to be in closer proximity to the northeast boundary of the site and to the public road than within the configuration that is described on the Proposal Drawings. Accordingly, the description of the photomontages can only appropriately be treated as indicative at best. It is unclear how the Applicant could resolve the discrepancies between what has been installed on site, and what is proposed under the application. However, for the avoidance of doubt, it is the proposal that is described by the Applicant's Proposal Drawings which is the subject of the planning application, and which is therefore only appropriately the subject of the Planning Authority's assessment.

Within more recent communications, the Applicant considers that more recessive coloured finishes in combination with bunds and tree-planting, would suffice to address the concerns of Planning Policies PMD2 and ED7 that the development should be finished in a way that is sympathetic to the site and surrounding area. The Applicant also considers that were the upper section of the micro-meat processing building to be finished as such, it would also be capable of being 'read' as a residential property in line with the finishes and designs of dwellings within the wider area at Hardiesmill in particular, and further afield.

Supporting advice seeks to justify the design of the proposed micro meat processing unit in technical terms, noting that features such as the raised floor level and high roof, are requirements of the meat processing operations, and would allow the operation to conform to the highest standards.

PLANNING PRINCIPLE

Although Economic Development has not responded to the public consultation, it has verbally communicated that it is aware of the subject business, and considers the proposal to be in alignment with the business' established operations. The Planning Officer has at the time of the site inspection, visited the Applicant's existing premises, and has inspected the premises of its existing butchery operations (which were approved in 2009 under Planning Consent 09/00270/FUL). The Planning Officer is therefore content that the butchery business is an established concern and employer. Having reviewed the Applicant's business case, it is considered that the proposal would be well-related to the Applicant's existing business operations, and therefore that it would not reasonably be held to be objectionable in principle.

It is also considered that positive regard might reasonably be had to the identified economic and employment benefits of allowing this facility; as well as to potential environmental benefits. There is at present a traffic of livestock to, and carcasses back from, the off-site abattoir, which would not be required, were the livestock to be processed on-site. There are also clear benefits to animal welfare at least in the case of livestock stored on the farm at Hardiesmill, where the need for long vehicular journeys to slaughter, can be removed out of the cycle from field to butchery.

Beyond the principle itself however, it is still not usual within modern farming operations for slaughtering to take place on-site at the farms where cattle are reared. Abattoirs are more commonly operated centrally and independently of individual farms, and are more likely to be accommodated within industrial estates in, or in close proximity to, settlements where road and rail access are good, and where residential amenity is more easily protected through the strict separation of industrial and residential land uses.

Accordingly, while it is accepted that the proposal does relate well to, and can benefit, the specific farm/butchery business currently operating at Hardiesmill, a point of concern would be any potential for the unit to process livestock other than those farmed by the Applicant himself. It is a concern at least, that any unqualified approval would have potential to result in the operation of a commercial abattoir, which would conversely be liable to increase - and not decrease - traffic movements to, and from, the site along relatively narrow country roads in the immediate vicinity of the site. In the event of approval, it might reasonably be required by planning condition that the micro meat processing unit should only be used to process livestock owned by the farm business at Hardiesmill, thereby ensuring that if approved, the facility would only be used to support the existing business operations. (It is reasonably allowed that the facility should be allowed to process livestock owned by the Applicant, albeit not necessarily stored at Hardiesmill, since it is understood that the Applicant does lease land within the surrounding area to graze some of his own cattle, albeit that the majority are understood to be stored at Hardiesmill).

In summary, and subject to the above noted condition, it is not considered that the Applicant's proposal would be unacceptable in its principle. However, notwithstanding that the development would be well-related to the Applicant's existing farming and butchery operations, it still needs to be considered whether or not (or in what circumstances) the specific proposal would satisfactorily be capable of being accommodated in, and operated from, this particular isolated rural location.

SITE SELECTION

In planning terms at least, any new structures required to accommodate the proposed micro meat operations would be most appropriately accommodated within, or adjacent to, the existing farmyard at Hardiesmill, rather than in any isolated situation as is currently proposed. However, the Applicant advises that both Animal & Plant Health (APHA) and Food Standards Scotland (FSS) have specified that the unit must be isolated from the existing farm for bio-security reasons. (There would also seem to be administrative reasons why the Applicant would require to accommodate the unit out with the farm - particularly if there were any concern to process livestock originating out with the Applicant's own herds - but since these appear to relate more to paperwork than practical considerations, it is not considered that these matters should reasonably concern the Planning Authority within its decision-making on this particular matter). More recently, the Applicant has provided advice from the Meat Industry Guide (Aug 2015), with its explicit requirement that "environmentally polluted areas" should be avoided, and located 400m from the nearest non-related dwelling.

Having regard to the letter from APHA provided by the Applicant as well as the consultation response of Food Standards Scotland, the Planning Service is content that the Applicant does have a reasonable requirement to identify a new site at an appropriate distance from the established farmyard itself, and on the basis of the identified biosecurity considerations alone. However, notwithstanding this, the particular site selected does still require further consideration, particularly with respect to how such a proposal might be sited as efficiently and discreetly as possible.

There are no other building groups or structures within the farm's ownership, out with the farmyard itself. Accordingly the need for a new isolated site for the micro meat processing unit is considered to be reasonable in itself.

The Applicant has identified an existing shelter belt as the proposed site. In terms of the justification for this particular site, the Applicant maintains his concern to site the unit within the tree-belt on the grounds that: (a) this is the best site out with the farmyard in which the requisite vehicular access arrangements are more readily able to be accommodated without significant alterations being required; (b) this is the closest site within the Applicant's ownership to the main road, being adjacent to the public road, and closer to the A6089 than the farm itself; (c) the site is at the furthest remove to the southwest from houses at Hardiesmill, and otherwise isolated from other surrounding residential properties, as to make operation from this location liable not to have any unacceptable impacts upon the residential amenity of any surrounding properties; and

(d) the Applicant considered that location within a tree belt was itself liable to be a positive factor with respect to providing some means of screening or softening views of the unit itself.

It is considered that positive regard can indeed reasonably be had to the first three of these considerations noted above. However, with respect to the proposal to site the unit within an existing tree belt, even a clearing or lightly wooded area within the tree belt area, it is noted that in planning terms at least, the site would be more appropriately located next to, rather than within, the existing tree belt. This would then have allowed the Applicant to retain the existing shelter belt in its entirety as a screen in views from the public road and the west. In combination with additional tree planting around the site, there would have been some opportunity to have accommodated the facility more discreetly in landscaping terms than is proposed, without there being any loss or diminution within the tree belt as a landscape feature.

The Applicant was made aware of these concerns by the Planning Officer, and he has provided a professionally prepared Tree Report, which advises that the existing tree belt is not of particularly good quality. He has added proposals to strengthen and improve the quality of tree planting along the boundaries of the tree belt land. The potential landscape and visual impacts are considered below.

LANDSCAPE AND VISUAL IMPACT CONSIDERATIONS

The proposed micro meat processing structure raises concerns in terms of its unsympathetic appearance, which is visually awkward, unusual and not obviously agricultural or rural in its nature. It is not of a form or design of structure that is easily or readily absorbed into a rural or agricultural landscape context. The Planning Officer has taken this matter up with the Applicant, who advises that what is described is essentially an existing bespoke unit, and that this is the form in which this particular unit is manufactured and would be supplied to them. The design, the Applicant advises, is set by the EC veterinary, and that in coming to the final approved design, this organisation examined every aspect of the process, including animal welfare, operator safety and welfare, food hygiene, plant health, rural sustainability and product quality. The Applicant advises that the form and height of roof is directly informed by the requirements of the proposed meat processing operation itself, specifically with respect to the management of slaughter. The walls, the Applicant advises, are required to be white, because these are standard refrigerated units which operationally, need to reflect as much heat as possible. According to the Applicant, the building is therefore a functional response to the accommodation of the most efficient and humane methods of processing cattle.

The height, size and colour of the proposed micro meat processing structure, and its proximity to the public road, combined with what can only reasonably be anticipated to be the substantial loss of trees from the centre of the tree belt in the first instance, would mean that this building would be liable to feature as a high structure of unusual and indeterminate character, which would not be readily reconciled with a rural or agrarian context. Although they address operational requirements, features such as the white walls, unusually steep roof pitch and raised floor level, all contribute to an unsympathetic appearance, which is simply not capable of being accommodated visually in this isolated rural location. The appearance is made all the more incongruous by heavy roof overhangs, canopies, a porch and domestic-looking windows.

Although the Applicant would seek (through the proposed bunding and tree-planting) to make the proposed micro meat processing unit more visually recessive, there is an acknowledgement that a building of this height could not be screened out, and that its upper section at least, would remain highly visible in views from the public road and surrounding area. However, the Applicant considers that an acceptable appearance might still be achieved by making the upper sections of the building at least, appear domestic in character. It is acknowledged that certain features of the proposed building would theoretically at least, be more easily resolved into a domestic or residential appearance than an agricultural one. This is a feature which the Applicant considers might be usefully accentuated, rather than diminished, through the proposed use of a slate-coloured finish for the roof. This, the Applicant advises, would be in character with surrounding residential properties at Hardiesmill and those further afield. The Applicant also considers that the steepness of the roof pitch is not so far removed from a Fjordhouse at No 5 Hardiesmill Place Farm, as not to have some precedence within the wider area.

Notwithstanding the difficulties and peculiar challenges that would inevitably be associated with accommodating such an unusual building in the countryside, it would have to be said that any proposed 'resolution' of its design into a building of residential character (and particularly such an obviously non-traditional residential character in this case) is in itself not reasonably in keeping with the character of an isolated rural site. The Applicant's hybrid solution of screening as much of the lower part of the building as

possible, and then disguising the upper section as a non-traditional house, is simply not an effective way of accommodating this proposal in landscape and visual terms.

Ultimately the introduction to an isolated rural site of a building that might be taken to be a house of a non-traditional and unusual design, raises exactly the same landscape and visual impact concerns as an actual proposed house of a non-traditional and unusual design. Accordingly and had this been a housing proposal with an operational justification for location on this particular site, the Planning Authority would certainly have been liable to have sought either as traditional a design as possible for any proposed dwelling, or as recessive and low-key a design as possible, for any contemporary design of dwelling. As far as it is reasonable to assess the proposed micro meat building as a "pseudo-house", its design is both non-traditional and not at all, low key or recessive in its design or finishes. I consider that it would not be supported by this Planning Authority were it to have been proposed as the design of a house, even one with a justification for being in this location. Accordingly the proposal that the building might be disguised as a development that the Planning Authority would not have been liable to support on design grounds in the first place, were it in fact a house, is therefore in itself, inherently flawed. Such a proposal only draws attention to the fact that the basic design of the building is at a fundamental level, irreconcilable with any form of development that the Planning Authority would otherwise be liable to support in this location.

As noted above, it is not a matter that the current assessment needs to address, but it is not actually clear how the Applicant would reconcile the proposed appearance (slate coloured pitched roof etc) with what has in fact been installed on site since the proposed and installed appear to be fundamentally different units. The introduction of a pitched roof to the installed unit would only be liable to exaggerate its height and incongruity.

The Applicant has been asked whether the proposed micro meat processing unit building could itself be accommodated within a larger agricultural shed, but the Applicant has pointed out that this would be liable to raise biosecurity concerns, primarily due to the potential for birds and vermin to access the outer building, with potential to contaminate operations. By contrast, the proposed unit is raised and sealed to exclude birds and vermin from all operational areas. The Applicant also advises that installation within a shed was ruled out because the unit functionally, also has to have multiple entrances in order to separate out: live cattle, "clean" meat, dirty waste, people and the technical area.

As noted above, accommodation of the proposed unit within a farmyard or existing group of buildings would more readily have allowed the structure to be screened by other buildings, or at least resolved into a more securely agricultural context, in which its presence and appearance might be appropriately mitigated in landscape and visual terms. However, as an isolated structure, the only potential mitigation would be that the structure might be suitably screened out in views from the public realm by surrounding landform and/or surrounding trees.

In the case of the identified site, and notwithstanding reasonable visual containment within the landform at distance, the land within the immediate surrounding area is relatively low-lying and open. There are clear views between the site and the adjacent public road. Surrounding topography does not provide any strong visual containment. The Applicant has advised that the unit would be situated in a natural dip in the landscape, but any change in levels relative to the natural ground levels is not particularly pronounced and would not reasonably be expected to mitigate the visual impacts, particularly if the proposal were to be accompanied by a hollowing out of the site as seems directly implicit. The Applicant also acknowledges that the structure would continue to be visible despite the involvement of any relatively lower topography.

Accordingly, the only potential mitigation would be for the proposed micro meat processing building to be screened out by trees. However, as noted above, the proposal to site the unit within an existing tree belt ostensibly runs counter to this, in so far as the location of the unit within a relatively narrow tree belt actively reduces the extent of visual containment that might otherwise have been afforded to it. A location adjacent to the tree belt, with proposals to strengthen the tree-belt and even introduce new tree-planting around the site, would have been a more effective approach to the accommodation of this proposal within the local landscape around the site. However, while this might have allowed for the tree belt to be retained to greater screening effect, it would still not have screened out the building in views from the public road to the east, where it would still feature as a high and prominent structure, without any mitigation from any existing landscape screen.

EXISTING TREE BELT

Despite being advised of the Planning Service's concerns with respect to the impacts upon the existing tree belt, the Applicant has insisted that the proposed site represents the most appropriate and efficient location for the proposed micro meat processing operation. Rather than propose any new siting to one out with the tree belt, the Applicant now includes amongst his proposals, proposals to strengthen tree-planting around the edges of the existing tree-belt, to allow some form of screen to develop to either side.

Although professionally-prepared, the Tree Report is fairly basic in its consideration of the existing trees, and does not seek to identify in any detail how the development might be managed so as to minimise impacts upon specific trees. Instead, the trees of the site are described as prevailing within three main zones - G1 (a southwestern sitka spruce group), G2 (a central silver birch group) and G3 (a northeastern ash group) - which all run parallel to one another, back from the public road.

The Tree Report perceives potential to reinforce planting along the sides of the shelter belt area in the G1 and G3 areas. Its preliminary recommendation that a tree would need to be felled within the central area (G2) is conservative. Ultimately the Tree Report confirms what is largely apparent on the ground, which is that the existing tree belt is a relatively young and in places, very poor and patchy group of trees. However, while it is difficult to maintain that the existing tree belt is a high quality landscape feature, its existence as a shelter belt in itself is still significant, and the potential is there at present, to improve this area of land as a woodland resource. Such potential would though be lost, were the site to now be substantially 'hollowed out' to accommodate the micro meat processing unit within its core.

If the proposal were to go ahead, it could only reasonably be allowed that the centre of the site would require to be substantially cleared. There is potential for tree planting to be retained and even strengthened along the boundaries as the Tree Survey Report advises, but the detail of this would still require to be regulated under planning condition if the proposal were supported in its current form. However, lateral reinforcement of tree-planting around the edges of the site would not be so substantial in itself as to be able to reasonably provide any effective screen at all of views of the site's interior (even if trees might still soften views of the site from the public road).

In summary, in the event of approval, it is considered that it would be appropriate to ensure as effective a screen of trees as possible, to either side of the buildings. This could be required and regulated under planning conditions. Ultimately however, it is apparent that such screening would not mitigate or off-set the adverse landscape and visual impacts that would result from siting and operating the proposal - specifically the design of the proposed micro meat processing unit building.

As an alternative or additional measure, the Applicant has more recently suggested that the land around the unit might be bunded, which might then be planted with trees. However, substantial made up ground levels would be liable to constitute a less favourable environment for new tree planting (which would be liable to establish itself more quickly and successfully on natural ground); while in this situation, any bunding would be obviously unnatural (liable to feature as a long ridge) which would be liable to draw attention to the site. In short, bunding would be liable to exaggerate the landscape and visual amenity concerns, rather than address them or provide any effective mitigation.

The Applicant considers that the site could be re-planted as a shelter belt to a higher standard than at present, in the event that the unit were removed from the site and not replaced, but this would not be reasonably required by planning condition, where it is only reasonable to assume an ongoing micro-meat processing unit in the longer-term.

ECONOMIC AND ENVIRONMENTAL BENEFITS V. ADVERSE LANDSCAPE AND VISUAL IMPACTS

It is material that the existing tree belt is not a good quality landscape feature, and that it might at present, be managed as a woodland resource at the farm's discretion. However, notwithstanding this, the proposal is ultimately only reasonably seen to represent a negative impact upon the landscape in that it would directly result in a 'hollowing out' of an existing tree-belt area rather than promote any enhancement or improvement of this feature (given at least, the actual reduction in the area available for tree-planting itself within the tree belt land).

If the proposal were to be supported, an appropriate landscaping treatment would certainly be appropriately required to off-set as far as reasonably possible, the negative visual impacts of siting this building as

proposed. However, the tree planting proposals would not reasonably be characterised as being liable to mitigate sufficiently the adverse landscape and visual impacts of this proposed development. The question before the Planning Authority is therefore only reasonably: whether or not the adverse landscape and visual impacts associated with this proposal, would or would not, be outweighed by its economic, employment and environmental benefits to the farm/butchery business and wider area?

On balance, the Planning Service is persuaded that the southwest corner of the Applicant's existing holding is the right area of the Applicant's holding for the accommodation of this proposal. While a more established shelter belt on the site may have made it appropriate to require that the Applicant reconsider the precise proposed siting, the principle of the use of the site is not in the circumstances considered to be objectionable, subject at least to appropriate landscaping proposals being required to counteract as far as possible, some of the negative visual impacts. In the event of approval, proposals to ensure a more sympathetic finished appearance to the unit itself should also be put in place to provide as much mitigation as possible, of the finished appearance. However, notwithstanding the potential to improve the appearance of the site through new tree-planting and more appropriate external materials and finishes, the Planning Service is of the view that the above noted measures would not mitigate sufficiently the finished appearance of the proposed micro meat processing unit structure sited in this location. The proposed design may be functional, but it is of poor quality; very different to any existing buildings within the surrounding area; and is of a notably indeterminate character that it is not readily reconciled with this isolated, and relatively open, rural location. Simply put, it would be highly unsympathetic in its appearance and would have an unacceptably detrimental impact upon the visual amenities of the site and surrounding area, even allowing for potential to improve both the proposed finished landscaping and materials and finishes. Ultimately however, the latter are not considered to constitute sufficient mitigation to the adverse landscape and visual impacts that might otherwise have allowed the proposal to be supported.

In coming to this view, the Planning Service has taken account of the economic and environmental benefits of the proposal and the functional aspects of the proposed design. Consideration has also been given to photomontages supplied more recently by the Applicant which he advises show the actual micro-meat processing unit building which is now in situ, but with a computer-generated roof. The latter is shown finished in a slate colour. However, the Planning Department is ultimately not persuaded that these benefits and functions outweigh the damage to the visual amenities of the site and surrounding area that would result from the siting of the proposed micro meat processing unit building in this location.

OTHER CONCERNS

In the event of approval, it is considered that it would be prudent to require that the finished height above ground level of the main meat processing unit at least, should be regulated. (This might be achieved relatively simply, by requiring that the roof ridge should not be over 8.3m above the existing ground level, as per the description of the supporting details).

The proposed stables or byre building could be realised as a relatively simple and relatively low timber building, and is not considered to raise equivalent landscape and visual impact concerns to the siting of the proposed micro meat processing unit.

Roads' concerns, and those of SEPA and Environmental Health, are capable of being met by appropriately worded planning conditions and informatives, primarily requiring that appropriate service provision for the development be demonstrated in advance of installation, while Roads' specifications with respect to the operation of the site access, would reasonably be required. While it is considered that there are valid amenity and environmental reasons for the Planning Authority to require the prior approval of appropriate details with respect to the management of water supply and drainage on-site, most of the direct concerns raised by Environmental Health are environmental health and not planning considerations, and are therefore only appropriately made the subject of informatives, rather than planning conditions.

In some instances, impacts are similar to those that might occur within an agricultural operation, and do not reasonably raise any issues, while other impacts are in any case, appropriately controllable under environmental health legislation and regulatory mechanisms. In short, it is not considered that the proposals would be liable to have any unacceptable impacts upon residential amenity or local amenity, and that such matters are otherwise appropriately regulated.

In the event of approval, informatives might reasonably draw the Applicant's attention to the potential for the shelter belt to provide habitat for bats and breeding birds. Since ecological considerations are integral to the management of the shelter belt, the proposals do not reasonably raise any considerations that the Applicant as the shelter belt's manager, would not otherwise have to address. However, informatives would usefully remind them of their responsibilities. Given the generally immature, small and patchy nature of the shelter belt's existing tree cover and the lack of old and veteran trees within the vicinity of the site, the Planning Officer did not consider it necessary or reasonable to seek any ecological survey from the Applicant in the particular circumstances of this site.

In the event of refusal, an informative would be required to advise the Applicant that the micro-meat processing unit that has been installed, has been installed without planning consent, and that enforcement action would be pursued beyond the period of any potential appeal to the Local Review Body if this structure is not subsequently removed from the site within a short period of time.

CONCLUSION

It is the Planning Service's view that the proposal - specifically the proposed micro meat processing unit building - would have unacceptably detrimental impacts upon the landscape and visual amenities of the site and surrounding area, which are ultimately not outweighed by the economic and environmental benefits that the development would bring; and is not capable of being sufficiently addressed by the Applicant's tree-planting proposals and/or by the use of any alternative materials or finishes that might otherwise be used to clad or treat the external surfaces of the unit.

REASON FOR DECISION :

It is considered that the proposal should be refused for the following reason:

The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

Recommendation: Refused with informatives

- 1 The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

Informatives

It should be noted that:

- 1 The container unit installed on site requires to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of the unit, the Planning Authority reserves its right to

inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations including if the unit and/or any other related or alternative structures associated with the proposed micro meat processing unit, are found to be (still) in situ.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/00239/FUL

To : Mr Robin Tuke Hardiesmill Place Gordon Scottish Borders TD3 6LQ

With reference to your application validated on **28th February 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of micro meat processing unit and byre

at : Land At Hardiesmill Place Gordon Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 31st May 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed

.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00239/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
HOLDING SITE	Location Plan	Refused
	Location Plan	Refused
	Planning Layout	Refused
VS1 MMPU	Elevations	Refused
VS2 MMPU	Elevations	Refused
VS3 MMPU	Elevations	Refused
MMPU	Floor Plans	Refused
VS 1 BYRE FRONT	Elevations	Refused
VS 1 BYRE REAR	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused

REASON FOR REFUSAL

- The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The container unit installed on site requires to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of the unit, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations including if the unit and/or any other related or alternative structures associated with the proposed micro meat processing unit, are found to be (still) in situ.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

APPENDIX 3

Robin and Alison Tuke
T/A Hardiesmill Tombuie Charcuterie
Hardiesmill Place
Gordon
Berwickshire
TD3 6LQ

18 August 2017

Our ref: FSS/0817

Dear Robin

Proposed Abattoir Facility – Hardiesmill

Recently, you have made Food Standards Scotland (FSS) aware that your planning application is to be presented before the review board. FSS can confirm that you have been working with our organisation since early 2015 towards setting up the facility at Hardiesmill.

You have worked towards ensuring that all findings/recommendations from visits FSS has made you have acted upon timeously.


The layout of the new facility has been situated to ensure that access is not hampered and separation between the slaughterhouse and the farm is possible.

FSS has paid particular attention to lairage facilities which will be constructed and designed to ensure the welfare of animals is primarily considered. Following an advisory visit on 5 June 2017, you are working towards confirming that recommendations put to you are addressed.

As a small and local establishment these premises will potentially provide a useful local resource with decreased animal travel times with obvious positive impact on animal welfare.

FSS has observed you are taking steps in safeguarding the environment and animal welfare prior to the facility being approved in future.

Yours sincerely



Rita Botto, MRCVS
FSS Veterinary Manager
Food Standards Scotland

The Planning Review Board
Scottish Borders Council
Newtown St Boswells
Scottish Borders
TD6 0SA

11 August 2017

Dear Members of the Planning Review Board.

Micro Abattoir - Mr Robin Tuke, Hardiesmill, Hardiesmill Place, Gordon.

I am the Chief Superintendent with the Scottish SPCA, Scotland's largest Animal Welfare organisation and have completed 30 years' service.

All Scottish SPCA Inspectors are authorised by the Scottish Minister to enforce the welfare provisions of the Animal Health and Welfare (Scotland) Act 2006.

The Scottish SPCA has a non-commercial link with Quality Meat Scotland to ensure high welfare standards in the livestock industry; this includes regular joint inspections of Scottish farms, hauliers and abattoirs.

The Scottish SPCA has raised a concern over dwindling abattoir plant numbers for many years, including the closure of the Galashiels plant several years ago.

On Thursday 10th August, I visited Mr Tuke at Hardiesmill Farm Gordon to view the farm and newly installed Micro Abattoir on site; this facility is in the final set up process and is yet to be licensed by the Local Authority. I found the farm to be very clean and well run with all the livestock in excellent condition.

Having inspected many abattoirs over the years, the Micro Abattoir at Hardiesmill offers everything required in a traditional licensed abattoir, albeit on a smaller scale to a very high standard. The intention of this facility is to enable Hardiesmill to process their own animals on site at the expected rate of 4 per fortnight.

I understand that Mr Tuke has already sourced the services of a well-qualified licensed slaughterman and supporting staff to operate the unit, which would be overseen by an Official Veterinary Surgeon appointed by the appropriate Government body as is required by legislation.

All animals heading for slaughter are strictly governed by legislation with regard to transport and handling to ensure their welfare and the Scottish industry is very good in this regard, as such I am making no criticism of any existing facility or operation in Scotland.

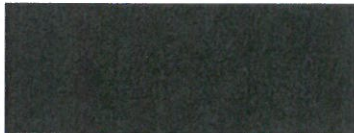


However, the Scottish SPCA policy is for livestock to be slaughtered as close as possible to where they were reared, to reduce the stress of handling, transport and movement to a strange environment all of which are known stress factors that can affect animal welfare and indeed meat quality.

The Micro Abattoir at Hardiesmill would undoubtedly improve the whole life welfare cycle of livestock reared on this farm and I would recommend that Scottish Borders Council approve this facility which will be unique in Scotland and could lead the way for others to follow.

The Planning Review Board is free to contact me if there are any further questions regarding this matter.

Yours sincerely



Michael Flynn MBE
Chief Superintendent

mike.flynn@scottishspca.org

Switchboard
03000 999999



**Animal &
Plant Health
Agency**

Animal and Plant Health Agency
Galashiels Field Services Office
Cotgreen Road
Tweedbank
Galashiels
TD1 3SG

T 01896 758806
F 01896 756503

www.gov.uk/apha

Mr and Mrs Tuke
Hardiesmill
Gordon
Berwickshire
TD3 6LQ

Your ref: 71/268/0001
Our ref: LM/01/08/2017
01/08/2017

Dear Mr and Mrs Tuke,

Meeting to review progress of the modular abattoir at Hardiesmill

This letter is a confirmation of our discussion during our meeting on the 25th of May 2017.

I had previously visited Hardiesmill with Rita Botto from the Food Standards Scotland in order to discuss your proposal for building a small abattoir and the practicalities of this type of enterprise, as well as the implications for your farm.

On the 25th of May you invited me for a follow up visit to assess the progress of the abattoir and identify any possible issues with separation of your farm premises as well as to discuss general bio security and welfare issues.

We discussed that APHA's involvement on this project was very limited and the majority of your discussions should be happening with the Food Standards Scotland team. Nevertheless, I am delighted to be of any assistance to you on this pioneering enterprise.

We discussed the following:

You followed our advice and the parcel of land where the abattoir seats is completely separate from your farming CPH.

Although currently you are planning to slaughter only your own livestock, in the future, if the operations succeeded, you might consider slaughtering livestock for other businesses and so provide a useful local resource. In such case, this separation will mean that there are no implications in terms of standstills to your own cattle.

Other than the above, our discussion centred about basic welfare and bio security advice. I strongly recommend that you follow these points we discussed with the FSS, in particular the practicalities of lairaging and how animals will enter the abattoir.

Once again allow me to wish you all the best on your new project. As for my previous letter, this is an excellent opportunity for the Scottish Borders livestock industry. It is

The Animal and Plant Health Agency is an Executive Agency of the Department for Environment, Food and Rural Affairs working to safeguard animal and plant health for the benefit of people, the environment and the economy.

recognised that the closure of the Galashiels abattoir was a loss to the Borders livestock industry. Local slaughtering facilities would improve the welfare of the local livestock by means of reducing the transport times of animals and the stress associated to it.

Your innovative approach will be a trial which if successful, no doubt will be replicated by others, with a clear improvement on welfare standards for the Scottish livestock industry.

I am therefore copying this letter to the Scottish Government Veterinary Advisors which have expressed interest on being update on your progress.

Please do not hesitate to contact me if you require any further clarification about this or any other issue.

Yours sincerely

Luis Molero Lopez

MRCVS

Veterinary Advisor Field Delivery. South East of Scotland.

CC:

Dr Michael Park, Scotland Veterinary Lead.

Ms Rita Botto, Food Standards Scotland.

Mr David Mathewson, Senior Agricultural Officer SGRPID

Mr Richard Mackie, Trading Standards Scottish Borders Council.

Mr Jesus Gallego, Veterinary Advisor Scottish Government.

The Rural Centre, Ingliston,
Newbridge, Midlothian, EH28 8NZ

Tel: 0131 472 4040
Fax: 0131 472 4038
Email: info@qmScotland.co.uk
www.qmScotland.co.uk



20th July 2017

Robin Tuke
Hardiesmill Farm
Hardiesmill Place
Gordon
TD3 6LQ

Dear Robin,

Hardiesmill Modular micro-abattoir

In relation to your planning application to establish a modular micro-abattoir at Hardiemill, we are writing to demonstrate our full support for this project.

As you are aware, QMS have been involved in monitoring this potential project for 4 years and fully support your initiative which we believe could be a potential model across Scotland, for farmers who currently don't have access to a local abattoir. We believe that this is the first initiative of its kind and is leading edge for the ethical local production of high quality Scotch Beef

If you require anything further, we will be happy to assist in any way that we can.

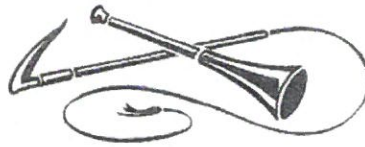
Best regards

Alan



Alan Clarke
Chief Executive
Quality Meat Scotland





BUCCLEUCH ARMS

4 STAR COACHING INN - SCOTTISH BORDERS

4th August 2017

Dear Sir/Madam,

I write in support of the abattoir which is in the process of Robin and Alison Tuke at HardiesMill Place Farm, Gordon. Having known the Tukes for over 10 years now and been a loyal customer they have been a pleasure to work with and have relentlessly promoted their Pedigree herd both in the borders, nationally and in recent years on the continent, which has a subliminal impact on both national produce and the Borders for being a first rate food destination.

Having followed their progress I believe what is happening here is a fantastic, new and fairly unique product for HardiesMill Cattle and is out of necessity and welfare rather than profit. I am a huge believer of the seasonality variations of beef cattle and of stress in the animal en route to kill. Although mistakes and welfare can and is kept to a minimum there are inevitabilities in moving livestock around the country. An abattoir on the farm will increase consistency, maintain the highest standards of welfare, lower environmental impact, virtually eradicate mistakes which will all in turn better the flavour of this herd.

Lastly, I believe with the significant investment being made by the Tukes, that there should be a clause in their planning that their application for further killing/increased production outwith their own passport farm stock should come with time once their proven ability to maintain their standards outlined. Why? Because the Tukes are going about this in their time, and creating this without subsidy/grant funding and this may help them recoup some of their build costs in the future which I think would be a small reward.

Your Sincerely

Billy Hamilton
Owner

The Green, St Boswells, Melrose, Scottish Borders, UK TD6 0FW
T: +44 (0)1835 822 243 F: info@buccleucharms.com 
buccleucharms.com  LIKE US  FOLLOW @buccleucharms.com

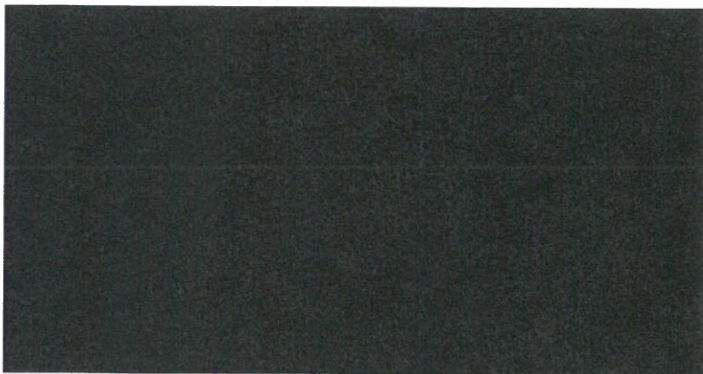
The Planning Review Board,
Scottish Borders Council
Newtown St. Boswells,
Scottish Borders,
TD6 0SA

Dear Sirs / Madams,

We are a Monaco-based company, supplying the superyachts with everything from fine wines and gourmet food to mops and loo rolls. We sell Hardiesmill beef to some of the world's largest and most expensive yachts.

In the world of beef, Hardiesmill is like a Petrus or Chateau Latour. It has great longevity of taste, with depth and balance across the palate that delights those who try it. There are few, if any, other brands of beef where the terroir comes through so clearly, placing it, and hence Scotch Beef, in the same bracket as Kobi and Roma Gallega. However in this game it's not just about flavour, it has to have consistency and a good story too. This abattoir, the first on-farm EC-approved micro-abattoir in Europe since mad-cow disease, sets a new bench mark just as the rest of the world is moving up a level. It gives greater control and a whole new standard of humane treatment. We urge you to support it please.

Yours faithfully,





1/8/17

Dear Sirs,

We are proud to say we are longstanding customers of Hardiesmill. They have been providing beef to our restaurant for the two years that we have been trading for and were a key supplier of ours in my previous role as Executive Chef at Kyloe Restaurant, which was at the time one of the best steak restaurants in Scotland.

Robin and Alison produce stunning beef, without doubt some of the best in the UK. Their passion and commitment to producing such a world class product is second to none.

While they have complete control over all the aspects of the process required- breeding, feeding, hanging and butchery, the one aspect where they have to rely on others is the slaughter of the beast, a vital part of the chain and one that has a huge bearing on the quality and consistency of the final product.

If Hardiesmill are granted permission to have an onsite abattoir, I believe this is the final piece of the jigsaw that will allow the Tuke's to achieve the consistency that they are striving for.

We truly feel this will take Hardiesmill beef to another level- something that would be a benefit to the region and indeed the country.

David Haetzman

Chef Proprietor

Firebrick Brasserie

7 Market Place

Lauder

TD2 6SR

Whitehill Cottage

Mellerstain

Gordon

TD3 6LQ

The Planning Review Board
Scottish Borders Council
High Street
Newtown St Boswells
Scottish Borders
TD6 0SA

21st Aug 2017

Dear Sirs/Madams,

We are probably the nearest off-farm neighbour to the proposed Hardiesmill micro-abattoir. From our viewpoint such a facility on Hardiesmill can only be a good thing if it helps raise animal welfare standards even higher and encourages other remote farms (from an abattoir) around Britain to do likewise. We hope you will support it!

Yours faithfully

Brian George Eyles



*Planning and
Economic Development*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 09/00270/FUL

To : Robin & Alison Tuke Hardiesmill Place Farm Hardiesmill Road Scottish Borders TD3 6LQ

With reference to your application validated on **18th March 2009** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Conversion of agricultural building to form commercial kitchen and butchery unit

at : Hardiesmill Place Farm Hardiesmill Road Gordon Scottish Borders TD3 6LQ


the Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 **subject to the following condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated.

**Dated 8th May 2009
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



Head of Planning & Building Standards

Application reference : 09/00270/FUL

SCHEDULE OF CONDITIONS

- 1 Noise levels emitted by any plant and machinery used on the premises must not exceed Noise Rating Curve NR30 when measured at the façade of the nearest noise sensitive dwelling.
Reason: To safeguard the amenity of the surrounding area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The installation should comply with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Please find attached a copy of a consultation response received during the process of the planning application from Scottish Borders Council's Contaminated Land Officer for your information.

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.

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

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act

SCOTTISH BORDERS COUNCIL

**APPLICATION FOR PLANNING PERMISSION TO BE DETERMINED UNDER POWERS DELEGATED
TO THE HEAD OF PLANNING AND BUILDING STANDARDS**

PART III REPORT

REF : 09/00270/FUL

APPLICANT : Robin & Alison Tuke

AGENT : None

DEVELOPMENT : Conversion of agricultural building to form commercial kitchen and butchery unit

LOCATION: Hardiesmill Place Farm
Hardiesmill Road
Gordon
Scottish Borders
TD3 6LQ

TYPE : FUL Application

Observations by Development Control Officer - Miss Karen Hope

This application seeks full planning consent for the conversion of an existing agricultural building to form a commercial kitchen and butchery in association with the livestock at Hardiesmill Place Farm. The commercial kitchen / butchery would be used in conjunction with the operations at the existing farm.

No objections have been raised by Westruther and Gordon Community Council and no neighbour objections have been received.

There are no planning policy difficulties with the proposal.

Recommendation:

It is recommended that the application be approved subject to the following condition:

1. Noise levels emitted by any plant and machinery used on the premises must not exceed Noise Rating Curve NR30 when measured at the façade of the nearest noise sensitive dwelling.
Reason: To safeguard the amenity of the surrounding area.

Informative:

The installation should comply with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Please find attached a copy of a consultation response received during the process of the planning application from Scottish Borders Council's Contaminated Land Officer for your information.

Miss Karen Hope
Senior Planning Officer

Recommended On: 7 May 2009

REGULATORY SERVICES



To: **Development Management Service**
FAO Stuart Herkes

Date: **23rd March 2017**

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **17/00239/FUL**

Subject: Erection of Micro Meat Processing Unit and Byre, Hardiesmill Place, Gordon.

Whilst I have no objections in principle to this proposal I shall require clarification of the following points before I am able to offer my full support:

- Confirmation as to why the unit has to be isolated for the farm? My preference would be for it to be located adjacent to the existing farm therefore limiting the number of access onto the public road and ensuring that vehicular trips are kept to a minimum.
- Details on proposed vehicular movements associated with the proposal.
- Clarification as to what is meant by 'Dirty' and 'Clean' access roads and confirmation as to whether or not they can be amalgamated prior to joining the public road.

I look forward to receiving the above information at your earliest opportunity.

AJS

Our ref: PCS/151840
Your ref: 17/00239/FUL

If telephoning ask for:
Stephanie Balman

Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

By email only to: dcconsultees@scotborders.gov.uk

22 March 2017

Dear Mr Herkes

**Town and Country Planning (Scotland) Acts
Planning application: 17/00239/FUL
Erection of micro meat processing unit and byre
Land at Hardiesmill Place, Gordon, Scottish Borders**

Thank you for your consultation email which SEPA received on 1 March 2017.

Advice for the planning authority

We have **no objection** to this planning application. Please note the advice provided below.

1. Regulatory requirements

- 1.1 The foul sewage must be discharged separately from the blood and animal by-products. It is unclear from the information provided if only one tank for both sewage and blood is proposed. It should be noted that this would be unacceptable. The sewage discharging from the septic tank should be via a solid pipe to the reedbed and then to the soakaway system. Soil porosity tests will be required to ensure the soil is suitable for a soakaway. The applicant should contact our local regulatory team (see Section 2.2 below) to discuss the drainage proposals in more detail.
- 1.2 Blood and animal by-products will need to be collected separately by a licensed renderer. We note that it is proposed to spread muck on land. This should be stored and spread according to General Binding Rule 18 of CAR (the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)).

Continued....



Chairman
Bob Downes

Chief Executive
Sally Munn

SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

www.sepa.org.uk • customer enquiries 03000 99 66 99

- 1.3 Agricultural developments should be located and designed in accordance with The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (as amended) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Applicants should ensure their development complies with these Regulations. In order to comply with these Regulations it is important to ensure that any surface water associated with yard areas is conserved on the farm for disposal, and any part of any slurry storage system is located at least 50m from any potable water supply and 10m from any surface water or wetland.
- 1.4 Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR. These measures could be incorporated through the development of an infiltration system, such as a filter trench or soakaway at the site. You can find further guidance on how to comply with the above Regulations in the [Code of good agricultural practice](#) and in the [PEPPAA Code of Good Practice](#) which provides practical advice on minimising pollution.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF, Tel: 01896 754797

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7218 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00239/FUL
Uniform Ref	17/00563/PLANCO
Proposal	Planning Consultation - Erection of micro meat processing unit and byre
Address	Land South West Of Farmhouse Hardiesmill Place Kelso Scottish Borders
Date	20 th March 2017
Amenity and Pollution Officer	Forbes Shepherd
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Condition

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

Mains Water

As the proposed development is to be serviced by a public water supply then the applicant should provide written communication from Scottish Water indicating that the development will be accepted on to their supply.

Condition

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

Reason: To ensure that the development does not have a detrimental effect on public health.

Noise

If any equipment is to be installed as part of the development then the applicant should provide some evidence that the equipment will not cause a nuisance to neighbours.

Condition

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties.

Food Premises Registration

The premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing PLACEhealth@scotborders.gov.uk

Recommendation

Information to be Provided Before Work Commences (see conditions)

Contaminated land

Recommendation

No Comment

Mr Stuart Herkes
Scottish Borders Council
Newton St Boswells
Melrose
TD6 0SA

29 March 2017
Ref : FSS/RTuke/0317

Dear Mr Herkes

**NOTIFICATION OF APPLICATION FOR APPROVAL OF A MEAT
ESTABLISHMENT UNDER REGULATION (EC) No 853/2004**

In response to your Request for Observations, Food Standards Scotland (FSS) has received an application for a food business establishment, to which both Regulation (EC) No 852/2004¹ and Regulation (EC) No 853/2004² apply, to be approved to operate as a Micro Abattoir and Lairage facility.

FSS are content with the proposed plans that have been laid before us to date. We will continue to liaise with the owner going forward.

The applicant name Mr Robin Tuke and premises address is:

Land at Hardiesmill Place, Gordon, Scottish Borders

If you have any further queries please contact the Approvals Team on ☎ **01224 288368** or by email on: approvals@fss.scot

Karen Wallace

Karen Wallace
Approvals and Certification Executive
Food Standards Scotland

¹ Regulation (EC) No 852/2004 on the hygiene of foodstuffs

² Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin

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Local Review Reference: 17/00036/RREF

Planning Application Reference: 17/000239/FUL

Development Proposal: Erection of micro meat processing unit and byre

Location: Land at Hardiesmill Place, Gordon

Applicant: Mr Robin Tuke

Scottish Borders Local Development Plan 2016

POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the

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wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

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- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

LIST OF POLICIES

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY EP16 AIR QUALITY

Development proposals that, individually or cumulatively, could adversely affect the quality of air in a locality to a level that could potentially harm human health and wellbeing or the integrity of the natural environment, must be accompanied by provisions that the Council is satisfied will minimise such impacts to an acceptable degree. Where it is considered appropriate the Council may request that an Air Quality Assessment is undertaken to assist determination of an application.

POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,

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b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

SUSTAINABLE URBAN DRAINAGE

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

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