

## 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



# Planning Application 16/00947/FUL Lamberton

## 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)

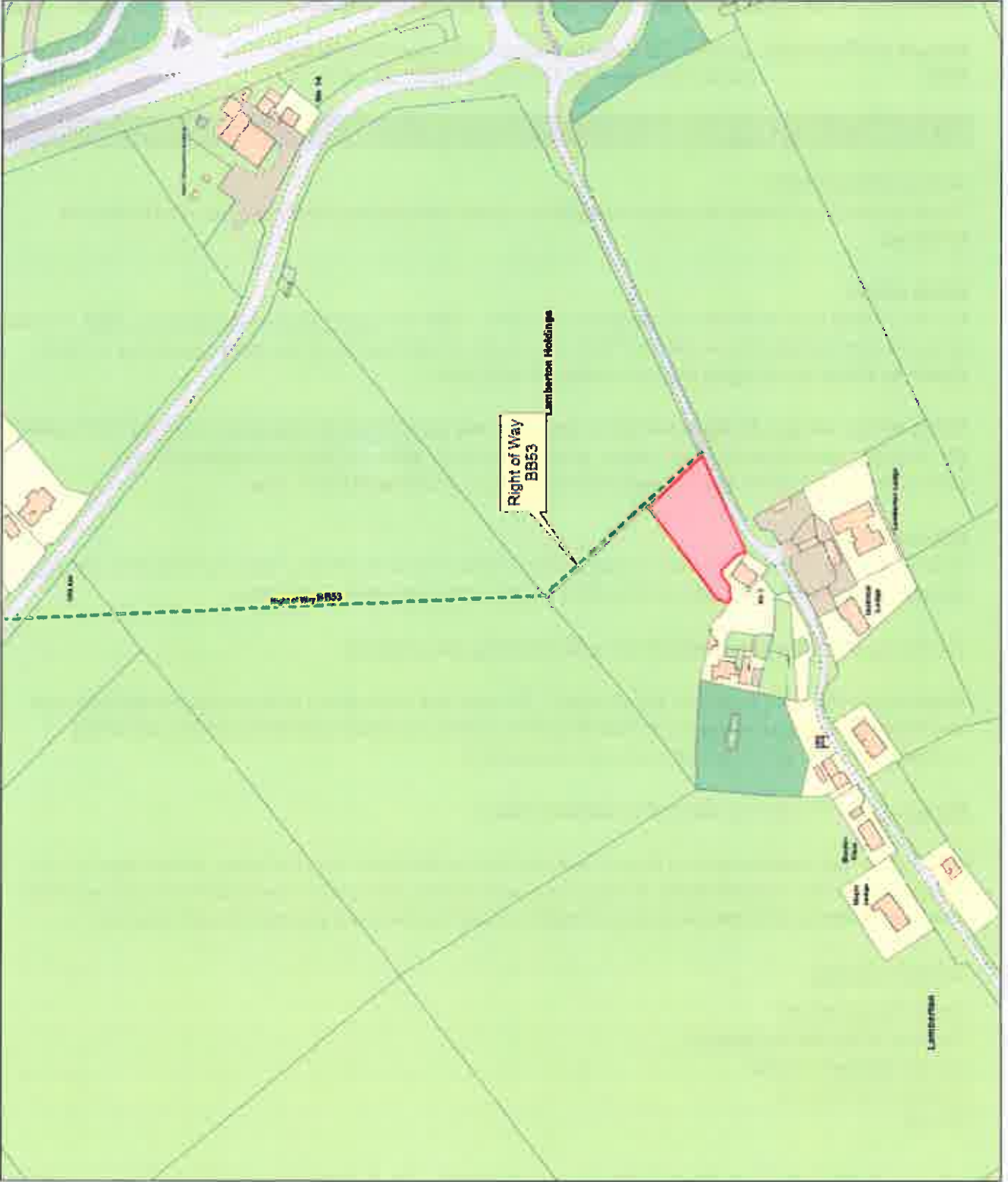
 Scale: 1:1,908

This map has been prepared by the  
Countrywide Access Routes 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

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**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

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**OBSERVATIONS ON BEHALF OF:** Director of Education & Lifelong Learning

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## **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

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

**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

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**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 20<sup>th</sup> 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 16<sup>th</sup> century maps) likely date from the 12<sup>th</sup> century. It is unknown where the settlement surrounding the church was located before the 18<sup>th</sup> 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 20<sup>th</sup> 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**

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

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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 11<sup>th</sup> to the 16<sup>th</sup> 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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