

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".

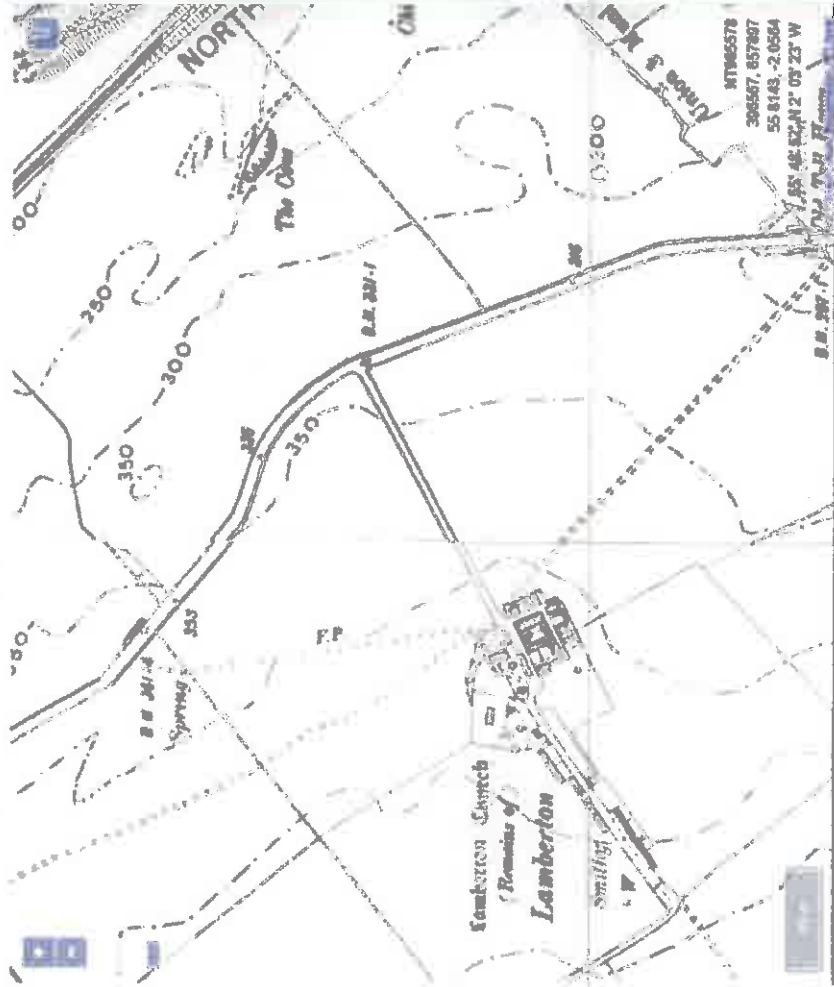
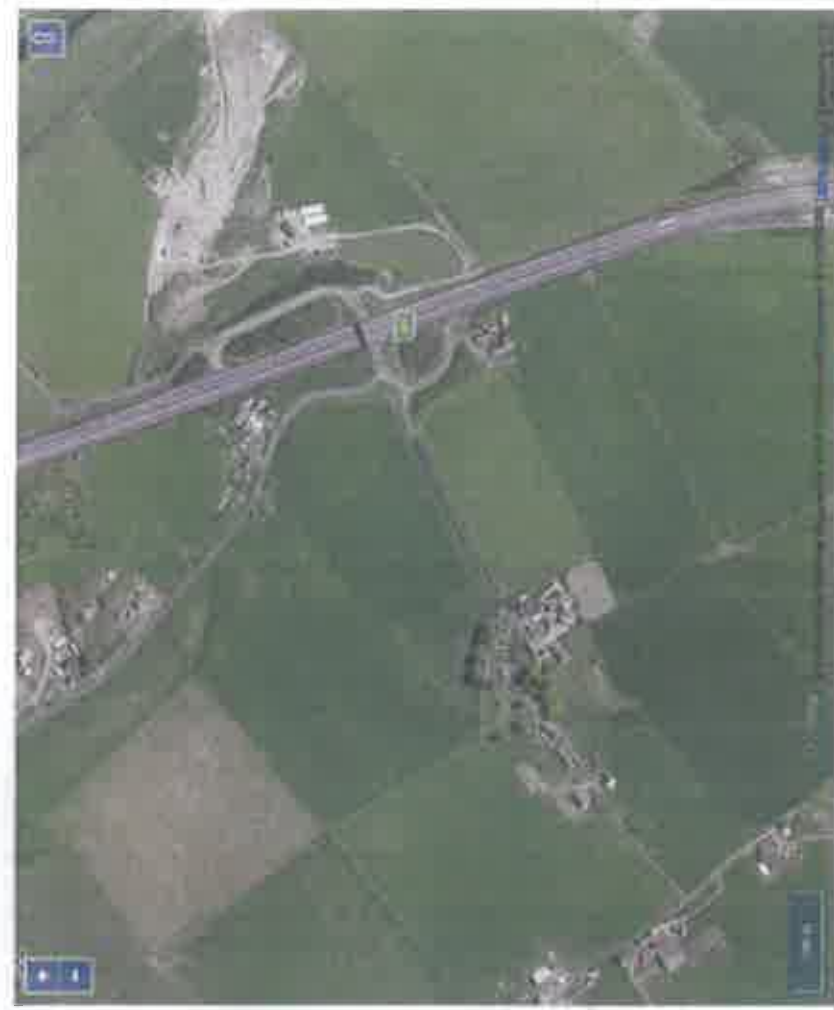
The SAM is the most important object in Lamberton. The Right of Way, following its correct route, passes close to the monument and at a favourable viewing angle. It is now time to enforce the restoration and ongoing protection of this Right of Way.

Yours faithfully,

A large black rectangular redaction box covering the signature of the sender.

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

cc: Ms. L. Hoad ✓
Mr. I. Aikman



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