

Public Document Pack



LOCAL REVIEW BODY MONDAY, 16 MAY, 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 16 MAY, 2016 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

9 May 2016

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 on land north east of The Cottage, Lauder Barns, Lauder. 15/01323/FUL 16/00007/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Decision Notice	(Pages 1 - 4)
	(b) Notice of Review	(Pages 5 - 152)
	(c) Officer's Report	(Pages 153 - 168)
	(d) Consultations	(Pages 169 - 176)
	(e) Objections and concern	(Pages 177 - 206)
	(f) Support comment	(Pages 207 - 208)
	(g) List of Policies	(Pages 209 - 222)
5.	<p>Consider request for review of refusal of planning consent in respect of erection of dwellinghouse on land south west of 76 St Andrew St, Galashiels. 15/01557/FUL 16/00008/RREF</p>	

	Copies of the following papers attached:-	
	(a) Notice of Review Including Decision Notice (page 233)	(Pages 223 - 266)
	(b) Officer's report	(Pages 267 - 270)
	(c) Consultations	(Pages 271 - 276)
	(d) List of policies	(Pages 277 - 286)
6.	Consider request for review of refusal of planning consent in respect of replacement windows at 5 East High Street, Lauder. 15/01484/FUL 16/00009/RREF Copies of the following papers attached:-	
	(a) Decision Notice	(Pages 287 - 288)
	(b) Notice of Review	(Pages 289 - 294)
	(c) Officer's report	(Pages 295 - 298)
	(d) Drawings	(Pages 299 - 308)
	(e) List of policies	(Pages 309 - 314)
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 R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

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



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01323/FUL

To: Angela Fairbairn per Andrew McCafferty Associates Burn House Collessie Auchtermuchty Cupar KY15 7RQ

With reference to your application validated on **30th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

a : Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

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

**Dated 12th January 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

A solid black rectangular box redacting the signature of the Chief Planning Officer.

.....
Chief Planning Officer

APPLICATION REFERENCE: 15/01323/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
A4	Location Plan	Refused
LOC-01	Location Plan	Refused
PL-01	Site Plan	Refused
	Elevations	Refused
EX-01	Other	Refused

REASON FOR REFUSAL

- 1 Notwithstanding that the site is well-related to the existing building group at Lauder Barns, and taking account of a live outline planning consent (07/02397/OUT) for two dwellings within the same building group, the proposal is contrary in principle to Adopted Local Plan Policy D2 in that approval would increase the number of new dwellings capable of being developed within the current Local Plan period in association with the existing building group at Lauder Barns, above two, which is the maximum number of additional dwellings that are explicitly allowed by Policy D2 in relation to a building group of three existing dwellings. Furthermore, there is no operational need for a new dwellinghouse to be located at the site to serve any agricultural business, or other business with a justifiable requirement for a full-time worker to be accommodated on-site, on a permanent basis; and there are no other considerations material to this planning decision that outweigh the need to determine this application in strict accordance with planning policy.
- 2 The design and layout of the proposal are contrary to Adopted Local Plan Policies D2 and G1, and the advice of the approved 'Place-Making and Design' Supplementary Planning Guidance Note, in that these are unsympathetic to the prevailing sense of place within, and setting of, the building group at Lauder Barns and to the character and appearance of the surrounding landscape. This is because the elevation facing the access road (the South Elevation) would not have the appearance, or setting, of a principal elevation, but instead, would have a notably secondary, even 'rear elevation', character. The visual impact of this would be further exaggerated by the erection of a 1.8m high boundary fence along the boundary with the access road, which would convey a very strong visual impression of the land to the south of the dwellinghouse being a rear garden area when this would more sympathetically be a front garden area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

Notwithstanding that the site is considered to be both well-related to the residential building group at Lauder Barns and to be capable of accommodating an appropriate addition to that same building group, the latter is only capable of augmentation by up to two dwellings within the current statutory development plan period. Since there is currently a live but unimplemented planning permission (07/02397/OUT) for two new dwellings on another site within the same building group that is not due to expire until 11 November 2016, there is currently no capacity in principle for the building group to be expanded by any additional dwelling, until, or unless, one or other of the following scenarios occurs:

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

- (i) Construction is commenced on at least one of the dwellings within the development consented by Planning Consent 07/02397/OUT AND the new statutory development plan period is commenced with the adoption of the Scottish Borders Council Local Development Plan; or
- (ii) Planning Consent 07/02397/OUT expires unimplemented on 11 November 2016.

However, and as noted in the Report of Handling informing this planning decision, any future planning application for the proposal that was the subject of Planning Application 15/01323/FUL, would still require to be assessed on its own planning merits at the time of this application's submission, and no matters can be pre-judged in advance of the determination of any such future planning application, including whether or not there would be support for the principle of such a proposal. (For the avoidance of doubt, and due to the potential for other variables, there is in fact no certainty, let alone any inevitability, that the principle of the current proposal would be capable of support at some point later in 2016).

INFORMATIVE NOTE 2:

The dwellinghouse described by the current Proposal Drawings, is not orientated sympathetically to the existing building group, in that what appears to be its principal elevation would face away from the access road, to the north, and towards open countryside.

In the event of a new planning application being made for this proposal, the South Elevation of the dwellinghouse would more appropriately be given the character of a principal elevation, primarily by removing the proposed conservatory to another elevation, and by including a front door, ideally within a front porch on the South Elevation. In this way, an acceptable relationship to the building group should be established, and there would be some potential for the development to contribute positively towards the sense of place of the existing building group, which is ultimately one centred around the farmyard at Lauder Barns. This relationship should be inherent and appropriately reflected within the design and orientation of the dwellinghouse.

It is additionally considered that the overall design of the dwellinghouse would benefit from a deeper gable, and the roof pitch being dropped to 45 degrees to ensure a more comfortably traditional appearance.

Further, the southern boundary of the property should have a more open 'front garden' character, with a low fence or hedge in proximity to the access, in the manner of a farm cottage garden, rather than a 1.8m high timber fence along the boundary. The latter is considered to contribute to an incongruous urban or suburban appearance in this rural locality. Any more private 'rear garden area' would be more appropriately accommodated to the north of the dwellinghouse with no overly high boundary feature being erected to the front (south).

INFORMATIVE NOTE 3:

Notwithstanding that any works required to the junction with the A68 and out with the verge of the same, if required at all, would be both minimal and in the wider interests of all users of the same access, it is not clear whether or not, or to what extent, the Applicant would have any legal right to carry out such works.

For her own reassurance, and in advance of making a new planning application for this proposal, the Applicant is strongly advised to establish whether or not there would be any legal obstacle to her carrying out the works that Transport Scotland had identified.

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 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.



Head of Corporate Administration
Scottish Borders Council
Council Head Quarters
Newtown St Boswells
TD6 0SA

Chief Executive

29 MAR 2016

Democratic Services

23 March 2016

Dear Sir/Madam,

**Planning application 15/01323/FUL – application to Local Review Board
Proposed dwellinghouse on land adjacent to Lauder Barns Farm**

We are instructed by Angela Fairbairn to submit a Review against the decision of your Council to refuse the above planning application by refusal notice dated 12 January 2016.

We enclose your completed Notice of Review form and a Supporting Statement which includes Productions.

If you have any queries please contact me.

Yours faithfully,



Andrew McCafferty

Cc A Fairbairn





NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through
this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed, renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE REVIEW STATEMENT ACCOMPANYING THIS SUBMISSION WHICH INCLUDES PRODUCTIONS

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

1. Photomontage of the proposal. The applicant considers that this indicative information assists in explaining the siting and appearance of the proposed dwelling
2. Photographs of the application site and surrounding area. The applicant considers that this information explains the character and appearance of the application site and its context.
3. Reference is made to the Reporters' Report into the Examination of the Scottish Borders Local Development Plan. This Report was not available at the time the application was made on 29 October 2015 and contains recommendations about housing land supply which are relevant to this Review.

List of documents and evidence

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.

PLEASE SEE LIST OF PRODUCTIONS CONTAINED IN THE REVIEW STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted signature box]

Date

24 March 2016

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

**Application for review by the Local Review Body of Scottish
Borders Council**

Erection of a dwellinghouse at:

**Land north east of The Cottage
Lauder Barns
Lauder
Scottish Borders**

Angela Fairbairn

Application 15/01323/FUL

March 2016



Andrew McCafferty Associates

Contents

- 1. The application site and proposal**
- 2. Planning history of the site and adjacent site at Lauder Barns**
- 3. The development plan**
 - a) SESplan 2013 and Housing Land Supplementary Guidance 2014**
 - b) Scottish Borders Council Local Development Plan 2016**
- 4. Material considerations**
 - a) Scottish Planning Policy, June 2014**
 - b) Place-Making and Design Supplementary Planning Guidance Note (January 2010)**
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- 5. Report of Handling by the planning officer**
- 6. Planning assessment**
- 7. Planning obligation and suggested conditions**

Productions

- P1 Title plan identifying application site and context**
- P2 Extract from O/S plan 1859 showing the application site**
- P3 Application 15/01323/FUL comprising:**
- **Cover letter dated 29 October 2015**
 - **Planning application forms**
 - **Planning Statement**
 - **Location plan scale 1:1250 @ A4**
 - **Proposed site plan and cross sections scale 1:150 @ A2**
 - **Proposed floor plans and elevations scale @1:150 @ A1**
 - **Topographical survey, scale 1:200@A1**
 - **Letters regarding development contributions 3 November and 1 December 2015**
 - **Response from Transport Scotland**

- **Response from Regulatory Services (re: amenity and pollution and contaminated land)**
- **Comments from Roads Planning Service**

P4 Refusal notice

P5 Intrusive environmental investigations (dated September 2015) on the application site

P6 SEPA approval letter for treatment system for discharge of sewage effluent on the application site.

P7 Photographs of the application site and surrounding area

P8 Photomontage of the proposal

P9 Lapsed outline consent for one dwellinghouse and detached garage on the application site (04/02254/OUT) and 06/01641/REM

P10 Planning history of adjacent site north west of Lauder Barns Farmhouse

- **Key plan showing site subject of review and adjacent site**
- **Indicative proposals for 2 units**
- **Approval Notice 11 November 2013**

P11 Table 3.2 from SESplan Housing Land Supplementary Guidance November 2014

P12 Extracts from the Proposed Scottish Borders Local Development Plan 2016

1. The application site and proposal

The application site is approximately 0.122 ha in area and is triangular in shape lying between "The Cottage" and a farmhouse and steading, "Lauder Barns". The site is a former mill pond which has been in-filled and lies between two access tracks. **Production 1** contains a copy of the applicant's title plan identifying the site.

The mill pond existed in 1859 (see extract from ordnance survey sheet in **Production 2**) and appears to have been in-filled during the 20th Century. The site is generally level and adjoining farmland to the north falls gently towards Lauder Burn.

The A 68 lies a short distance south of the site and the proposed dwelling would utilise the existing access running along the western edge of the site to gain access on to the A68.

The applicant and her partner are a local couple working in the NHS and local Technical College respectively. They wish to erect a one and three quarter storeys house for their own occupation. The house would be sited towards the middle of the plot and the principal elevations would face south towards the A68 and north towards the Lauder Burn. A copy of the application submission is included as **Production 3** and the refusal notice is **Production 4**.

The proposed external finishes are as follows:

1. Slates to roof
2. Painted wet dashed render to walls
3. Facing brick base course
4. White UPV windows and French doors
5. Dark red composite front door
6. White composite rear door
7. White timber fascia
8. Lead dormer haffits

An air source heat pump with under floor heating to ground floor is proposed and radiators to first floor. A heat recovery system would be installed. The applicant's objective is to construct a house which is almost to "passivhaus" standard. Should planning permission be granted, the major construction phase of the house comprising a kit will be relatively quick.

The applicant commissioned an intrusive investigation of the site and **Production 5** contains a copy of this investigation report. There are no "Constraints" arising from these investigations and the Council's Regulatory Services has recommended a condition to cover this aspect which we include in Section 7 of this Statement.

A sewage treatment plant is proposed in the north west corner of the site incorporating a porous drain which would then discharge into the Lauder Burn via a high level overflow soakaway. **Production 6** contains an approval letter from SEPA for a treatment system to discharge sewage effluent on the application site.

A water supply would be sourced from south west of the plot from the Blainslie Road at the top of the track (see photo no. 11 in Production 7). The applicant has a verbal agreement with the landowner to allow access over his land to facilitate a water supply.

Production 7 contains photographs of the application site and surrounding area. **Production 8** is a photomontage of the proposal seen from the south west.

2. Planning history of the site and adjacent site at Lauder Barns

Outline planning consent (04/02254/OUT) for a dwelling and detached garage was granted on the site subject of this review but no history is available on the Council's website. Reserved matters for this development (06/01641/REM) were approved on 4 April 2007. Copies of the approval notice and supporting drawings are included in **Production 9**. The planning permission and associated reserved matters have lapsed.

An outline application for erection of two dwellinghouses on land north west of Lauder Barns (i.e. between the site subject of this review and the Lauder Barns steading) was submitted on 13 December 2007 and approved on 11 November 2013, subject to a S75 planning obligation. This consent for two dwellings is extant. **Production 10** contains copies of the location plan, sketch proposals, access plan and decision notice.

As long as the consent for two dwellings remains extant, the planning officers will not countenance approving a dwelling on the application site because of the conflict with housing in the countryside policy in the adopted Consolidated Local Plan 2011 and emerging local development plan. This is the determining issue which is fully discussed in Section 6.

3. The development plan

The development plan covering the application site comprises SESplan, including housing land supplementary planning guidance November 2014, together with the adopted Consolidated Scottish Borders Council Local Plan 2011. The proposed LDP has completed its examination process and is due to be adopted shortly (at the time of writing this statement in March 2016). We anticipate that the LDP will be adopted by the time of the Review hearing and therefore refer to this plan below.

a) SESplan Strategic Development Plan approved by Scottish Ministers on 27 June 2013 and adopted Housing Land Supplementary Guidance November 2014.

SESplan includes Policy P5 (Housing Land) setting out the amount of new housing to be provided in each of the six planning authority areas within the SESplan area including Scottish Borders. Scottish Ministers required the Supplementary Guidance to be prepared to set out additional housing land in each planning authority area over the plan period to 2024.

The guidance states that the most appropriate locations for additional sites required are in the City of Edinburgh, Fife and the **Scottish Borders** (our emphasis). The additional allowance for Scottish Borders (see Table 3.2 in **Production 11**) is 80 units.

b) Scottish Borders Council Local Development Plan 2016

At its meeting on 17 December 2015 the Council decided to proceed to adopt the local development plan following conclusion of the examination and publication of the Reporters' Report in October 2015. This plan therefore carries considerable weight in the determination process. Extracts from the proposed Local Development Plan are contained in **Production 12**.

Policy D2 is referred to in the refusal notice for the proposal but does not exist in the proposed local development plan. Policy HD2: Housing in the Countryside in the LDP applies to this proposal and the relevant parts of the policy state:

"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 site.
- 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 the 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.

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."

4. Material considerations

a) Scottish Planning Policy June 2014

National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;
- Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;

b) Place-Making and Design Supplementary Planning Guidance Note (January 2010)

This SPG note contains advice relating to single houses in an urban or rural context and states:

"Development of a single house in the countryside has obvious sensitivities relating to the rural landscape and potential visual prominence." (page 75).

c) Shortfall in housing land supply in the Scottish Borders Local Development Plan 2016

The Reporter's recommendation (30 October 2015) in relation to meeting the Housing Land requirement is to include two additional paragraphs in the LDP as follows:

"1.2 The examination of the proposed plan failed to adequately address the housing land requirement set out in SESplan and in its supplementary guidance on housing land. The Council will, accordingly, within 12 months of adoption of this plan, prepare and submit to Scottish Ministers supplementary guidance in order to identify additional sites to provide for a further 916 units. The longer term housing and mixed use sites identified in the plan will be considered first, but that will not preclude looking beyond those in the event that the shortfall cannot be met from those sites considered to have acceptable impacts. In preparing the supplementary guidance, the Council will assess the candidate sites against the criteria set out in SESplan Policy 7: *Maintaining a five year housing land supply*. The Council will also consider whether, as part of that process, to seek to replace those longer term sites as part of the supplementary guidance or to leave that to the next review of the plan.

As the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the Council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period"

5. Report of Handling by the planning officer

The applicant agrees with the officer's assessment that the building group at Lauder Barns comprises "The Cottage", "Riverside" and Lauder Barns farmhouse.

It is also correct that the application site benefitted from a full planning permission for a single dwellinghouse and detached garage until this lapsed in 2009.

We welcome the officer's acceptance, which is repeated in reason 1 on the refusal notice, that:

"...the application site was sufficiently well-related to the building group at Lauder Barns as to be capable of accommodating an acceptable addition to this group".

The officer's report points out that the policy used to be that building groups could expand by up to 100% within any one development plan period. This would translate to 3 units at Lauder Barns. The relevant policy changed, however, and now allows only 2 new dwellings to be added within the development plan period.

The applicant does not accept the officer's criticisms of the appearance of the south, front elevation. The officer suggests that there is no door in this side of the dwelling; however this is incorrect because there is a door in the west elevation next to the

lounge serving the front of the house. These aspects are addressed in the following section of this statement.

The applicant notes concerns raised by the officer about the proposed fencing. This aspect i.e. boundary treatment, can be controlled by imposing a condition requiring details of the means of enclosure to be submitted to the Council for approval and stating that consent is not granted for the proposed fencing. A condition to this effect is included in Section 7 of this statement.

The officer considers that if the 2 dwellings which have the benefit of an extant consent (adjacent to the application site) remain unimplemented, then the proposal would remain contrary to policy within the current and next statutory development plan period. The applicant assumes this could be at least 3-5 years into the future.

The officer refers to the need for development contributions towards the upgrade of local education provision and the reinstatement of the Waverley rail link. The applicant is willing to agree these contributions should planning permission be forthcoming as a result of this Review process.

6. Planning assessment

There are two issues in this case. The first issue is whether there is conflict with policy for housing in the countryside (Policy D2 in the Consolidated Local Plan 2011 and Policy HD2 in the Scottish Borders Council Local Development Plan 2016). The second issue is whether there is conflict with Policy G1 in the Consolidated Local Plan 2011 and advice in "Place-Making and Design" Supplementary Planning Guidance Note 2010.

(1) Policy for Housing in the Countryside

The proposal conflicts with Policy D2/Policy HD2 in the (soon to be adopted) LDP as long as the planning permission in principle for two dwellings on land north west of Lauder Barns Farmhouse remains extant.

It is accepted by the planning officer that the application site would be appropriate for a dwellinghouse, in principle, were it not for the 2 dwelling limit within Policy D2/Policy HD2. The site's suitability has been confirmed previously by the detailed planning permission granted on the application site.

In the face of this conflict with policy it is necessary to consider whether there are any material considerations which outweigh the conflict after consideration has been given to alleged conflict with design policy and guidance.

(2) Design Policy and Guidance

The officer has criticised the elevations facing the access road (the South/West Elevations) on the grounds that there is an absence of a "principal" elevation and no door. The applicant rejects these criticisms. The southern elevation has a prominent central element with twin glazed areas and four pairs of windows including two dormers. There is also a single window in the single storey western element. The western elevation which faces the access road contains a single window and front door. These elevations cannot be described as uninteresting or lacking in character and certainly do not look like rear elevations.

The applicant considers that the siting and design of the proposed dwelling are acceptable and comply with Policy G1 in the Consolidated Local Plan 2011 and advice in the Place-Making and Design SPG.

Material considerations

The applicant accepts that there is a conflict with Policy D2/Policy HD2. It is therefore necessary to consider whether there are material considerations which outweigh this conflict. It is common ground that SPP encourages rural development of the right kind in the right location and we consider that the site's location is suitable to accommodate a dwelling were it not for the policy conflict. The site is brownfield and should be seen as a priority for development.

A new material consideration of weight which is not addressed in the Report of Handling is the finding of the Reporter who conducted the Examination into issues related to the Proposed LDP. The Council has to find additional sites for 916 dwellings in order to comply with housing land requirements set out in the strategic development plan SESplan. Approving this application would contribute towards this additional requirement.

The applicant rejects the criticisms made by the officer about the design and siting and lack of a door in the south/west elevations. The proposed siting and design are appropriate.

We submit that the application should be permitted as an exception to Policy D2/Policy HD2 on the basis that there is a need to identify additional sites to comply with strategic housing policy and that the application site and detailed proposal are acceptable.

The following section sets out suggested conditions to be attached to a planning permission for the proposal.

7. Planning obligation and suggested conditions

The applicant is willing to enter into a planning obligation with the Council to make financial contributions towards education and transportation infrastructure as set out in the letter from the Council's Development Negotiator 1 December 2015.

The following list of conditions has been informed by consultation responses and comments made by the case officer in the Report of Handling.

1. A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.

Reason: To safeguard the visual amenity of the area.

2. The proposed fencing is not approved. The means of boundary treatment specifying the route, height, materials and colour of boundary markers shall be submitted for the approval of the planning authority before the development commences.

Reason: To safeguard the visual amenity of the area.

3. The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.

Reason: To ensure the site is adequately serviced and in the interests of road safety.

4. The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.

Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

5. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

6. No development shall 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.

7. Unless otherwise agreed in writing and in advance by the planning authority, prior to any development commencing on site, a scheme will be submitted by the developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved by, the Council and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS 10175:2011 or in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d and e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat /remove contamination to ensure that the site is fit for its proposed used (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to the satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place,

shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and ecological systems arising from any identified land contamination have been adequately addressed.

8. Any noise emitted by plant used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant 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.

9. Samples of materials to be used, including for windows and doors, shall be submitted to and approved by the planning authority before development commences.

Reason: To safeguard the visual amenity of the area.

10. No development shall commence on site until written approval is given by the planning authority of the existing and finished site and floor levels measured against Ordnance Survey datum.

Reason: To ensure that the details of the proposal are appropriate.

11. Details of the design, operation and appearance of the high level overflow soakaway shall be submitted to and approved by the planning authority before development on site is commenced.



Reason: To ensure that the proposed drainage measures are appropriate and that the development will not have an adverse impact upon the surrounding area and the Lauder Burn.

Andrew McCafferty Associates

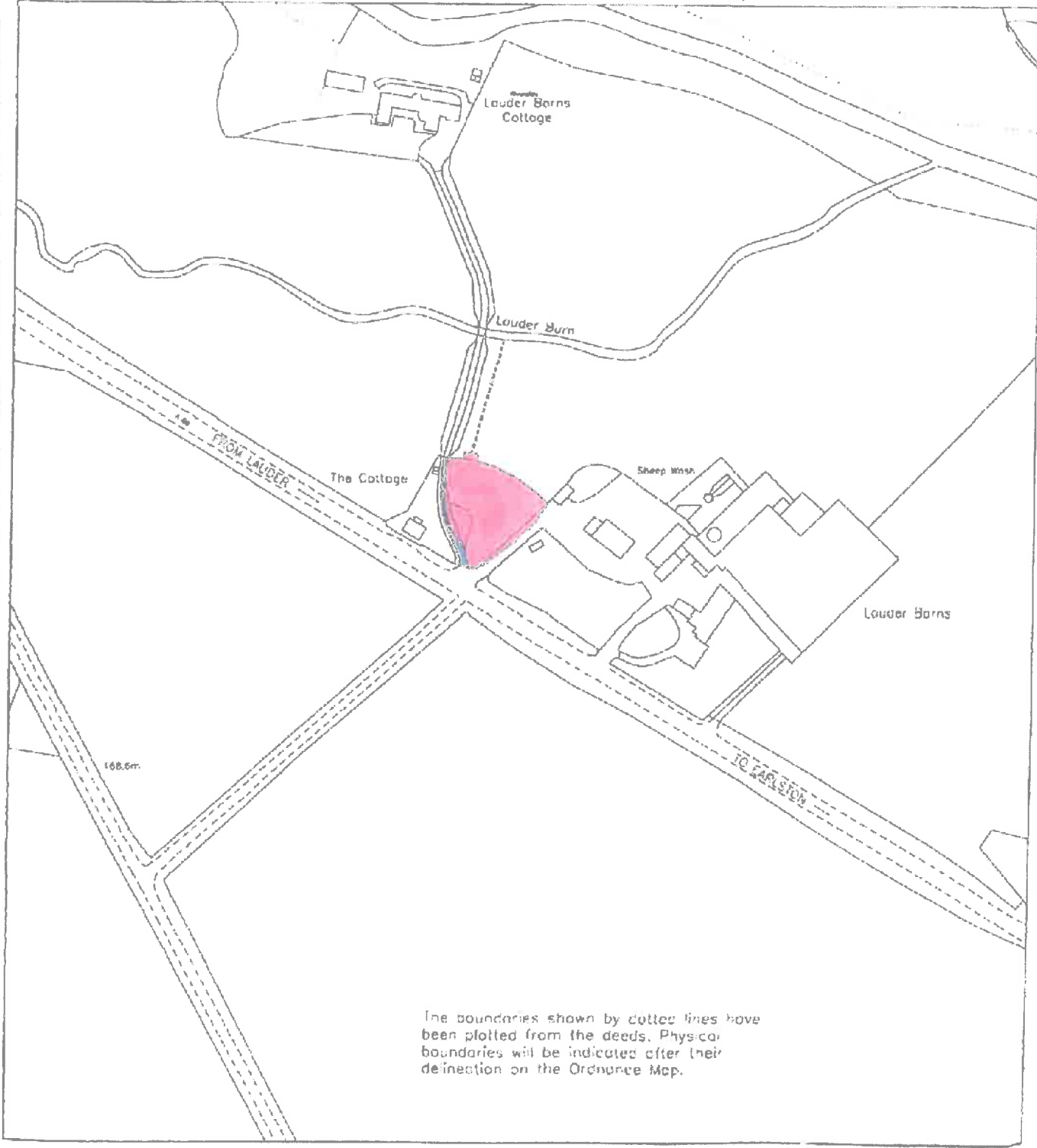
March 2016

Production 1

Title Plan identifying application site and context

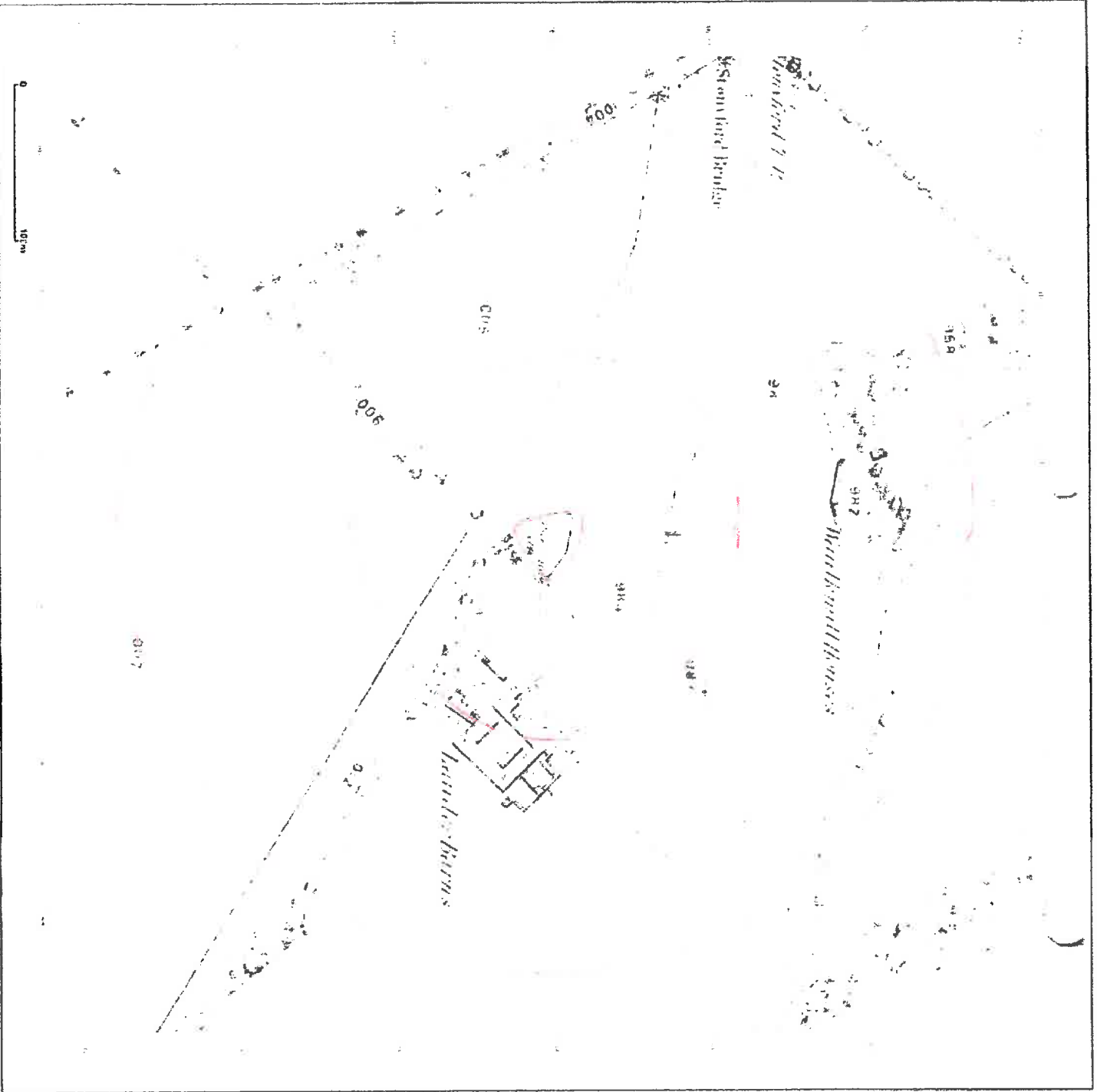
 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	2719 20/9/2013	BER5005
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	
	1/2500	
NT5346 NT5446 NT5347 NT5447	Survey Scale	
	1/2500	

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Production 2

Extract from O/S plan of 1859



Site Details:

LOT 2, LAUDER BARNS
COTTAGE, LAUDER, TD2 6RX

Client Ref: P14154
Report Ref: GSinsgeo-1770126
Grid Ref: 354159, 848694

Map Name: County Series

Map date: 1859

Scale: 1:2,500

Printed at: 1:2,500



Produced by
Groundsure Environmental Insight
T: 08444 159000
E: info@groundsure.com
W: www.groundsure.com

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Production date: 17 November 2014

To view map legend click here [Legend](#)

Production 3

Application 15/01323/FUL



Planning and Regulatory Services
Environment and Infrastructure
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

29 October 2015

Dear Sir or Madam,

Town and Country Planning (Scotland) Act 1997
Land adjacent to Lauder Barns, Lauder, Scottish Borders

I am instructed by Angela Fairburn to apply for planning permission for the erection of a dwelling house on land adjacent to Lauder Barns. This application has no fee as it is a re-submission following withdrawal of application 15/00094/FUL.

The application consists of the following:

- Completed application forms including certificate of ownership submitted via eplanning
- Location plan scale 1:1250 @ A4 (drawing ref. LOC-01)
- Planning Statement prepared by Andrew McCafferty Associates
- Floor plans and elevations scale 1:50 and 1:100 @A1 (drawing ref. SF23346-001)
- Title plan scale 1:2500 @ A4
- Topographical survey scale 1:200 @A1 (drawing ref. EX-01)
- Site plan and cross sections 1:150 @A2 (drawing ref. PL-01)
- Phase 1 Desk Study July 2015 prepared by Insight GEO
- Interpretative Ground Investigation Report Complete Version 2 September 2015 prepared by Insight GEO

Please contact me if you have any queries about this submission.



Yours faithfully,



Andrew McCafferty

cc A Fairbairn



Newtown St Boswells Melrose TD6 0SA

Tel. 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000135497-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- 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)

Proposed new dwelling house on land adjacent to Lauder Barns Farm.

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

Have the works already been started 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:

ANDREW MCCAFFERTY
ASSOCIATES

You must enter a Building Name or Number, or both:*

Ref. Number:

Building Name:

Burn House

First Name: *

ANDREW

Building Number:

Last Name: *

MCCAFFERTY

Address 1 (Street): *

Collesie

Telephone Number: *

01337 810440

Address 2:

AUCHTERMUCHTY

Extension Number:

Town/City: *

CUPAR

Mobile Number:

Country: *

Scotland

Fax Number:

Postcode: *

KY15 7RQ

Email Address: *

andrewmccafferty@btconnect.com

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Other

You must enter a Building Name or Number, or both:*

Other Title: *

Building Name:

First Name: *

Angela

Building Number:

19

Last Name: *

Fairbairn

Address 1 (Street): *

Everest Road

Company/Organisation:

Address 2:

Telephone Number:

Town/City: *

Earlston

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

TD4 6HD

Fax Number:

Email Address:

Site Address Details

Planning Authority:

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

Address 1	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement	<input type="text"/>
Address 3:	<input type="text"/>	Post Code	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites

Northing	<input type="text" value="646698"/>	Easting	<input type="text" value="354153"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

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)

Exchange of emails on 31 March 2015 between Andrew McCafferty and Carlos Clarke about Local Plan policy and design matters

Title:	Mr	Other title:	
First Name:	Carlos	Last Name:	Clarke
Correspondence Reference Number:		Date (dd/mm/yyyy):	31/03/15

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)

Email from Carlos Clarke 6 May 2015 to Angela Fairbairn regarding house design

Title:	Mr	Other title:	
First Name:	Carlos	Last Name:	Clarke
Correspondence Reference Number:		Date (dd/mm/yyyy):	06/05/15

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:

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)

Scrub land

Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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)? *

3

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, cycle 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

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)

Space internally and externally for recycle bins

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) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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: ANDREW MCCAFFERTY

On behalf of Angela Fairbairn

Date 29/10/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County 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 developments (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 County 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.

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 checked="" type="checkbox"/> Yes <input 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)

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: ANDREW MCCAFFERTY
 Declaration Date: 29/10/2015
 Submission Date 29/10/2015

Town and Country Planning (Scotland) Act 1997

**Proposed erection of a dwellinghouse
Land east of "The Cottage", Lauder Barns, Lauder TD2 6RX**

Planning Statement

October 2015



Andrew McCafferty Associates

Consultants and Planners

Contents

1. The site and surroundings	3
2. The proposed development	3
3. The development plan covering the application site.....	4
4. Material considerations	5
5. Planning assessment	8
6. Proposed conditions.....	9

Appendices

1. Title plan showing the application site and context
2. Application forms, location plan and reserved matters approval (06/01641/REM) for the application site granted on 4 April 2007
3. Planning history context plan
4. Planning history key documents for two dwellinghouses (07/02397/OUT), land north west of Lauder Barns Farmhouse:
 - Location plan
 - Sketch layout
 - Plan showing 3 existing accesses to be closed off
 - Report to Committee (20 December 2013)
 - Decision notice 07/02397/OUT
5. Discharge licence for the application site issued by SEPA, 5 February 2015

1. The site and surroundings

- 1.1 The application site is approximately 0.122 ha in area and is broadly triangular in shape lying between "The Cottage" and a farmhouse and steading known as "Lauder Barns". The site is generally level and adjoining land to the north falls gently towards Lauder Burn.
- 1.2 The site was a former mill pond which has been in-filled and lies between two access tracks. The track running along the west of the site serves "The Cottage" and "1 Lauder Barns Cottage" across the Lauder Burn. Along the eastern boundary is a track serving Lauder Barns farm steading.
- 1.3 From evidence of historic ordnance survey sheets obtained as part of the intrusive environmental investigation that has been undertaken, the mill pond existed at 1859 and appears to have been in-filled during the 20th century.
- 1.4 The A68 lies a short distance south of the site and the proposed dwelling would utilise the existing access onto this road.
- 1.5 The context of the site is shown on the title plan included in **Appendix 1**.

2. The proposed development

- 2.1 The applicants are a local couple and wish to erect a one and a half storey house for their own occupation. The main "core" of the dwelling is L-shaped and would be sited broadly in the centre of the site. There would be two single storey elements on the south and western sides.
- 2.2 Access would be taken off a track running along the western side of the site which serves "The Cottage" and Lauder Barns Cottages on the north side of Lauder Burn.
- 2.3 The proposed external finishes are as follows:
 1. Slates to roof
 2. Painted wet dashed render to walls
 3. Facing brick base course
 4. White UPV windows and French doors
 5. Dark red composite front door
 6. White composite rear door
 7. White timber fascia
 8. Lead dormer haffits
- 2.4 An air source heat pump with underfloor heating to ground floor is proposed and radiators to first floor. A heat recovery system would be installed. The applicants' objective is to construct a house which is almost "passivhaus" standard.

3. The development plan covering the application site

SESplan, approved June 2013

- 3.1 There are no policies in this strategic development plan that are relevant to the proposal.

Consolidated Local Plan 2010 (adopted 2011)

- 3.2 **Policy D2 HOUSING IN THE COUNTRYSIDE** seeks to promote appropriate rural housing development and sets out five categories when new housing may be appropriate. Building Groups are category A (out of 5) and the policy states:

"[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:

1. 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,
2. 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,
3. 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.

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 Plan period. This will include those units under construction or nearing completion at that point."

Proposed Local Development Plan (LDP) 2013

- 3.3 The proposed Local Development Plan was submitted to Scottish Ministers for Examination on 22 October 2014.
- 3.4 Policy HD2: HOUSING IN THE COUNTRYSIDE sets out the Council's proposed policy approach and is similar to the policy of the same title in the Consolidated Local Plan. The Council remains supportive of appropriate rural housing development associated

with existing building groups where this does not adversely affect their character or that of the surrounding area.

- 3.5 The first category of countryside location where new housing may be permitted remains "HOUSING GROUPS". The three criteria in the proposed policy are the same as Policy HD2 in the Consolidated Local Plan. There is an additional paragraph within the proposed policy which states:

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

4. Material considerations

Scottish Planning Policy, June 2014

- 4.1 National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:
- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;
 - Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;
- 4.2 Paragraph 109 of SPP encourages provision for new homes to be made to support population retention in rural areas.

Planning history of the application site and building group

- 4.3 Outline planning permission (ref. 04/02254/OUT) for a dwelling on the application site was granted in 2004. Reserved matters approval for a dwelling and detached garage (ref. 06/01641/REM) on the site was granted on 4 April 2007. **Appendix 2** contains copies of the application forms, location plan and reserved matters approval decision notice. The approval lapsed in April 2009.
- 4.4 Planning permission for erection of two dwellinghouses (07/02397/OUT) was granted on 11 November 2013 on land north west of Lauder Barns Farmhouse, Lauder. This site lies on the east side of the application site and is shown on the planning history context plan in **Appendix 3**. **Appendix 4** contains copies of the location plan, sketch layout, plan of accesses to be closed off, report to Committee (20 December 2013) and decision notice.
- 4.5 The building group identified by the Council when the consent for two dwellings was approved in October 2008 comprises:

- The Cottage
- Lauder Barns Farmhouse
- 1 Lauder Barns Cottage

4.6 Approval was given for the two dwellings adjacent to the farmhouse on the basis that the 100% threshold for increasing the group (based on there being three dwellings in the group) had not been exceeded and accepting a "commitment" of one approved but not yet built dwelling on the application site. The second paragraph of the recommendation in the report to Committee (See Appendix 4) states:

"There is an existing building group here comprising three dwellinghouses – while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authority's interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold."

4.7 The approval in November 2013 of the application for two houses accorded with Policy D2 in the adopted 2011 Consolidated Local Plan because by 2013, Policy D2 allowed only two dwellings to be added to a building group and the consent for one house on the application site had lapsed.

4.8 To what extent have the owners of the land with planning permission in principle (ref. 07/02397/OUT) made efforts to purify conditions on this consent or applied for approval of matters specified by condition? There have been no requests by the owners of the site to purify conditions on the consent and no application made for matters specified by condition. There has been no application to renew the 2013 permission and this permission is not capable of implementation without taking further positive steps to purify conditions and/or obtain approval of matters specified by condition on consent 07/02397/OUT. This planning permission in principle is, in effect, blocking any other planning applications for a dwelling from being granted within the building group.

4.9 It is also important to note the "informative" at the end of the consent 07/02397/OUT:

"The applicant is also advised that any planning application submitted to the Planning Authority for the formation of a new farmhouse and farm steading shall be required to be supported by adequate supporting information demonstrating that the relocation is essential, not just desirable, to the future operations of the farm steading, and that the size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse."

- 4.10 There has not been any planning application made for such development. The informative states clearly that an application for a new farmhouse and steading should be submitted before detailed proposals for the two dwelling plots are progressed or the plots are sold. There is no evidence of progress in relation to relocation of the farm steading by the owners of the two plots or submission of detailed proposals for the two units even though the planning history for this proposal dates back to 2007.

Transportation considerations

- 4.11 The response by Transport Scotland dated 12 February 2015 to application 15/00094/FUL for a dwelling on the application site (subsequently withdrawn) recommended imposition of a condition to widen the access off the A68. This would be acceptable to the applicants.
- 4.12 The Roads Planning Service had no objections in principle to the proposal for a dwelling on the application site (response dated 27 February 2015 to application 15/00094/FUL).

Drainage

- 4.13 A private drainage system is proposed and a discharge licence was granted by SEPA on 5 February 2008. A copy of the discharge licence is included in Appendix 5. The applicant is willing to accept a condition as follows:

"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."

Scottish Borders Council Proposed Local Development Plan 2013

- 4.14 This proposed LDP is currently at Examination. The plan is focused on the period to 2024 which is ten years beyond the anticipated year of adoption (paragraph 2.3). Clearly, the timescale for adoption has slipped and it is anticipated that adoption will take place in late 2015/early 2016.
- 4.15 At the start of the new Local Development Plan period it is likely that the number of dwellings (i.e. in existence) in the Building Group of Lauder Barris will be the same as it was in 2007 when reserved matters approval was granted on this application site.

Ground conditions investigations

- 4.16 A full intrusive investigation of the application site has been undertaken by Insight GEO. The applicants' consultant engineer is in dialogue with the Council's contaminated land officer (Gareth Stewart) about the report's findings and a condition dealing with this issue is included in Section 6 of this statement.

5. Planning assessment

- 5.1 This application should be judged against the development plan and any material considerations.
- 5.2 The proposal does not adversely affect the character of the building group at Lauder Barns or the character of the surrounding area. Planning permission for one dwelling on the site followed by reserved matters approval were granted in 2007 in and the site was judged at that time to be part of the Lauder Barns building group. There has been no building or development in the intervening eight years and development on the application site would still be appropriate now.
- 5.3 The application site is well related to the existing group at Lauder Barns and lies in a gap between The Cottage and Lauder Barns steading. As long as the planning permission for two dwellings adjacent to the site remains extant however, this proposal on the application site is in conflict with the second (point 2) of the criteria under [A] Building Groups in Policy D2 of the 2011 adopted local plan.
- 5.4 There would not be any harmful cumulative impact on the character of the building group or on the landscape and amenity of the surrounding area by permitting this proposal.
- 5.5 The only issue in this case is the conflict with the provision in Policy D2 restricting more than two housing dwellings or a 30% increase to the group during the Plan period. The planning permission in principle for two units on the adjacent site has not progressed further since approval in 2013 and cannot be implemented without matters specified by condition approval. The consent for two units also notes that planning permission for the relocation of the farm steading must be obtained before detailed proposals for the two units are progressed or the plots sold. None of this has been done. In effect, the extant PPP is preventing provision of one dwelling for a local professional couple on the application site who have demonstrated their commitment by undertaking an intrusive ground investigations study and submitting a detailed planning application.
- 5.6 The site is brownfield and there is strong national planning policy support for use of such sites for development. The Proposed LDP is heading for adoption in the next six months or so and a new plan period will then begin. In all the circumstances and bearing in mind that planning permission was previously granted for a dwelling on this site, planning permission should be granted for the current application. The planning history is a material consideration and the application should be determined on its merits. Approval of this application would not affect the fundamental strategy or basis of the proposed LDP and the material considerations set out in this statement outweigh the minor conflict with Policy D2.

6. Proposed conditions

1. A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.
Reason: To safeguard the visual amenity of the area.
2. The means of boundary treatment, specifying the route, height, materials and colour of boundary markers, shall be submitted for the approval of the planning authority before the development commences.
Reason: To safeguard the visual amenity of the area.
3. The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is adequately serviced and in the interests of road safety.
4. The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.
Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.
5. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.
Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
6. No development shall 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.
7. Unless otherwise agreed in writing and in advance by the planning authority, prior to any development commencing on site, a scheme will be submitted by the developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to,**

and approved by, the Council and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS 10175:2011 or in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d and e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat /remove contamination to ensure that the site is fit for its proposed used (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to the satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

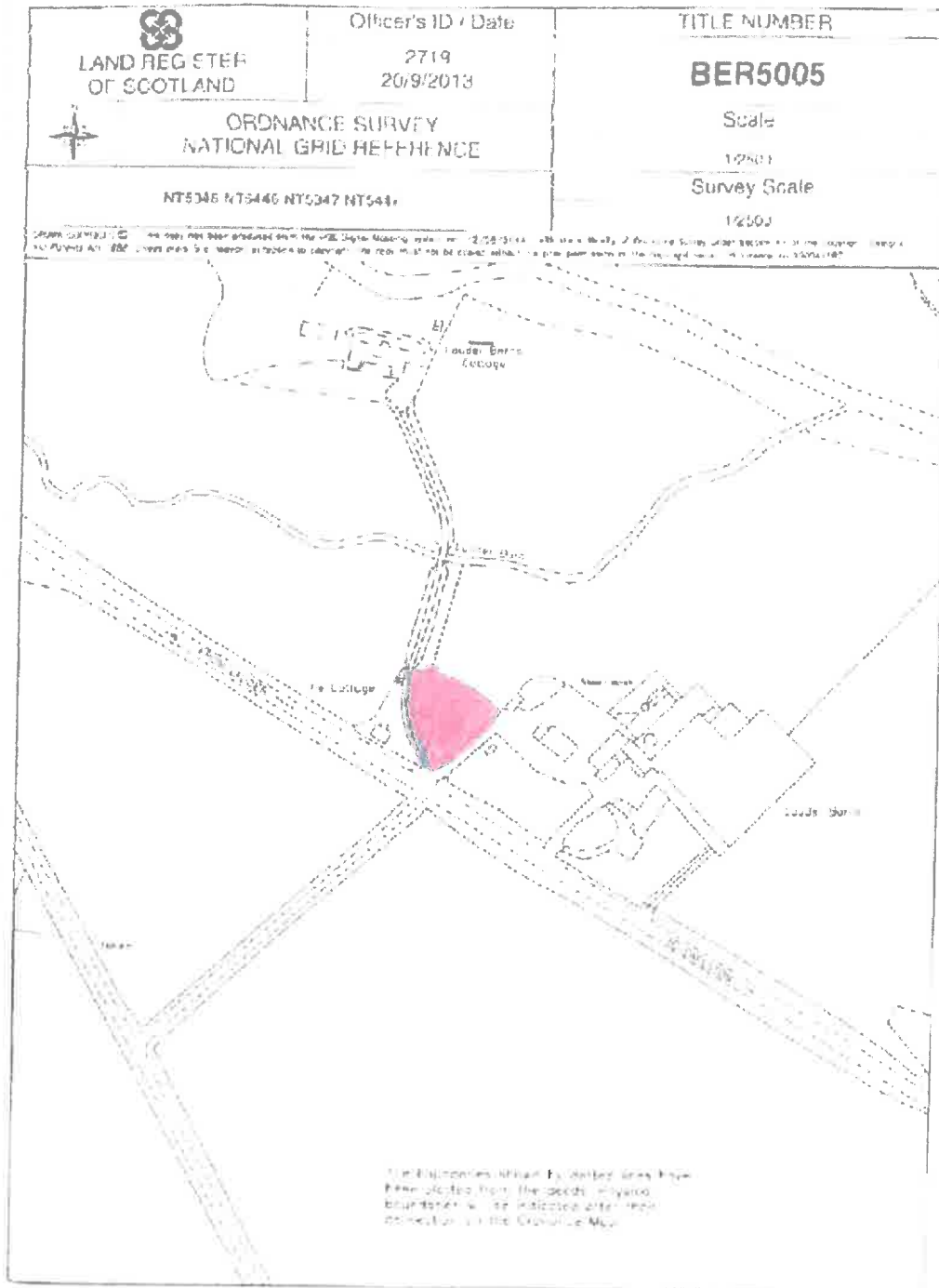
Written confirmation from the Council, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and ecological systems arising from any identified land contamination have been adequately addressed.

Andrew McCafferty Associates

October 2015

Appendix 1



Appendix 2

Economic Development & Environmental Planning
 Rec'd 21 AUG 2015
 Scottish Borders Council
 File U.N.C.I.L.
 Comment/Complaint
 Ref No.....

FOR OFFICIAL USE ONLY
 Reference No: 06/01641/REM
 Registration Date:
 Technical Services: Yes No

Planning Application

TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Please Read the Notes for Guidance Before Completing this form
 It is important that this form is completed correctly so that it can be processed

1 // WE APPLY TO THE COUNCIL FOR: Please tick relevant box

Full Planning Permission Renewal of Temporary Permission
 Outline Planning Permission Modification of a planning condition(s)
 Approval of Reserved Matters (following outline permission)

Date and reference number of previous permission (if known) 04/02/64/OUT
 Have there been any pre-application discussions? YES NO

2 **APPLICANT'S NAME** DEREK McDERMID
 (if applicable) **ADDRESS** AIDEN SPRINGFIELD TERRACE
 ET BOWBILLS
 TD6 0RP
POSTCODE
TELEPHONE [REDACTED] **FAX**

3 **AGENTS NAME** DAN-WOOD CONCEPT PLNS LTD
ADDRESS 1 WILDERHAUGH
 GALASHIELS
POSTCODE TD1 1QT
TELEPHONE 01896 752271 **FAX** 01896 756046

4 **ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT**
 LAND IN FIELD NO 1569
 NORTH EAST OF THE COTTAGE
 LAUDER BARNES, LAUDER
 TD2 6RX

5 **EXISTING USE OF LAND AND/OR BUILDINGS** Please give details
 RESIDENTIAL PLOT

6 **DESCRIPTION OF PROPOSED DEVELOPMENT**
 ERECTION OF SINGLE DWELLING AND DETACHED GARAGE

7 **RESIDENTIAL DEVELOPMENT**
 Number of dwelling houses proposed 1 Site Area (hectares) 0.122

8 COMMERCIAL/INDUSTRIAL DEVELOPMENT

	Existing	Proposed
(a) Site Area (gross)	_____ hectares	_____ hectares
(b) Manufacturing/Production area	_____ sq m	_____ sq m
(c) Storage Area	_____ sq m	_____ sq m
(d) Office/Ancillary Area	_____ sq m	_____ sq m
(e) Retail (excludes c and d)	_____ sq m	_____ sq m
(f) Intended hours of operation	_____	_____

9 PROPOSED ACCESS ARRANGEMENTS Please tick relevant boxes

Do you intend to:

use an existing access improve an existing access

form a new access from a public road

10 PARKING

Number of existing parking spaces on site 0 Number of additional parking spaces 2

11 PROPOSED EXTERNAL BUILDING MATERIALS Please give details

Outside walls RENDER - WHITE

Roof covering CONCRETE ROOF TILES

Boundary walls (fences, walls etc) 2m & 1.2m TIMBER PELM FENCE FENCE

12 PROPOSED DRAINAGE CONNECTIONS Please tick relevant boxes

(a) Foul Drainage to public sewer to septic tank (watercourse/soakway)

(b) Surface Water to public sewer to watercourse/soakway

13 HAZARDOUS MATERIALS Please tick one box

(a) The proposals do not involve the use, storage or manufacture of hazardous materials

(b) The proposals involve the use, storage or manufacture of hazardous materials

If you are in any doubt please check with the Planning Authority

14 CHECKLIST Please tick all boxes

I enclose 2 additional copies of this form

I enclose 4 sets of the necessary plans and drawings

I have completed and enclose the land ownership certificate

I have completed and enclose the neighbour notification certificate

I enclose the necessary fee of £ 260.00

Your application cannot be registered until all these documents and the fee are received

DECLARATION

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate) _____

Date 16/10/06



NEIGHBOUR NOTIFICATION CERTIFICATE

AT THE SAME TIME AS SUBMITTING YOUR PLANNING APPLICATION, YOU MUST NOTIFY YOUR NEIGHBOURS USING THE NOTICE PROVIDED.

PLEASE READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS CERTIFICATE. IT WILL EXPLAIN WHICH NEIGHBOURS REQUIRE TO BE NOTIFIED

A I hereby certify that: Please tick the relevant box(es)

1. There are no neighbours that have to be notified.

2. The applicant has given notice to the neighbours listed below in section B, together with a plan showing the location of the proposed development.

3. The applicant could not carry out notification since there are no buildings on the neighbouring land to which the notice could be sent.

B The applicant has given notice to the following persons.

1. DOMESTIC PROPERTY

Address

1.	The Owner:	THE COTTAGE, LAUDER BARN5, LAUDER, TD2 6RX
	The Occupier:	" " " "
2.	The Owner:	LAUDER BARN5 FARM, LAUDER, TD2 6RX
	The Occupier:	" " " "
3.	The Owner:	RIVERSIDE, LAUDER BARN5 COTTAGES, LAUDER TD2 6RX
	The Occupier:	" " " "
4.	The Owner:	
	The Occupier:	
5.	The Owner:	
	The Occupier:	

2. NON-DOMESTIC PROPERTY

Name

Address

1.	The Owner:	
	The Lessee:	
	The Occupier:	
2.	The Owner:	
	The Lessee:	
	The Occupier:	
3.	The Owner:	
	The Lessee:	
	The Occupier:	

Please continue on another sheet as necessary and attach it to the application form.

DECLARATION

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS CERTIFICATE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate)

Date

18/10/06

16

LAND OWNERSHIP CERTIFICATE

IF YOU DO NOT OWN ALL OF THE LAND OR PROPERTY TO WHICH THIS APPLICATION RELATES, YOU MUST NOTIFY ALL THE OWNERS AT THE SAME TIME AS SUBMITTING THIS FORM

PLEASE READ THE NOTES FOR GUIDANCE CAREFULLY BEFORE COMPLETING THIS CERTIFICATE.

A I hereby certify that: Please tick one box

1. 21 days before the date of this planning application, the applicant owned all the land to which this application relates.

OR

2. The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any parts of the land to which it relates. They are:

NAME OF OWNER	ADDRESS	DATE NOTIFIED
DAVID BUNNMAN & SON	EDINGTON MAINS FARM, OWNS BLENICKSHIRE TO11 3LE	18/8/06

B I further certify that: Please tick one box

1. 21 days before the date of this planning application, none of the land to which this application relates formed part of an agricultural holding.

OR

2. The applicant has given notice of this planning application to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the land to which the application relates. These persons are:

NAME OF TENANT	ADDRESS	DATE NOTIFIED

If you do not know who owns the land or who is an agricultural tenant, contact the Development Control Service.

DECLARATION

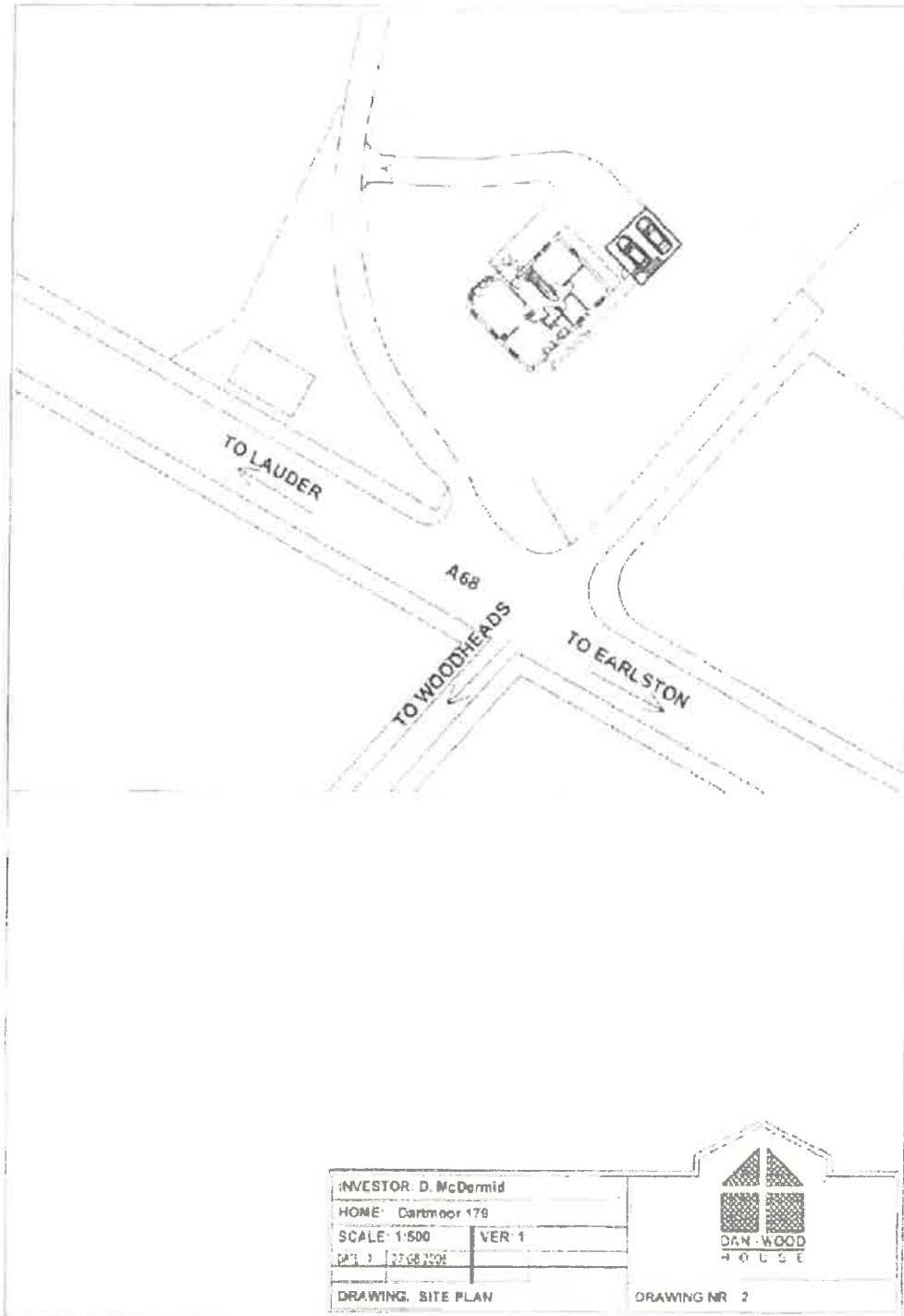
I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS CERTIFICATE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate) _____
 Date 18/8/06 _____

IMPORTANT: Information provided on this form will be used for Development Control purposes and held in accordance with the Data Protection Act.

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £1,000

J3820 476





Planning and Economic Development

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters Reference: 06/01641/REM

To: Derek McDermid per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD6 0EP

With reference to your application validated on 25th August 2006 for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal: Erection of dwellinghouse and detached garage

at: Land In Field No 1569 North East Of The Cottage Lauder Barns Lauder Scottish Borders TD2 6RX

The Scottish Borders Council hereby approve the application 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 standard condition:-

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
(ii) the expiration of two years from the date of this approval.

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

Dated 4th April 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed [Redacted Signature]
Head of Planning & Building Standards

1
Visit http://planning.scotborders.gov.uk/submit.aspx to view Planning information online



*Planning and
Economic Development*

Application reference : 06/01641/REM

SCHEDULE OF CONDITIONS

- 1 A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.
Reason: To safeguard the visual amenity of the area.
- 2 The means of boundary treatment, specifying the route, height, materials, and colour of boundary markers, shall be submitted for the approval of the planning authority before the development commences.
Reason: To safeguard the visual amenity of the area.
- 3 The dwellinghouse roof shall be surfaced in natural, grey roofing slate.
Reason: To safeguard the visual amenity of the area.
- 4 The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is adequately serviced and in the interests of road safety.
- 5 The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.
Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

FOR THE INFORMATION OF THE APPLICANT

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 Balmora 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



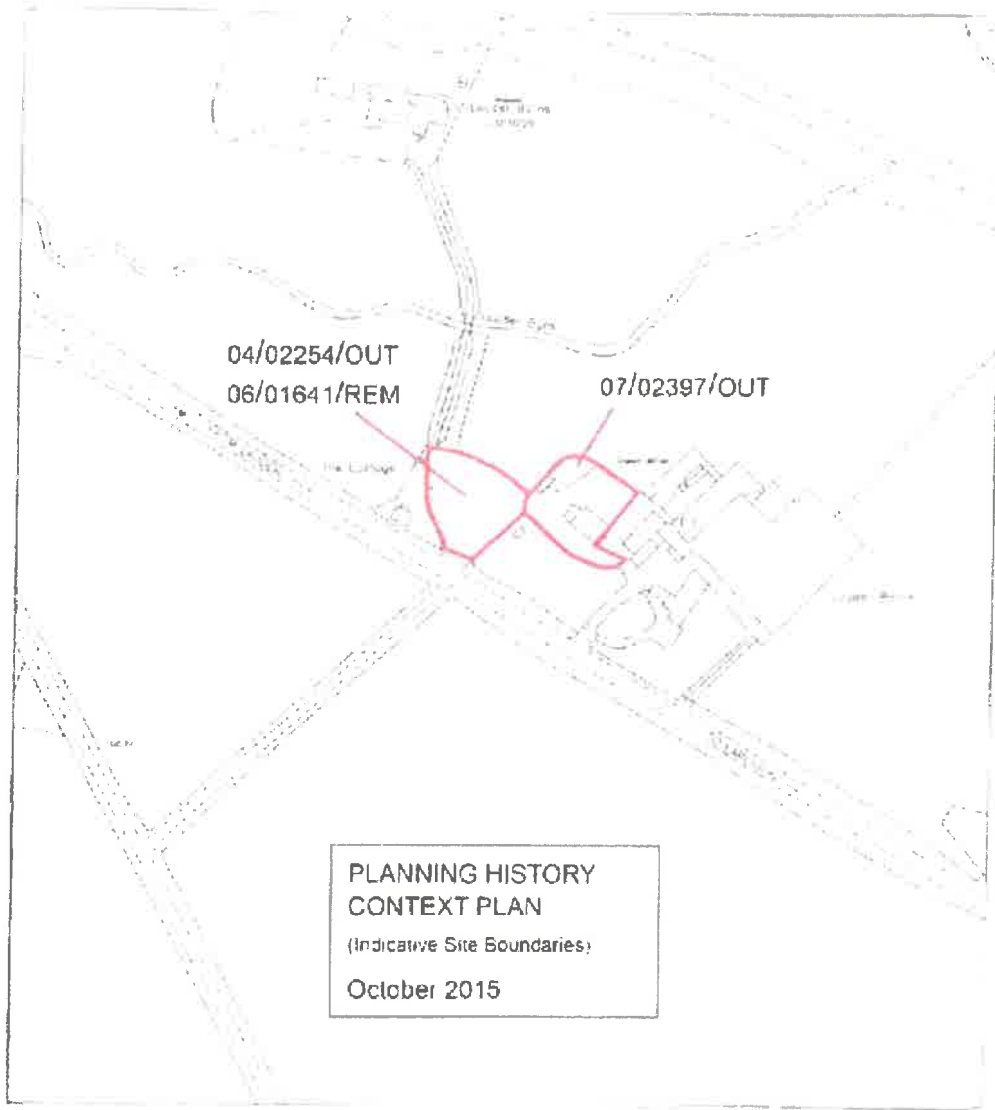
*Planning and
Economic Development*

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 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, 1997

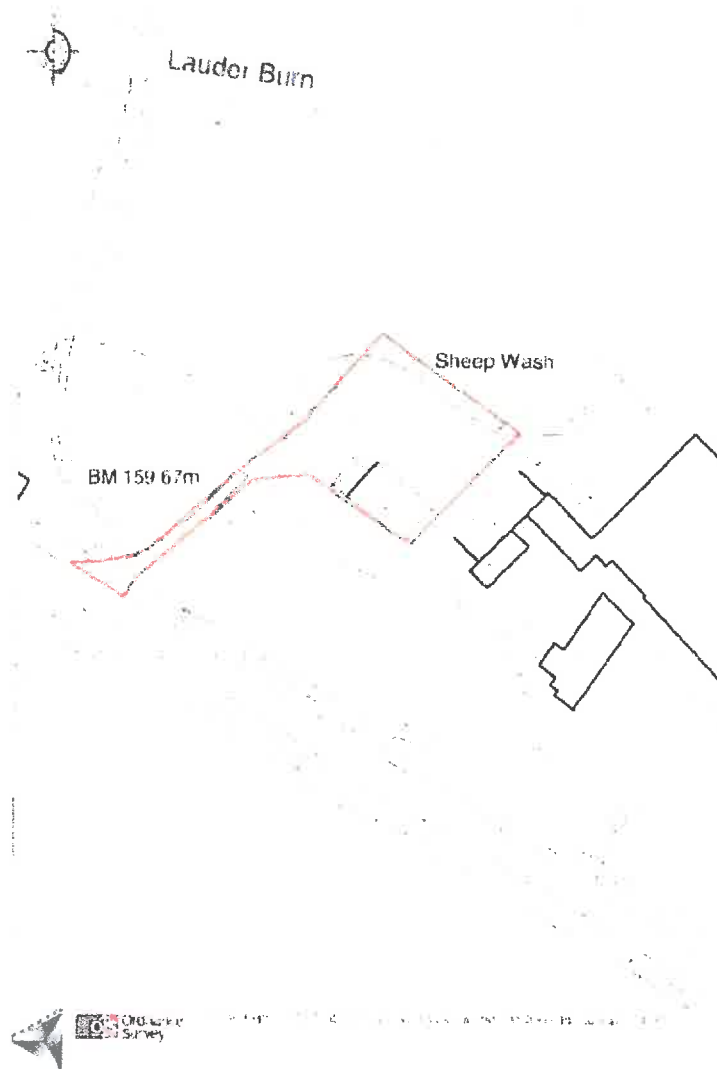
Appendix 3

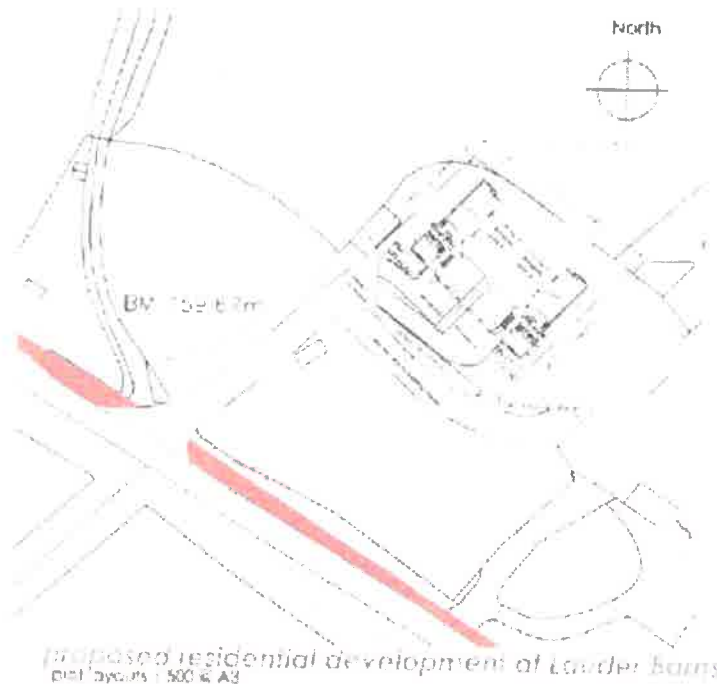


PLANNING HISTORY
CONTEXT PLAN
(Indicative Site Boundaries)
October 2015

Appendix 4

Lauder Barns

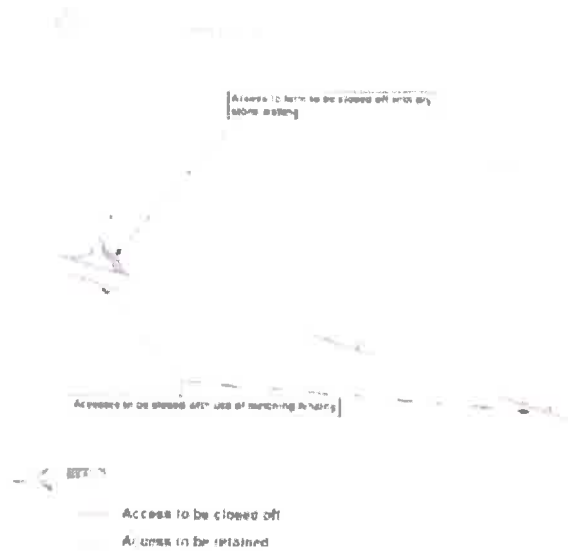




sketch proposals

keppie

27/10/15
4:27:06



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 : 07/02397/OUT

APPLICANT : John Damerell

AGENT : Callum Fraser DTZ

DEVELOPMENT : Erection of two dwellinghouses

LOCATION: Land North West Of
Lauder Barns Farmhouse
Lauder
Scottish Borders

TYPE : OUT Application

Observations by Development Control Officer - Mr Carlos Clarke

This application seeks outline consent for two dwellinghouses located in a yard alongside the applicant's farmhouse and steading, and a short distance south-east of Lauder.

There is an existing building group here comprising three dwellinghouses – while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authority's interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold.

The site is enclosed by a wall, contains various farm buildings, and has a conifer belt on the southerly side facing the road. The more obvious choice for a site is the paddock between the site and the road. However, this proposed site is agreeable, since it is firmly located within the group and, whether conifer belt stays or not, two houses could sit comfortably. The indicative layout certainly suggests overdevelopment though, and more modest footprints would be necessary to achieve a more comfortable layout, thus the reason for the 'informative'. No neighbours have objected, and there is no likely risk to neighbouring amenity

The site is directly adjacent the existing farm steading, and would share the same access. This would be unacceptable. The applicant has already declared his intention to seek a new site for a farmhouse and steading on land to the other side of the A68 because the majority of his land is on that side, and there are dangers associated with crossing a very busy section of the A68. The existing buildings are also somewhat

beyond their functional capabilities. That all said, no indication has been sought or given that a new site would be appropriate in planning terms, and any application would have to be treated on its own merits. While there may indeed be a case for a more appropriate site to serve a more efficient farm, that will be a matter to be considered on its own terms.

In terms of access, the considerable delay in processing this application has been as a result of concerns raised by Transport Scotland regarding further traffic off a very speedy, busy section of the A68. Following lengthy correspondence, it has now been agreed that the central access is appropriate, subject to improved width and visibility splays (there appear to be no obstacles to either of these being provided, or any requirement to lose boundary trees), and the other three accesses serving the farm being closed.

A contaminated land survey is required, given the historic use, and a survey of breeding birds before existing buildings are demolished. Contributions are also required towards the Waverley Line, local schools and affordable housing.

Recommendation: Approve subject to a legal agreement addressing developer contributions, the following conditions and applicant informative;

1. Approval of 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 hereinafter called "the reserved matters" shall be obtained from the Local 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.
2. Two parking spaces shall be provided within each plot to serve each dwellinghouse, prior to the occupancy of each unit, and in accordance with a layout and specification to be submitted for the approval of the Planning Authority with the applications for approval of Reserved Matters
Reason: To ensure the development is adequately serviced by off-street parking in the interests of road safety
3. The means of water supply, foul drainage and surface water drainage shall be agreed with the Planning Authority before the development is commenced
Reason: To ensure the development is adequately serviced
4. The visibility splays shall be provided and maintained on each side of the new access to the specification of the Planning Authority prior to any works commencing on site. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure driver visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 10.05 metres anywhere along the y dimension
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road and ensure that drivers of vehicles leaving the site are enabled to

size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse.

Mr Carlos Clarke
Principal Planning Officer

Recommended On: 26.09.08



*Planning and
Economic Development*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1987
**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2006**

Application for Planning Permission Reference : 07/02397/OUT

**To : John Damerell per Callum Fraser DTZ One Edinburgh Quay 133 Fountainbridge
Edinburgh EH3 9QG**

With reference to your application validated on **13th December 2007** for planning permission under the Town and Country Planning (Scotland) Act 1987 for the following development :-

Proposal : Erection of two dwellinghouses

at : Land North West Of Lauder Barns Farmhouse Lauder Scottish Borders

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 1987

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

Dated 11th November 2013
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA



Signed

.....
Head of Planning and Regulatory Services

Visit <http://replanning.scotborders.gov.uk/publicaccess/> to view Planning information online



*Planning and
Economic Development*

APPLICATION REFERENCE : 07/02397/OUT

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved
2 (ACCESSES)	Other	Approved
3 (VISIBILITY SPLAY)	Other	Approved

REASON FOR DECISION

This application was determined on 1st October 2008. Consent is now issued following conclusion of a legal agreement addressing developer contributions.

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, parking provision and the landscaping of the site, including proposed building and ground levels relative to the existing and any means of boundary retention or treatment, 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. 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.
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.



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5. Two parking spaces shall be provided within each plot to serve each dwellinghouse, prior to the occupancy of each unit, and in accordance with a layout and specification to be submitted for the approval of the Planning Authority with the applications for approval of Condition 1.
Reason: To ensure the development is adequately serviced by off-street parking in the interests of road safety.
6. The means of water supply, foul drainage and surface water drainage shall be agreed with the Planning Authority before the development is commenced.
Reason: To ensure the development is adequately serviced.
7. The visibility splays shall be provided and maintained on each side of the new access to the specification of the Planning Authority prior to any works commencing on site. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure driver visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.25 metres and 10.05 metres anywhere along the y dimension.
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road and ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.
8. The improved access to the site shall be formed and the existing access closed off before any works commence on site as illustrated on the approved plan stamp-dated 4th September 2008.
Reason: To ensure that the use of the existing accesses are discontinued and the safety of traffic on the trunk road is improved.
9. The improved access shall join the trunk road at an improved junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3 (the layout will be similar to layout 8). The upgraded junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced. The throat width shall be 5.5 metres for the first 15 metres from the edge of the Trunk Road.
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.
10. The existing farming activities shall cease from the adjoining steading, and all redundant buildings on the site shall be removed, before the occupancy of the first dwellinghouse.
Reason: To avoid conflict with the operations of a working farm.
11. A survey of all buildings to be demolished shall be submitted for the approval of the Planning Authority before the development commences and which shall identify all breeding birds within the site and a scheme of protection. The development shall proceed in accordance with the agreed scheme of protection.
Reason: To ensure that breeding bird habitats are appropriately safeguarded.
12. Details of a survey and investigation of the ground conditions of the site, sufficient to identify the nature and extent of any contamination, together with a schedule of the



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methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the planning authority and shall be carried out before any works in connection with this permission are begun Reason To ensure that the site is made safe before works commence

FOR THE INFORMATION OF THE APPLICANT

It should be noted that

The applicant is advised that the indicative proposals submitted in support of this application do not form part of this consent. The layout of the site suggests that the proposals would amount to overdevelopment. Any detailed scheme would likely require adjustment to ensure that the scale of the dwellinghouses is appropriate to the size of the plot, to each other and the surrounding context.

The applicant is also advised that any planning application submitted to the Planning Authority for the formation of a new farmhouse and farm steading shall be required to be supported by adequate supporting information demonstrating that the relocation is essential, not just desirable, to the future operations of the farm steading, and that the size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse.

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 G52 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, Business Road, Grangemouth, FK2 9XH
 THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7ED
 Susiephone System - 0800 800 333

If you are in a Coal Authority Area (Carlisle or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Litchfield 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



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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

Appendix 5

Our Ref: CAR/R/1024012
Your Ref:

The Occupier
New Plot
Lauder Barns
Lauder
TD2 6RX

5 February 2008

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2005
("THE 2005 REGULATIONS")
NOTIFICATION OF REGISTRATION: DISCHARGE (SEWAGE)
Registration Reference: CAR/R/1024012**

Further to your application received on 18 January 2008 for authorisation under regulation 9 of the 2005 Regulations, the Scottish Environment Protection Agency ("SEPA") hereby notifies you that it has granted your application and has authorised the carrying on of the controlled activity specified below at the site specified below ("the Authorised Activity"), subject to the conditions specified below, from the date specified below, by registering the following particulars in the register maintained by it under regulation 33 of the 2005 Regulations.

Site Details

Site	New Plot
Address or Location	Lauder Barns Lauder
Postcode	TD2 6RX

Authorised Activity

The discharge of sewage effluent from a treatment system serving the above property to the Lauder Burn via 25m² partial soakaway at national grid reference NT 5416 4648

Conditions of authorisation

- 1 The discharge of sewage effluent shall be from a population equivalent not exceeding 7.
- 2 Prior to discharge, the effluent shall be treated by septic tank.
- 3 Other than as specifically permitted or limited by any condition of this authorisation, the controlled activity authorised shall not have a significant adverse impact on or cause pollution of the water environment.

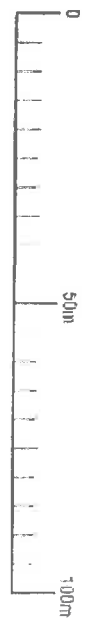
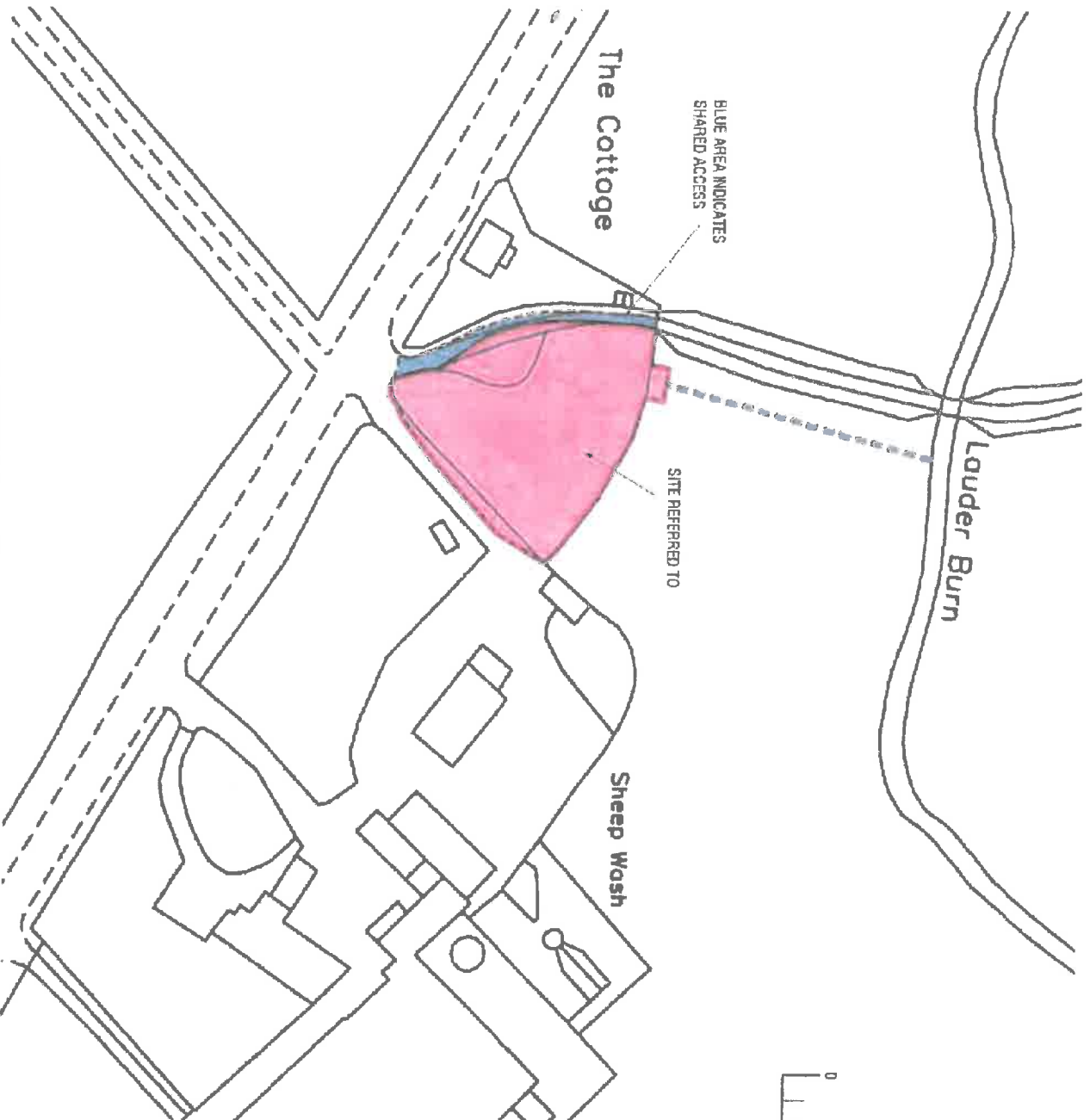
4. The treatment system specified in Condition 2 above shall be operated and maintained in accordance with the manufacturer's or designer's recommendations, and in any event, shall be maintained in good working order.

Date of Authorisation

5 February 2008

Should you have any queries regarding this authorisation, please contact the Registry Department at the Edinburgh office on 0131 449 7296.

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L. ARMSTRONG & A. THOMSON
 PROPOSED NEW HOUSE ON LAND ADJACENT TO:
LAUDER BARNS FARM
LAUDER, TD2 6RX

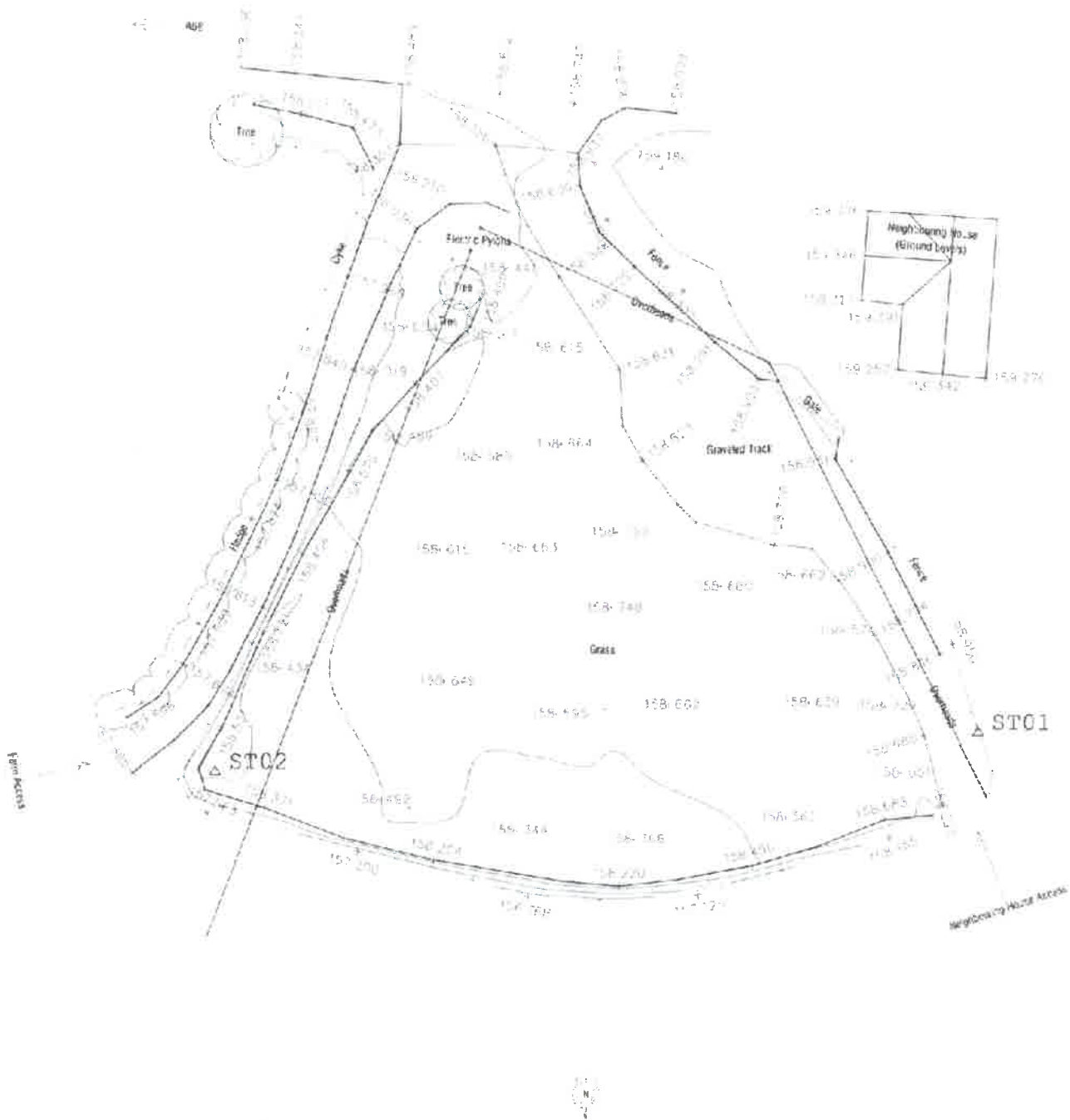
01896 829 084
 01896 757 622
 07976 721 222
 office@amcgill.co.uk
 www.amcgill.co.uk

LOCATION PLAN

WARRANT -
 WARRANT LODGED -
 SCALE - 1:1250 @ A4

PLANNING -
 PLANNING LODGED -

DWG No. **LOC-01** DATE DRAWN / REVISED - **29.01.15**



EXISTING TOPOGRAPHICAL SURVEY
5 JUL 11

Alan McGill
Architectural Design Services
01896 829 084
01896 757 622
07976 721 222
office@armcgill.co.uk
www.armcgill.co.uk



Geartyr House
Kettle Crag
Gairloch
Scottish Borders
TD1 3EY

L. ARMSTRONG & A. THOMSON
PLANNING AND DESIGN SERVICES LTD
LAUDER BARN FARM
LAUDER, TD

EXISTING TOPOGRAPHICAL SURVEY
DRAWN BY: J. ARMSTRONG
CHECKED BY: A. THOMSON
SCALE: 1:200 SW AT

PLAN NO.: EX-01
DATE: 29.01.15

Ian Aikman
Chief Planning Officer

Angela Fairbairn
per Andrew McCafferty Associates
Burn House
Collessie
Auchtermuchty
Cupar

Please ask for: Jon Bowie
☎ 01835 825583
Our Ref: 15/01323/FUL
Your Ref:
E-Mail: jbowie@scotborders.gov.uk
Date: 3rd November 2015

Dear Sir/Madam

DEVELOPMENT CONTRIBUTIONS

PLANNING APPLICATION AT: Land North East Of The Cottage Lauder Barns Lauder
Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

I refer to the Planning Application for the above site registered on 30th October 2015. Please be advised that, in terms of current Planning Policy, it would provisionally appear that the following Development Contributions are required in respect of your planning application:

- Education and Lifelong Learning
- Waverley Line Re-instatement

This requirement currently totals £16,195, though the amount to be settled may change over time as some contributions are indexed annually with effect from 1 April.

Applicants for developments exceeding 16 residential units will be required to provide a proportion of them as Affordable Housing and in compliance with Scottish Borders Council Policy.

Please note that this comprises a provisional indication of contribution requirement. Additional service provision, such as Play Facility or Access, may also be sought, these being identified in the course of processing the application. The necessity for and level of contributions required may change pending clarification via a formal consultation response and/or in the course of application determination.

A Legal Agreement to govern the terms of contribution settlement will therefore need to be concluded. It is desirable that the Applicant enters into a Processing Agreement with the Council to regulate the actions required to ensure its completion within agreed time-frames. Please find enclosed relevant Guidance Notes which will either answer any queries you may have, or will direct you to additional information sources for your assistance.

It is necessary that you contact me to discuss the drafting of the associated Legal and Processing Agreements at your earliest convenience.

To view Planning Application information on-line visit:
http://eplanning.scotborders.gov.uk/online_applications/

To view other Planning information visit: www.scotborders.gov.uk

Yours sincerely

Jon Bowie MA (Hons), MRICS
Development Negotiator

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

Ian Aikman
Chief Planning Officer

Angela Fairbairn
per Andrew McCafferty Associates
Burn House
Collessie
Auchtermuchty
Cupar

Please ask for: Jon Bowie
☎ 01835 825583

Our Ref: 15/01323/FUL
Your Ref:
E-Mail: jbowie@scotborders.gov.uk
Date: 1st December 2015

Dear Sir/Madam

DEVELOPMENT CONTRIBUTIONS

PROPOSED APPLICATION AT: Land North East Of The Cottage Lauder Barns Lauder
Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

I refer to the Development Contributions required in respect of the Planning Application for the above site and note that, to date, you have not responded to my previous letter on this matter.

Please be advised that, in terms of current Planning Policy, it would appear Development Contributions are required in respect of:

- Affordable Housing Commuted Sum
- Education and Lifelong Learning
- Waverley Line Re-instatement
- Central Borders Road Traffic Infrastructure
- Peebles Bridge Study and Traffic Management

This requirement currently totals £ though the amount to be settled may change over time as some contributions are indexed annually with effect from 1 April.

Applicants for developments exceeding 16 residential units are required to provide a proportion of them as Affordable Housing and in accordance with Scottish Borders Council Policy.

Play Facility or Access contributions may also be necessary. Any such requirement will be identified in the course of processing the planning application.

It is necessary that you contact me within seven days of receipt of this letter to resolve the drafting of a Legal and Processing Agreement.

Applications which do not satisfy Council policies will be recommended for refusal.

To view Planning Application information on-line visit:
<http://eplanning.scotborders.gov.uk/online-applications/>

To view other Planning information visit: www.scotborders.gov.uk

Yours sincerely

JON BOWIE

Jon Bowie MA (Hons), MRICS
Development Negotiator

Development Contributions

Introduction

This note provides brief guidance on Development Contributions which Scottish Borders Council (SBC) may require Planning Applicants to agree to settle in respect of their development proposals.

More detailed information can be found in [Guidance Notes](#) on the Council website, hard copy supplied upon request, and applicants are encouraged to access and familiarise themselves with them accordingly.

Before submitting any Application for Planning Permission you should check whether it complies with all relevant planning policies and guidance. A development proposal that does not satisfy Planning Policy and guidance will not be supported just because a Development Contribution is agreed to be settled.

The need for Development Contributions

Development Contributions help the Council to provide proper, and necessary, infrastructure, services and facilities. They can allow developments to proceed that might otherwise have to be refused Planning Permission were there insufficient existing infrastructure, service and facility capacity to support the development proposal.

Where there is no identified infrastructure, service or facility expansion requirement, Development Contributions will not be sought.

Examples of infrastructures, services and facilities for which contributions may be required include, but are not restricted to, Affordable Housing, Waverley Line Project, school extension or new provision, transport projects, access provision, play facility enhancement and open space.

SBC Development Contribution policy reflects Scottish Government (SG) policy. The main document setting out SG policy on this matter is [Planning Circular 3-2012 - Planning Obligations and Good Neighbour Agreements](#).

More details on SBC Development Contribution policy, including current Waverley Line and School contribution rates, are published in [Supplementary Planning Guidance](#).

Complying with Development Contribution Policy

Where a Planning Application is identified to generate a requirement for Development Contributions a Legal Agreement shall need to be concluded between the Applicant, Landowner if different, the Council and any other party with an interest. The Legal Agreement will set out what contributions shall be paid and when. It will also specify for what purpose the Council can spend the contributions and within what timeframes. The consequences of not conforming with the associated obligations for parties to the Legal Agreement will also be detailed.

Planning Permission will not be released by the Authority until the Legal Agreement process is completed. Where a necessary Legal Agreement is not concluded within 3 months of the commencement of negotiations, the Planning Authority will review its decision.

The Council offers applicants two Legal Agreement options to settle Development Contributions - Section 69 (s69) and Section 75 (s75) Legal Agreements. Links to more information on the differences between, and implications of, these Legal Agreement types are detailed below. **All potential Planning Applicants are strongly encouraged to read and consider these Guidance Notes accordingly.**

Essentially, s69s are quicker and cheaper to conclude than s75s and do not attract SBC Legal Fees or Recording Dues. However, the Applicant is required to make full settlement of identified contributions prior to the release of Planning Permission and the commencement of the proposed development.

S75s allow contribution settlement to be deferred to a mutually agreeable point in the future e.g. upon completion, occupation, habitation or sale of houses. The contributions can therefore be settled once cash-flow is realised from the proposed project or borrowing capacity achieved. However, these are more complex legal documents than s69s, need to be registered as a burden against title, and consequently attract SBC Legal Fees (£315 - £525) and Recording Dues (£60). They also take longer to complete than s69s therefore potentially impacting on the time taken to release Planning Permission, this authorising the development to start.

As a result, SBC encourages the drafting of Legal Agreements prior to the Application's determination and Applicants are asked to enter into an associated Processing Agreement. Although not legally binding, these will set out the dates by

which key actions necessary to conclude the Legal Agreement process will be undertaken by the respective parties to it. Where appropriate, these target dates can, by mutual agreement, be amended.

SBC only seeks settlement of Legal Fees where the associated Planning Application is approved.

Information Resources

Scottish Borders Council's Website provides a wide range of information to assist your decision making should you consider applying for Planning Permission for a development proposal.

Internet

Information on the Website is available free of charge.

http://www.scotborders.gov.uk/info/16/1/planning-and_building_standards

More detailed information on SBC Development Contribution policy, Legal Agreements and Affordable Housing policy can be obtained from the SBC Website.

http://www.scotborders.gov.uk/directory/13/supplementary_planning_guidance/category:28

Planning Briefs provide information on SBC's guidelines and requirements, including Developer Contributions, of a particular key site or collection of sites.

http://www.scotborders.gov.uk/directory/15/planning_briefs/category:30

If you do not have access to a computer at home, internet accessible computers are available to use free of charge in all SBC libraries. Booking of this service is advisable. Contact Library Headquarters for more information. Tel: 01750 726400.

Hard copies of the Structure Plan, Local Plan and Supplementary Planning Guidance notes may be obtained from:

Planning and Regulatory Services

Council Headquarters

Newtown St Boswells

Melrose

TD6 0SA

Tel: 0300 100 1800

Email: localplan@scotborders.gov.uk

There will normally be a charge for these documents.

Hard copies of these documents are available for inspection at SBC libraries as well as Council HQ – contact Library Headquarters for more information.

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council	Council Reference:-	15/01323/FUL
	TS TRBO Reference:	SE/106/2015

Application made by Angela Fairbairn per Andrew McCafferty Associates. Burn House .Collessie,Auchtermuchty,Cupar,KY15 7RQ and received by Transport Scotland on 04 November 2015 for planning permission for erection of dwellinghouse located at Land north east of The Cottage, Lauder Barns, Lauder affecting the A68 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A68) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

SOUTH EAST

Address:-

6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ

Telephone Number:-

0800 0420188

e-mail address:-

OCCR.SESCOTLAND@amey.co.uk

CONDITIONS to be attached to any permission the council may give:-

1	The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway
---	--

REASON(S) for Conditions (numbered as above):-

1	To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
---	---

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:- 13-Nov-2015
Transport Scotland Contact:- Fred Abercrombie
Transport Scotland Contact Details:-
Trunk Road and Bus Operations, Network Operations - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow. G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Any noise emitted by plant 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 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.

The Unit 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.

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed

REGULATORY SERVICES



To: **Development Management Service**
FAO S.HERKES

Date: 4/12/15

From: **Roads Planning Service**
Contact: **John Frater**

Ext: 5137

Ref: 15/01323/FUL

Subject: ERECTION OF DWELLINGHOUSE
LAUDER BARNs - LAUDER

I concur with the views of Transport Scotland regarding the junction onto the A68. Within the site there is ample provision for parking and turning.

No roads objections.

JAF

Production 4

Refusal Notice

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01323/FUL

**To: Angela Fairbairn per Andrew McCafferty Associates Burn House Collessie Auchtermuchty
Cupar KY15 7RQ**

With reference to your application validated on **30th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

a : Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

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

**Dated 12th January 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 15/01323/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
A4	Location Plan	Refused
LOC-01	Location Plan	Refused
PL-01	Site Plan	Refused
	Elevations	Refused
EX-01	Other	Refused

REASON FOR REFUSAL

- 1 Notwithstanding that the site is well-related to the existing building group at Lauder Barns, and taking account of a live outline planning consent (07/02397/OUT) for two dwellings within the same building group, the proposal is contrary in principle to Adopted Local Plan Policy D2 in that approval would increase the number of new dwellings capable of being developed within the current Local Plan period in association with the existing building group at Lauder Barns, above two, which is the maximum number of additional dwellings that are explicitly allowed by Policy D2 in relation to a building group of three existing dwellings. Furthermore, there is no operational need for a new dwellinghouse to be located at the site to serve any agricultural business, or other business with a justifiable requirement for a full-time worker to be accommodated on-site, on a permanent basis; and there are no other considerations material to this planning decision that outweigh the need to determine this application in strict accordance with planning policy.

- 2 The design and layout of the proposal are contrary to Adopted Local Plan Policies D2 and G1, and the advice of the approved 'Place-Making and Design' Supplementary Planning Guidance Note, in that these are unsympathetic to the prevailing sense of place within, and setting of, the building group at Lauder Barns and to the character and appearance of the surrounding landscape. This is because the elevation facing the access road (the South Elevation) would not have the appearance, or setting, of a principal elevation, but instead, would have a notably secondary, even 'rear elevation', character. The visual impact of this would be further exaggerated by the erection of a 1.8m high boundary fence along the boundary with the access road, which would convey a very strong visual impression of the land to the south of the dwellinghouse being a rear garden area when this would more sympathetically be a front garden area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

Notwithstanding that the site is considered to be both well-related to the residential building group at Lauder Barns and to be capable of accommodating an appropriate addition to that same building group, the latter is only capable of augmentation by up to two dwellings within the current statutory development plan period. Since there is currently a live but unimplemented planning permission (07/02397/OUT) for two new dwellings on another site within the same building group that is not due to expire until 11 November 2016, there is currently no capacity in principle for the building group to be expanded by any additional dwelling, until, or unless, one or other of the following scenarios occurs:

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- (i) Construction is commenced on at least one of the dwellings within the development consented by Planning Consent 07/02397/OUT AND the new statutory development plan period is commenced with the adoption of the Scottish Borders Council Local Development Plan; or
- (ii) Planning Consent 07/02397/OUT expires unimplemented on 11 November 2016.

However, and as noted in the Report of Handling informing this planning decision, any future planning application for the proposal that was the subject of Planning Application 15/01323/FUL, would still require to be assessed on its own planning merits at the time of this application's submission, and no matters can be pre-judged in advance of the determination of any such future planning application, including whether or not there would be support for the principle of such a proposal. (For the avoidance of doubt, and due to the potential for other variables, there is in fact no certainty, let alone any inevitability, that the principle of the current proposal would be capable of support at some point later in 2016).

INFORMATIVE NOTE 2:

The dwellinghouse described by the current Proposal Drawings, is not orientated sympathetically to the existing building group, in that what appears to be its principal elevation would face away from the access road, to the north, and towards open countryside.

In the event of a new planning application being made for this proposal, the South Elevation of the dwellinghouse would more appropriately be given the character of a principal elevation, primarily by removing the proposed conservatory to another elevation, and by including a front door, ideally within a front porch on the South Elevation. In this way, an acceptable relationship to the building group should be established, and there would be some potential for the development to contribute positively towards the sense of place of the existing building group, which is ultimately one centred around the farmyard at Lauder Barns. This relationship should be inherent and appropriately reflected within the design and orientation of the dwellinghouse.

It is additionally considered that the overall design of the dwellinghouse would benefit from a deeper gable, and the roof pitch being dropped to 45 degrees to ensure a more comfortably traditional appearance.

Further, the southern boundary of the property should have a more open 'front garden' character, with a low fence or hedge in proximity to the access, in the manner of a farm cottage garden, rather than a 1.8m high timber fence along the boundary. The latter is considered to contribute to an incongruous urban or suburban appearance in this rural locality. Any more private 'rear garden area' would be more appropriately accommodated to the north of the dwellinghouse with no overly high boundary feature being erected to the front (south).

INFORMATIVE NOTE 3:

Notwithstanding that any works required to the junction with the A68 and out with the verge of the same, if required at all, would be both minimal and in the wider interests of all users of the same access, it is not clear whether or not, or to what extent, the Applicant would have any legal right to carry out such works.

For her own reassurance, and in advance of making a new planning application for this proposal, the Applicant is strongly advised to establish whether or not there would be any legal obstacle to her carrying out the works that Transport Scotland had identified.

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

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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.

Production 5

Phase 1 Intrusive Environmental Study

Report Control Sheet

Report Title: **Interpretative Ground Investigation Report**

Project Name: **Plot 2 Lauder Barns, Lauder**

Project Reference: **P14154**

Engineer:

Client: **Angela Fairbairn**

Report Status: **Complete Version 2**

Issue Date: **September 2015**

This report has been authorised for issue on behalf of Insight GEO Limited by:



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1 Introduction

Insight GEO Limited were commissioned by the Client, Angela Fairbairn, to undertake a Phase 1 Desk Study Report for Plot 2 Lauder Barns, Lauder; it is proposed the site is redeveloped for residential use.

Initially a Phase 1 Desk Study Report for the site was completed; the potential environmental risks associated with the proposed redevelopment of the site were generally considered to be medium, but medium to high for potentially contaminated groundwater. The Phase 1 Desk Study concluded that further geoenvironmental investigation of the site was required prior to development.

The objectives of this subsequent Phase 2 investigation were to establish the ground conditions present at shallow depth beneath the site; provide geotechnical data for use in foundation design and undertake an assessment of the potential for contamination in advance of detailed development design. The combined geotechnical and geoenvironmental investigation scope included fieldwork, geoenvironmental laboratory testing, post fieldwork gas and groundwater monitoring and preparation of an Interpretative Ground Investigation Report. The Phase 1 Desk Study is presented as a separate volumes, which should be read in conjunction with this Interpretative Report.

References applicable to this Project and general Advisory Notes are included following the report text.

2 The Site

The site is located on the A68 approximately 3km south east of Lauder in the Scottish Borders. The site comprises an approximately triangular area of around 0.13 hectares, is relatively level and the boundaries are well defined by roads to the west & south as well as dry-stone retaining walls to the north & east of the site. The site is currently undeveloped but is understood to have been previously used as a mill pond. A Site Location Plan is included as Appendix A.

Postal Address:

Plot 2 Lauder Barns

Lauder

TD2 6RX

National Grid Reference: NS 354 646

Site Identifier Details Table

Plot 2 Lauder Barns, Lauder

Project Ref: P14154



3 Fieldwork

3.1 Context

The agreed scope of work comprised three cable percussion boreholes and seven machine excavated trial pits, with associated sampling and in situ testing.

The procedures followed in this site investigation are based on BS 5930:1999 + Amendment 2:2010 - Code of Practice for Site Investigations. The fieldwork was supervised on site by an Engineering Geologist from Insight GEO Limited. All exploratory hole locations were CAT scanned for the presence of buried services and service inspection pits hand excavated at the borehole locations.

The locations of the exploratory holes were set out by Insight GEO Limited. The positions were measured from known features and are shown on the Exploratory Hole Location Plan, presented in Appendix B.

Fieldwork was undertaken between 21st and 23rd January 2015. A summary of the exploratory holes completed has been tabulated below:

Exploratory Hole		Depth	Further Detail
Type	Reference	(mbgl)	
Machine Excavated Trial Pit	TP1	2.80	
	TP2	2.80	
	TP3	2.80	
	TP4	2.30	
	TP5	2.80	
	TP6	1.80	
	TP7	2.80	
Cable Percussion Borehole	BH1	3.50	
	BH2	4.20	Standpipe installed.
	BH3	3.00	Standpipe installed.

Fieldwork Summary Table

3.2 Cable Percussion Boreholes

Three 150mm diameter boreholes were sunk to depths of between 3.00m (BH3) and 4.20m (BH2). Representative samples were obtained at regular intervals for description; in situ

Standard Penetration Tests were also performed. On encountering groundwater boring operations were suspended and any rise in level was monitored for 20 minutes. Samples were retrieved for description and laboratory test scheduling. Two boreholes were installed with monitoring standpipes on completion and BH1 was backfilled with arisings.

Engineers Borehole Records are included as Appendix C.

3.1 Trial Pits

Seven trial pits were excavated to depths of between 1.80m and 2.80m using a mechanical excavator on 23rd January 2015. The profiles of strata or other features were recorded as excavation proceeded. Representative environmental and disturbed samples were taken where appropriate for laboratory testing and description. The trial pits were backfilled upon completion.

The Trial Pit Records are presented in Appendix D and Trial Pit Photographs are included as Appendix E.

3.2 Post Fieldwork Monitoring

Post fieldwork monitoring of the gas and groundwater levels in the boreholes was scheduled following installation of slotted 50mm diameter standpipes with gravel response zones, as detailed in the table below:

Exploratory Hole Reference	Standpipe Response Zone (mbgl)
BH2	3.00 - 1.00
BH3	3.00 - 1.00

Summary of Standpipe Response Zones

During fieldwork, an initial monitoring visit was performed to prove correct functioning of the installations on 23rd January 2015.

Characterisation of the gassing regime of the site was based on the guidance of CIRIA C665. It was considered the potential gas source of Made Ground was of low generation potential. However, the sensitivity of the proposed residential development is high. Due to the size of the site and taking the end use sensitivity and gas hazard into account, the standpipes were located within 50m of each other.

In compliance with the guidance of Table 5.5a and Table 5.5b in CIRIA C665, the gas monitoring should be undertaken on six occasions over a minimum three month period, this is also the recommendation of the NHBC. If consistently high or variable concentrations of ground borne gas had been recorded, it is recognised that an extended monitoring programme may have been required. The initial postfieldwork monitoring visit was performed on 4th February 2015 and the sixth monitoring visit on 5th June 2015.

On every visit and at each standpipe location, gas monitoring was performed using a Geotechnical Instruments GA2000+ gas monitor. Initially peak and steady state gas flow was measured. The peak and steady concentrations of five gases, (Oxygen, Methane, Carbon

Dioxide, Hydrogen Sulphide and Carbon Monoxide) were then recorded by pumping the standpipe gas through the monitor.

The groundwater level in each standpipe was also determined on each visit using an electronic dipmeter. Borehole BH2 remained dry throughout the monitoring period; BH1 was also dry during the first three visits, but subsequently a water level of between 2.95m and 2.96m depth was recorded, i.e. a maximum of 5cm of water at the base of the standpipe. It cannot be confirmed that this represents the depth to groundwater table at this location, it may represent surface water percolation and a perched water table. There was either no, or insufficient groundwater present in the standpipes for the wells to be purged and groundwater samples obtained.

The post fieldwork monitoring results are presented in Appendix F.

4 Geoenvironmental Laboratory Testing

Geoenvironmental laboratory testing schedules were prepared by Insight GEO Limited, to determine the concentrations present for a range of commonly occurring contaminants hazardous to human health, as identified in the Phase 1 Desk Study. The testing was carried out at the UKAS accredited laboratories of Scientific Analysis Laboratories (SAL) in East Kilbride (UKAS Testing No. 1977). Any descriptions, opinions and interpretations are outside the scope of UKAS accreditation. The laboratory tests scheduled are summarised below and the results received presented in Appendix G.

Seven shallow environmental soil samples across the site were scheduled for a general soils suite of commonly occurring contaminants as summarised in the table below:

Test Description	Number of tests
CLEA metals suite: Arsenic, Barium, Beryllium, Boron (water-soluble), Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Vanadium, Zinc	7
Cyanide (total and free)	7
Total Phenol	7
Speciated PAH (polyaromatic hydrocarbons) USEPA 16	7
Total TPH (total petroleum hydrocarbons)	7
Water soluble Sulphate	7
pH	7
Soil Organic Matter	7

Geoenvironmental Laboratory Test Summary – General Soils Suite

On encountering potential asbestos containing materials during trial pitting, additional targeted testing included:

- ▶ Asbestos screening on three samples of Made Ground. One sample analysed was of bulk material visually identified as cement sheeting (TP7 – 1.20m). The remaining two tests were performed on the finer grained Made Ground material matrix, where no visually identified asbestos was noted, but the material was in close proximity to the cement sheeting fragments.

Test Description	Number of tests
Asbestos – polarised light microscopy	3

Geoenvironmental Laboratory Test Summary – Targeted Testing of Soils

5 Proposed Development

It is proposed to develop the site for residential use with the construction of a single two-storey detached dwelling, with associated hard and soft landscaped domestic garden areas and driveway. Current proposed development plans are included in Appendix H.

For the purposes of this report, the contamination risk assessment in respect of human health is considered in the context of a residential generic land use with plant uptake scenario. This is the most sensitive CLEA categorisation applicable to the proposed development.

6 Published Geology

The geology of the site was determined through review of both the British Geological Survey Onshore GeoIndex (BGS) and the GroundSure GeoInsight Report (GroundSure GeoInsight Report, 2013).

Published geology from the BGS (BGS) indicates the site to be underlain a series of superficial deposits in the form of alluvium which forms of silt, sand and gravel which lie above Devensian glacial till. Glacio-fluvial deposits are shown to lie approximately 300m north-east of the site but are not noted as present beneath the site's location. The bedrock of the region which underlays the site is the Great Conglomerate Formation, of Silurian to Devonian in age, which forms part of the Lower and Middle Old Red Sandstone Supergroup. This unit is primarily a conglomerate with interbedded sandstones, siltstones and mudstones also present.

Desk Study research confirmed the site to be situated within an area formerly used as a mill pond, then marsh-land before being eventually backfilled. There is evidence available indicating the former pond/marsh was backfilled prior to 2002 and possibly as early as 1963; Made Ground deposits used to backfill the pond are therefore anticipated to be present beneath the site.

7 Ground Model

7.1 Strata Encountered

The ground conditions encountered during the investigation generally agree with published geological maps of the area, although Made Ground deposits associated with backfilling of the former pond occupying the site were also present.

The following strata were encountered at each exploratory hole location

- ▶ Made Ground
- ▶ Silt (Basal pond sediment?)
- ▶ Granular Glacial Till

The strata identified are discussed in more detail in the following sections.

7.2 Made Ground including Topsoil

The site surface was covered with sparse grass and vegetation, generally directly overlying Made Ground deposits, which in places were visible at surface. However, topsoil was noted to be present at two locations; from surface to 0.15m depth in TPS and to 0.40m depth in TP4.

Made Ground deposits were encountered at each exploratory hole location, generally to depths of between 1.20m and 1.90m. However, at one end of TP6, the Made Ground thickness was recorded to be 0.30m, deepening to 1.10m at the other end of the pit, this was the only location where less than 1m of Made Ground was encountered and at the far west of the site, is probably located at the edge of the former pond.

The Made Ground deposits were variable, but generally comprised a matrix of either dark brown and red brown sandy gravelly clay, or brown sandy gravel; cobbles and boulders were also present throughout. The Made Ground matrix is consistent with reworked local drift deposits. The range of detritus included within the Made Ground deposits varied across the site, the greatest quantity of detritus was encountered in trial pits TP5, TP7 and TP3, to the west, north and south of the site respectively. The majority of detritus comprised buried demolition rubble, old pipes and plastic, but potentially more contaminated materials including tarmac gravel, clinker, ash and old oil drums (TP5) were also present.

Within the Made Ground deposits, a potential asbestos containing material (ACM), was encountered, infrequent 'hand sized' pieces of grey roofing sheet with fibres were noted. This bulk material was carefully subsampled for Asbestos analysis in TP7 at 1.20m depth and excavation recommenced with care. Further fragments of similar material were noted in TP3 and TP5. The material not sampled was re buried.

No odours were noted emanating from the Made Ground deposits during fieldwork.

7.3 Silt (Basal pond sediment?)

The Desk Study research highlighted that the site was formerly occupied by a pond, retained in part by the existing stone walls. Underlying the Made Ground deposits, a dark grey sandy silt was encountered at all locations, except BH1 and would be consistent with accumulated basal

pond sediment. Where present, the sediment varied in thickness from 0.30m to 0.70m. Generally the base of this stratum was proved to range between 1.80m and 2.30m, except at the location of TP6 (probable edge of pond) where the base of the silt was at 0.60m depth.

7.4 Glacial Till

Underlying the Made Ground and silt described above, insitu Glacial Till drift deposits were proved at each exploratory hole location. The Glacial Till was generally granular and comprised very dense red brown clayey sandy GRAVEL with medium to high cobble and low boulder content. Locally the Glacial Till graded to cohesive, e.g. at the location of BH2, between 2.00m and 3.00m depth, firm red brown slightly sandy slightly gravelly silty CLAY with medium cobble content was encountered. All exploratory holes were terminated in Glacial Till deposits at a maximum depth of 4.20m (BH2).

Five standard penetration tests were performed in this deposit and all tests failed to achieve full penetration, it is therefore considered that an SPT N value of 50 would be suitable for use in preliminary foundation design. It is noted that chiselling was required to advance the three cable percussion boreholes into this stratum.

7.5 Groundwater Conditions

7.5.1 Fieldwork

During fieldwork, groundwater was not encountered.

7.5.2 Postfieldwork Monitoring

Borehole BH2 remained dry throughout the monitoring period; BH1 was also dry during the first three visits, but subsequently a water level of between 2.95m and 2.96m depth was recorded, i.e. a maximum of 5cm of water at the base of the standpipe. It cannot be confirmed that this represents the depth to groundwater table at this location, it may represent surface water percolation and a perched water table. There was either no, or insufficient groundwater present in the standpipes for the wells to be purged and groundwater samples obtained.

8 Geotechnical Assessment

It is proposed to construct a single detached two storey house on the site, with associated driveway, domestic garage and residential garden area.

The inherently variable Made Ground deposits encountered at each exploratory hole location are not considered to represent a suitable founding stratum for the proposed development. It is therefore recommended that the foundations for the proposed development are extended through the Made Ground materials, including basal pond sediment and into the underlying Glacial Till stratum. It is anticipated that Glacial Till will be consistently present beneath the site and would be encountered at depths of between 1.90m (BH1) and 2.30m (BH3) beneath the proposed building footprint. was encountered below 2.30m in BH1 and 1.60m in BH2 respectively.

In order to utilise the Glacial Till as a founding stratum, the use of conventional shallow spread foundations would not be appropriate, as the upper boundary of the Glacial Till is anticipated at

depths greater than 1.80m and the variability of this boundary is not fully established. It would however be possible to utilise deep trench fill foundations into the Glacial Till to depths of up to 3.00m.

Due to the presence of cobbles and boulder obstructions within the Glacial Till and Made Ground encountered during the investigation, the use of a mini piled foundation option into the Glacial Till deposits is unlikely to be appropriate without significant pre-boring.

As discussed in Section 7.4, an N value of 50 would be suitable for use in preliminary foundation design and indicates a bearing capacity in excess of 150kN/m² could be achieved within the top metre of insitu Glacial Till deposits. For the proposed lightly loaded structure it is anticipated that settlement of the Glacial Till founding stratum would remain within tolerable limits of less than 25mm.

Excavation of the materials encountered during this investigation should generally be achieved using conventional back hoe plant, although overbreak associated with cobbles, boulders and large fragments of detritus may be expected. Based on trial pitting observations, excavations within the Made Ground are generally likely to be stable in the very short term above any groundwater ingress. However, it would be prudent to allow for localised close support of trench walls through the Made Ground deposits during foundation construction.

Dewatering of excavations by sump pumping or similar would also need to be considered if excavations extend beneath the groundwater table, although this is not anticipated.

9 Geoenvironmental Assessment

9.1 Context

During preparation of the Phase 1 Desk Study Report for the site, an Initial Conceptual Model was developed and preliminary risk assessment applied. The tabulated model is reproduced below. At the Phase 1 Desk Study stage of investigation, the potential environmental risks associated with the proposed redevelopment of the site were generally considered to be medium, but medium to high for potentially contaminated groundwater. The main source of potential contamination was identified as any soils and detritus (Made Ground deposits), imported onto site to backfill the former pond.

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
Potentially contaminated soils	Inhalation/ Ingestion/ Dermal Contact	Human Receptors - site users following construction	Possible	Moderate	Medium	Potentially contaminated soils anticipated. Sample and analyse soils on a non-targeted grid across the site to obtain baseline
	Inhalation/ Ingestion/ Dermal	Human Receptors-	Possible	Moderate	Medium	

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
	Contact	construction workers				data during Phase 2 investigation.
	Direct contact/ Root uptake	Flora and Fauna	Unlikely	Moderate	Medium	
	Direct Contact	Building Fabric including service pipes	Unlikely	Moderate	Medium	
	Migration/ leaching of soil contaminants	Groundwater of Principal Aquifer	Possible	High	Medium to High	
Potentially contaminated ground water	Flow off site	Surface Waters (Including the River Tweed)	Unlikely	High	Medium	Sample and analyse groundwater to obtain baseline data where encountered during Phase 2 investigation.
	Net deterioration of Groundwater	Groundwater in larger area (Including the Great Conglomerate Formation)	Possible	High	Medium to High	
Hazardous ground gas (methane and carbon dioxide)	Inhalation, migration and accumulation in confined areas	Human Receptors - construction workers and site end users	Possible	Moderate	Medium	Significant thicknesses of potentially gas generating Made Ground or organic rich deposits may be present. Gas monitoring programme to confirm low risk recommended during Phase 2 investigation.

Initial Conceptual Model

The geoenvironmental focus of this investigation phase was to obtain data relevant to the initial contamination hypotheses. The data has been used to assess the validity of the initial assessment and prepare a Revised Conceptual Model (Section 9.4).

9.2 Human Health Risk Assessment

Made Ground deposits were identified across the whole site area during investigation, as detailed in Section 7.

The Made Ground deposits are of unknown origin, but are understood to have been historically imported onto site to backfill the former pond, rather than being associated with any former industrial and commercial development on the site itself. The Phase 1 Desk Study research of site history did not identify any previous potentially contaminated land uses. Made Ground deposits of unknown origin may contain a range of contaminants including petroleum hydrocarbons, polycyclic aromatic hydrocarbons and various inorganic contaminants such as heavy metals.

Seven environmental soil samples of the Made Ground deposits were selected across the site from depths of between 0.50m and 1.70m below ground level. These samples were scheduled to be analysed in the laboratory for a range of commonly occurring contaminants (General Soils Suite, Section 4), which could be compared to current published soil guideline values (SGVs), or generic assessment criteria (GACs), for Human Health Risk Assessment.

It is noted that the LQM/CIEH (2009) GAC screening values are published for three values of Soil Organic Matter Content (SOM). For the seven samples analysed, a SOM range of 5.87% to 23.2% was determined. The GAC value for 2.5% SOM has been conservatively been used as the organic matter is highly variable throughout the samples obtained and the elevated values may be affected by extraneous materials such as wood, plastic and ash, which would not influence contaminant behaviour in the same way as soil organic matter distributed through the material matrix.

Targeted asbestos analysis was added to the General Soils Suite of laboratory analysis two samples of Made Ground (TP3 at 0.40m and TP7 at 0.50m). Although these contained no visible evidence of asbestos contamination, following identification of potentially asbestos containing material during the excavation of TP7, it was considered prudent to assess the Made Ground matrix materials for the presence of microscopic fibres in close proximity to the visually identifiable asbestos sheeting fragments.

The bulk sample of potential asbestos containing material recovered from TP7 at 1.20m depth was also scheduled for targeted asbestos screening. A visually similar sample of potential asbestos sheeting was recovered in TP5, but this was not analysed as it was assumed that the analysis of the sample from TP7 would confirm that the cement sheeting present across the site contained asbestos.

A review of the geoenvironmental laboratory test results and the results obtained are included in Appendix G. The proposed low rise housing development has been assessed where soil guideline values or Generic Assessment Criteria are currently available, using the residential generic land use with plant uptake scenario. This is the most sensitive CLEA categorisation applicable to the proposed development.

The review included comparison of baseline data obtained from laboratory testing with available assessment criteria, the conclusions are summarised below:

General Soils Suite

The majority of results obtained remained below relevant assessment levels and approximately one third of the results were below the limit of detection for the analyses undertaken.

A highly elevated lead concentration of 1600ppm was recorded for the sample from TP5 at 0.70m. The mean value of all lead results was 268ppm. No other elevated concentrations of metals were recorded. It is possible this sample included a small fragment of lead detritus, rather than the result being representative of the Made Ground matrix. Although not currently adopted in Scotland, it is noted that the recently published residential (with home grown produce) Category 4 Screening Level (C4SL) for lead is only 200mg/kg, indicating that lead is a contaminant of concern for the proposed development.

Four of the seven samples contained slightly elevated concentrations of between one and five of the sixteen polycyclic aromatic hydrocarbon (PAH) congeners analysed. Potentially carcinogenic

Benzo(a)Pyrene was elevated in four samples, with a maximum value of 10ppm obtained and a mean over all seven results of 2.36ppm. Both the mean and maximum values exceed the soil guideline value (SGV) applied of 0.94ppm. Two samples contained slightly elevated Benzo(a)Anthracene and Benzo (b/k)Flouranthene, but the overall mean of the results remained below the guideline values applied. Sample TP3 at 0.40m also contained slightly elevated Chrysene and Dibenzo(ah)Anthracene. It is noted that the Made Ground samples from TP1 at 1.70m and TP3 at 0.40m contained tarmac gravel, which could have contributed to the elevated PAH concentrations, but these levels would not be as detrimental to long term human health exposure as the PAHs being distributed within the soil matrix.

Asbestos

During excavation of three of the seven trial pits (TP3, TP5 and TP7), potential asbestos containing material (ACM), was encountered, comprising approximately 'hand sized' pieces of the grey cement sheeting with fibres, all samples were visually similar. This bulk material was carefully and appropriately subsampled for asbestos analysis by polarised light microscopy and excavation recommenced with care. The material not sampled was re buried at this location. No other potential ACMs were visually identified during fieldwork.

The results of the polarised light microscopy test on the bulk sample of sheeting with fibres confirm the material to contain crysotile asbestos. Although potential ACMs were not visible in the soil samples obtained and already scheduled for the General Soils Suite of analysis, two of these samples of Made Ground, from TP3 at 0.40m and TP7 at 0.5m, were also scheduled for asbestos analysis by polarised light microscopy. The tests did not detect any asbestos fibres these two additional samples. It was therefore not confirmed that harmful asbestos fibres are also present within the Made Ground matrix, but the presence of asbestos was confirmed to be present as a bulk product, which could be visually identified.

The presence of asbestos on the site within the Made Ground deposits is a significant environmental risk which requires remediation prior to redevelopment.

9.3 Hazardous Ground Gases

Post fieldwork gas monitoring of standpipes installed in boreholes BH2 and BH3 was undertaken as justified in Section 3.2. On each visit and at each standpipe location, gas monitoring was performed using a Geotechnical Instruments GA2000+ gas monitor. Initially peak and steady state gas flow were measured. The peak and steady concentrations of five gases, (Oxygen, Methane, Carbon Dioxide, Hydrogen Sulphide and Carbon Monoxide) were then recorded by pumping the standpipe gas through the monitor. The results are tabulated in Appendix F.

On each monitoring visit no detectable levels of Hydrogen Sulphide or Carbon Monoxide were recorded. Low concentrations of Carbon Dioxide were recorded in all boreholes on most visits. The maximum concentration of Carbon Dioxide recorded was 3.5% volume of gas. Oxygen levels were correspondingly slightly depleted, with a minimum value of 17.6% being recorded.

In accordance with the guidelines of CIRIA C665, the soil gas investigation to date has identified a maximum Carbon Dioxide concentration of 2.5%, with a worst case positive flow rate of 0.00/hr. A maximum concentration of 0.1% of methane was determined on one occasion in BH2 and twice in BH3, on the remaining visits no methane was recorded. Using the maximum carbon dioxide concentration, the gas screening value for this site (GSV) can be calculated as:

$$GSV = 0.025 \times 0.0 = 0.0 \text{ l/hr}$$

Characteristic situation 1 has an upper GSV threshold of 0.07 l/hr; typical Carbon Dioxide and Methane concentrations should also not exceed 5% and 1% respectively. On the basis of the monitoring results available the site is therefore classified as Characteristic Situation 1. The CIRIA guidance states the source of gas generation for Situation 1 is usually natural soils with a low peat/organic content or 'typical' Made Ground. This would support the investigation findings.

On the basis of the monitoring completed, the site is characterised as Situation 1; the proposed development therefore does not require any gas protection measures.

9.4 Revised Conceptual Model

The factual data obtained during the Phase 2 investigation has been evaluated and interpreted within the context of current legislation and guidance, to identify potential contamination source-pathway-receptor linkages applicable to the site and the proposed development. The Preliminary Conceptual Model formulated in the Phase 1 Desk Study identified imported Made Ground deposits as a potential source of contamination, which have been investigated further and are discussed in Section 9.2 above.

Following preliminary risk assessment, the Phase 1 Desk Study concluded that if the potential contamination sources were present, the environmental risks associated with the proposed development would be generally medium, but medium to high for potentially contaminated groundwater. Groundwater was not encountered during the investigation, whilst the risk of this being a contamination source has been reduced to low, the underlying principal aquifer is still a sensitive receptor. The environmental risks associated with the Made Ground deposits on site are revised to be low to medium, increasing to medium to high where asbestos is present.

The revised conceptual model incorporating the Phase 2 investigation findings is included in Appendix I and reproduced below:

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
Potentially contaminated soils	Inhalation/ Ingestion/ Dermal Contact	Human Receptors - site users following construction	Possible	Moderate	Low to Medium	Remediation Required
	Inhalation/ Ingestion/ Dermal Contact	Human Receptors- construction workers	Possible	Moderate	Low to Medium	
	Direct contact/ Root uptake	Flora and Fauna	Possible	Low	Low	
	Direct Contact	Building Fabric including service pipes	Possible	Low	Low	

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
	Migration/ leaching of soil contaminants	Groundwater of Principal Aquifer	Possible	High	Medium to High	
Contaminated soils - asbestos	Inhalation	Human Receptors – construction workers and site end users	Possible	Moderate to High	Medium to High	Remediation Required
Potentially contaminated ground water	Flow off site	Surface Waters (Including the River Tweed)	Unlikely	High	Low	None. Groundwater not encountered during investigation.
	Net deterioration of Groundwater	Groundwater in larger area (Including the Great Conglomerate Formation)	Unlikely	High	Low	
Hazardous ground gas (methane and carbon dioxide)	Inhalation, migration and accumulation in confined areas	Human Receptors – construction workers and site end users	Unlikely	Moderate	Low	Site is classified as Characteristic Situation 1 by post fieldwork monitoring. Protection Measures not required.

Revised Conceptual Model

9.5 Remaining Geoenvironmental Uncertainties

Following this Phase 2 investigation, some geoenvironmental uncertainties of varying relevance to the proposed development remain and may need to be addressed either during remediation, or by further investigation:

- ▶ Depth to groundwater table beneath the site and potential impact of development on water environment.
- ▶ Groundwater quality beneath the site
- ▶ Potential for leachability of any Made Ground deposits which remain on site after remediation.
- ▶ The total TPH screening tests indicate that hydrocarbon contamination is not of significant concern to human health, but this has not been proved by comparison of banded analysis with guideline values.
- ▶ Whether the site is large enough to support a targeted remediation approach, beneath the proposed domestic garden areas only.
- ▶ The extent of any asbestos present as fibres within the Made Ground matrix materials.

9.6 Remediation Strategy Proposals

This Phase 2 investigation has confirmed that the former pond which occupied the site has been backfilled with imported Made Ground materials, which are generally between 1.20m and

1.90m in thickness. The majority of these Made Ground deposits appear to comprise reworked local drift deposits, which are largely uncontaminated and coarse grained, including many cobbles and boulders. However, a wide variety of detritus is included within the Made Ground which predominantly comprises buried demolition rubble, old pipes and plastic etc., but also contains lesser quantities of potentially more contaminated materials, including layers of tarmac gravel, pieces of asbestos (crysotile) cement sheeting, clinker and ash. Old oil drums (TP5) were also present. Further detritus of concern not encountered during the investigation may also therefore be present.

The presence of contaminated soils (Made Ground) beneath the development site has been confirmed by this Phase 2 investigation and remediation of the site will be required prior to residential development to address the two most relevant pollutant linkages (RPL) for this site identified in the Phase 1 Desk Study and reproduced below.

Potential RPL	Source	Pathways	Receptor
1	Potentially contaminated soils used to backfill former pond (whole site area at shallow depth)	Inhalation Ingestion Dermal Contact	Human Receptors - residential occupiers following construction
2	Potentially contaminated soils used to backfill former pond (whole site area at shallow depth)	Migration/ leaching of soil contaminants into groundwater	Groundwater of Highly Productive Aquifer

Identified Relevant Pollutant Linkages (RPL)

There are three main ways to reduce unacceptable risk in contaminated land applications. Remediation can either; remove the source, modify pathways, or change the behaviour of receptors. For the proposed development, the main remediation objective is to enable the domestic garden area to be used safely.

For this site it is not practicable to modify the behaviour of the site end user receptors. Effective remediation options are therefore limited to removing the source of potentially contaminated soils, or modifying the pathways of inhalation, ingestion and dermal contact. It is however understood that the Council would not accept a remediation solution based upon reducing exposure, rather than breaking an identified pollution linkage and therefore the only available remediation option is to remove the source.

As the site is relatively small and remediation is to be compatible with other site activity, only tried and tested remediation options are considered suitable for this site. Civil engineering remediation options are therefore considered to be most feasible and would be suitable for the nature of contamination identified. More specialised remediation options such as biological, chemical, stabilisation and thermal methods have therefore not been considered further on the basis of cost and practicality.

The simplest remediation option, unlikely to be cost effective for a private development, would be to remove all Made Ground deposits to appropriate landfill and replace with imported inert material. However, to prevent the large proportion of Made Ground comprising 'inert' rock cobbles and boulders being expensively disposed of off-site, segregation of the Made Ground deposits is recommended during an iterative approach to remediation and validation testing. The first stage would be to excavate the Made Ground sequentially across the site under the watching brief of a suitably qualified geoenvironmental engineer. During this process, detritus fragments only, such as old pipework, storage drums and old farmyard equipment could be collected in skips and disposed of off-site to appropriate landfill. Any fragments of visually identifiable potential asbestos containing materials should be hand-picked under a site specific Asbestos Management Plan and suitably containerised for off-site disposal as hazardous waste. After this initial stage, it is anticipated the remaining excavated Made Ground materials would predominantly comprise large inert fragments, i.e. cobbles and boulders of rock or masonry. The remaining finer grained 'matrix' material within the Made Ground, where any residual contamination is likely to be concentrated, could be stockpiled for verification analysis to assess if it is either suitable to be reused on site, or is too contaminated and must be disposed of off-site as waste.

Once the potential contamination sources within the Made Ground deposits have been removed, the identified pollutant linkages for the site will be broken and the Conceptual Site Model can be revised so that all environmental risks are reduced to low and therefore acceptable for the proposed development.

It is noted that a legal Duty of Care applies to anyone who produces, imports, transports, stores, treats or disposes of controlled waste. The waste producer (in this case, site owner) must check that the waste is passed to someone authorised to accept it as a waste. Each load of waste would also require a consignment note available from SEPA. Additional regulations apply to the handling and disposal of asbestos; it is recommended that specialist advice is sought to ensure compliance.

A Remediation Strategy for the site would need to be agreed with the Council, prior to implementation of any remediation and this strategy should outline the frequency and specific contaminants to be targeted in verification analysis, including provision for waste classification.

Prepared by



Judith B Dickinson BSc MSc DIC FGS

Technical Director

Plot 2 Lauder Barns, Lauder

Project Ref: P14154



References Applicable To This Project

- ▶ British Standards Institute: BS10175: 2011: Investigation of potentially contaminated sites - Code of practice.
- ▶ British Standards Institute: BS 5930:1999 + Amendment 2:2010: Code of practice for site investigations.
- ▶ British Standards Institute: BS 1377: 1990: Methods of tests for civil engineering purposes.
- ▶ Insight GEO Limited. P14154 – Plot 2 Lauder Barns, Lauder. Phase 1 Desk Study Report. 2014.
- ▶ <http://www.bgs.ac.uk/geoindex>
- ▶ CIRIA C665: Assessing risks posed by hazardous ground gases to buildings. 2007.
- ▶ Environment Agency: Using Soil Guideline Values. Science Report SC050021/SGV introduction. 2009.
- ▶ Nathanail, C.P. et al, The LQM/CIEH Generic Assessment Criteria for Human Health Risk Assessment (2nd edition). Land Quality Press, Nottingham. 2009.
- ▶ Environmental Protection Act 1990: Part IIA Contaminated Land Statutory Guidance: Edition 2. Published by the Scottish Executive, June, 2006.

Advisory Notes

- ▶ Unless otherwise identified, this project has been performed under the ICE Conditions of Contract, Ground Investigation Version, 2nd Edition, November (2003) and in accordance with the Specification for Ground Investigation (1993); both published by Thomas Telford Limited.
- ▶ The report is prepared for the exclusive use of the named Client and the copyright remains with Insight GEO Limited. Third parties using this report do so at their own risk, no extended duty of care is implied, or offered to them.
- ▶ The principles of best practice, guidance and legislation which were available and current at time of contract award have been used in the preparation of this report. It is noted that these principles may change and be revised over time. It is recommended that the consequences of any updates on the assessment and recommendations made, are confirmed, when relying on this report.
- ▶ Any assessment presented in the report is based on the ground conditions encountered in any exploratory holes, together with the results of any field and laboratory testing, in the context of the proposed development information provided. Information obtained from any commissioned desk study, site specific research and site reconnaissance is also considered. However not all site conditions may be revealed by the agreed scope of investigation and therefore may not have been taken into account during report preparation.
- ▶ In developing the site Ground Model, extrapolation of strata boundaries between exploratory holes may be conjectured. This assessment is for guidance only and no liability can be accepted for its accuracy.
- ▶ Where an italicised report summary is presented, this is to be considered and relied upon only in conjunction with the complete report text and all appended data.
- ▶ Any comments on groundwater conditions are based on observations made at the time of fieldwork and any post fieldwork monitoring, unless specifically stated otherwise. It should be noted that fieldwork observations are subject to the method and speed of boring, drilling or excavation. Additionally groundwater levels will vary due to seasonal or other effects.

Production 6
SEPA approval letter

Our Ref: CAR/R/1024012
Your Ref:

The Occupier
New Plot
Lauder Barns
Lauder
TD2 6RX

5 February 2008

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2005
("THE 2005 REGULATIONS")
NOTIFICATION OF REGISTRATION: DISCHARGE (SEWAGE)
Registration Reference: CAR/R/1024012**

Further to your application received on 18 January 2008 for authorisation under regulation 8 of the 2005 Regulations, the Scottish Environment Protection Agency ("SEPA") hereby notifies you that it has granted your application and has authorised the carrying on of the controlled activity specified below at the site specified below ("the Authorised Activity"), subject to the conditions specified below, from the date specified below, by registering the following particulars in the register maintained by it under regulation 33 of the 2005 Regulations.

Site Details

Site	New Plot
Address or Location	Lauder Barns Lauder
Postcode	TD2 6RX

Authorised Activity

The discharge of sewage effluent from a treatment system serving the above property to the Lauder Burn via 25m partial soakaway at national grid reference NT 5416 4678.

Conditions of authorisation

1. The discharge of sewage effluent shall be from a population equivalent not exceeding 7.
2. Prior to discharge, the effluent shall be treated by septic tank.
3. Other than as specifically permitted or limited by any condition of this authorisation, the controlled activity authorised shall not have a significant adverse impact on, or cause pollution of, the water environment.

4. The treatment system specified in Condition 2 above shall be operated and maintained in accordance with the manufacturer's or designer's recommendations, and in any event shall be maintained in good working order.

Date of Authorisation

5 February 2008

Should you have any queries regarding this authorisation, please contact the Registry Department at the Edinburgh office on 0131 449 7296.

NOTES

1. In an offence under regulation 46(1) of the 2005 Regulations to fail to comply with an authorisation (a registration including any condition imposed).

If you are aggrieved by any of the terms and conditions attached to your registration you have a right of appeal to the Scottish Ministers under regulation 46(c) of the 2005 Regulations. The bringing of an appeal against a condition will not have the effect of suspending the operation of the condition. You may also appeal if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted under regulation 46(b) of the 2005 Regulations. Any such appeal should be made in writing to the Scottish Ministers within 3 months of the date of this notification. The detailed provisions for appeals are set out in Schedule 9 of the 2005 Regulations. Appeals should be sent to:

**The Scottish Ministers
Scottish Executive
Air Climate & Engineering Unit
Determinations Team
Area 1-G (North)
Victoria Quay
Edinburgh, EH6 6QQ**

Production 7

Photographs of the application site





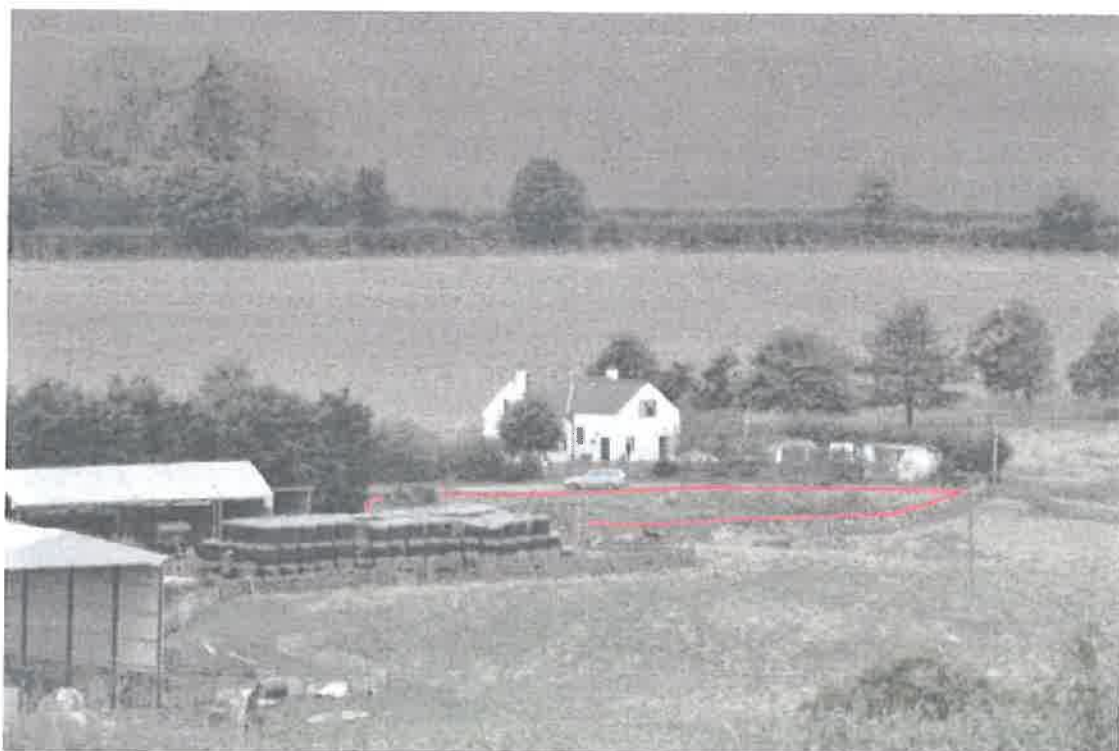
Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17



Photograph 19

Production 8

Photomontage of the proposal



Production 9

Lapsed outline consent

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 06/01641/REM

To : Derek McDermid per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD6 0EP

With reference to your application validated on **25th August 2006** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse and detached garage

at : Land In Field No 1569 North East Of The Cottage Lauder Barns Lauder Scottish Borders TD2 6RX

The Scottish Borders Council hereby **approve** the application 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 standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval.

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

Dated 4th April 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 OSA

Signed 


Head of Planning & Building Standards

Application reference : 06/01641/REM

SCHEDULE OF CONDITIONS

- 1 A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.
Reason: To safeguard the visual amenity of the area.
- 2 The means of boundary treatment, specifying the route, height, materials, and colour of boundary markers, shall be submitted for the approval of the planning authority before the development commences.
Reason: To safeguard the visual amenity of the area.
- 3 The dwellinghouse roof shall be surfaced in natural, grey roofing slate.
Reason: To safeguard the visual amenity of the area.
- 4 The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is adequately serviced and in the interests of road safety.
- 5 The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.
Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

FOR THE INFORMATION OF THE APPLICANT

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

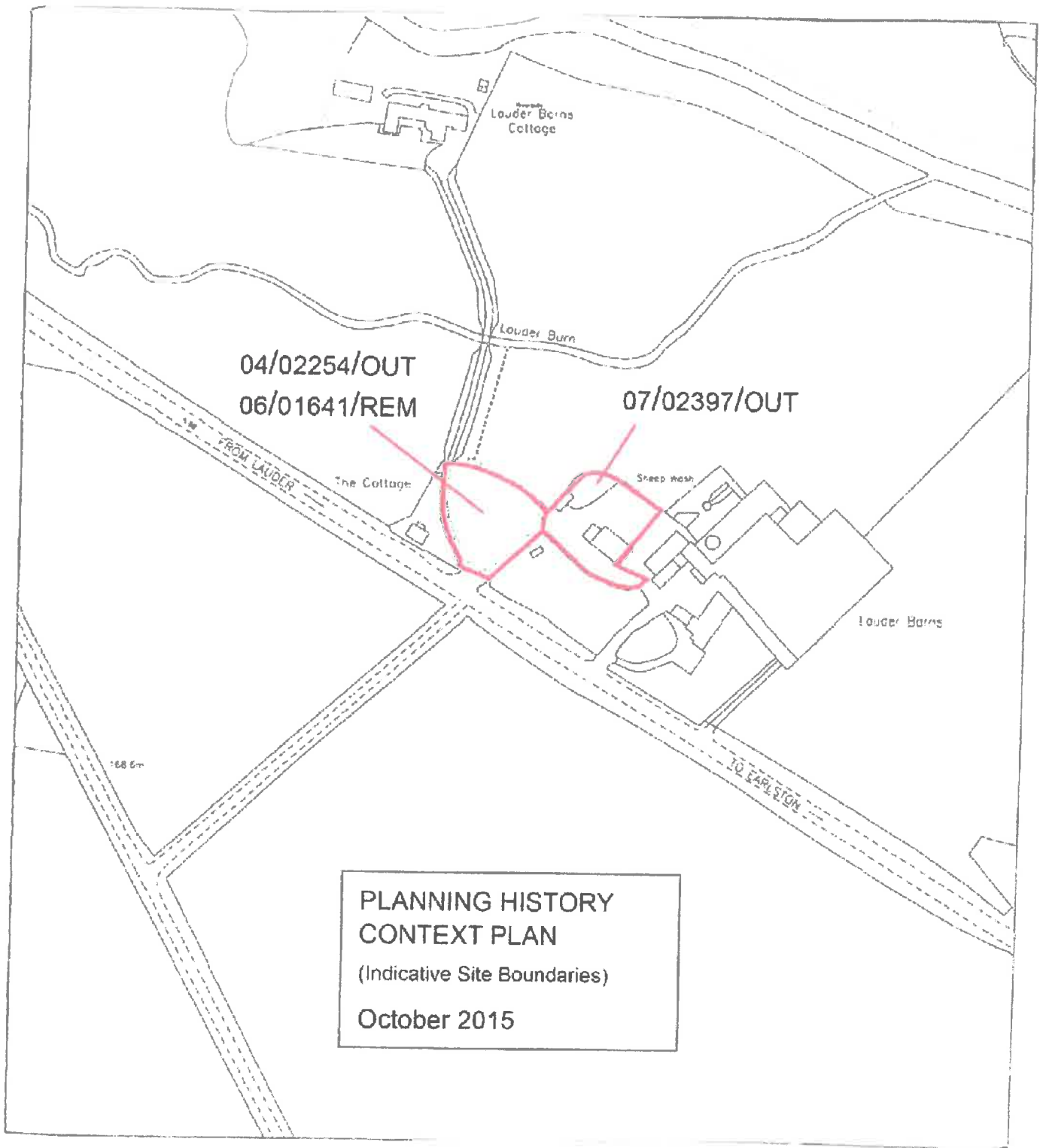
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

If 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, 1997.

Production 10

Planning history of adjacent site



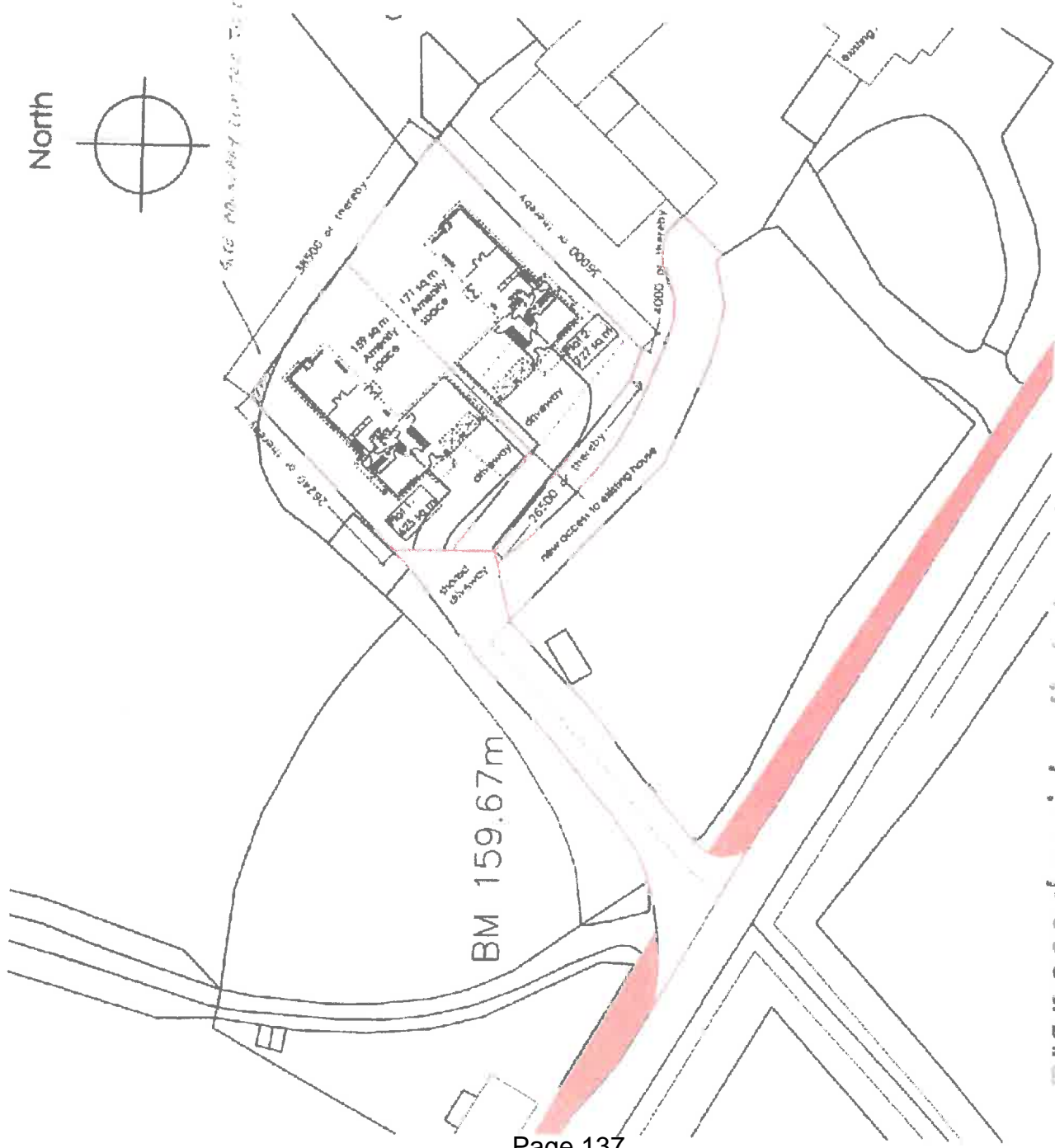
23.08.18
1:500 site plan

indicative proposal

North



Site boundary (as per ToR) mainly as site



BM 159.67m

sketch proposals

keppie

proposed residential development at Lauder Barns
plot layouts 1:500 @ A3

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008**

Application for Planning Permission

Reference : 07/02397/OUT

**To : John Damerell per Callum Fraser DTZ One Edinburgh Quay 133 Fountainbridge
Edinburgh EH3 9QG**

With reference to your application validated on **13th December 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of two dwellinghouses

at : Land North West Of Lauder Barns Farmhouse Lauder Scottish Borders

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 conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 11th November 2013
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 07/02397/OUT

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved
2 (ACCESSES)	Other	Approved
3 (VISIBILITY SPLAY)	Other	Approved

REASON FOR DECISION

This application was determined on 1st October 2008. Consent is now issued following conclusion of a legal agreement addressing developer contributions

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, parking provision and the landscaping of the site, including proposed building and ground levels relative to the existing and any means of boundary retention or treatment, 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 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
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

- 5 Two parking spaces shall be provided within each plot to serve each dwellinghouse, prior to the occupancy of each unit, and in accordance with a layout and specification to be submitted for the approval of the Planning Authority with the applications for approval of Condition 1
Reason: To ensure the development is adequately serviced by off-street parking in the interests of road safety
- 6 The means of water supply, foul drainage and surface water drainage shall be agreed with the Planning Authority before the development is commenced
Reason: To ensure the development is adequately serviced
- 7 The visibility splays shall be provided and maintained on each side of the new access to the specification of the Planning Authority prior to any works commencing on site. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure driver visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 10.05 metres anywhere along the y dimension
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road and ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely
- 8 The improved access to the site shall be formed and the existing access closed off before any works commence on site as illustrated on the approved plan stamp-dated 4th September 2008.
Reason: To ensure that the use of the existing accesses are discontinued and the safety of traffic on the trunk road is improved
- 9 The improved access shall join the trunk road at an improved junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3 (the layout will be similar to layout 8). The upgraded junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced. The throat width shall be 5.5 metres for the first 15 metres from the edge of the Trunk Road
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
- 10 The existing farming activities shall cease from the adjoining steading, and all redundant buildings on the site shall be removed, before the occupancy of the first dwellinghouse
Reason: To avoid conflict with the operations of a working farm
- 11 A survey of all buildings to be demolished shall be submitted for the approval of the Planning Authority before the development commences and which shall identify all breeding birds within the site and a scheme of protection. The development shall proceed in accordance with the agreed scheme of protection
Reason: To ensure that breeding bird habitats are appropriately safeguarded
- 12 Details of a survey and investigation of the ground conditions of the site, sufficient to identify the nature and extent of any contamination, together with a schedule of the

methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the planning authority and shall be carried out before any works in connection with this permission are begun
Reason To ensure that the site is made safe before works commence

FOR THE INFORMATION OF THE APPLICANT

It should be noted that

The applicant is advised that the indicative proposals submitted in support of this application do not form part of this consent. The layout of the site suggests that the proposals would amount to overdevelopment. Any detailed scheme would likely require adjustment to ensure that the scale of the dwellinghouses is appropriate to the size of the plot, to each other and the surrounding context.

The applicant is also advised that any planning application submitted to the Planning Authority for the formation of a new farmhouse and farm steading shall be required to be supported by adequate supporting information demonstrating that the relocation is essential, not just desirable, to the future operations of the farm steading, and that the size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse.

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 8NU
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

Production 11

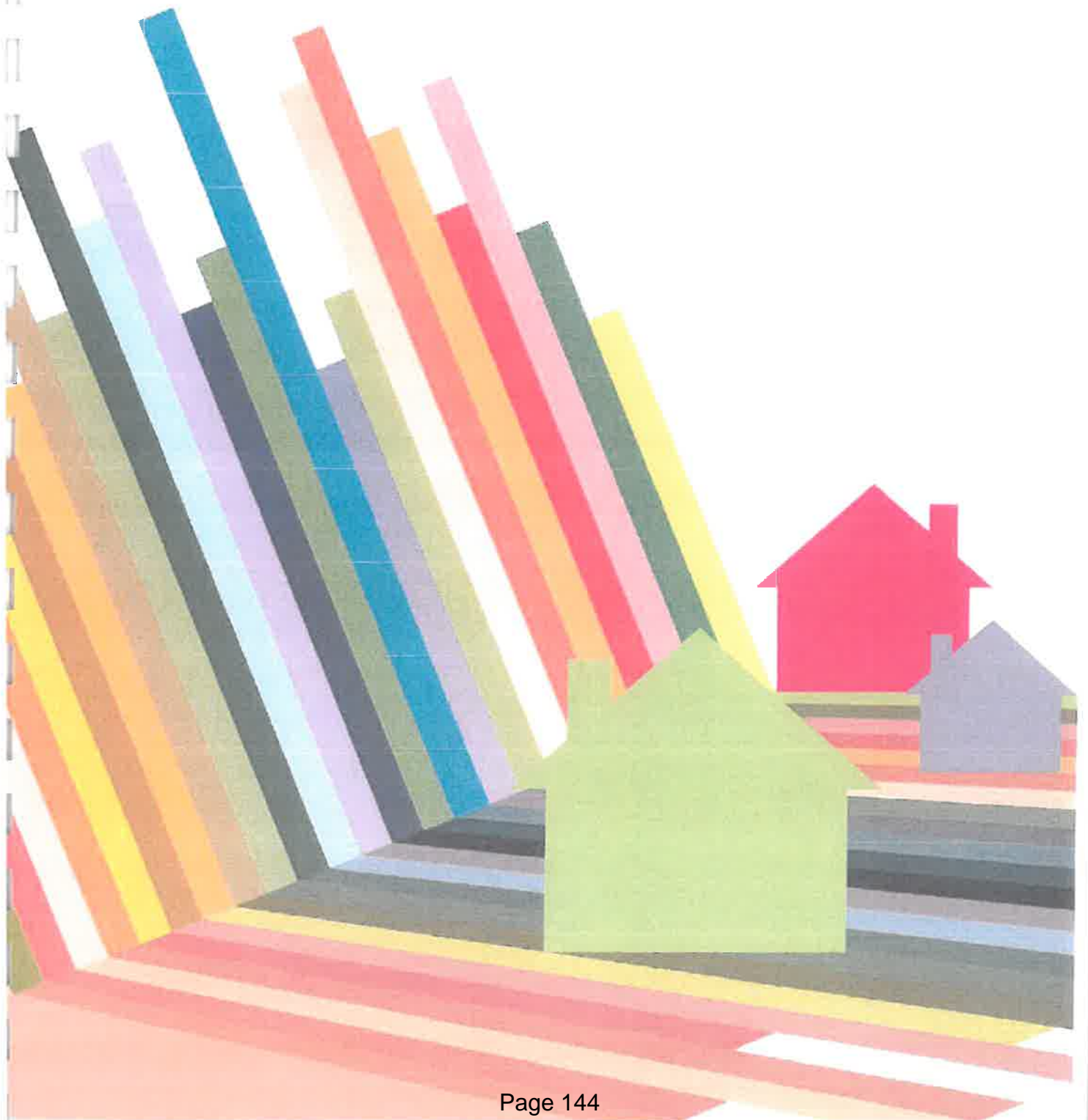
Extract from SESplan

SESplan

The Strategic Development Planning Authority
for Edinburgh and South East Scotland

Supplementary Guidance

Housing Land
November 2014



3

3.10 The analysis undertaken in preparing the Supplementary Guidance suggests that additional sites will need to be allocated outwith SDAs and that the most appropriate locations for these are in the City of Edinburgh, Fife and the Scottish Borders. An indication of how much land may be needed outwith SDAs and how this could be distributed is also included in Table 3.2. LDPs will include a detailed assessment of the amount of housing land to be allocated outwith SDAs and consideration of potential sites.

3.11 New development proposals will complement and not undermine the delivery of existing committed development. In all circumstances, the principles and criteria set out within Policies 1B (Spatial Strategy Development Principles) and 6 (Housing Land Flexibility) must be adhered to and met by each of the six LDPs. Policy 7 (Maintaining a Five Year Housing Land Supply) enables LDPs to allocate sites outwith SDAs, subject to satisfying the policy criteria.

Table 3.2 Additional Allowances Within and Outwith Strategic Development Areas

Strategic Development Area	Additional Allowances
West Edinburgh	2,700
South East Edinburgh	2,950 (2,500 in City of Edinburgh and 450 in Midlothian)
Edinburgh City Centre	0
Edinburgh Waterfront	0
East Lothian	3,560
North Dunfermline	2,630
Ore / Upper Leven Valley	3,220
A7 / A68 / Borders Rail Corridor	1,350
A701 Corridor	750
Eastern Borders	160
Central Borders	290
Western Borders	110
West Lothian	2,130
SESplan Within Strategic Development Areas	19,850
Outwith Strategic Development Areas	Additional Allowances
City of Edinburgh	2,500
Fife	1,950

Strategic Development Area	Additional Allowances
Scottish Borders	80
SESplan Outwith Strategic Development Areas	4,530
SESplan Additional Allowances	24,380

3.12 Please note all figures within Table 3.2 have been rounded to the nearest 10.

Delivery

3.13 Maintaining a supply of effective land for at least 5 years at all times, in accord with approved SDP Policy 6 and Policy 7, should ensure that there is a continuing generous supply of land for house building. SESplan, in conjunction with member authorities, will monitor the supply of housing land on an annual basis in order to assess progress against the overall housing land requirement set out in Table 3.1. This will inform the preparation of LDPs and the second SDP.

3.14 A very significant increase in the rate of house completions across the SESplan area will be needed if the requirements set by this Supplementary Guidance are to be met. This is challenging and particularly so in 2009 - 2019 as it is expected that LDPs will be adopted around 2015, around six years into the first period (2009 - 2019).

3.15 Significant transport and strategic infrastructure improvements are essential to support the delivery of the housing land requirement set out in this Supplementary Guidance. These infrastructure requirements are set out in Figure 2 of the SDP and the accompanying Action Programme. In particular, school extensions and new schools to provide the additional pupil places required to meet development need are seen as essential and must be delivered alongside development. LDPs will provide further details on these requirements and further policy guidance in accord with Policy 9 (Infrastructure) of the approved SDP.

3.16 The Supplementary Guidance sets out a housing land requirement to meet need and demand from the South East Scotland region. Delivering that level of housing will be challenging and that will be made even more difficult should funding solutions to enable the provision of essential infrastructure improvements not be identified. A very significant increase in housing completion rates will also be required to deliver the housing needed to meet the need and demand which has been identified. Setting requirements for housing land at levels to meet the HNDA estimates of need and demand for housing units in the South East Scotland region will ensure that the supply of housing land identified in development plans will not be the reason for failing to meet this challenge.

Production 12

Extract from Proposed Scottish Borders LDP



SCOTTISH BORDERS COUNCIL
LOCAL DEVELOPMENT PLAN

- 1.5 The Council will review its policy guidance on housing in the countryside by producing revised Supplementary Guidance.

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,
- 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.

(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 scales, 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 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.

Key Policies to which this policy should be cross-referenced:

Policy PMD2 Quality Standards
 Policy ED10 Protection of Agricultural Land and Carbon Rich Soils
 Policy HD1 Affordable and Special Needs Housing
 Policy EP6 Countryside Around Towns
 Many of the Plan's environmental policies will be relevant particularly EP4 National Scenic Areas and EPS Special Landscape Areas.

The following Supplementary Planning Guidance may be relevant to this policy:

Affordable Housing
Biodiversity
Countryside Around Towns
Green Space
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside
Placemaking and Design
Use of Timber in Sustainable Construction

The following proposed Supplementary Guidance may be relevant to this policy:

Affordable Housing
Biodiversity
Countryside Around Towns
Greenspace
Landscape and Development
New Housing in the Borders Countryside
Placemaking and Design
Use of Timber in Sustainable Construction

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01323/FUL
APPLICANT : Angela Fairbairn
AGENT : Andrew McCafferty Associates
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of The Cottage
 Lauder Barns
 Lauder
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A4	Location Plan	Refused
LOC-01	Location Plan	Refused
PL-01	Site Plan	Refused
	Elevations	Refused
EX-01	Other	Refused

NUMBER OF REPRESENTATIONS: 6

SUMMARY OF REPRESENTATIONS:

Five representations have been received: four objecting or expressing concerns and one supporting.

The four representations in objection or raising concerns, identify the following concerns:

- Contrary to Local Plan: in that any further permission for a dwellinghouse within the building group at Lauder Barns would breach the 2 houses, or 30% increase, as per Scottish Borders Council Consolidated Local Plan Policy D2 Housing in the Countryside; no account should be had to previous planning approval of a house on the site, since this permission has now expired; reuse of a brownfield site is not an overriding concern within the determination of this application; approval in these circumstances may set a precedent for other proposals contrary to planning policy; it is not considered SPP supports development of housing where this is otherwise contrary to the statutory development plan;
- Detrimental to environment: a new dwellinghouse in this location would in culmination with other development have an unacceptably adverse impact upon the character, landscape and amenity of the surrounding area, including the building group; there are concerns that potential issues with land contamination remediation and/or difficulties in providing a water supply, may lead to a partially developed site becoming a long-term eyesore;
- Poor design;
- Detrimental to Residential Amenity; Privacy of neighbouring properties affected; Overlooking; upstairs window ('bedroom 3') of proposed dwellinghouse would be overlooking private areas,

including living room and garden, of neighbouring dwelling at 'The Cottage'; advised that the proximity of a 1.8m high fence would be detrimental to the outlook ("view") from 'The Cottage';

- Noise nuisance; including from development works affecting 'night shift' workers occupying a neighbouring residential property. These neighbours request that prior notification be given to them ahead of any works being carried out and wish a condition restricting development (including any further contamination land investigation or remediation works) to a particular period be imposed to limit the impact upon their lives;
- Health Issues: land is contaminated by previous uses; development of site raise concerns with respect to potential health risks to neighbouring residential properties
- Inadequate access; Increased traffic; Insufficient parking space available: conditions requiring provision of parking within the site and that the shared private access road be kept clear at all times, are requested by neighbouring owners.
- Water supply: no access to water supply
- Lack of drainage
- Over Provision of facility in area: it is considered that there are a wide variety of housing opportunities within the surrounding area, especially Lauder, which would be more appropriately investigated ahead of the development of this site;
- Legal issues: neighbouring land owners advise that they own the private access road, which the Applicants wish to use to gain access to the site, and seek evidence of Applicant's legal right to use the access road. Further, these neighbours maintain concerns with respect to potential damage to the access road and wish a condition to be imposed to require the Applicant to upgrade or repair the access road and evidence of a legal requirement on the part of the Applicants to do so.
- Mr and Mrs Damerell (who do not formally include their home address) consider that they should have been notified of this application as neighbours and request advice from the Council on this point, and advise that statements made by the Applicant with respect to the progress of Planning Consent 07/02397/OUT within their control are not factually accurate. They maintain their concern to progress these same developments.

The representation in support, advises that positive regard should be had to the reuse of a brownfield site, and particularly to the environmental benefits that would result from the remediation of any potential land contamination issues and the reuse of waste ground.

Lauder Community Council: has studied a planning application on this site previously and realises that there are contamination issues but does not consider itself qualified to comment. It has received a negative comment on this application from a neighbour.

Transport Scotland: seeks the imposition of two conditions and an informative upon any consent released. The conditions are to require that the width of the access road be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway, and to ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict. The informative is advisory with respect to works required to the Trunk Road.

Roads Planning Section: no objections and concurs with the views of Transport Scotland regarding the junction onto the A68. Within the site there is ample provision for parking and turning.

Environmental Health (Amenity and Pollution): notes proposed installation of air source heat pump and advises consideration needs to be given to the location of the pump to avoid noise issues at neighbouring properties. However, the proposed conditions to regulate the pump include standard noise conditions and a requirement that the pump be maintained appropriately.

Environmental Health (Contaminated Land): the application proposes the redevelopment of land which previously operated as mill pond which is understood to have been infilled. This land use is potentially contaminative, and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is therefore recommended that planning permission should be granted on the condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing. A standard condition is recommended to regulate this matter.

Education and Lifelong Learning: has been consulted but has not responded to the public consultation.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing in the Countryside
G1: Quality Standards for New Development
G5: Developer Contributions
G6: Developer Contributions related to Railway reinstatement
H2: Protection of Residential Amenity
Inf4: Parking Provisions and Standards
Inf5: Waste Water Treatment Standards
Inf6: Sustainable Urban Drainage
NE4: Trees, Woodlands and Hedgerows

Scottish Borders Council Proposed Local Development Plan (2013)

SPG: New Housing in the Borders Countryside (December 2008)
SPG: Place-Making and Design (January 2010)

SPP (2014)

Recommendation by - Stuart Herkes (Planning Officer) on 12th January 2016

SITE DESCRIPTION

The site is land at Lauder Barns, to the south of Lauder.

The site more particularly, is a wedge-shaped plot of land, the western and eastern boundaries of which are defined by existing farm access roads and the southern boundary by the shared junction of the latter roads with the A68 Trunk Road. The trunk road itself lies only a few metres to the south. The site's northern boundary is with an open field.

Excepting overhead power lines along its eastern, western and southern boundaries, the site is largely open, if gently sloping, land. The Applicant's supporting statement advises that it was historically a mill pond, which was subsequently in-filled. The latter may account, in whole or in part, for the notable change in level between the surface of the site and that of the field to the immediate north, which is notably lower. The northern boundary of the site is retained by a stone wall similar to that which might be employed within a 'ha ha' (albeit that this appearance seems to be purely a concomitant of the concern to build up pre-existing ground levels within the site).

There is an existing dwellinghouse, 'The Cottage', to the immediate south and west of the access road that runs to the west of the site. The latter in turn, provides access to another residential property, 'Riverside', which lies at a greater distance from, and to the northwest of, the site.

The access to the east of the site currently serves the farmyard at Lauder Barns, but is to be closed off, if ever two new dwellings approved by Planning Consent 07/02397/OUT are implemented. These two consented houses would be sited on land to the immediate northeast of the application site, but would be served by an upgraded version of the existing access that currently serves 'Lauder Barns Farmhouse'. The latter is the remaining existing dwelling at Lauder Barns, which lies even further to the east.

PLANNING HISTORY

Until 2009, the site was a housing plot with full planning permission for a single dwellinghouse; the aforementioned permission consisting of Planning Consents 04/02254/OUT and 06/01641/REM. The former was approved by the Eildon Area Committee, contrary to officer recommendation.

The Planning Authority has historically accepted - in fact within the Eildon Committee's determination of Planning Application 04/02254/OUT - that there is an existing building group of three dwellings at Lauder Barns; consisting more specifically, of 'Lauder Barns Farmhouse', 'The Cottage' and 'Riverside'.

The site is not contiguous with the boundaries of any of these other residential properties. However, again at the time of the determination of Planning Application 04/02254/OUT, it was accepted that the application site was sufficiently well-related to the building group at Lauder Barns as to be capable of accommodating an acceptable addition to this group.

The planning permission for the development of one dwellinghouse (04/02254/OUT and 06/01641/REM) has now lapsed unimplemented. More recently, the Applicant herself has sought planning consent for a new dwellinghouse on the site, but this application (15/00094/FUL) was subsequently withdrawn.

Planning approval has been given for the principle of two new-build dwellings on land to the immediate northeast of the site (07/02397/OUT). The decision was taken at a time when planning policy allowed for the potential for building groups to expand by up to 100% within any one statutory development plan period. Accordingly, and taking account even of the then live permission constituted by planning consents 04/02254/OUT and 06/01641/REM, there was then capacity for three new dwellings to be brought forward within the statutory development plan period. (The Council's Housing in the Countryside Policy has since been revised, and now only allows for the addition of two new dwellings within the statutory development plan period). It is a requirement by condition imposed on Planning Consent 07/02397/OUT that the access track to the east of the current application site be closed off.

PROPOSED DEVELOPMENT

The application proposes a new dwellinghouse providing accommodation over two floors. The design approach would be relatively traditional in its elements and finishes (employing dormers, eaves flush to the wallheads, wet dash rendered walls and slated roofs), albeit that its scale and massing would not be commensurate with the design of any traditional rural cottage or farmhouse.

The main building would be one-and-three-quarter storeys. There would however additionally be offshoots to the South, West and North. The latter would be full height, while the other two would be single storey elements.

The South Elevation - described as the 'front' elevation on the proposal drawings - would feature a lounge accommodated in the aforementioned offshoot, without any front door. By contrast, the North Elevation - described as the 'rear' elevation on the proposal drawings - would feature the main entrance.

Parking would be to the northwest, directly off the private access road which currently serves both 'The Cottage' and 'Riverside'.

Excepting the driveway serving the vehicular access to the property, the residence would be defined by timber fencing which would rise to 1.8m to the south (front) of the property, while receding to 1.1m to the north (rear).

A supporting planning statement has also been provided. There is also a contaminated land investigation report.

PLANNING PRINCIPLE

Notwithstanding that the site is not contiguous with any existing or consented residential properties, and taking account of the previous assessments of the Planning Authority with respect to the site's relationship to the building group at Lauder Barns, there are no concerns in principle that the site is both well-related to the building group at Lauder Barns, and is capable of accommodating an appropriate addition to that same building group. However, as the objectors note, the building group at Lauder Barns is only capable of augmentation by up to two dwellings within the current statutory development plan period and since there is currently a live but unimplemented planning permission for two new dwellings on another site within the same building group, there is therefore currently no capacity for the building group to be expanded by any additional dwelling. Accordingly, the proposal does not comply with the requirements of Adopted Local Plan Policy D2, and should therefore be refused as being contrary in principle to Adopted Local Plan Policy D2.

Until the two dwellings consented by Planning Consent 07/02397/OUT are either built, or this planning consent expires in November 2016, these two dwellings will remain unimplemented additions to the building group, whether within the current or next statutory development plan period. However, there is no certainty that circumstances will change before, at, or after November 2016, such as to make support for the principle of the current proposal inevitable, even in the long-term. It is not in fact necessarily the case that refusal of the current application would only be deferring approval of a proposal that will shortly be acceptable in principle. (There would be longer-term implications, for example, in the event that an AMC approval were to extend the period of the current permission for the adjacent site into the period beyond November 2016; or in the event that the development consented by Planning Consent 07/02397/OUT were now implemented but without the dwellinghouses themselves then being commenced in the short-term; or in the event that permission for the same development were extended by the approval of a new outline application before any new planning application were then made for the current proposal). The actions (or inactions) of the Applicant and the developers of the adjacent site, as well as the outcome(s) of any future planning application(s) which either party might make, cannot be anticipated, let alone prejudged, at this stage. The current proposal is therefore not reasonably characterised as one that would inevitably be supported at a subsequent and not-too-distant future point in time. In light of this, there are no grounds for any exceptional approval of the current proposal on the basis that refusal at this stage, would somehow only serve to delay by a few months, approval of a proposal that would ultimately be capable of support at a later point in 2016. While this might in time transpire to be the case, there is no inevitability or certainty with respect to any outcome at this stage, and an exceptional approval in the current circumstances would not be justified.

Further, and while any proposal requires to be assessed on its own planning merits, it is not considered that this proposal is in any way exceptional when considered within the wider context of proposals to augment existing rural building groups in the Scottish Borders. Similar positions prevail with respect to other building groups, and the potential for any proposal to be supported on the basis that it might subsequently be acceptable in principle, if or when particular circumstances come into alignment, is not an acceptable basis or justification for any planning decision. Support for the current proposal would also be liable to encourage other proposals in equivalent circumstances, with potential to undermine the operation of the wider Housing in the Countryside Policy, were it to provide a ready and widely applicable 'precedent' for the promotion of exceptional approvals to the Policy.

MATERIAL CONSIDERATIONS

In the supporting statement, the Applicant's agent identifies several considerations, which are indicated or considered to be material to the determination of the current planning application. These are considered in turn, below:

a) The Site has Previously and Recently had Planning Approval for a New Dwellinghouse

In support of the principle of the proposal, the Applicant notes that the site was previously, and recently, the subject of a full planning permission for one dwellinghouse. However, the latter has now lapsed (in 2009) and the current proposal must be assessed on its planning merits and in relation to the currently prevailing planning policy context.

There is no requirement to take any direct account of the fact of an historic planning consent or of any previous planning decision reached with respect to an expired permission. These were, in any case, informed by a previous, and now superseded, planning policy context.

Contrary to the Applicant's assertion (e.g. Paragraphs 4.15 and 5.2 of the supporting planning statement) there will be no direct return now, or even within the forthcoming new statutory development plan period, to the exact same conditions and circumstances that prevailed within 2007 at the time of the earlier approvals. There are therefore no reasonable grounds for reverting to assessment in relation to any superseded planning policy context.

b) The Assessment at the time of the Determination of Planning Application 07/02397/OUT

The Applicant specifically references the assessment of the Report of Handling which informed the approval of Planning Consent 07/02397/OUT, and the approval of the principle of two dwellings being located on land to the east.

The aforementioned Report was written in September 2008 and was able to have regard to the potential for any building group at that time, to be expanded by up to 100% of the existing number of dwellings. Since there were three existing dwellings within the building group at Lauder Barns, there was accordingly capacity at that time for the building group to be expanded within the statutory development plan period, by up to three new dwellings (that is, beyond the current prevailing limit of two). Accordingly, the addition of two more dwellings on the site that was the subject of Planning Consent 07/02397/OUT, on top of that one which had been consented by Planning Consents 04/02254/OUT and 06/01641/REM, was in line with planning policy and guidance prevailing at the time of the determination of Planning Consent 07/02397/OUT.

However, the '100% threshold' is not now applicable to the assessment of proposals to expand rural building groups, and the permission constituted by Planning Consents 04/02254/OUT and 06/01641/REM has now expired. Accordingly, the position described in the Report of Handling for Planning Consent 07/02397/OUT is no longer relevant to the determination of the present application. The current planning policy context does not support the addition of a third new dwelling within the current and present statutory development plan period.

c) Development Consented by Planning Consent 07/02397/OUT has not been implemented

The Applicant's agent rightly identifies in the supporting statement, that the non-implementation of the development approved in principle by Planning Consent 07/02397/OUT is potentially obstructing the release of any other planning consents for new dwellings at Lauder Barns. However, no positive regard can be had to this point, per se, within the current determination. Planning Consent 07/02397/OUT is already subject to conditions and an expiry date, and this consent is only reasonably regulated in accordance with these direct requirements and not in accordance with any 'external factors' such as the wishes or intentions of any third party applicant or developer.

The supporting statement goes on to opine that the holders of Planning Consent 07/02397/OUT are not making sufficient effort to implement their proposal within the time allowed. Notwithstanding that no regard can be had within any planning decision to speculations or opinions about the motives of any party, the situation is (as already noted above in the previous section) not reasonably reduced to the position that the current proposal will certainly be approved in the period beyond 11 November 2016. This is not the case, and any view taken at this time, would simply be 'jumping the gun' before all relevant considerations have been properly considered and appropriately assessed.

The holders of Planning Consent 07/02397/OUT have, moreover, responded to the public consultation and have advised of their continued interest in the development consented by Planning Consent 07/02397/OUT. While they themselves would need to make a new planning application if this interest extends into the period beyond the end of this year, it is relevant to the current assessment, that they have not withdrawn the current consent, and therefore there is no reason to set this aside as something that would not, or will not, now certainly occur (however unlikely this now might seem, in light of the limited time available for this to occur). (Any subsequent application that this other party might now make for the 07/02397/OUT site would of course, still have to be assessed on its own merits and in relation to the planning policy context prevailing at the time of its submission). However, at present it cannot reasonably be discounted that the proposal consented by Planning Consent 07/02397/OUT could be progressed within 2016, which in tandem with any approval of the current proposal, would deliver a position that would be contrary to the Council's Housing in the Countryside Policy within this statutory development plan period.

All in all, there are no reasonable grounds for disregarding or otherwise setting aside Planning Consent 07/02397/OUT within the current assessment. It is not safely or reasonably characterised as a 'dead head' consent to be cleared, to make way for the current proposal. It is live and is only reasonably treated as such.

d) The SPP

The Applicant in her supporting statement, identifies support for the principle of the proposal within Scottish Planning Policy (June 2014) and specifically in the latter document's support for development in rural areas, where this can promote prosperous and sustainable communities, and its support for housing where this can support population retention.

This advice however, is general, and acknowledges the need for the specific circumstances of any proposal to be considered. Therefore, while it is material, the general advice of the SPP does not outweigh the need for the application to be determined first and foremost in accordance with the policies and proposals of the statutory development plan.

e) Potential to Use a Brownfield Site and Address Potential Land Contamination Concern

Contrary to the advice of the supporting statement and representation in support of the application, the reuse of a brownfield site and/or the potential to remediate a potential land contamination hazard, while positive features of the proposal, are not in themselves overriding concerns. These would not in isolation or culmination, justify support for the principle of the proposal contrary to planning policy.

Again, this is not at all an exceptional circumstance, and any account or weight given to these factors within an exceptional approval in this specific case, would be liable to encourage other applications elsewhere, where similar benefits might be deliverable through development. Since the Housing in the Countryside Policy does not acknowledge that such foreseeable and recurring considerations might justify exceptional approvals in general terms, there is no requirement in this specific case to give these matters any significant weight within the context of this planning decision.

The proposal does not comply in principle with the Council's Housing in the Countryside Policy, and on balance, it is not considered that there are any reasonable grounds for the proposal to be made the subject of an exceptional approval. It is not considered that any or all of the above material considerations identified by the Applicant do outweigh the direct conflict of the proposal with the requirements of Policy D2. Nor for the reasons set out above, is it considered that there would be no effect, or no significant effect, on the Council's housing in the countryside policy were the proposal to be made the subject of an exceptional approval. On the contrary, it is considered that the position of the current proposal is readily paralleled on other sites throughout the region, and any exceptional approval would be liable to be cited in future applications where similar or equivalent circumstances prevail. It is therefore entirely reasonable for the Planning Authority to ensure that its decision-making in this unexceptional case, does take place in strict accordance with its housing in the countryside policy.

The Applicant might reasonably be advised by informative note that the principle of the proposal may be liable to be assessed differently, even at a later point within 2016, were circumstances to change, but that the proposal would only appropriately be re-assessed at that stage and in relation to the circumstances that actually prevail at that time.

DESIGN, LAYOUT AND LANDSCAPING

Although reasonably a product of a traditional architectural design approach, the proposed dwellinghouse is of a scale and massing that would not be commensurate with the design of any traditional rural cottage or farmhouse. As a one-and-three-quarters storey building, in its scale, it lies somewhere between the two. A more cottage-like design would be preferable in this location, firstly to be more sympathetic to the setting of the existing cottage at the nearby 'The Cottage', and secondly, to be less competitive with the existing farmhouse at Lauder Barns. However, the site is sufficiently detached from neighbouring buildings (including both of the aforementioned), as to allow a building of the scale proposed, to be acceptably accommodated. That it would not readily accord in its scale with any expected dwelling-type within a traditional and established farm or estate building hierarchy is therefore in the circumstances, not unacceptable. Subject to the building being finished as proposed (wet dash render and slated roof), there would be no concerns in principle with respect to the potential for the building per se, to have an acceptable finished appearance. Timber framed windows and doors would be sought instead of uPVC, but this matter is capable of being appropriately regulated by planning condition.

It is additionally considered that the overall design of the dwellinghouse would benefit from a deeper gable, and the roof pitch being dropped to 45 degrees to ensure a more comfortably traditional appearance. Again, had there not been concerns in principle, it would have been appropriate to seek appropriate revisions from the Applicant.

Beyond design, and even siting, however, consideration also needs to be given to the proposed orientation of the dwellinghouse relative to the existing building group, and the extent to which this is compatible with

the sense of place of the building group at Lauder Barns and wider landscape setting of the site. A particular concern in this respect - and notwithstanding the overt identification on the proposals drawings of the South Elevation as the 'front elevation' and the North Elevation as the 'rear elevation' - is that the South Elevation which fronts the farm access road, and which would therefore most logically be the 'principal elevation', has the character of a secondary or rear elevation. It features a large, centrally located glazed offshoot accommodating a lounge as would normally occur within a 'back garden' area. Further, there is no front door or front porch, and what appears to be the main entrance to the property would instead, be accommodated on the North Elevation, and therefore rear elevation, of the property; that is, facing towards open countryside. Notwithstanding the Applicant's understandable desire to maximise sunlight received in the lounge area, the dwelling would be liable to appear 'back-to-front' relative to the established setting of the site and surrounding building group, if orientated as proposed. Had this been the only concern, it would have been appropriate to have explored with the Applicant the potential to 'reverse' this arrangement to introduce a stronger, clearer sense of the dwelling fronting the existing access track, with any obviously subservient offshoot for a lounge, or conservatory, being accommodated on another elevation besides the principal one. However, given the concern in principle already noted above with regard to the planning principle of this proposal, it would not have been reasonable to have explored this potential with the Applicant within the context of the current application. An informative might reasonably advise why the current design is not considered to be acceptable, but this aspect of the design is considered to be objectionable in itself, and therefore needs to be included amongst the reasons for refusal.

The sense of the plot being 'back-to-front' is also reinforced by the proposed fencing, which would be higher and continuous along the boundary with the access track (1.8m) but reduced in height (1.1m) to the north, and rear, to accommodate views over the landscape to the north. This would underscore the visual impression of the South Elevation as the 'rear elevation', and reinforce the sense of the layout of the residential property being unresponsive to the site, its setting, and the sense of place of the building group. The immediacy and dominance of the proposed high 'rear garden' fence in views from the access road would also contribute an unsympathetically urban or suburban character to the site. This area of the property would more appropriately be reconfigured as a 'cottage garden' defined by low hedging or fencing, perhaps reinforced by small shrubs or trees rather than so obviously and evenly enclosed by a high and hard boundary feature, as might be expected in relation to a rear garden area in a suburban street. Again, the matter would otherwise have been capable of being referred to the Applicant for revision had this been the only concern, and even then, could even have been regulated by planning condition. However, and since the matter remains outstanding, it is again necessarily included within the reasons for refusal. An informative would however again, note the potential for this particular concern to be appropriately resolved within a revised version of the proposal.

A finished floor level for the dwellinghouse is indicated on the Proposal Drawings, but it is otherwise unclear whether the other levels given on the same drawing, represent existing or proposed finished levels (or a combination of the two). Accordingly while the description given does not suggest any proposal to significantly raise ground or floor levels, let alone to any unacceptable heights, it would nonetheless for purposes of regulation, be appropriate to require that the finished site and floor levels should be the subject of prior approval, described by details which are themselves both directly related to the actual levels of the access roads and informed by the existing levels across the site and within the surrounding area.

All other concerns with respect to landscaping would otherwise have been capable of regulation through the imposition of standard planning conditions. Within that context, screening for both the car parking area and any above ground apparatus relating to the sewage treatment plant, would be reasonably sought through, and regulated by, condition. Given the presence of a 'ha ha' type feature to the north, it is questionable whether any particular boundary feature is actually required in landscaping terms along this boundary, albeit that the Applicant might wish to install some form of barrier to guard the top of this feature for safety and security reasons.

Precise details of the design, operation and appearance of the high level overflow soakaway would be reasonably sought for prior agreement.

ROAD SAFETY ACCESS AND PARKING

The advice of the Roads Authorities indicates that subject to the imposition of conditions to address the specific matters which Transport Scotland highlights, there would be no concerns in road safety terms with respect to the potential for a dwelling to be acceptably sited and accessed as proposed. Again, had there

been no concerns in principle, it would otherwise have been reasonable to seek to control the design and construction of any required upgrade to the access through a suspensively-worded planning condition.

However, there are two additional points of note with respect to Transport Scotland's concerns.

Firstly, as described on the proposal drawing, the access, as it exists, already appears to meet Transport Scotland's explicit requirement that the access be a minimum of 5.5m wide for a distance of 5m back from the edge of the Trunk Road. Accordingly, it is not clear that the Applicant would actually need to carry out any works at all to meet Transport Scotland's concern in this instance. In the unlikely event that any upgrade would be required to achieve Transport Scotland's requirements, any works would therefore appear to be minimal.

As a second point of note, there may be a concern as to whether or not, or to what extent, the Applicant would have any legal right to carry out any works to the access in accordance with Transport Scotland's requirements out with the verge of the Trunk Road.

Had the application otherwise been capable of support, it would have been appropriate to have asked the Applicant to investigate these matters, to clarify what the precise position would be in both cases. It is not actually anticipated that any upgrade would be required, but this matter would reasonably be referred to the Applicant in the form of an informative for consideration within any revised application that the Applicant might subsequently make.

Given that the development consented in principle by Planning Consent 07/02397/OUT would be served by another access (that serving Lauder Barns Farm), there would be no conflict between the current proposal and this other proposal.

RESIDENTIAL AMENITY

Environmental Health is concerned that the operation of the air source heat pump has potential to impact upon the amenity of neighbouring properties, but, notwithstanding some concern with respect to the precise location of the pump, it recommends conditions to regulate the noise outputs from the pump. While the condition identified would reasonably be imposed, there would still be a concern with respect to the pump's precise location and the noise output of the specific pump that would be installed. Accordingly, and while it is reasonable that there are no concerns in principle subject to operation within the identified noise limit, it would nonetheless be necessary to require that the Applicant additionally provide details for prior approval, with respect to the precise details (specification) of the air source heat pump to be used, and its location, and that in so doing, she is also able to demonstrate that its operation would be fully capable of meeting and complying with the noise levels required by Environmental Health.

The occupants of one neighbouring property advise that their household includes 'night shift' workers and maintain concerns that the noise of development would be liable to disturb their sleep throughout the day. While it would be reasonable in the event of approval, to impose an informative advising that these neighbours would appreciate being notified as a courtesy ahead of the commencement of any on-site works (or indeed further contamination land investigations or remedial works) so that they can, if necessary, make alternative arrangements, there would be no planning requirement to regulate noise outputs from the development works themselves and no account can be taken of the neighbours' personal circumstances.

Sited as proposed, and at this remove from all other existing and proposed residential properties in the surrounding area, the proposed dwellinghouse does not raise any other concerns with respect to its impacts upon residential amenity. The most sensitive relationship is with 'The Cottage', which lies to the west, across the access track. Given that the latter property, including its North Elevation, lies adjacent to an existing shared access, and taking account of the actual distance of setback and angles involved, the proposal would not have any unacceptably adverse impacts upon the residential amenity of this or upon that of any other surrounding dwellinghouse, or for that matter, upon the amenity of the garden ground at this or any other surrounding residential property.

The occupants of 'The Cottage' have raised concerns with respect to their outlook were a 1.8m high fence to be erected on the boundary immediately opposite them. While the erection of such a fence is considered objectionable in terms of its impacts upon the character of the building group and wider landscape, it is not

considered that it would have any unacceptable impacts upon the outlook or residential amenity of this neighbouring property.

OTHER PLANNING CONCERNS

Both the Applicant and Planning Authority are readily aware that the site is at risk of land contamination, and that this matter requires to be investigated, and any concerns fully remediated, if indeed any actions are required. In line with the advice of the Contaminated Land Officer, this matter would be appropriately regulated by the standard contaminated land investigation planning condition.

Details given with respect to both surface water drainage and foul drainage are vague. Contrary to the Applicant's advice, the site should be served by an appropriate SUDS arrangement, and details of the precise arrangement, would be appropriately required for prior approval. However, the details provided do at least indicate that the installation of appropriate surface water management would be readily feasible, and the matter would therefore be capable of being addressed by a suspensively-worded planning condition. Similarly, there are no concerns in principle that a private foul drainage system be employed, but details would be appropriately provided and approved in advance of the commencement of development.

Environmental Health has not raised any concerns with respect to water supply, which the Applicant advises would be serviced from the public mains, given the level of concern amongst objectors with respect to the ability or capacity for the site to be serviced, it would be reasonable to require by suspensive condition that Scottish Water's written acceptance of the principle of a public water supply be provided before development is actually commenced. The condition might allow that a private water supply be employed as an alternative, subject to the Planning Authority's prior agreement. However, and in any case, it would reasonably be required that the site be serviced as agreed with the Planning Authority (public or private supply) and that the water supply be functional prior to the dwelling's habitation.

An informative would in the event of approval, usefully advise the Applicant to consult the overhead power lines operator ahead of the commencement of development in case the development would be liable to raise any concerns with respect to its impacts upon the power lines.

In the event of approval, development contributions towards both the upgrade of local education provision and the reinstatement of the Waverley rail link would be required. A legal agreement would be required to secure the collection of these contributions.

Objectors maintain concerns with respect to the availability of housing, or housing opportunities, elsewhere within the surrounding area, but there is no direct requirement to take account of the availability of housing opportunities elsewhere. The proposal can, and must, be assessed on its own planning merits.

The owners of the farmhouse advise of their concern that they were not formally notified, but given that the house lies at a distance of over 20m from the site, there was no statutory requirement for the dwelling's owners to be formally notified. An advertisement was placed in the local press to address the need for adjacent land owners, including the adjacent field, to be notified. Accordingly, the farmhouse and farm owners are considered to have been notified in accordance with statutory requirements.

In the event of approval, it would be reasonable to require that the agricultural use of the land should cease.

LEGAL CONCERNS

Neighbouring land owners have advised that they own the private access road which the Applicant wishes to use to gain direct access to the site. They seek evidence of the Applicant's legal right to use the same. Beyond this, they seek the imposition of a requirement that the Applicant repair any damage to the access road in the event any were sustained during the course of development.

From a planning perspective, the critical concern is whether or not the Applicant has the legal right to access the site as proposed, and can implement any works required to the access to accommodate their proposal acceptably.

With respect to the former, the Applicant has provided a copy of a deed which confirms her legal right to take access over the farm's existing roads and ways; as well as a right to make use of the water supply, drainage and sewerage, albeit subject to the "payment of any surface damages thereby occasioned".

With respect to the Applicant's ability to upgrade the access, it would require a legal opinion to establish whether or not the specific scope and extent of any works required by Transport Scotland would be in strict accordance with the rights allowed to the Applicant within the deed. While this may or may not be a 'grey area' out with the verge of the Trunk Road, it seems unlikely that any works would in any case actually be required in this area. Even if they were however, these works would be minimal and to the direct benefit of the other property owners who use the access. Accordingly, were any upgrading works required, these would in these circumstances, reasonably be made the subject of a suspensively-worded planning condition, requiring that the access upgrade works be completed ahead of the commencement of development on-site. In this way, the matter would be appropriately controlled from a planning perspective. However, in the current circumstances, the Applicant would still be reasonably advised as to the potential for there to be legal implications relating to this particular aspect of the proposal.

It would not be reasonable in planning terms, to impose any direct requirement by condition that the access be repaired further to any damage sustained during the period of development. Beyond all inherent difficulties in seeking to regulate something that might or might not occur, there would be no clear definition of what would constitute 'damage' for condition monitoring purposes, and how it might reasonably be established how any damage caused solely by vehicles involved in the development might be distinguished from more general and cumulative wear-and-tear resulting from use of the access by all vehicles. The matter with respect to potential damage is therefore ultimately only appropriately regulated legally and not by planning condition. (As noted above, the deed does include an overt requirement that any surface damage be repaired. However, as far as other parties are concerned, a legal opinion would likely be required to establish when, and how, precisely this requirement might be applied and addressed within the context of the use of the road by vehicles accessing the site to carry out the development).

REASON FOR DECISION :

The proposed development is contrary to planning policy in two key respects:

1) Notwithstanding that the site is well-related to the existing building group at Lauder Barns, and taking account of a live outline planning consent (07/02397/OUT) for two dwellings within the same building group, the proposal is contrary in principle to Adopted Local Plan Policy D2 in that approval would increase the number of new dwellings capable of being developed within the current Local Plan period in association with the existing building group at Lauder Barns, above two, which is the maximum number of additional dwellings that are explicitly allowed by Policy D2 in relation to a building group of three existing dwellings. Furthermore, there is no operational need for a new dwellinghouse to be located at the site to serve any agricultural business, or other business with a justifiable requirement for a full-time worker to be accommodated on-site, on a permanent basis; and there are no other considerations material to this planning decision that outweigh the need to determine this application in strict accordance with planning policy.

2) The design and layout of the proposal are contrary to Adopted Local Plan Policies D2 and G1, and the advice of the approved 'Place-Making and Design' Supplementary Planning Guidance Note, in that these are unsympathetic to the prevailing sense of place within, and setting of, the building group at Lauder Barns and to the character and appearance of the surrounding landscape. This is because the elevation facing the access road (the South Elevation) would not have the appearance, or setting, of a principal elevation, but instead, would have a notably secondary, even 'rear elevation', character. The visual impact of this would be further exaggerated by the erection of a 1.8m high boundary fence along the boundary with the access road, which would convey a very strong visual impression of the land to the south of the dwellinghouse being a rear garden area when this would more sympathetically be a front garden area.

Recommendation: Refused with informatives

- 1 Notwithstanding that the site is well-related to the existing building group at Lauder Barns, and taking account of a live outline planning consent (07/02397/OUT) for two dwellings within the same building group, the proposal is contrary in principle to Adopted Local Plan Policy D2 in that approval would increase the number of new dwellings capable of being developed within the current Local Plan period in association with the existing building group at Lauder Barns, above two, which is the maximum number of additional dwellings that are explicitly allowed by Policy D2 in relation to a building group of three existing dwellings. Furthermore, there is no operational need for a new dwellinghouse to be located at the site to serve any agricultural business, or other business with a justifiable requirement for a full-time worker to be accommodated on-site, on a permanent basis; and there are no other considerations material to this planning decision that outweigh the need to determine this application in strict accordance with planning policy.
- 2 The design and layout of the proposal are contrary to Adopted Local Plan Policies D2 and G1, and the advice of the approved 'Place-Making and Design' Supplementary Planning Guidance Note, in that these are unsympathetic to the prevailing sense of place within, and setting of, the building group at Lauder Barns and to the character and appearance of the surrounding landscape. This is because the elevation facing the access road (the South Elevation) would not have the appearance, or setting, of a principal elevation, but instead, would have a notably secondary, even 'rear elevation', character. The visual impact of this would be further exaggerated by the erection of a 1.8m high boundary fence along the boundary with the access road, which would convey a very strong visual impression of the land to the south of the dwellinghouse being a rear garden area when this would more sympathetically be a front garden area.

Informatives

It should be noted that:

1 INFORMATIVE NOTE 1:

Notwithstanding that the site is considered to be both well-related to the residential building group at Lauder Barns and to be capable of accommodating an appropriate addition to that same building group, the latter is only capable of augmentation by up to two dwellings within the current statutory development plan period. Since there is currently a live but unimplemented planning permission (07/02397/OUT) for two new dwellings on another site within the same building group that is not due to expire until 11 November 2016, there is currently no capacity in principle for the building group to be expanded by any additional dwelling, until, or unless, one or other of the following scenarios occurs:

- (i) Construction is commenced on at least one of the dwellings within the development consented by Planning Consent 07/02397/OUT AND the new statutory development plan period is commenced with the adoption of the Scottish Borders Council Local Development Plan; or
- (ii) Planning Consent 07/02397/OUT expires unimplemented on 11 November 2016.

However, and as noted in the Report of Handling informing this planning decision, any future planning application for the proposal that was the subject of Planning Application 15/01323/FUL, would still require to be assessed on its own planning merits at the time of this application's submission, and no matters can be pre-judged in advance of the determination of any such future planning application, including whether or not there would be support for the principle of such a proposal. (For the avoidance of doubt, and due to the potential for other variables, there is in fact no certainty, let alone any inevitability, that the principle of the current proposal would be capable of support at some point later in 2016).

2 INFORMATIVE NOTE 2:

The dwellinghouse described by the current Proposal Drawings, is not orientated sympathetically to the existing building group, in that what appears to be its principal elevation would face away from the access road, to the north, and towards open countryside.

In the event of a new planning application being made for this proposal, the South Elevation of the dwellinghouse would more appropriately be given the character of a principal elevation, primarily by removing the proposed conservatory to another elevation, and by including a front door, ideally within a front porch on the South Elevation. In this way, an acceptable relationship to the building group should be established, and there would be some potential for the development to contribute positively towards the sense of place of the existing building group, which is ultimately one centred around the farmyard at Lauder Barns. This relationship should be inherent and appropriately reflected within the design and orientation of the dwellinghouse.

It is additionally considered that the overall design of the dwellinghouse would benefit from a deeper gable, and the roof pitch being dropped to 45 degrees to ensure a more comfortably traditional appearance.

Further, the southern boundary of the property should have a more open 'front garden' character, with a low fence or hedge in proximity to the access, in the manner of a farm cottage garden, rather than a 1.8m high timber fence along the boundary. The latter is considered to contribute to an incongruous urban or suburban appearance in this rural locality. Any more private 'rear garden area' would be more appropriately accommodated to the north of the dwellinghouse with no overly high boundary feature being erected to the front (south).

3 **INFORMATIVE NOTE 3:**

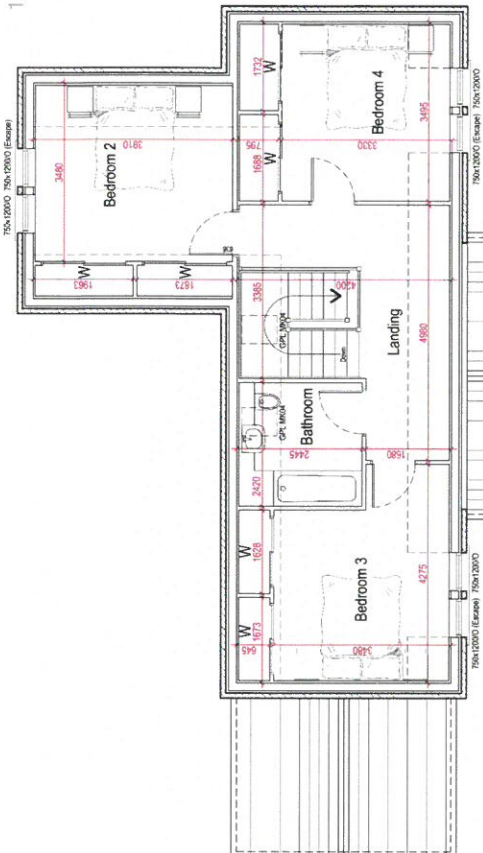
Notwithstanding that any works required to the junction with the A68 and out with the verge of the same, if required at all, would be both minimal and in the wider interests of all users of the same access, it is not clear whether or not, or to what extent, the Applicant would have any legal right to carry out such works.

For her own reassurance, and in advance of making a new planning application for this proposal, the Applicant is strongly advised to establish whether or not there would be any legal obstacle to her carrying out the works that Transport Scotland had identified.

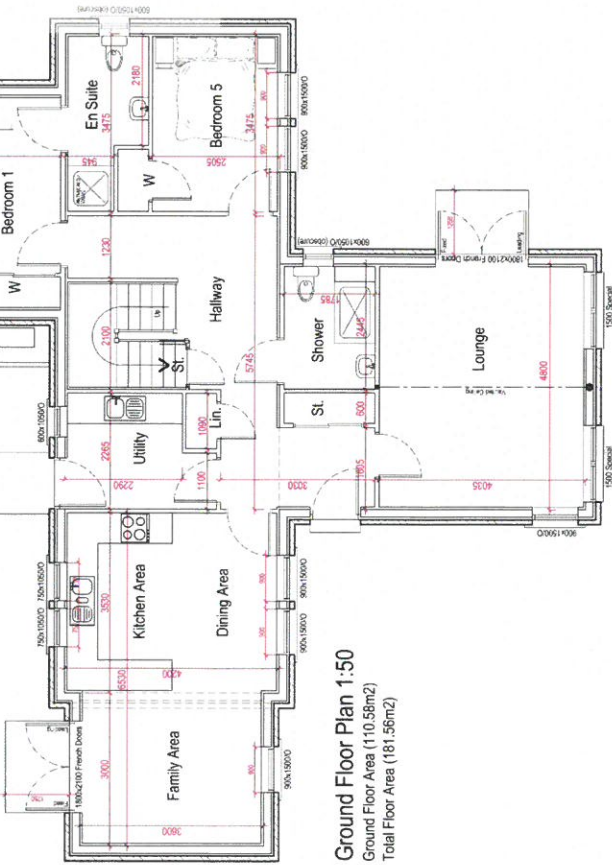
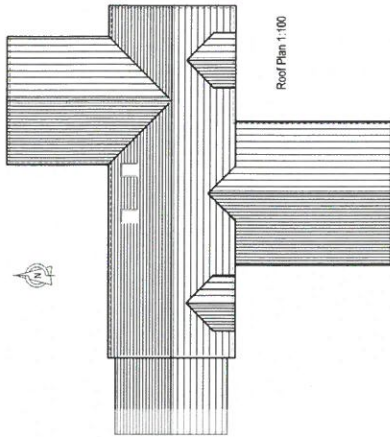
“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

15/01323/FUL

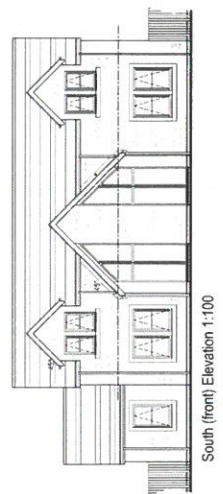
- EXTERNAL FINISHES:-**
1. SLATES TO ROOF
 2. PAINTED WET DASHED RENDER TO WALLS
 3. FACED BRICK BASE COURSE TO EXTERIOR WALLS
 4. PAINTED WOOD GRAIN FINISH TO INTERIOR DOORS
 5. DARK RED COMPOSITE FRONT DOOR
 6. WHITE COMPOSITE REAR DOOR
 7. WHITE TIMBER FASCIA
 8. LEAD DOWNER RAFFITS
- HEATING**
 AIR SOURCE HEAT PUMP WITH UNDERLOOR HEATING TO GROUND FLOOR & RADIATORS TO FIRST FLOOR.
 HEAT RECOVERY SYSTEM INSTALLED



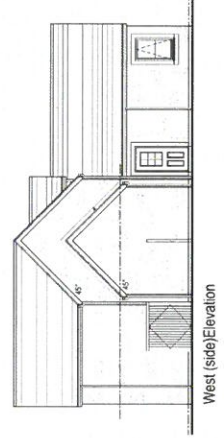
First Floor Plan 1:50
 First Floor Area (70.96m²)



Ground Floor Plan 1:50
 Ground Floor Area (110.58m²)
 Total Floor Area (181.56m²)



South (front) Elevation 1:100

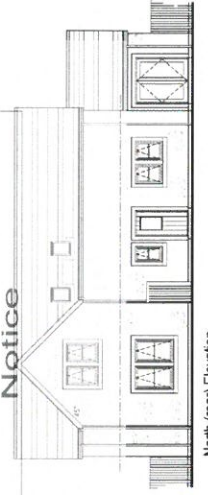


West (side) Elevation

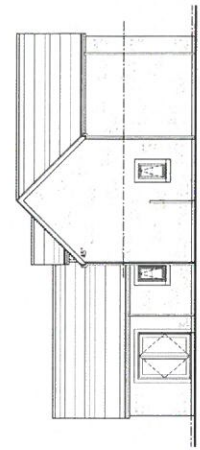
Scottish Borders Council
 Town And Country
 Planning (Scotland) Act
 1997

REFUSED

subject to the
 requirements of the
 associated Decision
 Notice



North (rear) Elevation



East (side) Elevation

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Rev	Description	Date
C	CLIENTS ALTS ADDED	GS 05.2015
B	REVISED HOUSE TYPE	GS 05.2015
A	CLIENTS ALTS ADDED	GM 10.2014
Rev	Description	Date

Client: A. Thomson and L. Armstrong
 (Floor Plans and Elevations)

Site: Proposed House At Plot 2,
 Laurer Barris,
 Laurer.

scotframe
 timber frame engineering

Author:	G. Scott	Date:	05.2015
Drawn:	G. Scott	Proj. No.:	5723046-001
Scale:	1:50, 100 @ A1	Rev:	C

Application Comments for 15/01323/FUL

Application Summary

Application Number: 15/01323/FUL

Address: Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

Customer Details

Name: Mrs Anne Hogarth

Address: Mosshouses C65 C77 At Langshaw To C76 At Clackmae, Galashiels, Scottish Borders
TD1 2PG

Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: We have studied a planning application on this site previously. LCC realise there are contamination issues but are not qualified to comment. We have, up to date, had a negative comment on this application from a neighbour.

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council	Council Reference:-	15/01323/FUL
	TS TRBO Reference:	SE/106/2015

Application made by Angela Fairbairn per Andrew McCafferty Associates, Burn House, Collessie, Auchtermuchty, Cupar, KY15 7RQ and received by Transport Scotland on 04 November 2015 for planning permission for erection of dwellinghouse located at Land north east of The Cottage, Lauder Barns, Lauder affecting the A68 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A68) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
SOUTH EAST
6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
0800 0420188
OCCR.SESCOTLAND@amey.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

CONDITIONS to be attached to any permission the council may give:-

1	The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway
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REASON(S) for Conditions (numbered as above):-

1	To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
---	---

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:-	13-Nov-2015
Transport Scotland Contact:-	Fred Abercrombie
Transport Scotland Contact Details:-	Trunk Road and Bus Operations, Network Operations - Development Management Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF Telephone Number: 0141 272 7382 e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

REGULATORY SERVICES



To: **Development Management Service**
FAO S.HERKES

Date: 4/12/15

From: **Roads Planning Service**
Contact: **John Frater**

Ext: 5137

Ref: 15/01323/FUL

Subject: ERECTION OF DWELLINGHOUSE
LAUDER BARNS - LAUDER

I concur with the views of Transport Scotland regarding the junction onto the A68. Within the site there is ample provision for parking and turning.

No roads objections.

JAF

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/01323/FUL
Uniform Ref	15/02069/PLANCO
Proposal	Erection of dwellinghouse
Address	Land North East Of The Cottage , Lauder Barns, Lauder
Date	23/11/2015
Amenity and Pollution Officer	Mary Rose Fitzgerald
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

The proposal includes the installation of an air source heat pump. Consideration should be give to the location of the pump so as to avoid noise issues at neighbouring properties. Below I have proposed a condition for the heat pump.

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 /Informative Note~~

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which previously operated as mill pond which is understood to have been infilled. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is therefore recommended that planning permission should be granted on the condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

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 /Informative Note~~

Conditions

Any noise emitted by plant 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 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.

The Unit 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.

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

Application Comments for 15/01323/FUL

Application Summary

Application Number: 15/01323/FUL

Address: Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

Customer Details

Name: Mrs Nina Kunkel

Address: The Cottage 1 Lauder Barns A68t A68t At Lauder Road In Earlston To A68t At East High Street In Lauder, Scottish Borders, Lauder, Scottish Borders TD2 6RX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Health Issues
- Inadequate access
- Land affected
- Legal issues
- Loss of view
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Value of property
- Water Supply

Comment: Application Reference: 15/01323/FUL

Address: Land North East Of The Cottage

Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

We, Nina & Toby Kunkel, would like to object to this planning application on several grounds. Our

objections are as follows;

-Contrary to Local Plan

-Legal issues

We would like to note our objection to this planning permission on the basis of the following observations pertaining to the application. The applicant states that:

3.2 Policy D2 HOUSING IN THE COUNTRYSIDE seeks to promote appropriate rural housing development and sets out five categories when new housing may be appropriate. Building Groups are category A (out of 5) and the policy states:

[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:

1. 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,
2. 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.

As plans for two houses in Lauderbarns Farm has been granted, and the applicant Mr. John Damerel has until 11th November 2018 before his planning permission expires, during which to complete his build, any further Planning Permission for another dwelling house will breach the 2 houses or 30% increase as per the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE.

3. 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.

I would like to draw attention to the fact that this policy states:

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 Plan period. This will include those units under construction or nearing completion at that point.

There are no houses under construction or nearing completion currently at Lauderbarns and therefore the building group size can only be calculated at three existing dwelling houses. This allows, under the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE, planning permission for two further dwelling houses, which has been granted to Mr. John Damerell and remains current for another three years for him to commence his building.

Scottish Planning Policy, June 2014

4.1 National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:

_ In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;

_ Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;

4.2 Paragraph 109 of SPP encourages provision for new homes to be made to support population retention in rural areas.

The applicant uses the above statements to support her application, however, having read the Scottish Planning Policy, June 2014, it does not state at any point that these considerations are reason to build houses outwith local policy such as, Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE. As the applicants are a local professional couple as stated in their application, then this development does not contribute to population retention in rural areas as the applicants already reside in the Scottish Borders.

Planning history of the application site and building group

4.3 Outline planning permission (ref. 04/02254/OUT) for a dwelling on the application site was granted in 2004. Reserved matters approval for a dwelling and detached garage (ref. 06/01641/REM) on the site was granted on 4 April 2007. Appendix 2 contains copies of the application forms, location plan and reserved matters approval decision notice. The approval lapsed in April 2009.

I believe that this previous planning permissions is irrelevant. It is my understanding that all planning applications to Scottish Borders Council must be granted on their own merit. However, if the applicant would like to include record of previous planning permissions, I feel it should be

noted to the planning committee that previous planning permissions were never acted upon, and a house was never constructed due to problems with the site having no water access and being contaminated ground, issues which have not yet been resolved.

4.4 Planning permission for erection of two dwellinghouses (07/02397/OUT) was granted on 11 November 2013 on land north west of Lauder Barns Farmhouse, Lauder. This site lies on the east side of the application site and is shown on the planning history context plan in Appendix 3. Appendix 4 contains copies of the location plan, sketch layout, plan of accesses to be closed off, report to Committee (20 December 2013) and decision notice.

4.5 The building group identified by the Council when the consent for two dwellings was approved in October 2008 comprises:

- _ The Cottage
- _ Lauder Barns Farmhouse
- _ 1 Lauder Barns Cottage

4.6 Approval was given for the two dwellings adjacent to the farmhouse on the basis that the 100% threshold for increasing the group (based on there being three dwellings in the group) had not been exceeded and accepting a commitment of one approved but not yet built dwelling on the application site. The second paragraph of the recommendation in the report to Committee (See Appendix 4) states:

There is an existing building group here comprising three dwellinghouses while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authority's interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold.

Although the previous planning permission for the house to be built on this site was taken into account during Mr. Damerrells application to build two dwelling houses, this is now an irrelevant observation, rather than an opportunity to act outwith the policies and guidelines of the planning department. This expansion by one never took place as the build was never commenced and the planning permission has subsequently lapsed therefore it should bear no consideration to this application. A timeline of all the relevant planning applications associated with this application shows that indeed this plot of land had planning permission granted when Lauderbarns farm applied to build two dwelling houses. However, the planning permission for the two houses in Lauderbarns farm was only granted AFTER the planning permission on this site had expired, therefore never, was there planning permission granted for three houses to be developed at the same time, in keeping with local policy. When the planning permission for the two dwelling houses at Lauderbarns farm were approved on 11th November 2013, the planning permission for this site

in question was already expired by two years.

This land was purchased by the applicant after its planning permission had lapsed and also after Mr. Damerrel had submitted his application to build two dwelling houses. The applicant purchased the land despite this information and indeed the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE in which the threshold for development is clearly stated as 2 houses or 30%, whichever is the greater being available in the public domain.

4.7 The approval in November 2013 of the application for two houses accorded with Policy D2 in the adopted 2011 Consolidated Local Plan because by 2013, Policy D2 allowed only two dwellings to be added to a building group and the consent for one house on the application site had lapsed.

4.8 To what extent have the owners of the land with planning permission in principle (ref. 07/02397/OUT) made efforts to purify conditions on this consent or applied for approval of matters specified by condition? There have been no requests by the owners of the site to purify conditions on the consent and no application made for matters specified by condition. There has been no application to renew the 2013 permission and this permission is not capable of implementation without taking further positive steps to purify conditions and/or obtain approval of matters specified by condition on consent 07/02397/OUT. This planning permission in principle is, in effect, blocking any other planning applications for a dwelling from being granted within the building group.

The approval in principle as referred to above, for the two dwelling houses in Lauderbarns farm, state that the Scottish Borders Council grant planning permission in accordance with the application and the particulars given in the application and in accordance with Section 58 of the Country Planning (Scotland) Act 1997. This act states clearly that the permission expires 5 years after the date that it is granted giving Mr. Damerell permission to purify conditions on this consent or apply for approval of matters specified by condition for his development until 11th November 2018, almost three years. There is no clause specifying at what point he must have achieved any part or part thereof that process.

The applicant states that In the two years Mr. Damerell has had planning in principle, there has been no further effort to purify conditions on this consent or apply for approval of matters specified by condition thereby blocking any further developments. I dont believe that this is relevant but if the planning committee wish to take that fact into account then it should also be taken into account that during that time since Mr. Damerell had planning in princeple granted he has endured significant bereavement with the death of both his parents Mr. Regenald and Mrs. Rosemary Damerell, not to mention the illnesses leading to their deaths.

5.5 The only issue in this case is the conflict with the provision in Policy D2 restricting more than two housing dwellings or a 30% increase to the group during the Plan period. The planning permission in principle for two units on the adjacent site has not progressed further since approval in 2013 and cannot be implemented without matters specified by condition approval. The consent for two units also notes that planning permission for the relocation of the farm steading must be obtained before detailed proposals for the two units are progressed or the plots sold. None of this has been done. In effect, the extant PPP is preventing provision of one dwelling for a local professional couple on the application site who have demonstrated their commitment by undertaking an intrusive ground investigations study and submitting a detailed planning application.

5.6 The site is brownfield and there is strong national planning policy support for use of such sites for development. The Proposed LDP is heading for adoption in the next six months or so and a new plan period will then begin. In all the circumstances and bearing in mind that planning permission was previously granted for a dwelling on this site, planning permission should be granted for the current application. The planning history is a material consideration and the application should be determined on its merits. Approval of this application would not affect the fundamental strategy or basis of the proposed LDP and the material considerations set out in this statement outweigh the minor conflict with Policy D2.

The minor conflict with Policy D2 as stated by the applicant in their application is of great concern to us.

This application challenges the Consolidated Local Plan 2010 (adopted 2011) 3.2 Policy D2 HOUSING IN THE COUNTRYSIDE. These policies are developed and in place to protect our rural areas and small housing groups from overdevelopment. I appreciate why someone would want to build a house here in Lauderbarns. However, if this planning permission is granted, that will be development of 100% which is outwith the Consolidated Local Plan 2010 (adopted 2011) 3.2 Policy D2 HOUSING IN THE COUNTRYSIDE. I do not believe it appropriate to be permitting planning permission out with these policies, primarily because an applicant failed to investigate how local planning policies may impact on a potential development.

Our home is in a small group of rural houses. I am concerned that if the Scottish Borders Council grant planning permission to proceed with this development, clearly out with their guidelines and policies, that their failure to act within this policy Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011), will set precedent for allowing development, not just in Lauderbarns but also in every small rural group of houses in the Scottish Borders out with the specific guidelines.

Overdevelopment will destroy the very nature of our small rural groups of residences.

Our elected representatives and their colleagues in the the Scottish Borders Council and indeed at government level have spent much time and resources devising and legislating specific policies, at a great cost to the public purse, in order to protect our rural communities. Only strict adherence to these planning policies can ensure small housing groups, such as that at Lauderbarns, are not subject to overdevelopment.

I wish to trust that these policies and legislation will be upheld by the Scottish Borders Council with regard to planning applications.

- Land Affected
- Health Issues
- Detrimental to environment

We have significant concerns regarding the required excavation of the site in order to proceed with this development. As started in the Phase 1 Desk Study Report (Page 8) The main potential source of contamination on site is the material of unknown origin used to backfill the former mill pond; the historic maps indicate backfilling to be complete prior to 2002.

Further investigations on this site have supported our concerns regarding contamination of this site. reveals that lead is present in the site and is a contaminant of concern for the proposed development, with mean values of 268ppm. 68ppm above the Category 4 Screening Level (C4SL) of 20mg/kg, and as high as 1600ppm in one sample.

It also reveals that four of the seven samples taken shown potentially carcinogenic substance Benzo(a)Pyrene reaching maximum values of 10ppm and mean values of 2.36ppm. Both mean and maximum values exceed the soil guideline value (SGV) applied of 0.94ppm.

The interpretative ground investigation report details that several of the sampling sites revealed (ACM) asbestos containing material which was later confirmed in laboratory testing as crysotile asbestos. This is stated as a significant environmental risk.

Further potentially dangerous contaminants were discovered at the 7 test sites, though in lesser quantities which do not cause significant concern. However, the report does state that there was a wide variety of detritus on the site and further detritus of concern not encountered during the investigation, may also therefore be present.

Our concern is that there is potential public health risk to ourselves and particularly to our children,

arising from disturbing these contaminants. We remain concerned that allowing development and thus disrupting the contaminants prevents Scottish Borders Council from guaranteeing that this development will not cause significant harm such as ill effects on health, to us and other local residents. The Phase 1 Desk Study Report (page 15) states that children are the most sensitive human receptors to potential contaminants. Our children are aged 4 and 7 years old and play in the garden just feet away from this site, on a daily basis.

The site investigations have revealed hand sized chunks of asbestos beneath the ground, in the few areas investigated for samples. The report suggests that a 3 meter deep foundation trench is required to proceed with this development. I feel it would be irresponsible to dig the site just meters from my garden where my children play with the scientific knowledge that the soil to be excavated contains asbestos, potentially carcinogenic substances and high deposits of lead amongst other contaminants.

- Water Supply

There is currently no water supply for this site. No arrangements for a water supply, to our knowledge, have yet been agreed. We are considerably concerned that upon planning being granted, development to the site will commence. Should the issue of a lack of water supply not be resolved, we are fearful that we may be left with a semi-developed site outside our property, which will pose a significant safety risk for our children and will have a negative impact on our residential area. We respectfully request that any development permission granted, contains the condition that should the development not be carried out to completion, that the site will be put back to its original state and any excavations will be in filled.

- Increased traffic

- Road safety

This development will increase the use of private small roads with access onto and from the trunk road carriageway, thus interrupting the flow of traffic on the A68. Significant increases in traffic at peak times on the A68 regularly result in long waits at this access road to wait for a safe break in traffic to pull out onto the A68. Further traffic to and from this private access road will increase this problem, which has a negative impact on road safety within the Scottish Borders.

- Inadequate access

- Legal issues

We have not received any documentation from the applicants to support their right of access to our private access road. However, they have outlined in their plans that to gain access to their driveway, they will share use of our private access road. We are concerned about possible damage by, the heavy machinery required to complete this development, on our private access road. We would like a condition of any planning permission to include the applicants having

responsibility (both organizational and financial) for any resurfacing required to the access road, as a result of any damage caused by the traffic of heavy machinery, used in their development.

We would like evidence that the applicants deeds for their land, include a burden clause stating they will share equal responsibility including any expenses incurring, with ourselves, the owners of The Cottage and also the owners of Riverside, for maintaining the access road from the road edge up until the final northern boundary of their land.

- Over Provision of facility in area

Over the last 9 years since we moved to our property in Lauderbarns, there has been a constant list of private residential properties for sale within Lauder and its surrounding areas. These properties for sale are and have been a wide range of prices and sizes and include many 5 bedroom homes, such as the property the applicant is applying for permission to build. The local primary school and nursery is already at capacity with some children within Lauder attending Channelkirk primary school in Oxtou. As there is no shortage of this size property for sale in the area, we feel it would be irresponsible of Scottish Borders Council to grant permission for further residential development without first outlining its plans of how it will increase facilities such as schooling in the area to meet the demands further residential development will bring.

- Density of Site

- Poor design

- No sufficient parking space

We do not believe that the site is adequate in size to facilitate a dwelling of the size as outlined in the proposed plans along with two parking spaces. There is no other places to park other than directly outside our gate (preventing us from entering or exiting our property) and on the A68, posing significant safety risk to road users. We are concerned the development will be completed with no parking spaces so as to ensure the scale of dwelling, however, we request a clause to be added to any permissions granted for development that parking must be provided within the site.

- Privacy of neighbouring properties affected

- Overlooking

The proposed plans of a two storey house is not in keeping with the neighbouring houses which are visible from the site, which are single storey and 1.5 storey homes. The farmhouse at Lauderbarns farm is indeed two storey but is not visible from the other dwellings due to the farm buildings.

We are concerned that if the proposed plans are permitted, the applicants upstairs window will be overlooking us and intruding on our privacy. Bedroom 3 (as per the submitted plans) will be overlooking our garden and looking directly into our living room window and its situation will prevent us from having any privacy in our garden and indeed in our living room.

- Noise nuisance

We share the concerns of Environmental Health regarding lengthy noisy excavations and building works at this site. Environmental Health have made provisions that and excavations and building works generating noise only happen between 07:00 and 23:00 hours. We appreciate this attempt at a resolution to the concerns of noise nuisance. However, both of us resident at The Cottage are primarily night shift workers. On-going noise nuisance will have a negative impact on our health and on our ability to conduct our work and continue our current NHS employment. As we have already endured noisy site investigations with short notice, we request that any planning permission may carry conditions to ensure we receive adequate notice of any work being carried out on this site, in order for us to make alternative daytime sleeping arrangements. Due to the significant disruption any noisy development works will have on our daily lives, such as needing to make provisions for alternative sleeping arrangements, we request that there be a condition of a time limit placed on the development works, to include any further site investigation and excavation works, in order to prevent noisy development works on going over a lengthy period of time.

- Loss of view

- Value of property

The development if completed as per the submitted plans, will significantly obscure our views from our property. Our properties layout both internally and externally focuses on utilizing the views to the North-East, towards Lauder Burn, the B6362 road and towards the hills south of the A697. This development will significantly obscure this line of sight leaving us in our garden, our patio area and our downstairs living area, with views of a 1.8meter fence and the southwest aspect of this development. We believe this to have a devaluing effect on our property and a negative impact on our daily lives as we spend much time in our garden.

- Further Comments

This site has had planning permission granted several times before. However, development has never proceeded due to ongoing issues regarding the site being contaminated with unknown contaminants, lack of drainage to the site and no water supply to the site. We urge the planning board not to grant planning permission until these ongoing issues have been resolved and the site is fit for the proposed development.

We would like the panel to be aware that we were very open and forthcoming with the applicants regarding these ongoing issues with the site, prior to them purchasing the site, as were other local residents. We informed them on multiple occasions, of the previous failed developments and the reasons for the developments not proceeding, namely ongoing issues regarding the site being contaminated with unknown contaminants, lack of drainage to the site and no water supply to the site.

Many thanks for considering our concerns with regard to this planning application.

Application Comments for 15/01323/FUL

Application Summary

Application Number: 15/01323/FUL

Address: Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

Customer Details

Name: Ms carol denovan

Address: 1 Bowerhouse Farm Cottages U2-5 C83 North Of Midburn To Pilmuir, Lauder, Lauder, Scottish Borders TD2 6PQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment

Comment: Application Reference: 15/01323/FUL

Address: Land North East Of The Cottage

Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

I, Carol Denovan would like to put in an objection to the application above on two main grounds. Firstly I feel it is of the utmost importance that any rural developments adhere to the exact legal rules of our local housing policy(as written below) and secondly, in this particular case, the health issues involved because of contaminants already found on the proposed site suggest that it wouldn't be wise at all for this ground to be disturbed neither for building work nor for further testing. While some of issues are obviously only relevant to the people living closer to the proposed site, as a resident of Lauderdale for many years who cares very much about how this area is developed, I urge you to consider that permission should not be granted in this case

yours sincerely C. Denovan

-Contrary to Local Plan

-Legal issues

I would like to note our objection to this planning permission on the basis of the following observations pertaining to the application. The applicant states that:

3.2 Policy D2 HOUSING IN THE COUNTRYSIDE seeks to promote appropriate rural housing development and sets out five categories when new housing may be appropriate. Building Groups are category A (out of 5) and the policy states:

[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:

1. 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,
2. 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.

As plans for two houses in Lauderbarns Farm has been granted, and the applicant Mr. John Damerel has until 11th November 2018 before his planning permission expires, during which to complete his build, any further Planning Permission for another dwelling house will breach the 2 houses or 30% increase as per the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE.

3. 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.

I would like to draw attention to the fact that this policy states:

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 Plan period. This will include those units under construction or nearing completion at that point.

There are no houses under construction or nearing completion currently at Lauderbarns and therefore the building group size can only be calculated at three existing dwelling houses. This allows, under the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy

D2 HOUSING IN THE COUNTRYSIDE, planning permission for two further dwelling houses, which has been granted to Mr. John Damerell and remains current for another three years for him to commence his building.

Scottish Planning Policy, June 2014

4.1 National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;
- Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;

4.2 Paragraph 109 of SPP encourages provision for new homes to be made to support population retention in rural areas.

The applicant uses the above statements to support her application, however, having read the Scottish Planning Policy, June 2014, it does not state at any point that these considerations are reason to build houses outwith local policy such as, Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE. As the applicants are a local professional couple as stated in their application, then this development does not contribute to population retention in rural areas as the applicants already reside in the Scottish Borders.

Planning history of the application site and building group

4.3 Outline planning permission (ref. 04/02254/OUT) for a dwelling on the application site was granted in 2004. Reserved matters approval for a dwelling and detached garage (ref. 06/01641/REM) on the site was granted on 4 April 2007. Appendix 2 contains copies of the application forms, location plan and reserved matters approval decision notice. The approval lapsed in April 2009.

I believe that this previous planning permissions is irrelevant. It is my understanding that all planning applications to Scottish Borders Council must be granted on their own merit. However, if the applicant would like to include record of previous planning permissions, I feel it should be noted to the planning committee that previous planning permissions were never acted upon, and a house was never constructed due to problems with the site having no water access and being contaminated ground, issues which have not yet been resolved.

4.4 Planning permission for erection of two dwellinghouses (07/02397/OUT) was granted on 11 November 2013 on land north west of Lauder Barns Farmhouse, Lauder. This site lies on the east side of the application site and is shown on the planning history context plan in Appendix 3. Appendix 4 contains copies of the location plan, sketch layout, plan of accesses to be closed off,

report to Committee (20 December 2013) and decision notice.

4.5 The building group identified by the Council when the consent for two dwellings was approved in October 2008 comprises:

 The Cottage

 Lauder Barns Farmhouse

 1 Lauder Barns Cottage

4.6 Approval was given for the two dwellings adjacent to the farmhouse on the basis that the 100% threshold for increasing the group (based on there being three dwellings in the group) had not been exceeded and accepting a commitment of one approved but not yet built dwelling on the application site. The second paragraph of the recommendation in the report to Committee (See Appendix 4) states:

There is an existing building group here comprising three dwellinghouses while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authoritys interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold.

Although the previous planning permission for the house to be built on this site was taken into account during Mr. Damerrells application to build two dwelling houses, this is now an irrelevant observation, rather than an opportunity to act outwith the policies and guidelines of the planning department. This expansion by one never took place as the build was never commenced and the planning permission has subsequently lapsed therefore it should bear no consideration to this application. A timeline of all the relevant planning applications associated with this application shows that indeed this plot of land had planning permission granted when Lauderbarns farm applied to build two dwelling houses. However, the planning permission for the two houses in Lauderbarns farm was only granted AFTER the planning permission on this site had expired, therefore never, was there planning permission granted for three houses to be developed at the same time, in keeping with local policy. When the planning permission for the two dwelling houses at Lauderbarns farm were approved on 11th November 2013, the planning permission for this site in question was already expired by two years.

This land was purchased by the applicant after its planning permission had lapsed and also after Mr. Damerrel had submitted his application to build two dwelling houses. The applicant purchased the land despite this information and indeed the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE in which the threshold for development is clearly stated as 2 houses or 30%, whichever is the greater being available in the public domain.

4.7 The approval in November 2013 of the application for two houses accorded with Policy D2 in the adopted 2011 Consolidated Local Plan because by 2013, Policy D2 allowed only two dwellings to be added to a building group and the consent for one house on the application site had lapsed.

4.8 To what extent have the owners of the land with planning permission in principle (ref. 07/02397/OUT) made efforts to purify conditions on this consent or applied for approval of matters specified by condition? There have been no requests by the owners of the site to purify conditions on the consent and no application made for matters specified by condition. There has been no application to renew the 2013 permission and this permission is not capable of implementation without taking further positive steps to purify conditions and/or obtain approval of matters specified by condition on consent 07/02397/OUT. This planning permission in principle is, in effect, blocking any other planning applications for a dwelling from being granted within the building group.

The approval in principle as referred to above, for the two dwelling houses in Lauderbarns farm, state that the Scottish Borders Council grant planning permission in accordance with the application and the particulars given in the application and in accordance with Section 58 of the Country Planning (Scotland) Act 1997. This act states clearly that the permission expires 5 years after the date that it is granted giving Mr. Damerell permission to purify conditions on this consent or apply for approval of matters specified by condition for his development until 11th November 2018, almost three years. There is no clause specifying at what point he must have achieved any part or part thereof that process.

The applicant states that In the two years Mr. Damerell has had planning in principle, there has been no further effort to purify conditions on this consent or apply for approval of matters specified by condition thereby blocking any further developments. I dont believe that this is relevant but if the planning committee wish to take that fact into account then it should also be taken into account that during that time since Mr. Damerell had planning in principle granted he has endured significant bereavement with the death of both his parents Mr. Regerald and Mrs. Rosemary Damerell, not to mention the illnesses leading to their deaths.

5.5 The only issue in this case is the conflict with the provision in Policy D2 restricting more than two housing dwellings or a 30% increase to the group during the Plan period. The planning permission in principle for two units on the adjacent site has not progressed further since approval in 2013 and cannot be implemented without matters specified by condition approval. The consent for two units also notes that planning permission for the relocation of the farm steading must be obtained before detailed proposals for

the two units are progressed or the plots sold. None of this has been done. In effect, the extant PPP is preventing provision of one dwelling for a local professional couple on the application site who have demonstrated their commitment by undertaking an intrusive ground investigations study and submitting a detailed planning application.

5.6 The site is brownfield and there is strong national planning policy support for use of such sites for development. The Proposed LDP is heading for adoption in the next six months or so and a new plan period will then begin. In all the circumstances and bearing in mind that planning permission was previously granted for a dwelling on this site, planning permission should be granted for the current application. The planning history is a material consideration and the application should be determined on its merits. Approval of this application would not affect the fundamental strategy or basis of the proposed LDP and the material considerations set out in this statement outweigh the minor conflict with Policy D2.

The minor conflict with Policy D2 as stated by the applicant in their application is of great concern to us.

This application challenges the Consolidated Local Plan 2010 (adopted 2011) 3.2 Policy D2 HOUSING IN THE COUNTRYSIDE. These policies are developed and in place to protect our rural areas and small housing groups from overdevelopment. I appreciate why someone would want to build a house here in Lauderbarns. However, if this planning permission is granted, that will be development of 100% which is outwith the Consolidated Local Plan 2010 (adopted 2011) 3.2 Policy D2 HOUSING IN THE COUNTRYSIDE. I do not believe it appropriate to be permitting planning permission out with these policies, primarily because an applicant failed to investigate how local planning policies may impact on a potential development.

I am concerned that if the Scottish Borders Council grant planning permission to proceed with this development, clearly out with their guidelines and policies, that their failure to act within this policy Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011), will set precedent for allowing development, not just in Lauderbarns but also in every small rural group of houses in the Scottish Borders out with the specific guidelines. Overdevelopment will destroy the very nature of our small rural groups of residences.

Our elected representatives and their colleagues in the the Scottish Borders Council and indeed at government level have spent much time and resources devising and legislating specific policies, at a great cost to the public purse, in order to protect our rural communities. Only strict adherence to these planning policies can ensure small housing groups, such as that at Lauderbarns, are not subject to overdevelopment.

I wish to trust that these policies and legislation will be upheld by the Scottish Borders Council with regard to planning application

Application Comments for 15/01323/FUL

Application Summary

Application Number: 15/01323/FUL

Address: Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

Customer Details

Name: Mr James Macdonald

Address: Riverside Lauder Barns A68t A68t At Lauder Road In Earlston To A68t At East High Street In Lauder, Scottish Borders, Lauder, Scottish Borders TD2 6RX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Health Issues
- Increased traffic
- Land affected
- Legal issues
- Water Supply

Comment: I Mr. James Macdonald of Riverside, Lauderbarns would like to object to this planning application on several grounds.

I have concerns to planning permission being sought outwith the bylaws and current planning policies. Such permissions being granted are contrary to the current legislation. I agree with the arguments laid out in objection by Mrs. Nina Kunkel with regard to this matter, as detailed below.

We would like to note our objection to this planning permission on the basis of the following observations pertaining to the application. The applicant states that:

3.2 Policy D2 HOUSING IN THE COUNTRYSIDE seeks to promote appropriate rural housing development and sets out five categories when new housing may be appropriate. Building Groups are category A (out of 5) and the policy states:

[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:

1. 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,

2. 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.

As plans for two houses in Lauderbarns Farm has been granted, and the applicant Mr. John Damerel has until 11th November 2018 before his planning permission expires, during which to complete his build, any further Planning Permission for another dwelling house will breach the 2 houses or 30% increase as per the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE.

3. 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.

I would like to draw attention to the fact that this policy states:

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 Plan period. This will include those units under construction or nearing completion at that point.

There are no houses under construction or nearing completion currently at Lauderbarns and therefore the building group size can only be calculated at three existing dwelling houses. This allows, under the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE, planning permission for two further dwelling houses, which has been granted to Mr. John Damerell and remains current for another three years for him to commence his building.

Scottish Planning Policy, June 2014

4.1 National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:

In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;

Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;

4.2 Paragraph 109 of SPP encourages provision for new homes to be made to support population retention in rural areas.

The applicant uses the above statements to support her application, however, having read the Scottish Planning Policy, June 2014, it does not state at any point that these considerations are reason to build houses outwith local policy such as, Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE. As the applicants are a local professional couple as stated in their application, then this development does not contribute to population retention in rural areas as the applicants already reside in the Scottish Borders.

Planning history of the application site and building group

4.3 Outline planning permission (ref. 04/02254/OUT) for a dwelling on the application site was granted in 2004. Reserved matters approval for a dwelling and detached garage (ref. 06/01641/REM) on the site was granted on 4 April 2007. Appendix 2 contains copies of the application forms, location plan and reserved matters approval decision notice. The approval lapsed in April 2009.

I believe that this previous planning permissions is irrelevant. It is my understanding that all planning applications to Scottish Borders Council must be granted on their own merit. However, if the applicant would like to include record of previous planning permissions, I feel it should be noted to the planning committee that previous planning permissions were never acted upon, and a house was never constructed due to problems with the site having no water access and being contaminated ground, issues which have not yet been resolved.

4.4 Planning permission for erection of two dwellinghouses (07/02397/OUT) was granted on 11 November 2013 on land north west of Lauder Barns Farmhouse, Lauder. This site lies on the east side of the application site and is shown on the planning history context plan in Appendix 3. Appendix 4 contains copies of the location plan, sketch layout, plan of accesses to be closed off, report to Committee (20 December 2013) and decision notice.

4.5 The building group identified by the Council when the consent for two dwellings was approved in October 2008 comprises:

The Cottage

Lauder Barns Farmhouse

1 Lauder Barns Cottage

4.6 Approval was given for the two dwellings adjacent to the farmhouse on the basis that the 100% threshold for increasing the group (based on there being three dwellings in the group) had not been exceeded and accepting a commitment of one approved but not yet built dwelling on the application site. The second paragraph of the recommendation in the report to Committee (See Appendix 4) states:

There is an existing building group here comprising three dwellinghouses while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authority's interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold.

Although the previous planning permission for the house to be built on this site was taken into account during Mr. Damerrells application to build two dwelling houses, this is now an irrelevant observation, rather than an opportunity to act outwith the policies and guidelines of the planning department. This expansion by one never took place as the build was never commenced and the planning permission has subsequently lapsed therefore it should bear no consideration to this application. A timeline of all the relevant planning applications associated with this application shows that indeed this plot of land had planning permission granted when Lauderbarns farm applied to build two dwelling houses. However, the planning permission for the two houses in Lauderbarns farm was only granted AFTER the planning permission on this site had expired, therefore never, was there planning permission granted for three houses to be developed at the same time, in keeping with local policy. When the planning permission for the two dwelling houses at Lauderbarns farm were approved on 11th November 2013, the planning permission for this site in question was already expired by two years.

This land was purchased by the applicant after its planning permission had lapsed and also after Mr. Damerrel had submitted his application to build two dwelling houses. The applicant purchased the land despite this information and indeed the Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011) Policy D2 HOUSING IN THE COUNTRYSIDE in which the threshold for development is clearly stated as 2 houses or 30%, whichever is the greater being available in the public domain.

4.7 The approval in November 2013 of the application for two houses accorded with Policy D2 in the adopted 2011 Consolidated Local Plan because by 2013, Policy D2 allowed only two dwellings to be added to a building group and the consent for one house on the application site had lapsed.

4.8 To what extent have the owners of the land with planning permission in principle (ref.

07/02397/OUT) made efforts to purify conditions on this consent or applied for approval of matters specified by condition? There have been no requests by the owners of the site to purify conditions on the consent and no application made for matters specified by condition. There has been no application to renew the 2013 permission and this permission is not capable of implementation without taking further positive steps to purify conditions and/or obtain approval of matters specified by condition on consent 07/02397/OUT. This planning permission in principle is, in effect, blocking any other planning applications for a dwelling from being granted within the building group.

The approval in principle as referred to above, for the two dwelling houses in Lauderbarns farm, state that the Scottish Borders Council grant planning permission in accordance with the application and the particulars given in the application and in accordance with Section 58 of the Country Planning (Scotland) Act 1997. This act states clearly that the permission expires 5 years after the date that it is granted giving Mr. Damerell permission to purify conditions on this consent or apply for approval of matters specified by condition for his development until 11th November 2018, almost three years. There is no clause specifying at what point he must have achieved any part or part thereof that process.

The applicant states that In the two years Mr. Damerell has had planning in principle, there has been no further effort to purify conditions on this consent or apply for approval of matters specified by condition thereby blocking any further developments. I dont believe that this is relevant but if the planning committee wish to take that fact into account then it should also be taken into account that during that time since Mr. Damerell had planning in principle granted he has endured significant bereavement with the death of both his parents Mr. Reginald and Mrs. Rosemary Damerell, not to mention the illnesses leading to their deaths.

5.5 The only issue in this case is the conflict with the provision in Policy D2 restricting more than two housing dwellings or a 30% increase to the group during the Plan period. The planning permission in principle for two units on the adjacent site has not progressed further since approval in 2013 and cannot be implemented without matters specified by condition approval. The consent for two units also notes that planning permission for the relocation of the farm stabling must be obtained before detailed proposals for the two units are progressed or the plots sold. None of this has been done. In effect, the extant PPP is preventing provision of one dwelling for a local professional couple on the application site who have demonstrated their commitment by undertaking an intrusive ground investigations study and submitting a detailed planning application.

5.6 The site is brownfield and there is strong national planning policy support for use of such sites

for development. The Proposed LDP is heading for adoption in the next six months or so and a new plan period will then begin. In all the circumstances and bearing in mind that planning permission was previously granted for a dwelling on this site, planning permission should be granted for the current application. The planning history is a material consideration and the application should be determined on its merits. Approval of this application would not affect the fundamental strategy or basis of the proposed LDP and the material considerations set out in this statement outweigh the minor conflict with Policy D2.

The minor conflict with Policy D2 as stated by the applicant in their application is of great concern to us.

This application challenges the Consolidated Local Plan 2010 (adopted 2011) 3.2 Policy D2 HOUSING IN THE COUNTRYSIDE. These policies are developed and in place to protect our rural areas and small housing groups from overdevelopment. I appreciate why someone would want to build a house here in Lauderbarns. However, if this planning permission is granted, that will be development of 100% which is outwith the Consolidated Local Plan 2010 (adopted 2011) 3.2 Policy D2 HOUSING IN THE COUNTRYSIDE. I do not believe it appropriate to be permitting planning permission out with these policies, primarily because an applicant failed to investigate how local planning policies may impact on a potential development.

Our home is in a small group of rural houses. I am concerned that if the Scottish Borders Council grant planning permission to proceed with this development, clearly out with their guidelines and policies, that their failure to act within this policy Scottish Borders Council Consolidated Local Plan 2010 (adopted 2011), will set precedent for allowing development, not just in Lauderbarns but also in every small rural group of houses in the Scottish Borders out with the specific guidelines. Overdevelopment will destroy the very nature of our small rural groups of residences.

Our elected representatives and their colleagues in the the Scottish Borders Council and indeed at government level have spent much time and resources devising and legislating specific policies, at a great cost to the public purse, in order to protect our rural communities. Only strict adherence to these planning policies can ensure small housing groups, such as that at Lauderbarns, are not subject to overdevelopment.

I wish to trust that these policies and legislation will be upheld by the Scottish Borders Council with regard to planning applications.

My main concern is of the excavation and the disposal of the contaminants discovered in the soil. It would seem that disturbing these contaminants pose a serious health risk and environmental risk. The site investigation reports that it is likely that further dangerous substances are also

present.

I do not believe there is a provision of water supply to this site and urge the Scottish borders council not to grant planning permission for this development until this is resolved.

We would like evidence that the applicants deeds for their land, include a burden clause stating they will share equal responsibility including any expenses incurring, with ourselves, the owners of Riverside and also the owners of The Cottage, for maintaining the access road from the road edge up until the final northern boundary of their land.

We respectfully request that any planning permission carry the clause that the access road must be kept clear at all times during both site excavations and developments to ensure we have access to our property. Further to that, the development must include provision for parking on the site and the access road to remain clear after development is complete.

Many thanks.

23 DEC 2015
SH
Comments: *Advers been
turn on with
we pte
for*
Ref No: *15/01323/FUL*

YOUR REF:
OUR REF:
DIRECT TEL:



EMAIL:



21 December 2015

Planning and Regulatory Services
Scottish Borders Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

For the attention of Mr Stuart Herkes

Dear Sir/Madam

Private and Confidential
Erection of dwellinghouse
Land North East Of The Cottage Lauder Barns Lauder Scottish Borders
Ref. No: 15/01323/FUL

We write in connection with the above planning application. Whilst we have no issue in principle, we are concerned with a number of matters of procedure and content as set out below. We wish to bring these to your attention urgently and would value your considered response:

1. Despite being a next door neighbour we have received no formal notification of this planning application received, by the Council, on 30th October 2015. We note that the neighbour consultation expired on 24th November 2015 so are concerned at this apparent lack of proper procedure. We would be grateful if the Council could confirm to us why we have not been notified and whether proper procedure has been followed.
2. Having had the application drawn to our attention by local residents, we are concerned at statements made in the application which go beyond the relevant planning history. In particular, a number of assertions are made in 4.8 and 4.10 of the planning statement about our 'lack of intention' to bring forward the two plots which have outline planning permission. **Statements are made which have not been checked with us or validated in any way beyond the public list of planning applications.** These statements do not reflect the true facts of the situation and in our view, are simply an attempt to gain planning by circumventing policy and the views of neighbours.
3. We wish to make it clear that our plans for development of the two plots and redevelopment of the farm steading have had to be put on hold over the past 18 months due to family illness and bereavements which have taken their toll. My mother sadly passed away on 4th December 2014 and my father on 26th August 2015, and I

myself also suffered near fatal illness in January 2015. This has understandably meant we have not progressed matters as we would have intended.

4. We wish to explore with you the possibility of extending the outline planning permission for the two plots 07/02397/OUT which is due to expire in November 2016. This will give us time to reformulate our strategy for development of and investment in the future of the farm business.

Yours faithfully



Jonathan and Joanne Damerell

Application Comments for 15/01323/FUL

Application Summary

Application Number: 15/01323/FUL

Address: Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

Customer Details

Name: Mrs Suzanne Little

Address: 27A Valley View, Clovenfords, Galashiels, Scottish Borders TD1 3NG

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As a member of the public, I feel this application showed be approved,

The use of a Brownfield Sites should be encouraged

The fact that the applicant is prepared to tackle any issues with contaminated land should also be looked upon as a positive, This can only be beneficial to the environment.

The plot has been left as waist ground for a number of years and would benefit from remediation and development

As I understand, the plot has previously had approval for a house to be built, which if had gone ahead, would off enhance the area.

I hope that Scottish Borders Council Look at the Application in a positive way and be seen to encourage self build projects

Thank You

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Local Review Reference: 16/00007/RFEF

Planning Application Reference: 15/01323/FUL

Development Proposal: Erection of dwellinghouse

Location: Land North east of The Cottage, Lauder Barns, Lauder

Applicant: Angela Fairbairn

SESPLAN 2013:

Policy 5 – Housing Land

The Strategic Development Plan identifies that, for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development. Of that total, the requirement for the period 2009 to 2019 is for 74,835 houses. Supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.

The supplementary guidance will be based on an analysis of opportunities and of infrastructure and environmental capacities and constraints, and will be undertaken in consultation with the six constituent planning authorities.

Subject to any justifiable allowance for anticipated house completions from 'windfall' sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance. Where appropriate they will indicate the phasing and mix of uses to be permitted on any sites to be allocated for housing development.

Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.

Consolidated Scottish Borders Local Pan 2011

POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

POLICY D2 (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:

1. 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,
2. 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,
3. 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.

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 Plan period. This will include those units under construction or nearing completion at that point.

POLICY D2 (B) DISPERSED BUILDING 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 acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,
2. 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,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

POLICY D2 (C) CONVERSIONS

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

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,

2. 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
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

POLICY D2 (D) REBUILDING

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or
6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

POLICY D2 (E) ECONOMIC REQUIREMENT

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

1. 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
2. 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 use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and

3. 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
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In **ALL** instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy 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 G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

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:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. 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,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. 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 and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. 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,
7. it provides 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,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
 9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
 10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
 11. it provides for recycling, re-using and composting waste where appropriate,
 12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
 13. 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,
 14. it incorporates, where required, access for those with mobility difficulties,
 15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable 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 part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

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

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;

3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. 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;
7. 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; and provision of street furniture.

POLICY H2 – 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:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. 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 and loss of privacy. 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 G6 – DEVELOPER CONTRIBUTIONS RELATED TO RAILWAY REINSTATEMENT

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Waverley rail link from any developments that may be considered to benefit from, or be enhanced by, the reinstatement of the rail link. The postcodes affected and level of contribution sought will be in accordance with the Council decision of 5 October 2004 or from any subsequent Council decision during the Local Plan period.

POLICY INF6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. 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.
3. 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.

POLICY INF5 – WASTE WATER TREATMENT STANDARDS

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

1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
2. 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:
3. agreement with Scottish Water 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:
4. for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage 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 septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

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

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or 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 additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;

Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

Proposed Local Development Plan 2016 (incorporating Reporter's changes accepted by Scottish Borders Council)

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,
- 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.

(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 scales, 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 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 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

- 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:

- 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 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 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 IS3 - Developer Contributions related to the Borders Railway

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

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 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.

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

Other Material Considerations

SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
SBC Supplementary Planning Guidance on Placemaking and Design 2010
Scottish Planning Policy



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 100006747-001

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:	Camerons		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gavin	Building Name:	
Last Name: *	Yuill	Building Number:	1
Telephone Number: *	01896753077	Address 1 (Street): *	Wilderhaugh
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD1 1QJ
Email Address: *	info@camerons.ltd.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Whinbank Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Distington"/>
Company/Organisation	<input type="text" value="Book Developments Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Workington"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="CA14 4QH"/>
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" value="76 ST ANDREW STREET"/>
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" value="GALASHIELS"/>
Post Code:	<input type="text" value="TD1 1DY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="636085"/>	Easting	<input type="text" value="349015"/>
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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: Demolition of existing workshop and construction of new dwelling house.

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.

Based on the quality of the design, absence of any public objection, and the fact that the property will be an affordable home; we believe that the refusal should be overturned and the application granted.

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)

The information provided regarding the affordable housing statement was technically provided after determination; however it was provided on the same day as the application being determined. The determination date was indicated as the 24th of March under a processing agreement. The application was actually determined on the 16th of March. On account of the above, we believe that this information should be considered as part of this appeal.

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)

9249-1.01, 9249-1.02, 9249-1.03, 9249-1.04, 9249-1.05, 9249-1.06, 9249-1.07, Affordable Housing Statement 160315 and Covering Letter, Design Statement, Email Correspondence relating to Affordable Housing Statement, Refusal Notice, Statement of Reason for Seeking Review, Processing Agreement PPA 1557_4_

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/01557/FUL

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

25/12/2015

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

16/03/2016

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

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

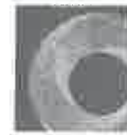
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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 Gavin Yuill

Declaration Date: 08/04/2016



camerons

ARCHITECTS & PLANNERS

7th of April 2016

Our ref: GY/9254/A4/160407

F.A.O Local Review Body
Scottish Borders Council
Council Headquarters
Newtown St Boswells
MELROSE
Scottish Borders
TD6 0SA

1 Wilderhaugh
Galashiels TD1 1QJ
Tel: 01896 753077
Fax: 01896 756046
Email: gal@camerons.co.uk

Application 15/01557/FUL - APPEAL STATEMENT
Builders Yard Land South West of 76 St Andrews Street, Galashiels, Scottish Borders

As the Architects for the above application; we have been asked by our client (Book Developments Ltd) to submit an appeal against the Scottish Borders Council's decision to refuse the above application for a new dwelling house at the Builders Yard of 76 St Andrews Street, Galashiels. The application was refused on the 16th of March 2016 for the following reason:

1. The development would conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 and Supplementary Planning Guidance "Placemaking and Design" 2010 because the scale, form and design of the development would, in this backland location, lead to an unacceptable visual impact.'

Planning Policy

Policy G1 - Quality Standards for New Development: This policy is criteria based and requires that new development should:

- I. Be of a high quality and be designed to fit into the townscape.*
- II. Be compatible with the surrounding area and neighbouring uses.*
- III. Be satisfactorily accommodated within the site.*
- IV. Able to allow for contemporary or innovative design.*
- V. Incorporate hard and soft landscaping.*
- VI. Provide appropriate boundary treatments.*
- VII. Be of a scale, mass and density compatible with the surrounding area.*
- VIII. Colours, textures and materials should complement surrounding architecture.*

Policy G7 - Infill Development: This policy states that, development should not detract from the establish land use or the character and appearance of the surrounding area. Scale, materials, form and density should be appropriate to its surroundings.

Policy H2 - Protection of Residential Amenity: This policy states that development should be compatible with a residential area and that visual impact will be a consideration. Regard must also be given to the Scottish Government's statement on planning policy contained within SPP (Revised). Paragraph 137 states that the planning system should:

'Enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage affected....change should be

sensitive, to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved and enhanced.'

The Local Plan contains a presumption in favour of alterations subject to no adverse impact on the character of the building, and those alterations being in keeping with the surroundings.

Basis for Determination of a Planning Application

The Town & Country Planning (Scotland) Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; the also applies to an appeals. The House of Lords judgement in the *City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120)* sets out a clear approach to determining a planning application as follows:

- I. Identify any provisions of the Development Plan that are relevant to the decision.*
- II. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.*
- III. Consider whether or not the proposal accords with the Development Plan.*
- IV. Identify and consider relevant material considerations for and against the proposal.*
- V. Assess whether these considerations warrant a departure from the Development Plan.*

Why we are seeking a review of the Planning Authorities Decision

With regards to the Planning Officer's report; it is clear that there is support for the site being converted into a residential site.

'The site is not open space of value or allocated employment land. The proposed residential use would not be in conflict with surrounding residential uses and, indeed, would be an improvement on the historical use of the site as a workshop.'

There is also broad support from each of the relevant consultees: both Roads and Environmental Health (subject to a condition for a site investigation and risk assessment) have no objections. The Planning Officer is also broadly supportive of the proposal in terms of the effect on amenities for both the new and existing properties. This is of particular important in relation to its context.

'There would be no loss of daylight or sunlight to neighbouring properties by my estimation... No loss of privacy will result... I would suggest the resulting impacts would be agreeable.'

The only principal issue from the Planning Officer's perspective is the scale of the proposal; but based on the above would be supportive of a similar design approach, albeit reduced in scale.

'The proposal, as it currently stands, would not relate comfortably to its context. If it were redesigned and reduced in scale so it could be read as a large outbuilding, with material specifications to allow it to visually integrate with other large outbuildings here, then its overall visual impact on this back garden setting would be more comfortable.'

As the Planner states; we were given the opportunity to redesign the proposal on this basis. However, both the applicant, and ourselves, strongly believe that it would be to the detriment of the proposal.

This proposal is a high quality piece of design which enables positive change, and enhances the existing built environment. The change is also sensitive to its context; every effort has been made to maintain the surrounding properties amenities (which as mentioned, have been acknowledged by the Planning Officer). This being the case, the design shouldn't need to be amended. At approximately 83sqm, the dwelling has been designed to the optimum

size for a two bedroom / 4 person house; as recommended by the RIBA's (written and researched by Rebecca Roberts-Hughes) 'Case for Space: the size of England's new homes' 2011 paper.

Crucially in relation to the immediate built environment; on the basis that there was not a single objection to the proposal, it has to be supposed that the public also agree with this point of view. In relation to the Officers reason for refusal; we would suggest that this point should be considered very seriously by the Local Review Body, particularly with regards to the established principals for determining an application.

The applicant also wishes to make the property an affordable home. The property will be available at '*Private Below Market Rent*'; providing a 2 bedroom property for 95% of the Local Housing Allowance weekly rental rate - for 15 years. Given both the Scottish Borders Council¹ and Scottish Governments respective affordable housing targets; this should also be seriously considered by the Local Review Body when determining the application. (Further information has been supplied with this appeal to demonstrate why the affordable housing statement should be considered along with the originally submitted information; despite the fact that it was provided after determination).

Conclusion

Based on the quality of the design, absence of any public objection, and the fact that the property will be an affordable home; we believe that the refusal should be overturned and the application granted.

Finally, in the same way that an applicant has the opportunity to speak at the Planning Committee as part of an planning permission application being determined by the Committee; we would respectfully ask that we are given the opportunity to speak as part of any site visit that would be carried out as part of the appeal process.

Yours faithfully



Gavin W Yuill
Director
For and on behalf of
CAMERONS

Enc

cc Mark Thomson, Book Development Ltd

¹ The *Scottish Borders Local Plan - Supplementary Guidance on Affordable Housing - Updated and Revised January 2015* states – 'established need for 268 units per annum of affordable housing in the Scottish Borders according to the *SESPlan Housing Need and Demand Study published in May 2011*'

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01557/FUL

To : Book Developments per Camerons Ltd Per Gavin Yuill 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ

With reference to your application validated on **11th January 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

At : Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders

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

**Dated 16th March 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01557/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
9249/1.01	Location Plan	Refused
9249/1.02	Existing Layout	Refused
9249/1.03	Existing Elevations	Refused
9249/1.04	Site Plan	Refused
9249/1.05	Floor Plans	Refused
9249/1.06	Sections	Refused
9249/1.07	Elevations	Refused

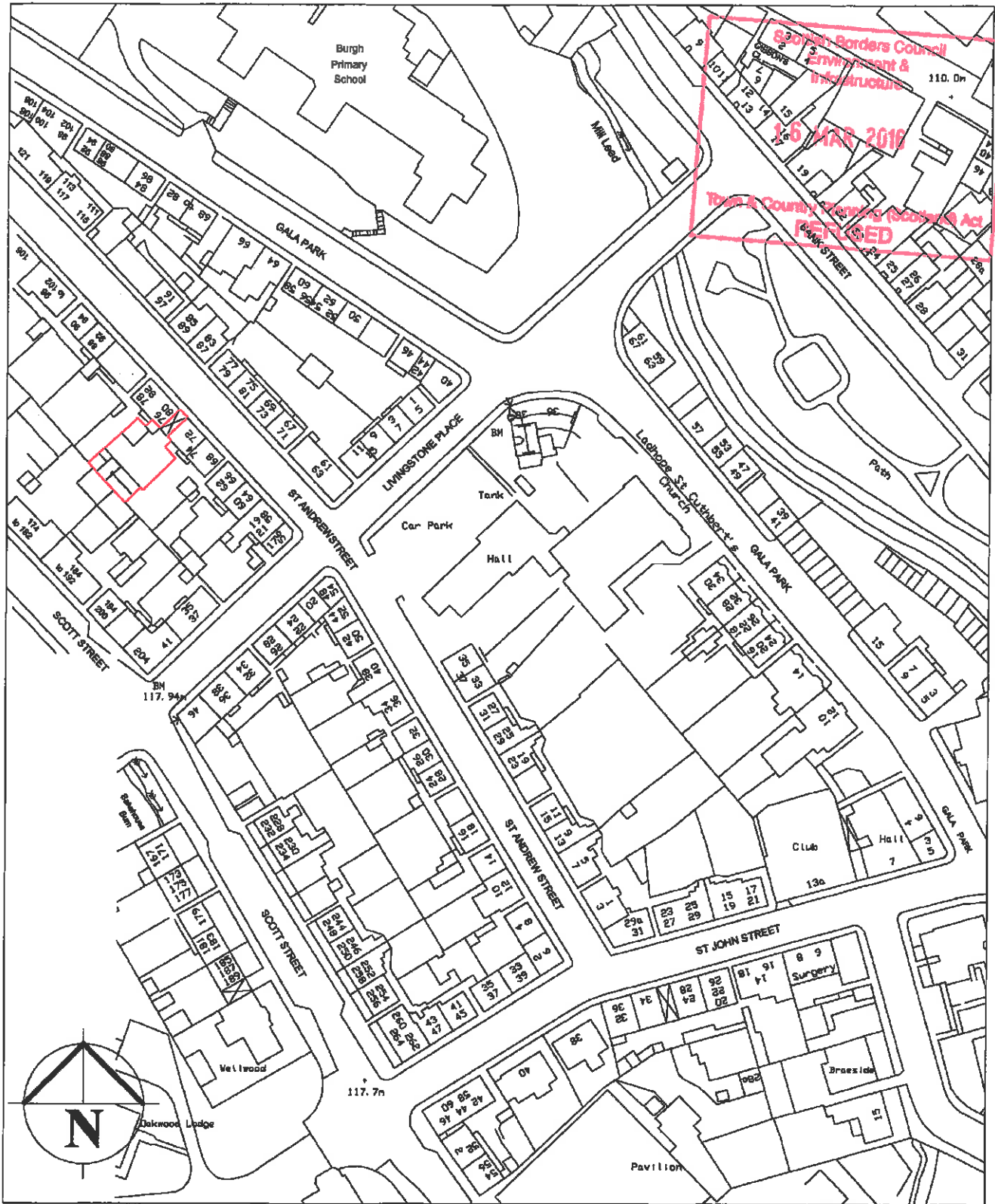
REASON FOR REFUSAL

- The development would conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 and Supplementary Planning Guidance "Placemaking and Design" 2010 because the scale, form and design of the development would, in this backland location, lead to an unacceptable visual impact on the character of the surrounding area and neighbouring built form

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



South Borders Council
Environment &
Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED



client: Book Developments Ltd project: New Build House
76 St Andrew Street title: Location
Galashiels TD1 1DY

date: 24.12.15 drawn: RP scale: 1:1250 @ A4 number: 9249/1.01 rev:

file: g:\p101241-d\cadwork\st-andrew-150415\101-d\st-andrew-622.dwg

South Ayrshire Council
Environment &
Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
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down takings noted in dashed
red line



architecture design development

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10 Waterloo Place
Edinburgh
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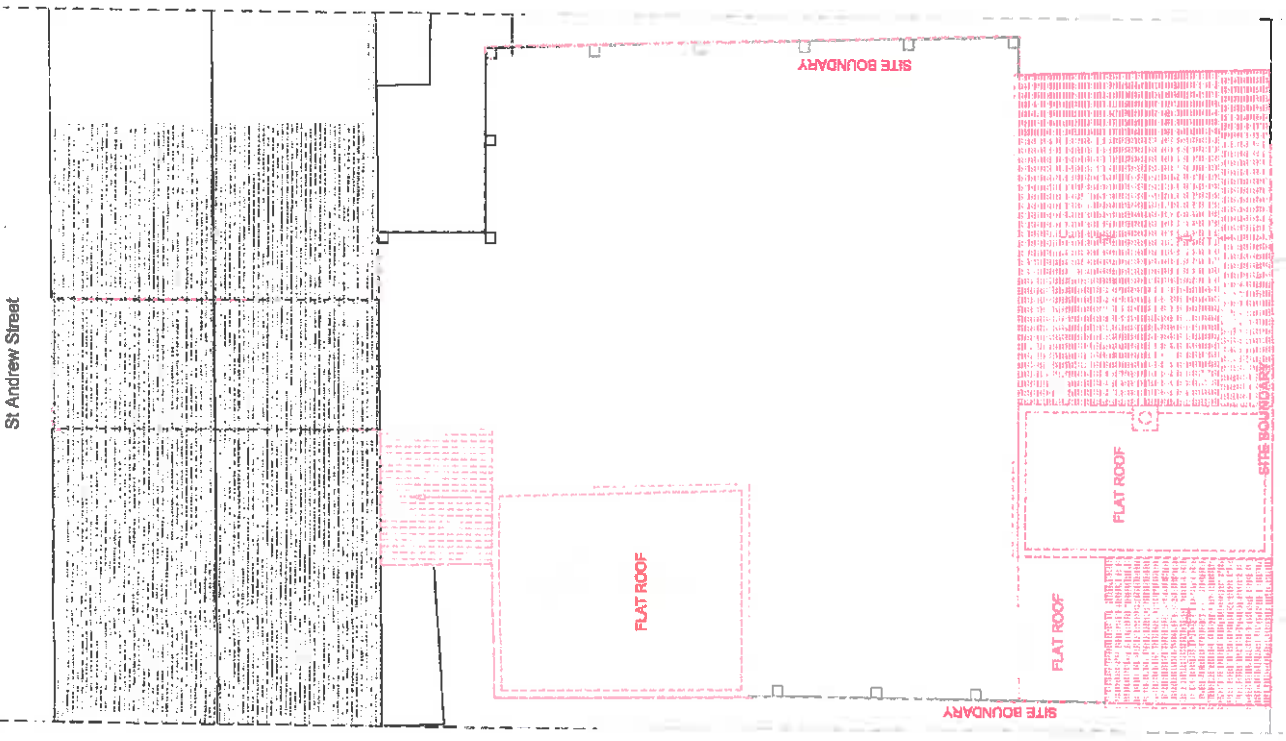
client: Book Developments Ltd

project: New Build House
76 St Andrew Street
Galloway TD1 1DY

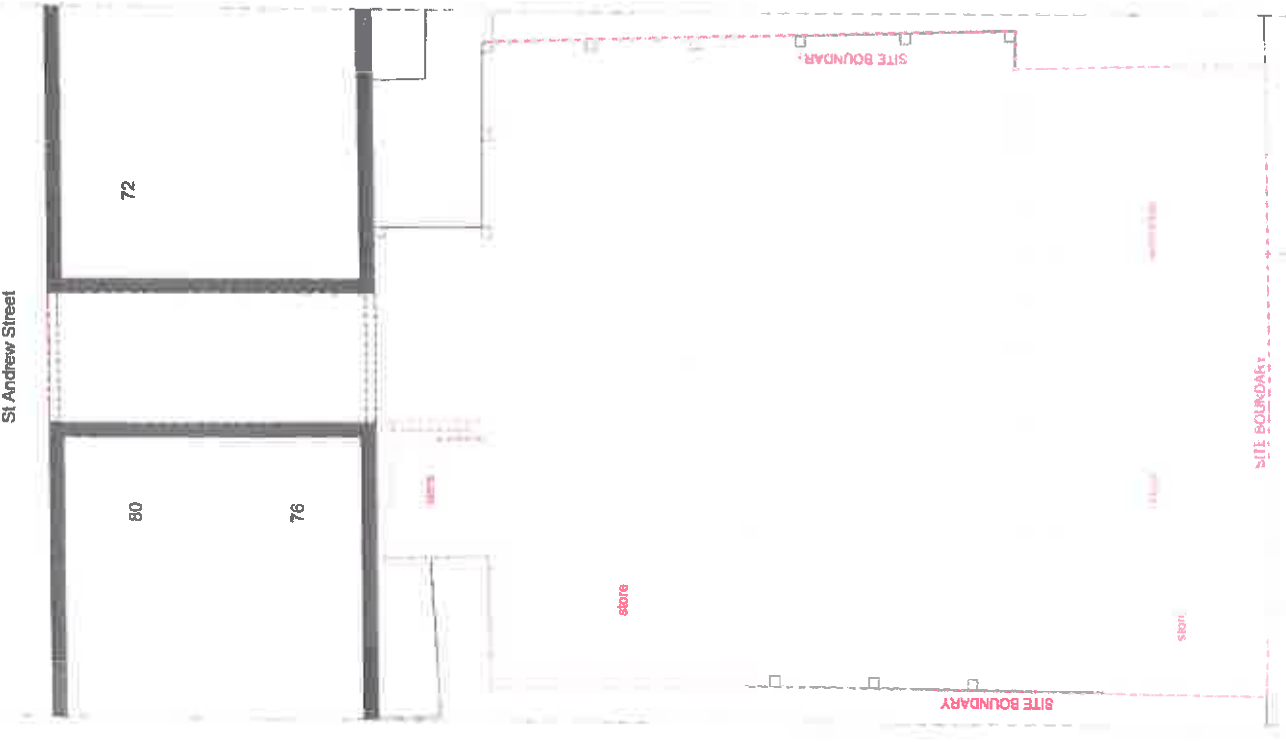
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scale: 1:100
date: 24.12.15
drawn: RP
checked: @ AJ

number: 9249/1.02

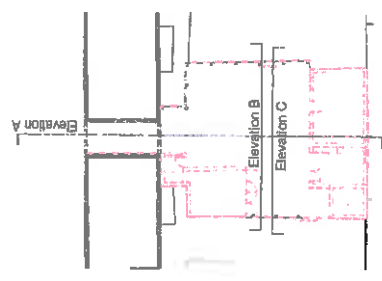
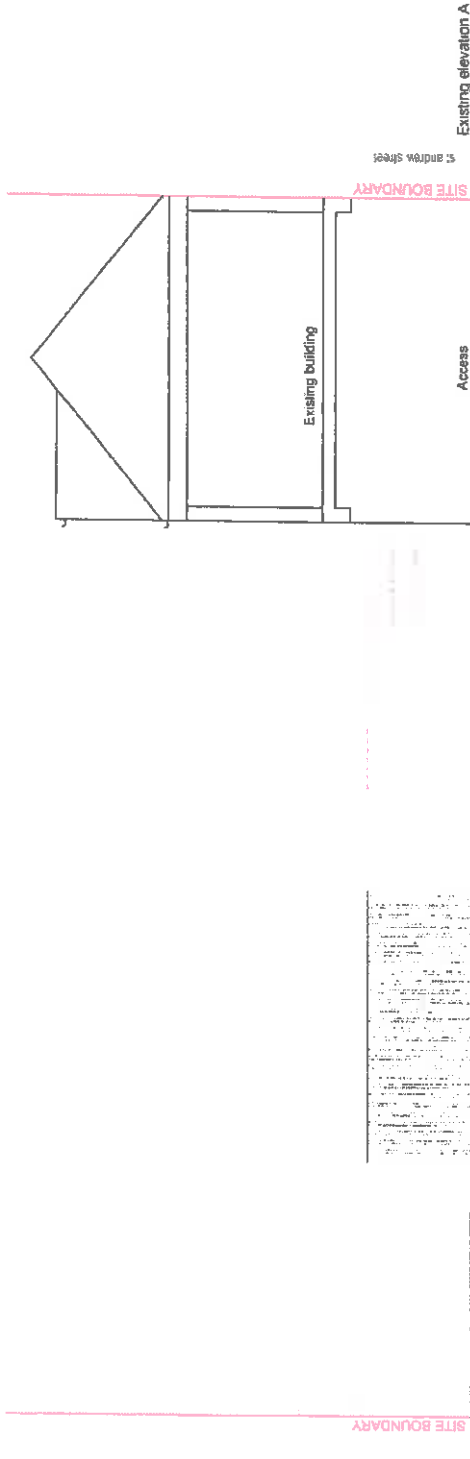


Existing roof plan, scale 1:100



Existing ground floor plan, scale 1:100

Scottish Borders Council
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Infrastructure
16 MAR 2016
Town & Country Planning (Scotland) Act
REFUSED



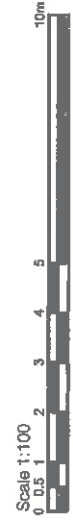
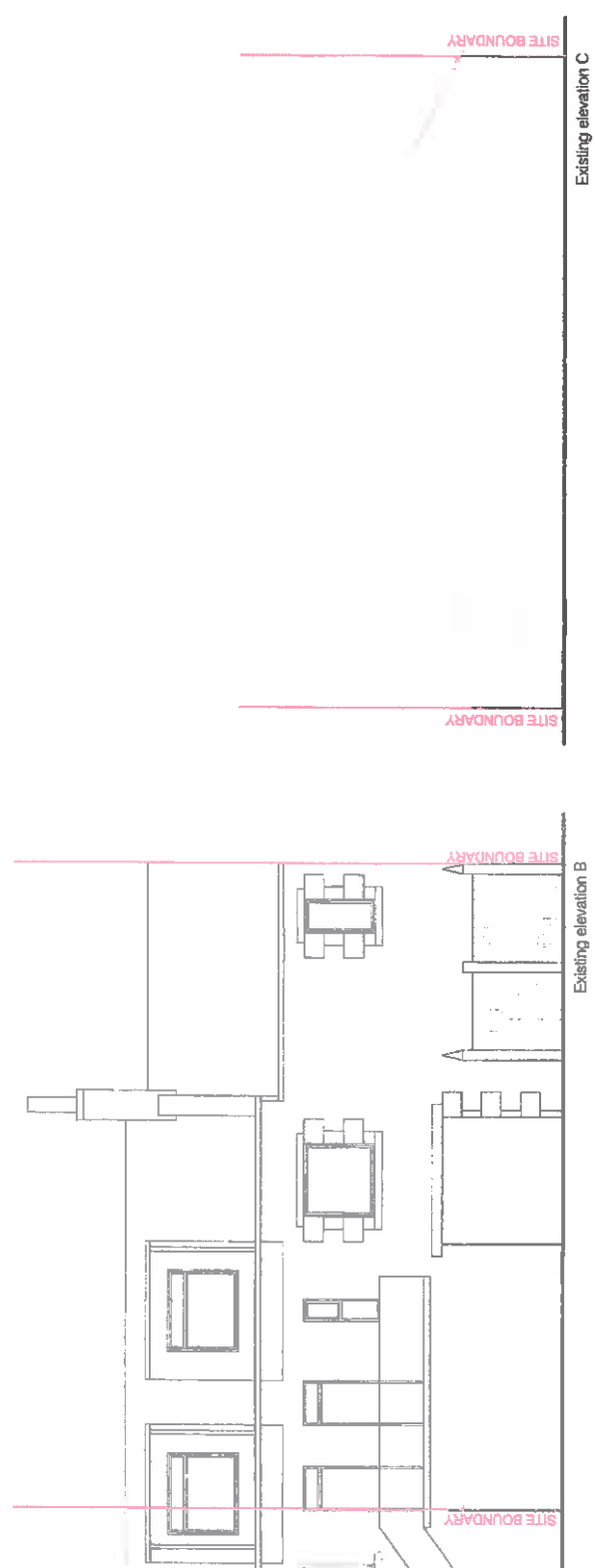
downtakings noted in dashed red line

architecture
 Cameron's
 100 High Street
 100 High Street
 Newburgh, East Lothian
 EH26 9JG
 Tel: 0131 653 7000
 Fax: 0131 653 7001
 www.camerons.co.uk

client Book Developments Ltd

design
 project: New Build House
 76 St Andrew Street
 Galashiels TD1 1DY
 title: Existing elevations

development
 scale: 1:100 @ A3
 date: 24.12.15
 drawn: RP
 checked: [blank]
 number: 9249/1.03
 rev: [blank]



Scottish Borders Council
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16 MAR 2016
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REFUSED

architecture design development

camerons
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Tel: 0141 204 2000
Fax: 0141 204 2001
www.camerons.co.uk

client: Book Developments Ltd

project: New Build House
78 St Andrew Street
Galeshells TD1 1DY

proposed site plan

scale: 1:100

date: 14.12.17

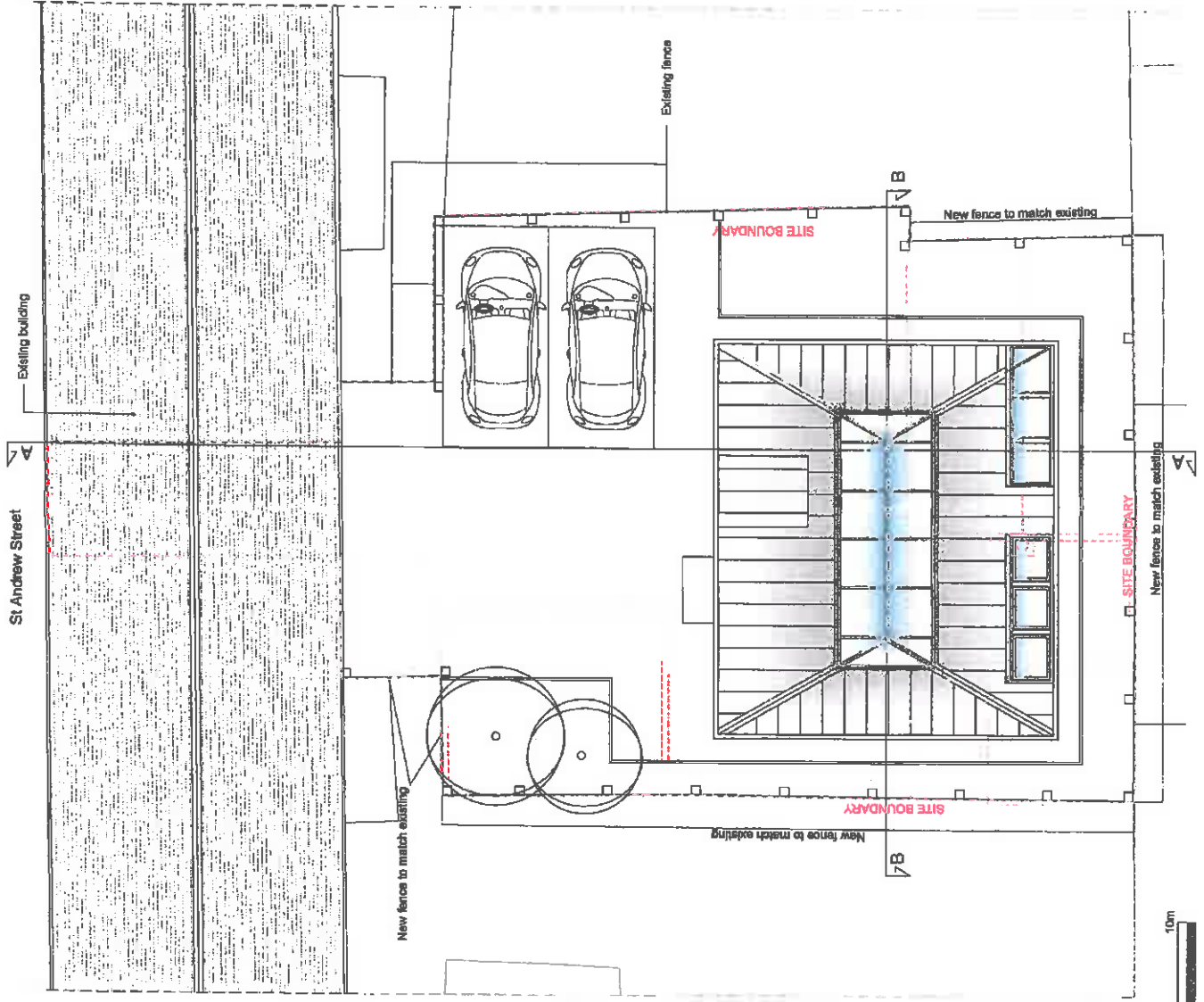
drawn: RF

checked: JLP

number: 9249/1.04



downtakings noted in dashed red line



Scale 1:100
0 0.5 1 2 3 4 5 10m

Proposed site plan, scale 1:100

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client: Book Developments Ltd

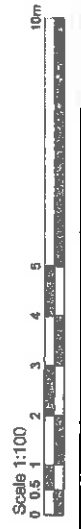
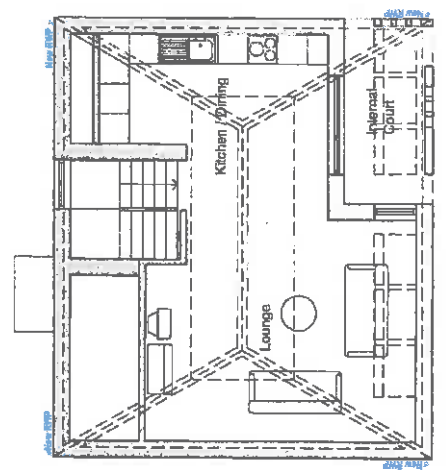
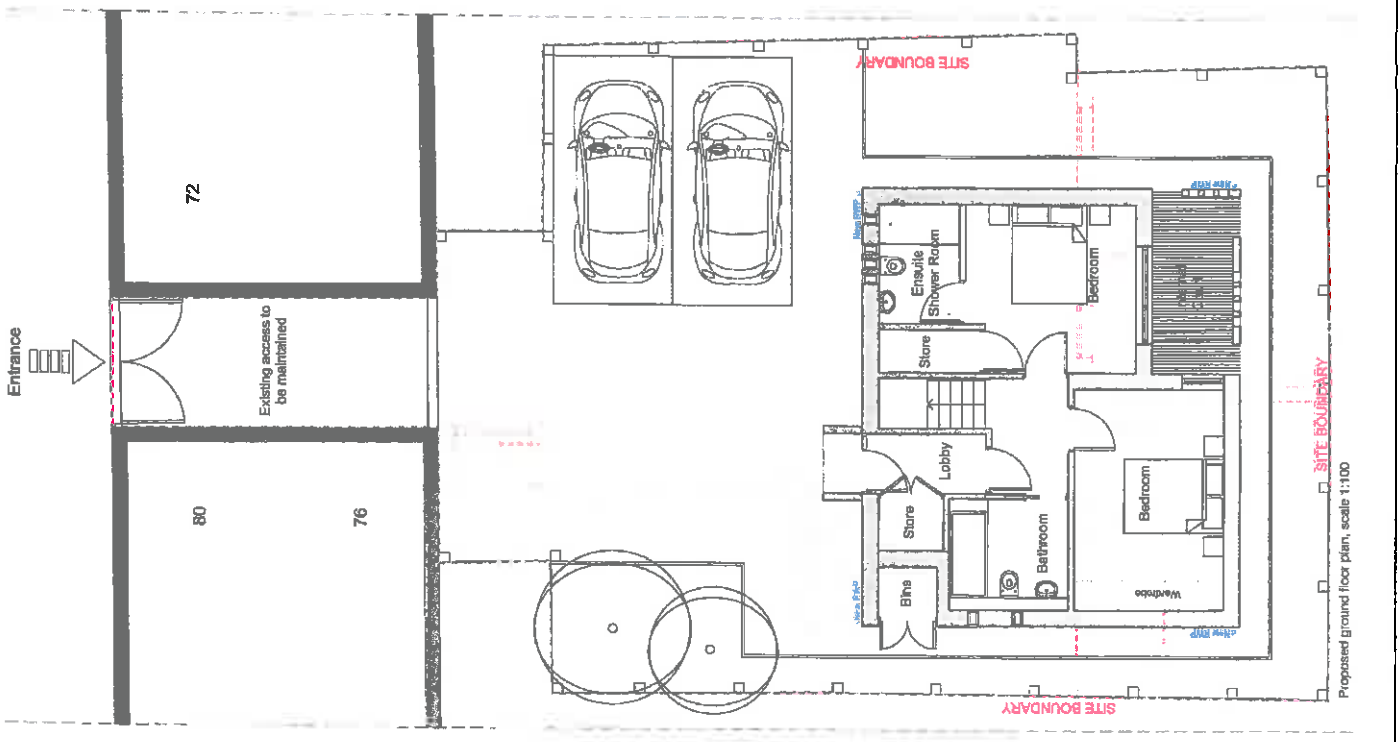
project: New Build House
76 St Andrew Street
Galashiels TD1 1DY

site: Proposed floor plans

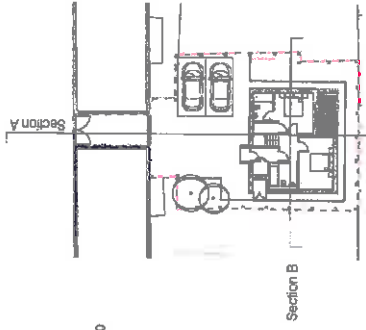
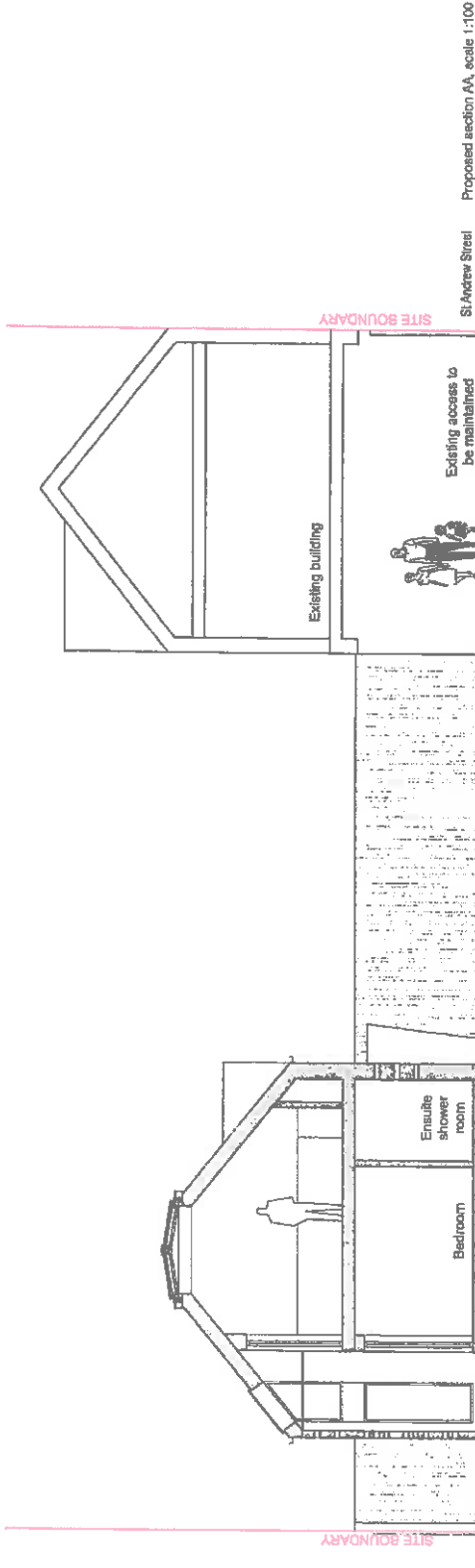
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sheet: RP
stage: 1/1
revision: 9249/1.05



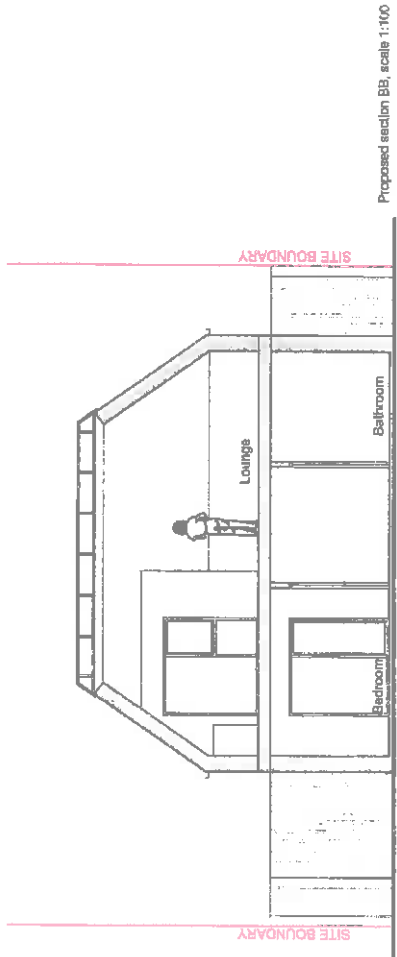
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Scottish Borders Council
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16 MAR 2016
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architecture design development

client: Book Developments Ltd

project: New Build House
76 St Andrew Street
Galashiels TD1 1DY

title: Proposed sections

scale: 1:100 @ A3

date: 24.12.15

drawn: RP

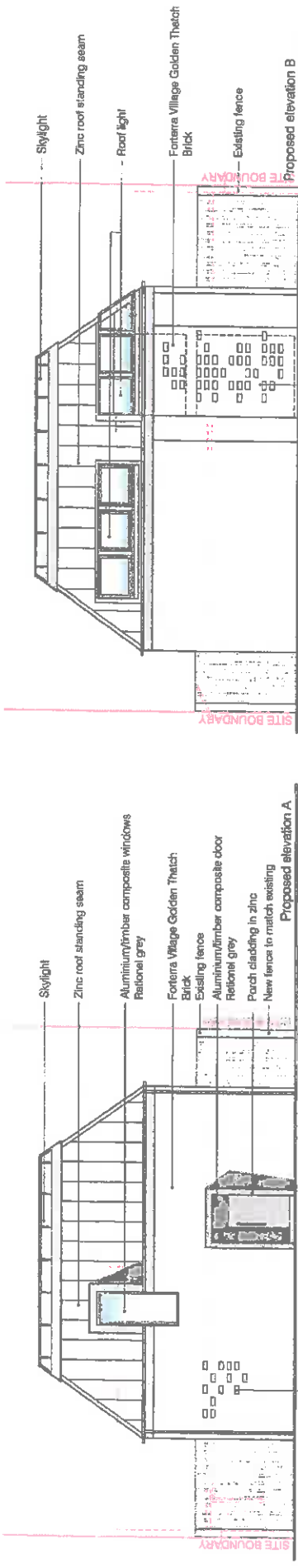
ref: 9249/1.06

Map at:
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Tel: 0141 206 7007
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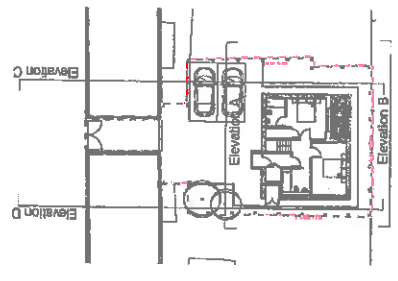
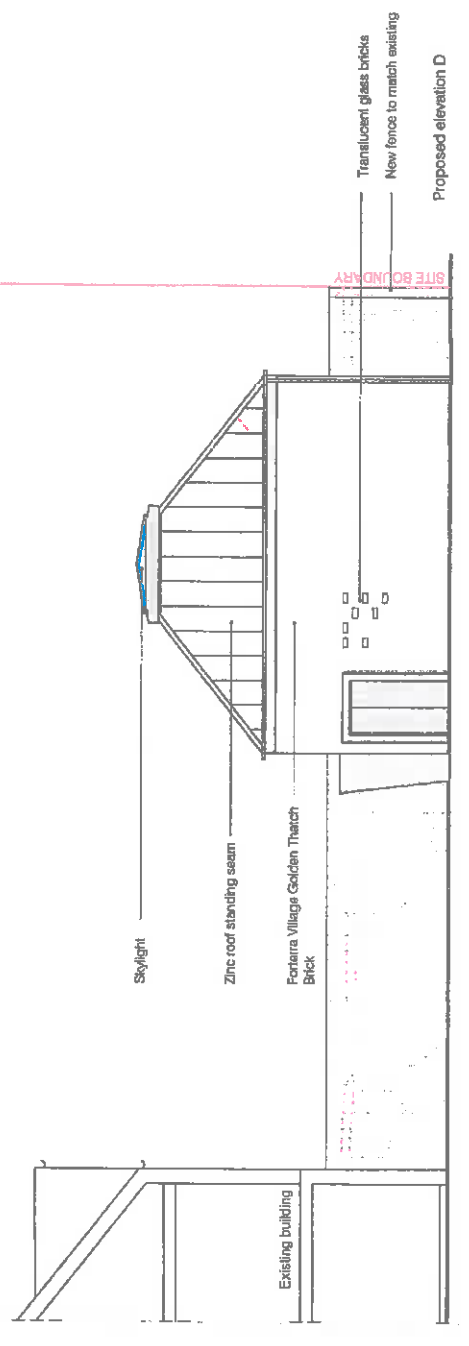
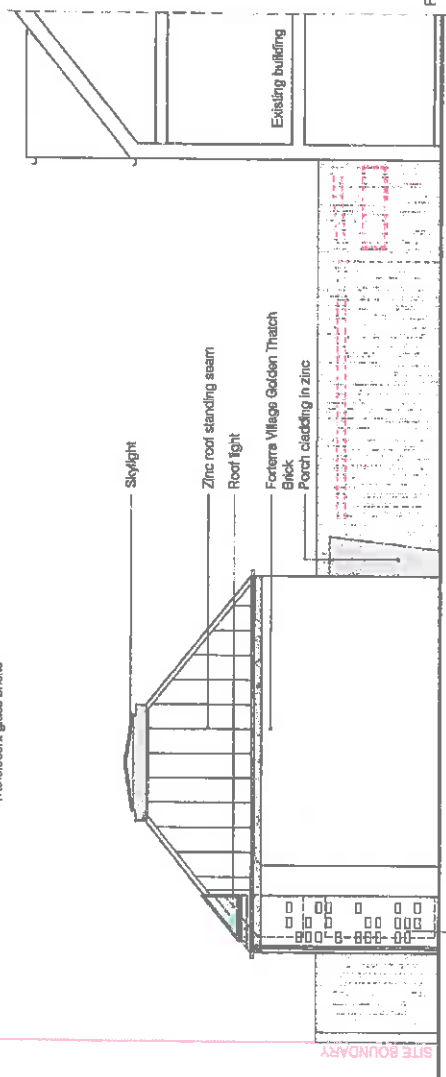
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Scottish Borders Council
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 16 MAR 2016

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architecture Cameron 100 High Street Inverness, Inverness, Inverness, Inverness Tel: 01463 832300 Fax: 01463 832304 www.cameronarchitects.co.uk		design client: Book Developments Ltd project: New Build House 76 St Andrew Street Galashiels TD1 1DY title: Proposed elevations		development scale: 1:100 @ A3 date: 24.12.15 drawn: RP file: g:\projects\new_build_house\elevations\1-100\1-100.dwg number: 9249/1.07 rvc:	
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new build house in st andrew street design statement



camerons

1 Wilderhaugh
TD1 1QJ
Tel 01896 753077
Fax 01896 756046
Email gala@camerons.ltd.uk

For Book Developments Ltd

76 st andrew street
galashiels TD1 1DY
scottish borders

December 2015

1. SITE

Introduction:

The project is the construction of an individual house in a yard in a residential area in Galashiels in the Scottish Borders. The site is located in St Andrew Street, in the centre de city.

The existing site consists of an interior yard and contains a few constructions which were used as a builder store.

The access to the yard is through a passage between the house numbers 72 and 80 in St Andrew Street.

History:

The site has been used as a builder store for many years and some constructions have been built in the site in order to store materials.

The client, Book Developments Ltd, obtained Planning Permission for the site on 9th December 1991 (ref (91/00576/FUL) for erection of offices. This was valid for 5 years and so has subsequently lapsed.



Image from GoogleMaps



Image from GoogleEarth

new build house in st-andrew street - design statement



View from the gardens



Existing constructions on site

2. CONTEXT

Location:

The site is bounded to the South-West, South-East and North-West by private gardens and back access to properties, and to the North-East by 2 and a half storey terraced houses, the majority of which have dormers or box dormers.

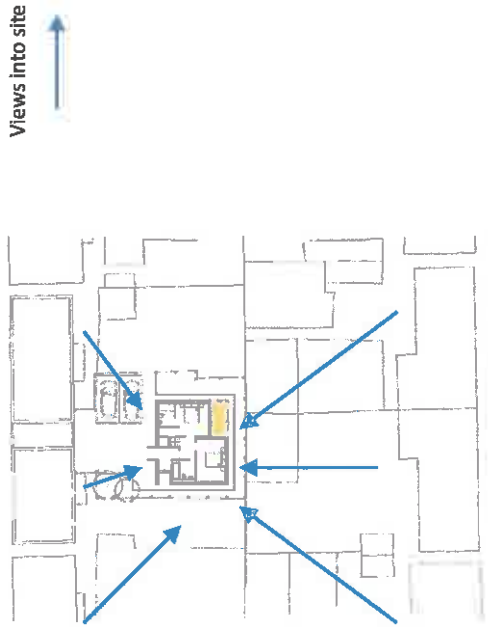
Site description:

The existing yard contains a few weak constructions within the boundaries that have not been in use for a few years and show signs of deterioration and degradation.

This could progress if the existing buildings remain as they are, which might affect the adjacent properties.

The rest of the yard is covered in vegetation.

ST ANDREW STREET



3. PROPOSAL

Brief:

The brief established by Book Developments Ltd is for the construction of a new two bedroom house.

Summary and design approach:

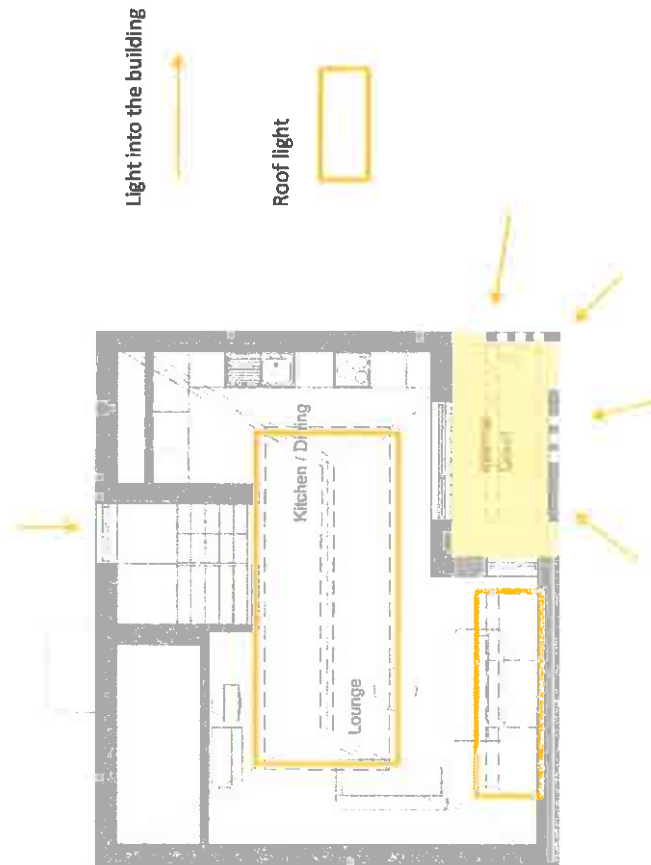
The proposal is a one and a half storey house with minimal impact on the surrounding area and demolition of the existing constructions. On site parking is to be provided.

Design solution:

This project aims not only to minimise its impact on the area but also to preserve the views of the neighbours.

In order to achieve this privacy, the house is perceived as an envelope with just one window on it, a window which allows plenty of light to enter into the staircase.



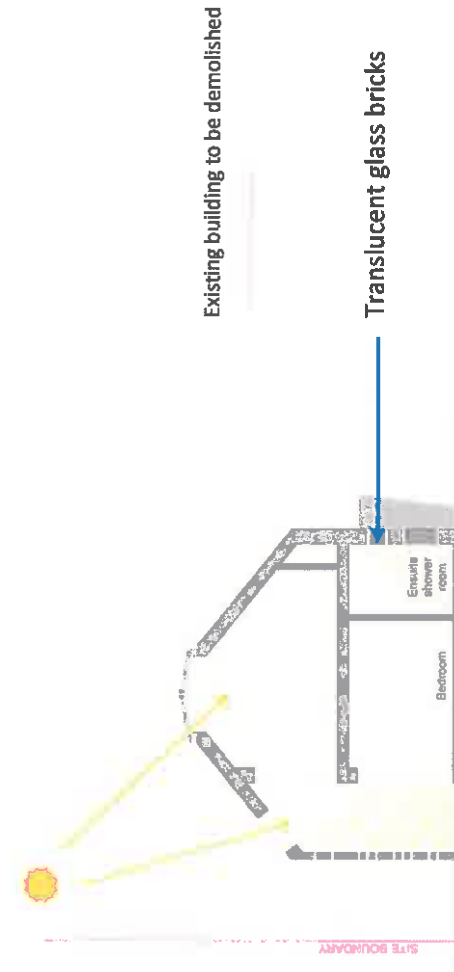


To ensure access to natural light and ventilation an internal courtyard is created to the South where the windows from the main rooms are facing. The daylight streams into it through small openings in the walls (random hit and miss brickwork) and through a roof light.

A skylight is located on the top floor bringing plenty of light into the day area.

Translucent glass bricks have been utilised in the exterior walls of the toilets to ensure daylight comes into the room.

Although the proposed building is higher than the existing, it improves the relationship with neighbours in terms of daylight because of increased distance between the proposed building and the neighbour's garden. The high quality design will also add and improve the urban fabric of the back green where visible from the main road.



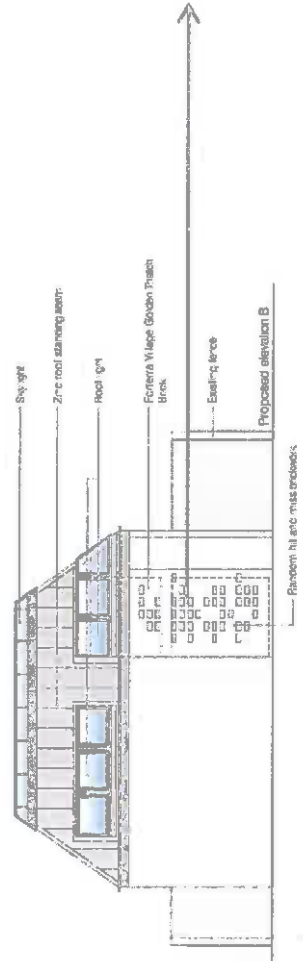
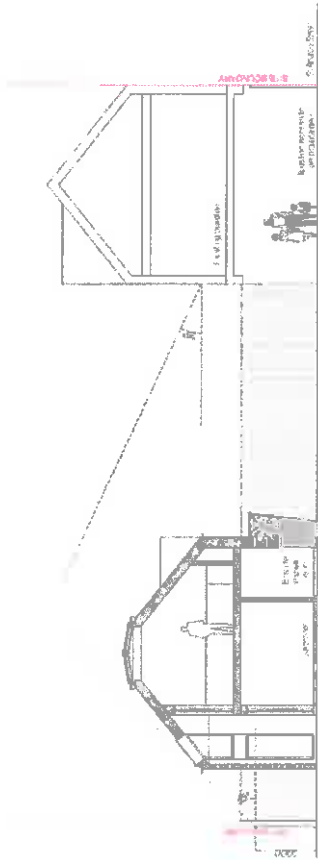
Concerning the impact of the shadows in the surroundings, special care has been taken regarding the design of the building. The height has been reduced to the minimum and the separation with the boundaries has been calculated in order not to overshadow the private gardens of the neighbours.

The roof gradients have been designed to be more in keeping with its context so that the building fits into its surrounding environs.

The proposed materials are brickwork with areas of random hit and miss brickwork and pitched zinc roof. The brick selected is Forterra Village Golden Thatch Brick.

Windows and roof windows shall be composite aluminium/timber colour grey to match the zinc roof and porch cladding, with matching grey entrance door.

Rainwater goods shall be grey.



Maggie's Centre Lanarkshire
Relach and Hall Architects

Gavin Yuill

From: Gavin Yuill
Sent: 16 March 2016 16:12
To: Clarke, Carlos
Subject: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL
Attachments: SKM_C224e16031616160.pdf

Dear Carlos,

Prior to determining the above application; please find attached a letter setting out the clients thoughts regarding any potential Section 75.

If you have any queries, please don't hesitate to give me a call.

Kind Regards
Gavin Yuill *BA Arch Hons, Dip Arch, MArch*
Director
Chartered Architect, *RIAS, RIBA, ARB*

For and on behalf of:

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1 Wilderhaugh
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TD1 1QJ

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VAT Reg No: 345 3077 62

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www.camerons.ltd.uk

TEL: 01896 753077
MOB: 07966 151081

Architects Registration Board Number: **075142A**
<http://search.arb.org.uk/>

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From: info @ Camerons
Sent: 16 March 2016 16:17
To: Gavin Yuill
Subject: Message from KM_C224e



camerons

architecture • health & safety

15th March 2016

Our ref: GY/9249/A4

F.A.O Mr Carlos Clarke
Lead Planning Officer
Development management

Scottish Borders Council
Council Headquarters,
Newtown St Boswells,
MELROSE,
Scottish Borders,
TD6 0SA

Wickchaugh
Galashiels TD1 1QJ
Tel: 01896 753077
Fax: 01896 756046
Email: galash@camerons.td.t

Dear Carlos,

Application 15/01557/FUL
Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders:

In relation to Jon Bowie's (Development Negotiator) letter of the 8th of February, outlining developer contributions of £16,195, we write to confirm the following on behalf the applicant:

As part of Section 75 agreement, Book Developments Ltd are seeking to make the above dwelling, should the application be granted, an affordable property.

The principals that the applicant would be seeking to apply to the property are stated below:

Affordable Category

On the basis of the Scottish Borders Supplementary Planning Guidance on Affordable Housing; the house will be constituted as 'Private Below Market Rent' affordable home. The minimum rental period for the home would be 15 years, as suggested in the guidance.

Tenure and Management of the Affordable Houses.

The accommodation would be privately rented; and managed by the applicant or an agent on the applicants behalf. The properties would be rented at 95% of local housing allowance rates, as outlined below:

- *Local Housing Allowance for a 2no bed property is £92.05 per week (current LHA Allowance rates).*
- *At 95% thereof; the rental for each 2 bedroom property is £87.45 per week.*
- *The rental amount would only vary in relation to the Local Housing Allowance Rates*

Affordable House for Sale

During the 15 year period; the property will only be rented out at 95% of the current Local Housing Allowance rates, for the equivalent property profile in that area. After this the property could be sold, but only at 95% of its market value, at the time of sale. Subsequent sales would be sold at market value.

Developer Contributions

The only contribution if required, would be a contribution towards local Play Facility or Access Contributions.

Based on experience; the above outline complies with the Council's definition of affordable housing. If this can be confirmed in relation to this application, it would be appreciated.

If you require any further information, please don't hesitate to get in touch.

Yours sincerely



Clavin W. Yell
Director
For and on behalf of
CAMERONS

Gavin Yuill

From: Clarke, Carlos <CGClarke@scotborders.gov.uk>
Sent: 17 March 2016 09:21
To: Gavin Yuill
Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Gavin

I confirm this is our final decision for the following reasons:

- The application was determined via our delegated procedures (signed by our Chief Planning Officer) before your information was received
- Our PPA did not include any agreement to submit information on affordability, and you gave no indication at any point that such a case would be presented. Had the PPA accounted for it then I would not have determined until it had been received and I would have had no difficulty in considering it had it been before me
- The PPA stated a determination by, not on. We do not routinely inform applicants that we will determine *before* a target date. I have not heard of that being an expectation before.

I think this application was determined fairly and in accordance with how I outlined it to you before it had been determined. My decision aligned entirely with what I advised you. As far as I am concerned, I have nothing further I can add on this matter.

Regards,

Carlos Clarke MRTPI
Lead Planning Officer
Development Management
Regulatory Services
01835 826735

cgclarke@scotborders.gov.uk

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Explore the Council's new web mapping tool [here](#)

 Development.scot

The Scottish Government's on line portal for Planning applications is changing from January 2016

Make your Building Warrant applications on line from August 2016 using the Scottish Government's portal

From: Gavin Yuill [mailto:gavin.yuill@camerons.ltd.uk]
Sent: 17 March 2016 09:09
To: Clarke, Carlos
Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Carlos,

We have given the information to you as soon as it was agreed with our client yesterday, on the same day of the determination, and 5 working days before the date outlined in the PPA.

If you were determining before the date of the PPA, we would have expected to have been warned of the fact so that something like this didn't occur.

If this is your final decision we will have to appeal on the basis of the information supplied before the affordable housing statement, but I have to say it feels pretty unreasonable.

Thank you.

Kind Regards

Gavin Yuill BA Arch Hons, Dip Arch, MArch
Director
Chartered Architect, RIAS, RIBA, ARB

For and on behalf of:

Camerons
1 Wilderhaugh
Galashiels
TD1 1QJ

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Architects Registration Board Number: **075142A**
<http://search.arb.org.uk/>

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From: Clarke, Carlos [<mailto:CGClarke@scotborders.gov.uk>]

Sent: 17 March 2016 08:13

To: Gavin Yuill

Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Gavin

The information you sent yesterday was not received before the application was determined so it would not be possible for it to be considered at Local Review. The Local Review Body can only review the application submission that was determined. Our PPA included a date by which the application was to be determined *by*, not *on*. I was not aware that you planned to submit any proposal regarding the affordability of the unit so I did not anticipate the issue being material to the application, otherwise I would, of course, have waited until any such information was received and considered.

Regards,

Carlos Clarke MRTPI
Lead Planning Officer
Development Management
Regulatory Services
01835 826735

cgclarke@scotborders.gov.uk

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From: Gavin Yuill [<mailto:gavin.yuill@camerons.ltd.uk>]

Sent: 16 March 2016 17:21

To: Clarke, Carlos

Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Dear Carlos,

Thank you for this, albeit it is disappointing.

Based on the processing agreement, we would expect that the information provided today will be included with the application for consideration at any appeal; given it was stated that the application would be determined on the 24th of March. Is this agreeable?

Thank you.

Kind Regards

Gavin Yuill *BA Arch Hons, Dip Arch, MArch*

Director

Chartered Architect, RIAS, RIBA, ARB

For and on behalf of:

Camerons

1 Wilderhaugh

Galashiels

TD1 1QJ

Camerons Ltd Registered in Scotland No: 195183

VAT Reg No: 345 3077 62

gavin.yuill@camerons.ltd.uk

www.camerons.ltd.uk

TEL: 01896 753077

MOB: 07966 151081

Architects Registration Board Number: **075142A**

<http://search.arb.org.uk/>

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From: Clarke, Carlos [<mailto:CGClarke@scotborders.gov.uk>]

Sent: 16 March 2016 17:14

To: Gavin Yuill

Subject: RE: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Gavin

Thank you. However, the application was determined earlier today prior to receipt of your email. The decision reflects my previous email on the issues (with the exception of the bat survey which was addressed). The decision notice will be with you shortly. In the meantime, my report is attached for convenience.

Regards,

Carlos Clarke MRTPI
Lead Planning Officer
Development Management
Regulatory Services
01835 826735
cgclarke@scotborders.gov.uk

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---	---

From: Gavin Yuill [<mailto:gavin.yuill@camerons.ltd.uk>]

Sent: 16 March 2016 16:15

To: Clarke, Carlos

Subject: Planning application, Erection of dwellinghouse, Builder's Yard, Land south west of 76 St Andrew Street Galashiels 15/01557/FUL

Dear Carlos,

Prior to determining the above application; please find attached a letter setting out the clients thoughts regarding any potential Section 75.

If you have any queries, please don't hesitate to give me a call.

Kind Regards

Gavin Yuill *BA Arch Hons, Dip Arch, MArch*

Director

Chartered Architect, RIAS, RIBA, ARB

For and on behalf of:

Camerons

1 Wilderhaugh

Galashiels

TD1 1QJ

Camerons Ltd Registered in Scotland No: 195183

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Architects Registration Board Number: 075142A

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From: info @ Camerons
Sent: 16 March 2016 16:17
To: Gavin Yuill
Subject: Message from KM_C224e

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PLANNING PROCESSING AGREEMENT

This processing agreement between Scottish Borders Council and *Book Developments* aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Application Reference: *15/01557/FUL*

Site Address: *Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders*

Brief description of proposal: *Erection of dwellinghouse*

Decision: Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action		Who/When
1	Submission of bat survey	Applicant by 10 March
2	Determination (assuming the bat survey does not require follow up measures to be considered)	SBC by 24 March

Agreed by email dated *25th February 2016* by *Carlos Clarke* on behalf of SBC and *Book Developments per Camerons Ltd* for the Applicants

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01557/FUL
APPLICANT : Book Developments
AGENT : Camerons Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Builders Yard
 Land South West Of 76 St Andrew Street
 Galashiels
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
9249/1.01	Location Plan	Refused
9249/1.02	Existing Layout	Refused
9249/1.03	Existing Elevations	Refused
9249/1.04	Site Plan	Refused
9249/1.05	Floor Plans	Refused
9249/1.06	Sections	Refused
9249/1.07	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Roads Planning Service: Although the internal arrangement for parking and turning is slightly constrained, they are content to support this proposal as they consider it to be far superior to its current use as a builder's yard. The pend access onto St Andrew Street has never appeared to be a safety issue in the past, and this proposal significantly reduces the number and type of vehicles which use this site at present. No objections.

Education and Lifelong Learning: Contributions of £9823 and £4512 are required towards Burgh Primary School and Gala Academy respectively

Environmental Health Service: The application appears to propose the redevelopment and change of use of land which was previously operated as a builder's yard. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A standard condition is recommended requiring site investigation and risk assessment, including remediation and verification (where required).

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011

G1, G2, G5, G6, G7, NE3, H2, INF4, INF5, INF6

SPG Guidance on Householder Development 2006; Developer Contributions 2015; Placemaking and Design 2010; Biodiversity 2005

Recommendation by - Carlos Clarke (Lead Planning Officer) on 15th March 2016

Site and application description

This application seeks full consent to erect a single-storey-and-attic dwellinghouse on the site of a former builder's yard. The site is located behind terraced residential properties fronting onto St Andrew Street to the north-east, from which it has existing vehicular access via a pend. The site contains a number of buildings, the largest being a pitch-roofed mainly brick-built, slate-roofed workshop. The site is bound by high fencing to either side (not strictly as per the plan, but any variations have no material bearing on the application). Neighbouring residential gardens flank the site either side, with the gardens of terraced properties backing onto it to the rear, south-westerly side.

The house would be hip-roofed, principally finished with brick walls and zinc roof. It would be detached, with the existing buildings all demolished to provide for garden ground and parking for two cars within the remainder of the yard.

Principle

The site is within the settlement boundary as defined by the Consolidated Local Plan 2011. It has no allocations. This would be the same within the proposed Local Development Plan 2016. The principle of development can be explored, with policy G7 being the principal policy consideration. The site is not open space of value or allocated employment land. The proposed residential use would not be in conflict with surrounding residential uses and, indeed, would be an improvement on the historical use of the site as a workshop. It is, however, a backland site and this is considered further in this report.

Ecology

There are no ecological designations. The site has been subject to an ecologist's walkover survey and it is considered very unlikely that it supports bats. No breeding birds evidence was found either.

Contaminated Land

Given the historical use of the site as a builder's yard, our Environmental Health Service recommend an assessment of potential contamination. A standard condition can cover this.

Services

Mains water and drainage services would need confirmed by standard condition. Surface water drainage from the building would be technically addressed via the Building Warrant process. Run-off from the site is unlikely to be a difficulty. A condition can ensure existing run off levels be maintained, for which porous finishes for any new hardstandings could potentially be sought.

Contributions

A legal agreement would be necessary to secure contributions towards local schools and the Waverley Line in accordance with Policies G5 and G6.

Access and parking

The development would reuse the existing access and provide two parking spaces within the curtilage of the proposed house. This would satisfy our policy requirements, and the RPS is content with the arrangement, particularly when compared against the historic use of the site.

Neighbouring amenity

There would be no loss of daylight or sunlight to neighbouring properties by my estimation. There may be overshadowing of garden ground, but this would be a relatively minor issue and no representations have been received on behalf of neighbours suggesting this is a particular concern.

As regards impact on outlook, neighbouring properties to the north-east would be at risk of outlook loss. However, most windows are on upper floors and those on ground floors are behind high fencing and outbuildings now. I would not consider this development would make any significant difference to outlook from neighbouring properties.

In terms of privacy, the house has clearly been designed to minimise the extent to which neighbouring properties would be affected. Indeed, the fact that it has suggests the site has particular constraints on its form and design because of its location directly behind established terraces (see later). Ground floor openings to habitable rooms are limited to two bedroom windows behind an 'internal court' with high fencing on the boundaries. No loss of privacy will result.

Upper floor openings are also limited. One window on the north-east leads to a stairwell. A condition of consent could ensure this is fixed and obscure glazed given its proximity to neighbours. To the rear, three roof lights to a lounge will overlook gardens though a condition could require that these be fixed to above eye level. The other three rooflights won't allow direct overlooking but will allow views from the dining room. These could be obscure glazed (required by condition). Two upper floor windows will allow views past slots in the internal court, however, the slots will restrict views to awkward angles and, with measures to limit overlooking from rooflights (as above), I would suggest the resulting impacts would be agreeable. This is particularly the case since gardens in this area are already overlooked by a large number of neighbouring windows. The house and its garden would be overlooked by neighbours itself but that would be an inevitable outcome of developing this particular site.

Restriction of Permitted Development rights by condition (alterations, extensions and outbuildings) would be recommended if consent were to be granted.

Siting, form, design and materials

Policy G1 requires that developments be compatible with neighbouring built form. Policy G7 requires that developments respect the scale, form and density of their surroundings. Our Placemaking and Design guidance requires that developments relate appropriately to their context. In this case, this proposal would be behind established roadside terraces and, unlike them, it would have no street frontage. It would be a backland development and would be the only one of its kind in this area. A development here could not relate to the established townscape and would be at odds visually with all surrounding buildings by virtue of its location, its relative scale, its overall hipped roof form, design and external materials. The use of zinc and pale coloured facing brick, as is proposed, would be significantly different in appearance to stone and slate terraces and, indeed, outbuildings built with engineering brick.

Aside from views from many neighbouring windows, external public visibility is, however, limited to a gap in the roadside frontage to the south-east, and passing the pond. The proposal would replace existing buildings and the proposed use would benefit surrounding neighbours in terms of general amenity. There are also neighbouring outbuildings which punctuate the gardens here. External materials could be covered by condition and the zinc roof proposed may be acceptable in the context if a dull grey finish is specified.

It will, however, be considerably larger than the existing buildings and too big to be interpreted as a garden outbuilding. It would appear as a backland house neither relating to the existing terraces or to gardens and their existing outbuildings. The proposal, as it currently stands, would not relate comfortably to its context. If it were redesigned and reduced in scale so it could be read as a large outbuilding, with material specifications to allow it to visually integrate with other large outbuildings here, then its overall visual impact on this back garden setting would be more comfortable. The applicant was asked to consider a different design approach, but wishes for the current application to be determined as it has been submitted. As it is

currently proposed, the development would not relate comfortably to its context and, therefore, it would conflict with the objectives of Policies G1 and G7 and our Placemaking and Design guidance.

Site boundaries, levels and existing features

High fencing frames the site now, in a rather intrusive manner with respect to the closest windows of neighbours. This proposal is to retain some and replace/add fencing to the same specification. The most intrusive part alongside a neighbour's window to the north-east would remain. Also, it is not appropriate to increase the height of fencing at the northerly corner where a wall already provides screening for privacy. The fence being retained could also be improved by simple cutting of the posts. If consented, therefore, it would be recommended that a scheme be agreed for an overhaul of the existing fencing, alongside details of new/replacement fencing to ensure screening is achieved from ground floor openings but in a manner which is more sympathetic to both the proposed dwellinghouse and neighbouring properties. A condition could require this scheme.

There are no trees or hedging of note that would be lost. Demolition of the buildings on site does not require planning approval.

The site is generally flat, as are the surroundings. Though the floor level should be confirmed along with an off-site datum (by condition of consent, if granted), there should be no difficulty in achieving confirmation of a suitable level.

REASON FOR DECISION :

The development would conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 and Supplementary Planning Guidance "Placemaking and Design" 2010 because the scale, form and design of the development would, in this backland location, lead to an unacceptable visual impact on the character of the surrounding area and neighbouring built form

Recommendation: Refused

- 1 The development would conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 and Supplementary Planning Guidance "Placemaking and Design" 2010 because the scale, form and design of the development would, in this backland location, lead to an unacceptable visual impact on the character of the surrounding area and neighbouring built form

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

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: Carlos Clarke ☎ 01835 826735

Date: 11 April 2016
Ref: 15/01557/FUL

PLANNING CONSULTATION

Name of Applicant: Book Developments

Agent: Camerons Ltd

Nature of Proposal: Erection of dwellinghouse

Site: Builders Yard Land South West Of 76 St Andrew Street Galashiels 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 Heriot Primary School and Galashiels Academy.

Burgh PS Contributions

£9823

Gala Academy Contributions

£4512

Total = £14335

Gala Schools Review

We are in the process of undertaking a review of the Galashiels schools catchment with a view to some significant redevelopment of the school portfolio in this area. 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.

Consequently, contributions towards additional capacity provision will be sought in every instance from residential development proposals. As portfolio rationalisation has not yet been definitively programmed, a 7 year spend deadline is required to enable the identification, programming and implementation of optimal solutions. If not dispersed within this timeframe for the purpose collected, relevant contributions will be returned with the addition of stipulated interest.

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.

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

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/01557/FUL
Uniform Ref	16/00099/PLANCO
Proposal	Erection of dwellinghouse
Address	Builders Yard, Land South West Of 76 St Andrew Street Galashiels
Date	8 th February 2016
Amenity and Pollution Officer	Reviewed. No Comments.
Contaminated Land Officer	Gareth Stewart

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment and change of use of land which was previously operated as a builders yard. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

Recommendation

<p>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 / Informative Note</p>

Conditions

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

REGULATORY SERVICES



To: **Development Management Service**
FAO C.CLARKE

Date: **19/02/16**

From: **Roads Planning Service**
Contact: **John Frater**

Ext: **5137**

Ref: **15/01557/FUL**

Subject: ERECTION OF DWELLING
BUILDERS YARD 76 ST ANDREWS STREET – GALASHIELS

Although the internal arrangement for parking and turning is slightly constrained, I am content to support this proposal as I consider it to be far superior to its current use as a builder's yard. The pend access onto St Andrews Street has never appeared to be a safety issue in the past, and this proposal significantly reduces the number and type of vehicles which use this site at present.

In summary, I have no roads objections to this application.

JAF

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: Carlos Clarke ☎ 01835 826735

Date: 11 April 2016
Ref: 15/01557/FUL

PLANNING CONSULTATION

Name of Applicant: Book Developments

Agent: Camerons Ltd

Nature of Proposal: Erection of dwellinghouse

Site: Builders Yard Land South West Of 76 St Andrew Street Galashiels Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

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Consequently, contributions towards additional capacity provision will be sought in every instance from residential development proposals. As portfolio rationalisation has not yet been definitively programmed, a 7 year spend deadline is required to enable the identification, programming and implementation of optimal solutions. If not dispersed within this timeframe for the purpose collected, relevant contributions will be returned with the addition of stipulated interest.

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.

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

Local Review Reference: 16/00008/RFEF

Planning Application Reference: 15/01557/FUL

Development Proposal: Erection of dwellinghouse

Location: Builder's Yard, Land South West of 76 St Andrew Street, Galashiels

Applicant: Book Developments

SESPlan 2013:

None applicable

Consolidated Scottish Borders Local Pan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

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:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. 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,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. 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 and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. 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,
7. it provides 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,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

13. 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,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G2 - CONTAMINATED LAND

Where development is proposed on land that is contaminated, or suspected of contamination, the developer will be required to:

1. Carry out any necessary site investigations and assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of controlled waters that arise from the proposals;
2. consult with relevant agencies as part of their assessment, in particular the Scottish Environment Protection Agency in relation to impact on controlled waters and Scottish Natural Heritage and other relevant agencies in relation to other environmental risks; and
3. undertake effective remedial action to ensure the site is made suitable for any new use, in scale with planning permission given for that particular use.

POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable 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 part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

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

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);

2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. 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;
7. 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; and provision of street furniture.

POLICY G6 – DEVELOPER CONTRIBUTIONS RELATED TO RAILWAY REINSTATEMENT

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Waverley rail link from any developments that may be considered to benefit from, or be enhanced by, the reinstatement of the rail link. The postcodes affected and level of contribution sought will be in accordance with the Council decision of 5 October 2004 or from any subsequent Council decision during the Local Plan period.

POLICY G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings, will be approved if:

1. in the case of a gap site, it can be justified under Policies BE6 (Protection of Open Space), Policy NE3 (Local Biodiversity) and Policy Inf11 (Developments that Generate Travel Demand);
2. in the case of employment land the proposed new use can be justified under Policy ED1 to prevent the loss of employment land with prospects of future use;
3. in the case of garden ground or backland sites, it can be justified under Policy H2 to safeguard the amenity of residential areas;

In all cases, the following criteria will apply to proposed infill development:-

- i) where relevant, it does not conflict with the established land use of the area; and

- ii) it does not detract from the character and amenity of the surrounding area; and
- iii) 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
- iv) it respects the scale, form, design, materials and density of its surroundings; and
- v) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- vi) 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.

POLICY H2 – 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:

- 1 The principle of the development, including where relevant, any open space that would be lost; and
- 2 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 and loss of privacy. 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 NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.
2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
3. Development that could impact on local biodiversity through impacts on habitats and species should
 - i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
 - ii) Aim to avoid the fragmentation or isolation of habitats,

- iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
- 4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.
- 5. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

POLICY INF6 – SUSTAINABLE URBAN DRAINAGE

- 1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
- 2. 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.
- 3. 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.

POLICY INF5 – WASTE WATER TREATMENT STANDARDS

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

- 1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
- 2. 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:
- 3. agreement with Scottish Water 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:
- 4. for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage 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 septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

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

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or 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 additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

Proposed Local Development Plan 2016 (incorporating Reporter's changes accepted by Scottish Borders Council)

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

- 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 EP3: Local Biodiversity

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance

Policy IS13: Contaminated Land

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- (a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- (b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

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 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 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 IS3 - Developer Contributions related to the Borders Railway

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

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 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 Householder Development 2006
SBC Supplementary Planning Guidance on Developer Contributions 2015
SBC Supplementary Planning Guidance on Placemaking and Design 2010
SBC Supplementary Planning Guidance on Biodiversity 2005
Scottish Planning Policy



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 15/01484/FUL

To: Mrs M Dick per Arkiplan Ltd Per Sean Elder 28 Grahamsdyke Place Bo'ness EH51 9QZ

With reference to your application validated on **16th December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Replacement windows

At: 5 East High Street Lauder Scottish Borders TD2 6SS

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

Dated 16th February 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 15/01484/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
SPECTUS	Specifications	Refused
	Location Plan	Refused
P37845	Elevations	Refused

REASON FOR REFUSAL

- 1 The design of the replacement windows fails to comply with Policies G1 and BE4 of the Consolidated Scottish Borders Local Plan (2011), and with the advice contained within the Council's approved Supplementary Planning Guidance note on Replacement Windows and Doors (2015), in that:
 - (i) the proposed use of stick-on glazing bars would result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this part of Lauder's Conservation Area; and
 - (ii) with respect to the front and side elevations only, the proposed replacement window material (uPVC) and use of double glazing, would cumulatively result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this section of the Area of Prime Frontage/Core Area within Lauder's Conservation Area.

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.



UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name Mrs M Dick

Name

Address 5 East High Street, Lauder

Address

Postcode TD2 6SS

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority Scottish Borders Council

Planning authority's application reference number 15/01484/FUL

Site address 5 East High Street, Lauder, TD2 6SS

Description of proposed development Replacement windows

Date of application 7th December 2015 Date of decision (if any) 16th February 2016

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

See 4 attached

Site inspection

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

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached 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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

Statement attached.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

4th April 2016

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Our original application was refused with reference to policies G1 and BE4 of the Scottish Borders Consolidated Local Plan (2011), and the Supplementary Planning Guidance note on Replacement Windows and Doors, specifically with regard to the proposed use of glazing bars having an adverse impact on the appearance and character of the building and the wider area, and with regard to the proposed use of uPVC having a similarly adverse impact.

Policy G1 states that any development should be “compatible with, and respects the character of the local area ... and neighbouring built form” and the officer’s report recommending refusal of our application states that *“Surrounding, including adjoining, properties also predominantly retain windows of traditional designs and materials. Taking account of these circumstances, there are not considered to be any considerations that would reasonably allow for uPVC windows to be supported in principle under the Prime Frontage/Core Areas of Conservation Areas General Policy.”* However within Lauder’s Conservation Area, and East High Street in particular, there are multiple properties that have uPVC windows (and doors) in multiple styles – including immediately next door to our property. We’d therefore challenge the assertion that our proposed new windows would be out of keeping with the rest of the area.

Our application takes steps to retain the look of the original windows as much as possible (the sash and case action and astragals matching the original size exactly), meaning the new windows would maintain the visual appearance of the property and preserve the look of the area (and would certainly do so more than some neighbouring properties). In addition, by replacing all of the windows at the same time we would retain consistency uniformity of appearance, in accordance with the General Principles of the SPG on Replacement Windows and Doors.

Policy G1 also refers to the importance of taking measures to “maximise the efficient use of energy and resources”, and energy efficiency is a theme repeated elsewhere in the Local Plan (as well as sound and heat insulation being a feature of the SPG). By choosing double glazed uPVC windows we’re ensuring that we have the most energy efficient option possible which, as well as having obvious environmental benefits, also assists us in maintaining the property as a whole and therefore preserving the character of the building and the wider area.

Policy BE4 states that any development should “...be designed to preserve or enhance the special architectural or historical character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings...”. As outlined above the proposed new windows would match the scale, proportions and appearance of the existing windows, and while the material would be a more modern and energy efficient alternative it would be in line with many nearby buildings.

We’d therefore ask that you reconsider the original decision and grant permission for the new windows, in keeping with the many other properties that have already set a precedent for the acceptance of uPVC double glazed units within Lauder’s Conservation Area.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01484/FUL
APPLICANT : Mrs M Dick
AGENT : Arkiplan Ltd
DEVELOPMENT : Replacement windows
LOCATION: 5 East High Street
 Lauder
 Scottish Borders
 TD2 6SS
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
SPECTUS	Specifications	Refused
	Location Plan	Refused
P37845	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations.

Community Council and Berwickshire Civic Society were consulted but have not responded.

PLANNING CONSIDERATIONS AND POLICIES:

Adopted Scottish Borders Local Plan Policies -
 BE4: Conservation Areas
 G1: Quality Standards for New Development
 H2: Protection of Residential Amenity

Replacement Windows and Doors SPG (2015)

Recommendation by - Stuart Herkes (Planning Officer) on 16th February 2016

This application proposes the replacement of windows at a property within the Conservation Area at Lauder, which fronts the High Street and the Area of Prime Frontage. The existing windows are traditional single glazed sliding sashes in white-painted timber frames. The proposed windows are described as replicating exactly the external appearance (glazing pattern) and opening mechanism (sash and case) of the existing windows, but it is advised, these would be double-glazed white-coloured uPVC units. An accompanying 'Spectus VS' brochure offers generic descriptions of windows but the final page describes the use of 'stick-on' Georgian glazing bars.

The Council's Adopted SPG on Replacement Windows and Doors 2015 allows that in Core Areas or Areas of Prime Frontage, the principle of the replacement of timber units in uPVC is acceptable where the design pattern, dimensions and method of opening are retained within the new windows and where the proposals address the 'General Principles' set out in Section 3.7 of the same SPG. The latter require that consideration be given to: (i) the position of the window(s) proposed for replacement, specifically whether or not these are publically visible and/or relate to more modern extensions; (ii) whether or not these windows are originals; (iii) the predominant character of surrounding properties; and (iv) whether or not the proposals maintain or improve the current position. Notwithstanding the description of the Proposal Drawings that the replacement units would replicate the exact appearance of the proposed windows, it is material that the proposal on the front elevation does relate to original, or at least traditional, timber windows, which themselves relate to an established and long-standing elevation. Surrounding, including adjoining, properties also predominantly retain windows of traditional designs and materials. Taking account of these circumstances, there are not considered to be any considerations that would reasonably allow for uPVC windows to be supported in principle under the Prime Frontage/Core Areas of Conservation Areas General Policy.

The same Policy set out within the SPG also allows that the introduction of double glazing may be acceptable within the Area of Prime Frontage/Core Area, although it is added that any replacement unit should "generally be of the same material, ... have the same glazing pattern and method of opening. Where glazing bars or astragals are required these must be of the same proportion, material and design to match the original window. The use of stick-on astragals will not be permitted". Given that what is proposed would feature stick-on astragals, the proposal would not accord with this part of the Policy. There are no concerns in principle that double glazing could not be featured in replacement windows on the front elevation. However, this aspect does in combination with the stick-on astragals and uPVC contribute to a cumulative appearance that would be unacceptable in the extent to which the replacement units would differ from the traditional units they would be replacing.

A more relaxed position is appropriately taken with respect to replacement units in other areas of the Conservation Area, and certainly with respect to those windows that would be located on the rear elevation these would only be visible at a distance, and visually in close association with an obviously modern extension. It is considered that the principle of the replacement of these rear elevation units in uPVC and with double-glazing, raises no concerns. However, and in common with the concerns noted above, there would still be a concern even out with the Core Area/Area of Prime Frontage, with the specific proposal that the replacement windows should have stick-on astragals.

Notwithstanding that the Proposal Drawings describe replacement windows that would superficially reinstate the external appearance of the existing timber traditional windows, the use of double-glazed uPVC units with stick-on glazing bars would not achieve the appropriate quality and standard required, and would have a detrimental impact upon the quality of the build environment within this part of the Area of Prime Frontage/Core Area within the Conservation Area.

REASON FOR DECISION :

The design of the replacement windows fails to comply with Policies G1 and BE4 of the Consolidated Scottish Borders Local Plan (2011), and with the advice contained within the Council's approved Supplementary Planning Guidance note on Replacement Windows and Doors (2015), in that:

- (i) the proposed use of stick-on glazing bars would result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this part of Lauder's Conservation Area; and
- (ii) with respect to the front and side elevations only, the proposed replacement window material (uPVC) and use of double glazing, would cumulatively result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this section of the Area of Prime Frontage/Core Area within Lauder's Conservation Area.

Recommendation: Refused

- 1 The design of the replacement windows fails to comply with Policies G1 and BE4 of the Consolidated Scottish Borders Local Plan (2011), and with the advice contained within the Council's approved Supplementary Planning Guidance note on Replacement Windows and Doors (2015), in that:
 - (i) the proposed use of stick-on glazing bars would result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this part of Lauder's Conservation Area; and
 - (ii) with respect to the front and side elevations only, the proposed replacement window material (uPVC) and use of double glazing, would cumulatively result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this section of the Area of Prime Frontage/Core Area within Lauder's Conservation Area.

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

15/01484/FUL

Spectus VS

A NEW ERA IN PVC-U VERTICAL SLIDER SYSTEMS

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

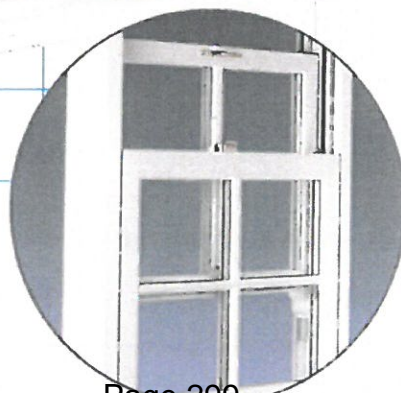
REFUSED

subject to the
requirements of the
associated Decision
Notice



The Spectus VS is a new Vertical Slider System from Spectus.

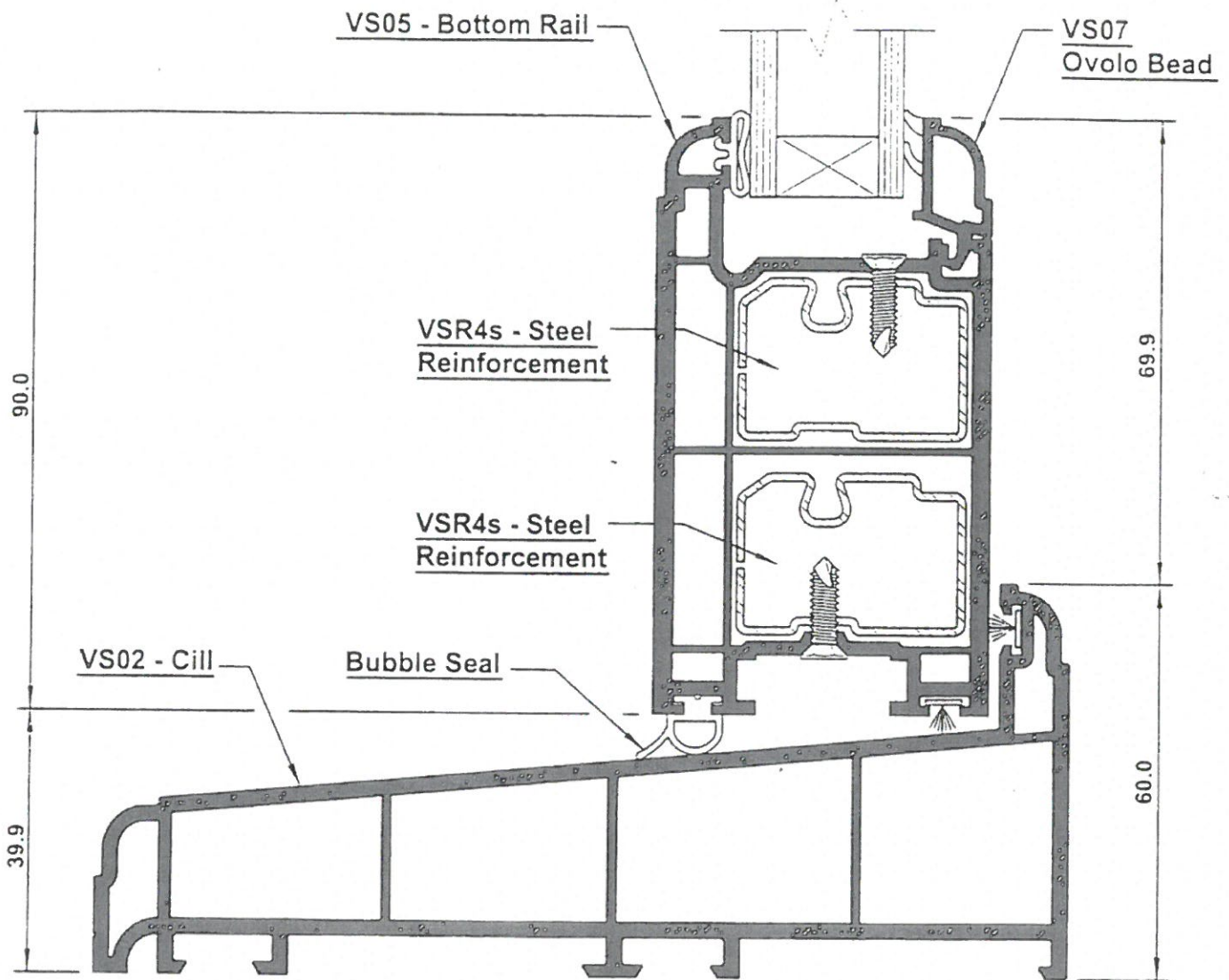
The result of considerable investment and technical expertise, the Spectus VS has all the traditional benefits improved by modern technology.



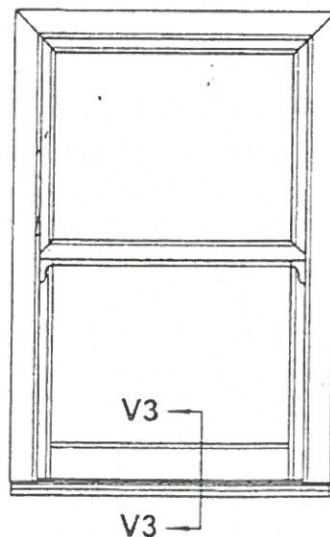
Spectus
WINDOW SYSTEMS

DETAIL SHEETS

Vertical Section - V3.

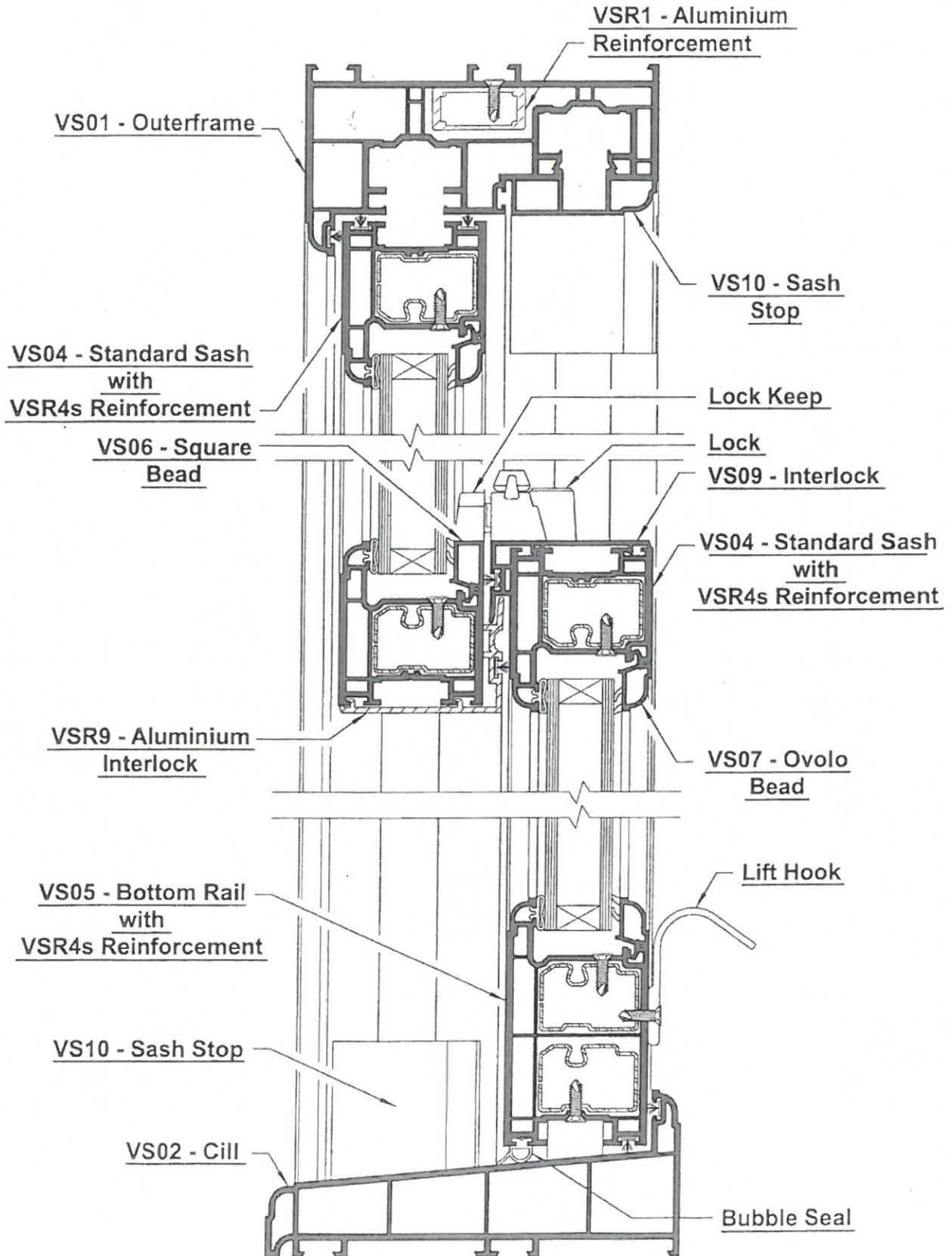


(window viewed from outside).



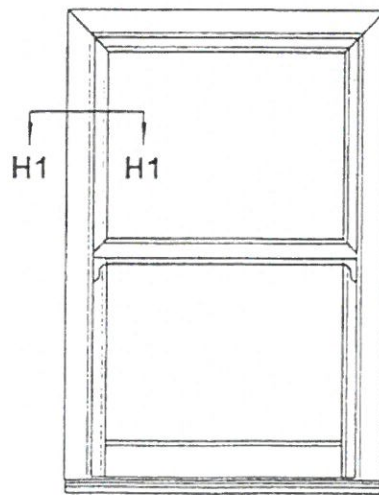
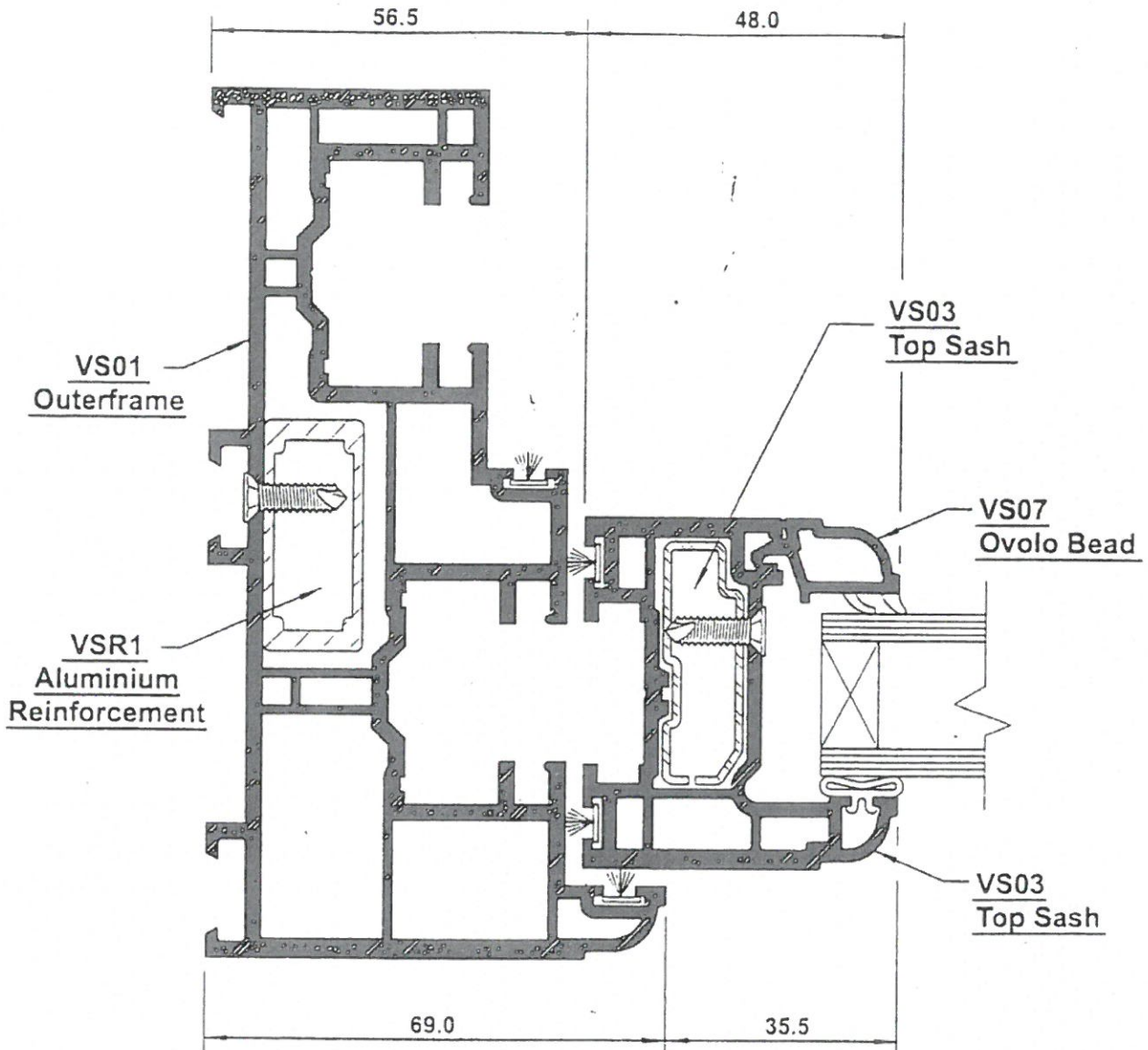
DETAIL SHEETS

Section Through Heavy Duty Configuration.



DETAIL SHEETS

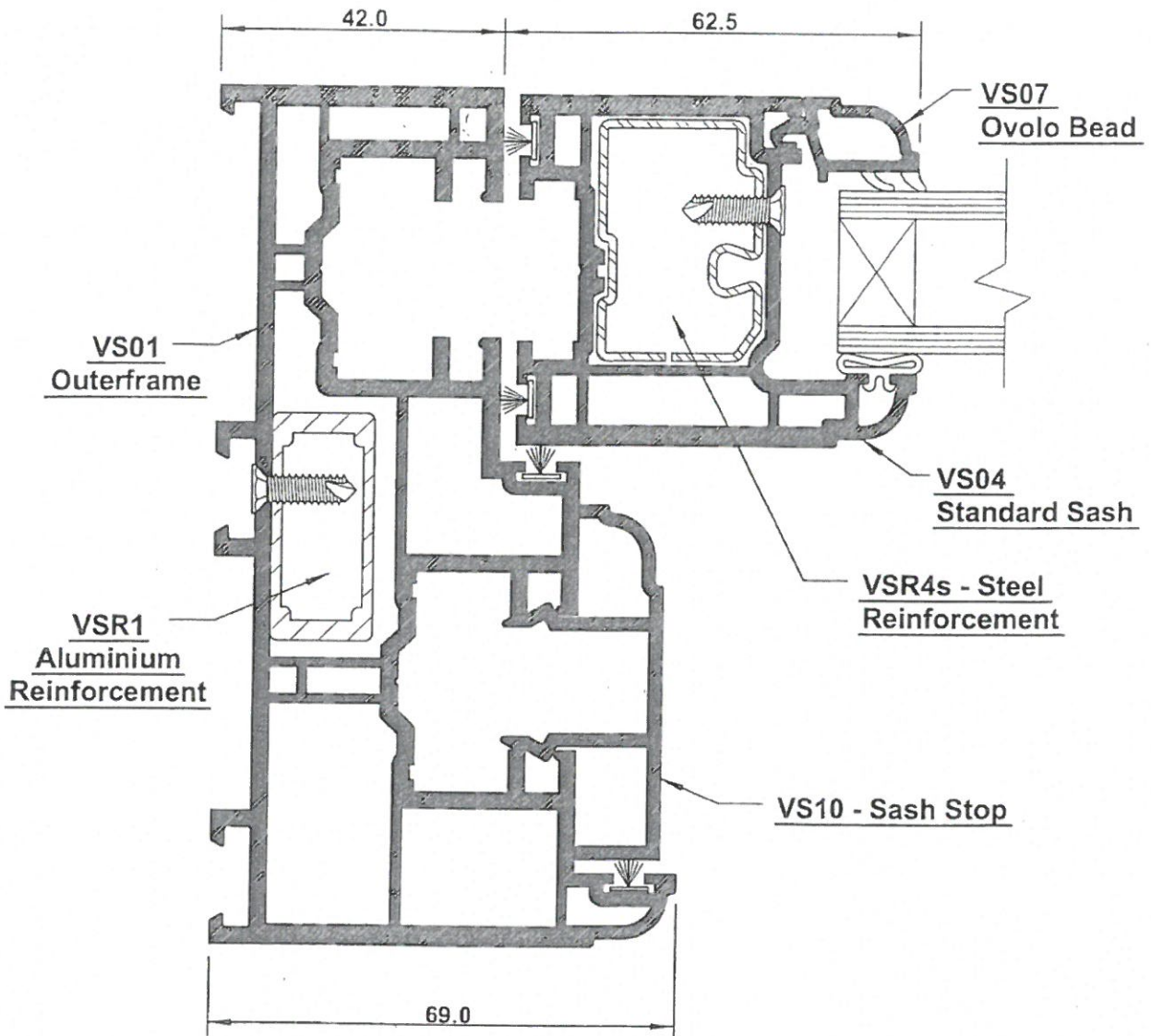
Horizontal Section - H1. (Standard Configuration)



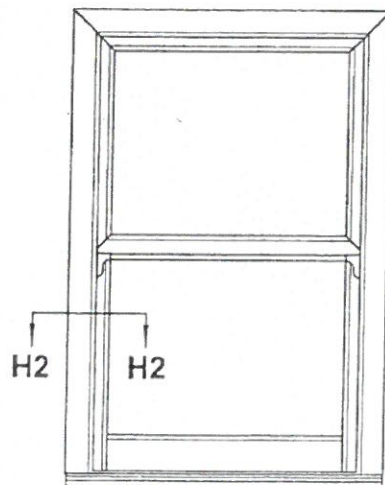
(window viewed
from outside).

DETAIL SHEETS

Horizontal Section - H2.

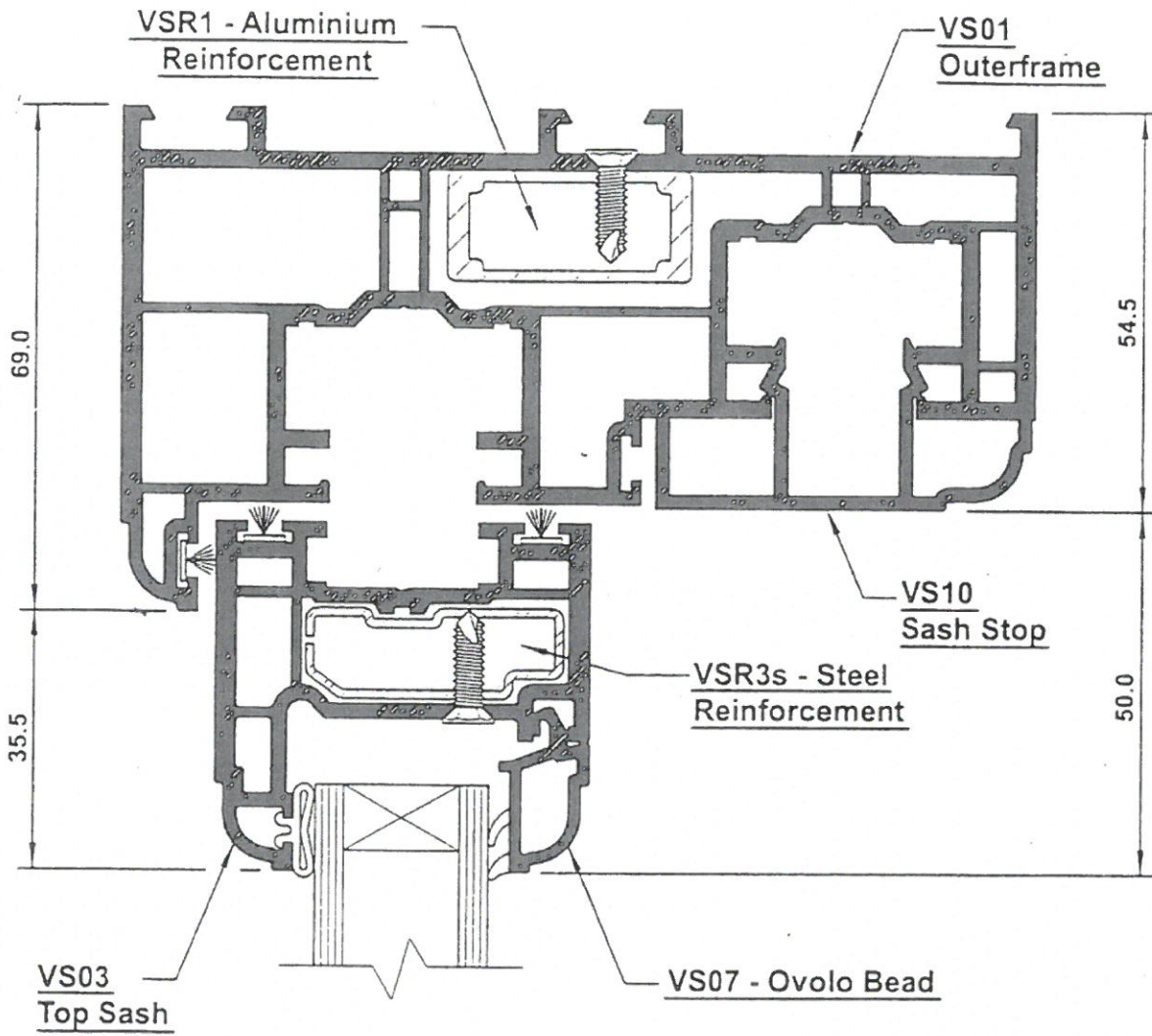


(window viewed
from outside).

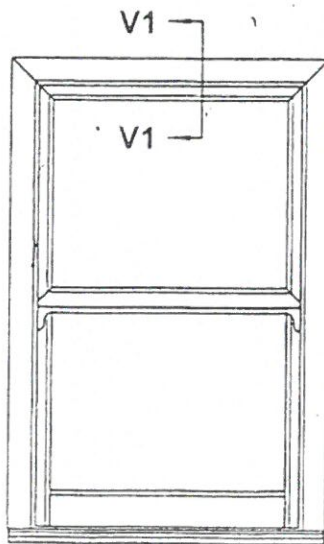


DETAIL SHEETS

Vertical Section - V1. (Standard Configuration)

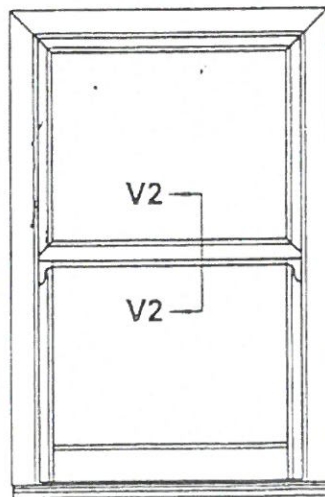
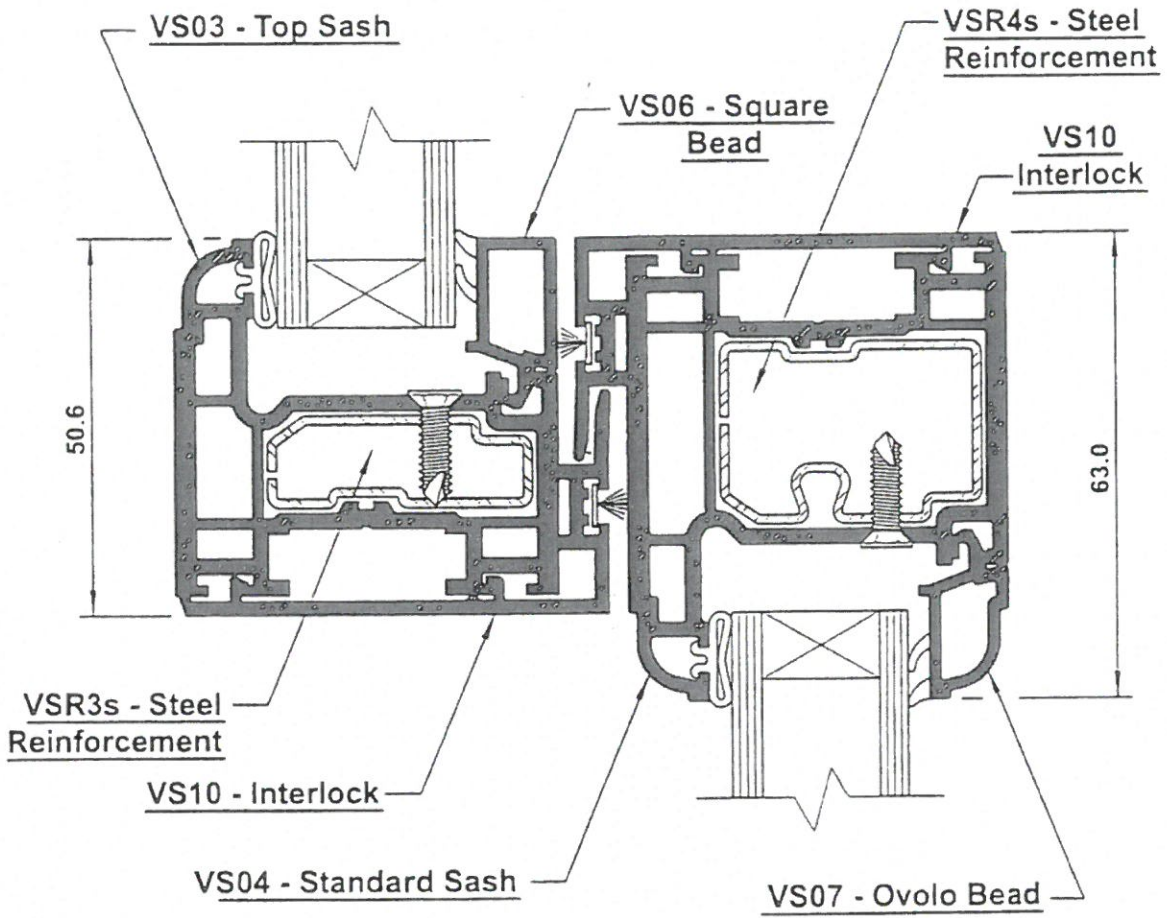


(window viewed
from outside).



DETAIL SHEETS

Vertical Section - V2. (Standard Configuration)

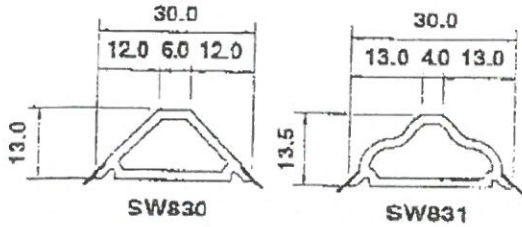


(window viewed
from outside).

SightLine 70 GEORGIAN BARS

GEORGIAN BAR PROFILES

The stick on Georgian Bars are for use on 20mm, 24mm and 28mm double glazed units and SW720, 724, 728, 729, 768 and SW730 bead. They can be used on one side or on both sides of the unit.



END PREPARATION

Where SW830 butts up to itself it should be cut at 45°. If it butts up to SW720 it should be cut at 40°, if it butts up to SW724, SW729 or SW768 it should be cut at 45°, if it butts up to SW728 it should be cut at 52°, if it butts up to the frame it will need end milling. See fig.1.

SW831 will need end milling to match itself on cruciforms (See fig.2) and a different cutter is required when it butts up to SW730 (See fig.3).

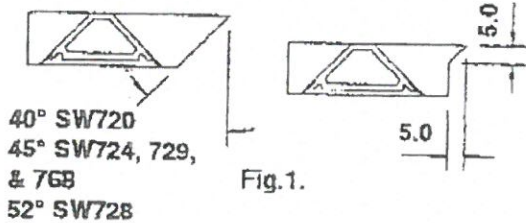
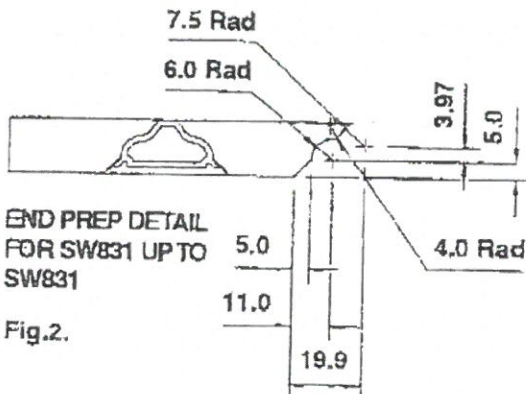
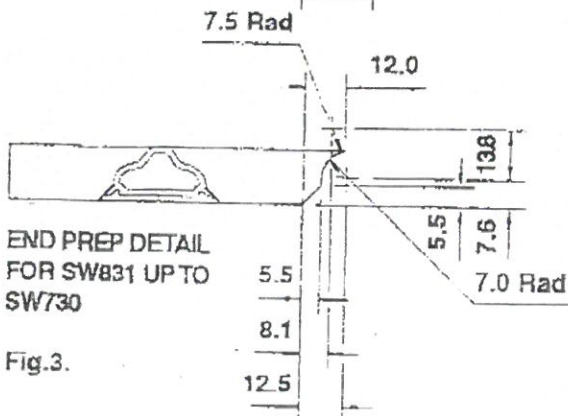


Fig.1.



END PREP DETAIL FOR SW831 UP TO SW831

Fig.2.

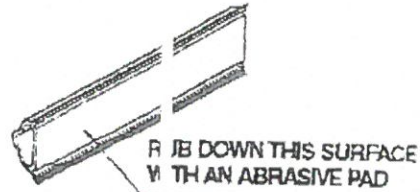


END PREP DETAIL FOR SW831 UP TO SW730

Fig.3.

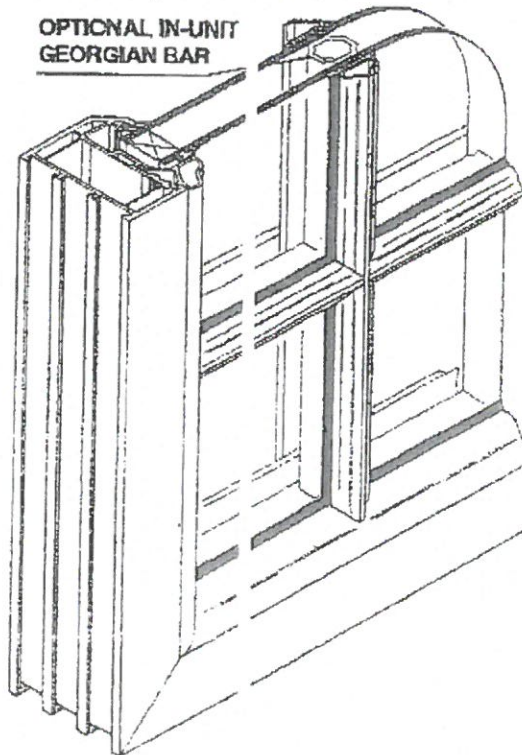
APPLICATION

1. Using an applicator pad (900535), clean the bar with VHB surface cleaner (900533). Wipe in one direction only to avoid spreading any contamination.
2. Using an abrasive pad (900534), rub down the face of the Georgian Bar where the tape is to be applied.



3. Using an applicator pad (900535), clean the bar with VHB surface cleaner (900533). Wipe in one direction only.
4. Allow solvent to vaporize then apply the tape (900530) and rub down evenly with a roller.
5. Using an applicator pad (900535), clean the glass with VHB surface cleaner (900533).
6. Using an applicator pad (900535), apply silane glass primer (900531) as thinly as possible, wipe in one direction only.
7. Using an applicator pad (900535), re-wipe immediately after application.
8. Remove protective liner and bond the bar to the glass ensuring the rods are not under tension.
9. Rub down with a roller to ensure good contact.

Please note: Correct application temperature is 23°C. Bars should not be applied at temperatures below 15°C. The bars should be cut 1mm shorter than the opening into which they are to be fitted.

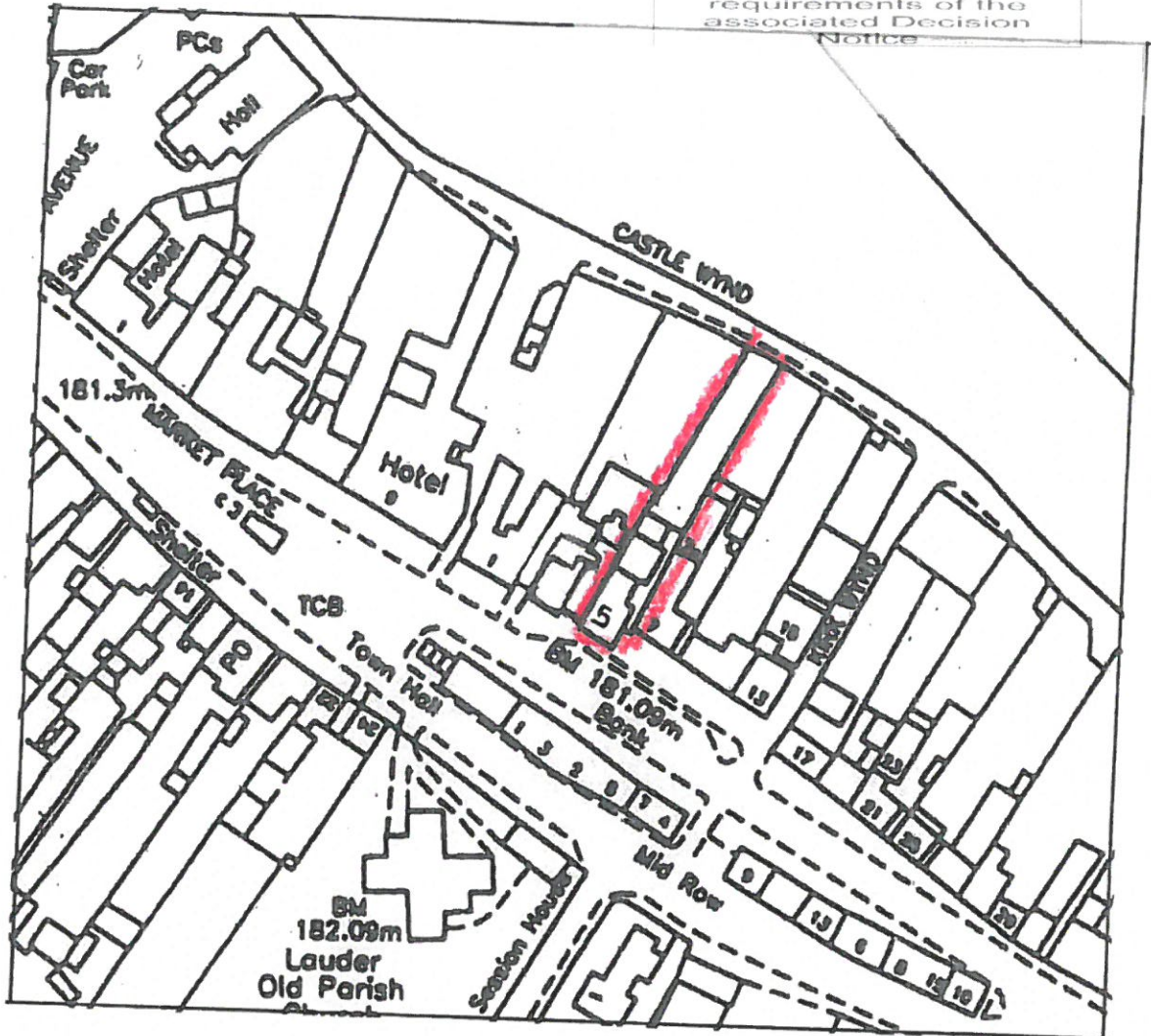


15/01484/FUL

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

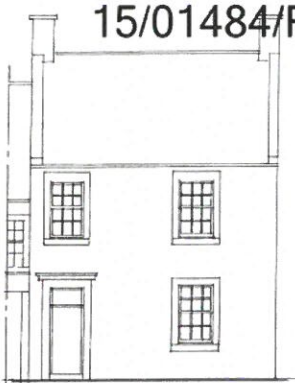


15/01484/FUL

Geoffrey Chapman Quantity
Town and Country
Professionals (Scotland) Ltd
1992

REFUSED

APPLICANT TO STATE
EXAMINATION AND THE
PROFESSIONAL EXAMINERS
NOTIFIED



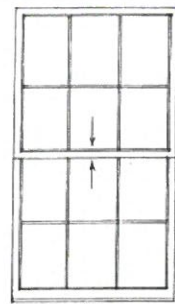
EXISTING FRONT ELEVATION



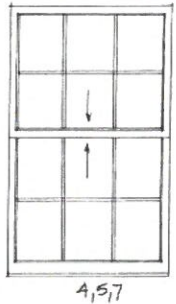
EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

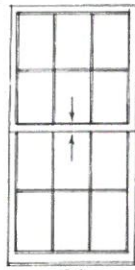


1,2

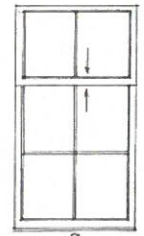


4,5,7

EXISTING WINDOWS ARE
DOUBLE GLAZED IN WHITE
PAINTED TIMBER FRAMES.



3,6



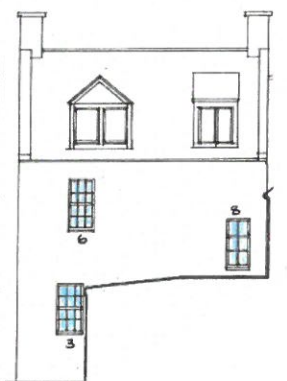
8



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



1:500 SCALE

PROPOSED WINDOWS TO BE
DOUBLE GLAZED IN WHITE UPVC
FRAMES AND TO BE VERTICALLY
SLIDING SASH + CASE.

CLIENT: MRS M DICK	
5 EAST HIGH STREET LAUREL	
POSTCODE:	TD2 6BS
TELEPHONE:	01574 718173
PROJECT SPECIFICATION: INSTALLATION OF REPLACEMENT WINDOWS	
SCALE: 1:500	DATE: 4/2/15
CONTRACT NO: P37845	



Local Review Reference: 16/00009/RFEF
Planning Application Reference: 15/01484/FUL
Development Proposal: Replacement Windows
Location: 5 East High Street, Lauder
Applicant: Mrs M Dick

SESPlan 2013:

None applicable

Consolidated Scottish Borders Local Plan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

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:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. 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,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. 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 and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. 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,
7. it provides 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,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,

12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. 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,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY H2 – 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:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. 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 and loss of privacy. 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 BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.
 In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In

instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

Proposed Local Development Plan 2016 (incorporating Reporter's changes accepted by Scottish Borders Council)

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

- 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:

- 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 EP9: Conservation Areas

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

Other Material Considerations

SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

SBC Supplementary Planning Guidance on Placemaking and Design 2010

Scottish Historic Environment Policy 2011

Managing Change in the Historic Environment Guidance Note : Windows (Historic Scotland)

Scottish Planning Policy

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