

Public Document Pack



LOCAL REVIEW BODY MONDAY, 18 JULY, 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 18 JULY, 2016 at 11.00 AM

J. J. WILKINSON,
Clerk to the Council,

11 July 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 two dwellinghouses on land south of Primary School, West End, Denholm. 15/01552/FUL 16/00012/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 1 - 52)
	(b) Decision Notice	(Pages 53 - 54)
	(c) Officer's report	(Pages 55 - 64)
	(d) Consultations	(Pages 65 - 72)
	(e) General comment and objections	(Pages 73 - 104)
	(f) Additional representation and response	(Pages 105 - 114)
	(g) List of Policies	(Pages 115 - 124)
5.	<p>Consider request for review of refusal of planning consent in respect of external re-decoration (retrospective) of Shop 1, Leithen Road, Innerleithen. 16/00233/FUL 16/00014/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 125 -

		132)	
	Including Decision Notice (Page 129)		
	(b) Officer's report	(Pages 133 - 136)	
	(c) Photographs	(Pages 137 - 138)	
	(d) Consultation	(Pages 139 - 140)	
	(e) Objection	(Pages 141 - 142)	
	(f) Support comment	(Pages 143 - 144)	
	(g) List of Policies	(Pages 145 - 148)	
6.	Consider request for review of refusal of planning consent in respect of erection of three dwellinghouses on land north of Bonjedward Garage, Jedburgh. 15/01521/PPP 16/00015/RREF		
	Copies of the following papers attached:-		
	(a) Notice of Review	(Pages 149 - 208)	
	Including Decision Notice (Page 191) Officer's report (Page 193) Roads consultation response (Page 203) Landscape Architect consultation response (Page 205)		
	(b) Other consultation responses	(Pages 209 - 214)	
	(c) List of Policies	(Pages 215 - 228)	
7.	Continue consideration of review of refusal of planning consent in respect of replacement windows at 5 East High Street, Lauder. 15/01484/FUL 16/0000/RREF.		
	Refer to papers issued when this review was first considered on 16 May 2016.		
8.	Continue consideration of request for review of refusal of planning consent in respect of siting of caravan for permanent residence (retrospective) on land south of Camphouse Farmhouse, Camptown, Jedburgh. 15/00769/FUL 16/00003/RREF		(Pages 229 - 230)
	Refer to papers issued when this review was first considered on 14 March, 2016.		
9.	Any Other Items Previously Circulated		
10.	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

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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 100012442-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ericht Planning & Property Consultants		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Kate	Building Name:	<input type="text"/>
Last Name: *	Jenkins	Building Number:	57h
Telephone Number: *	07795 974 083	Address 1 (Street): *	Northgate
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Peebles
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH45 8BU
Email Address: *	kate@kjenkins.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text" value="Acreknowe Farmhouse"/>
First Name: *	<input type="text" value="N"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Ewart"/>	Address 1 (Street): *	<input type="text" value="Acreknowe"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Hawick"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD9 9UQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="618328"/>	Eastng	<input type="text" value="356624"/>
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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 two dwellinghouses. Land south of primary school, west end Denholm.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Supporting Statement to Notice of Review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

A. Documents provided with original application (6no) Location Plan Site Plan Floor Plan Elevations Planning application form Application Supporting Statement B. Local Review documentation Supporting Statement to Notice of Review

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/01552/FUL

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

23/12/2015

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

18/02/2016

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

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

Please select a further procedure *

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

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

In order to understand the site context, a site visit would be appropriate. This is particularly the case with regard to assessing how the proposed development would impact upon the landscape and village setting. Without a site visit, this judgement can not be appropriately made.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

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

Declaration Name: Mrs Kate Jenkins

Declaration Date: 11/05/2016

Supporting Statement to Notice of Review

**in relation to Scottish Borders Council's refusal of planning permission for the
erection of two dwellinghouses on land south of primary school, west end
Denholm**

on behalf of Mr and N Mrs Ewart (the Appellant)

11th May, 2016

EXECUTIVE SUMMARY

This Notice of Local Review is submitted on behalf of Mr and Mrs Ewart against the decision of Scottish Borders Council to refuse planning permission, on 18th February, 2016, for the erection of two dwellings on land within the Denholm settlement boundary to the south of the primary school at the west end of the village. The application reference was 15/01552/FUL.

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

- The proposal would result in loss of open space to the detriment of the amenity and character of the village;
- The proposal would result in loss of open space to the detriment of the western approach to Denholm;
- The proposal would result in loss of open space to the detriment of the character and appearance of the Conservation Area;
- The proposed dwellings would not reflect the neighbouring built form and density.

This Statement will set out the background to the application, together with three formal grounds for Local Review. It will, thereafter, assert the acceptability of the proposal under those grounds by way of detailed justification in terms of the planning policy and guidance.

1.0 INTRODUCTION

- 1.1 This supporting statement to Notice of Review is submitted by Ericht Planning & Property Consultants on behalf of Mr and Mrs Ewart. The Appellant wishes to challenge the refusal, by Scottish Borders Council, of consent for the erection of two dwellinghouses on land at the western edge of Denholm, within the settlement boundary, hereinafter referred to as ‘the subjects’. The location plan provided with the application is shown below.

Fig 1: Location Plan

- 1.2 The following original application drawings are included with the Local Review:
- Site Plan Ref: MM_3017/1(A)
 - Floor Plans Ref: MM_3017/2(A)
 - Elevations Ref: MM_3017/3(A)
- 1.3 Access to the subjects is to be taken from the road leading to Denholm Mill at a point to the south west of the subjects. The Appellant has indicated that legal advice has been sought on access rights held in connection with the subjects and advice has been

received that sufficient rights exist to access a two house development on the subjects from the Denholm Mill Road.

- 1.4 The subjects are known locally as 'The Manse Field' and are enclosed by post and wire fencing, hedging and small trees. The aspect is southerly, with the more level land lying to the south of the site where the two dwellings are proposed.
- 1.5 The road to the south is the A698 which runs between Kelso and Hawick. The road to Denholm Mill leaves the A698 at the south western corner of the subjects. A public path lies to the west and north of the subjects, connecting the A698 with the primary school and The Wynd.
- 1.6 The proposal is for two two-storey linked dwellings. In the interests of preventing repetition herein, readers are directed to the original application's Planning Supporting Statement which clearly sets out the Appellant's case for the development of two houses in the site.
- 1.7 Members of the Local Review Body are requested to note the following key points regarding the proposal:
 - The Roads Planning Service has raised no objections, in principle, to the proposal, subject to agreement of the exact location of the access and its construction to specified standard;
 - The Appellant has confirmed that the necessary legal rights exist to access the subjects for the proposed development;
 - The subjects lie within the Denholm settlement boundary;
 - There is no specific mention of the importance of the subjects in contributing to the character of the Conservation Area within the Denholm Conservation Area Statement;
 - The proposed houses seek to respect the majority traditional architectural styles adjacent to the site, although development surrounding the site is not uniform – more modern designs are clearly visible within the townscape from the subjects and the public road;
 - It is acknowledged by the Case Officer that the residential amenity of neighbouring houses would not be unreasonably impacted;
 - The Appellant would be willing to discuss the provision of contributions towards the upgrade of the footpath to the west and north of the site and

supports the Access Officer's requirement that the path be unobstructed by tree planting.

2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

- 2.1 The application was refused by Scottish Borders Council on 18th February, 2016 on the basis set out below.

The proposed development is contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan 2011 in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and to the detriment of the character and appearance of the Denholm Conservation Area.

The proposed development set forth in this application is considered contrary to policy G1 of the Consolidated Scottish Borders Local Plan 2011, and contrary to the adopted supplementary planning guidance on Placemaking and Design in that the proposed dwellings would not reflect the neighbouring built form and density.

- 2.2 Note: The Consolidated Local Plan will be superseded in the late spring/ early summer of 2016 with the adoption of the Local Development Plan (LDP). It is noted that policy within the LDP is, for all intents and purposes, in the context of this Local Review, the same as that within the Consolidated Local Plan.

3.0 GROUNDS FOR LOCAL REVIEW

- 3.1 The Appellant sets out the following three Grounds for Review, which are explained in the next section 4.0 'Case for the Appellant'.

GROUND 1

The proposed development is not contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan 2011 (or to equivalent policies PMD5, EP9 and EP11 of the Proposed (as modified) Scottish Borders Local Development Plan). The loss of part of the field would not materially affect the amenity and character of the village, its western approach. Overall there would not be material detriment to the character and appearance of the Denholm Conservation Area.

GROUND 2

The field does not comprise "open space" or "green space" in terms of the Council's policy BE6 of the Consolidated Scottish Borders Local Plan 2011, equivalent policy EP11 of the Proposed (as modified) Scottish Borders Local Development Plan), Planning Advice Note (PAN) 65 or the Council's own Supplementary Planning Guidance on Green Space.

GROUND 3

The proposed development is not contrary to policy G1 of the Consolidated Scottish Borders Local Plan 2011 (or to equivalent policy PMD2 of the Proposed (as modified) Scottish Borders Local Development Plan). The design, density and massing of the proposed dwellings respect the traditional architectural forms, where present, in neighbouring development.

4.0 CASE FOR THE APPELLANT

Ground 1

The proposed development is not contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan 2011 (or to equivalent policies PMD5, EP9 and EP11 of the Proposed (as modified) Scottish Borders Local Development Plan). The loss of part of the field would not materially affect the amenity and character of the village or its western approach. Overall there would not be material detriment to the character and appearance of the Denholm Conservation Area.

Policy G7 Infill Development (Local Plan) and Policy PMD 5 Infill Development (Local Development Plan)

- 4.1 For the purposes of the proposed development, the soon-to-be-superseded Local Plan policy is the same as policy within the soon-to-be-adopted Local Development Plan.
- 4.2 Narrative states that *“the purpose of the policy is to be generally supportive to suitable infill development provided it meets certain criteria.”*

Development on non-allocated, infill or windfall sites ...will be approved where the following criteria are satisfied:

- 1) *It does not conflict with the established land use of the area; and*
- 2) *It does not detract from the character and amenity of the surrounding area; and*
- 3) *The individual and cumulative effects of the development can be sustained by the social and economic infrastructure and*
- 4) *It does not lead to over-development or town and village cramming; and*
- 5) *It respects the scale, form, design, materials and density in context of its surroundings; and*
- 6) *Adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and*
- 7) *It would not result in any significant loss of daylight, sun light or privacy to adjoin properties as a result of overshadowing or overlooking.*

- 4.3 The Case Officer accepts that surrounding houses are sufficiently distant that the proposed development would not impact upon their residential amenity. The key points at issue in terms of this policy are (2) and (5) – impact upon the character and amenity of the surrounding area and the design and form etc. These points are closely related to

the Officers views in terms of policy on Conservation Areas so the Appellant's case will be made thereunder, in the next section.

Policy BE4 – Conservation Areas (Local Plan)/ Policy EP9 – Conservation Areas (Local Development Plan)

- 4.4 The subjects lie within the settlement boundary of the village and also with the Conservation Area. The Appellant's architect considered design issues carefully in coming forward with the submitted proposal. The use of traditional materials and the 'semi-rural' design were selected to respect the village-edge location and the traditional architectural forms within the village.
- 4.5 Conservation Area policy seeks to preserve or enhance the character or appearance of Conservation Areas:
- 1) *Development must not have an unacceptable adverse impact on the character or appearance of a Conservation Area;*
 - 2) *It is noted that decision making will be in accordance with advice contained in Scottish Historic Environment Policy and Managing Change within the Historic Environment guidance note series.*
 - 3) *Development must be designed and located to preserve or enhance the special architectural or historic character of the Conservation Area in terms of scale, proportions, alignment, density, materials and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes;*
- 4.6 In the assessment of whether the proposed development impacts upon the Conservation Area (and 'the surrounding area' – as set out in policy on Infill development) it is important to have careful regard to the Council's own Denholm Conservation Area Statement. This is a key document which should be used to assess whether the proposed development would have an impact on the Conservation Area.
- 4.7 The narrative of the Conservation Area Statement, prepared by Scottish Borders Council, is set out overleaf to enable Members to identify narrative therein which would render the proposed development un/ acceptable in terms of its impact upon the Conservation Area.

Fig 2: Denholm Conservation Area Statement: Scottish Borders Council

The Conservation Village of Denholm is centered round a large green. Planning of the Village began in 1664 when land in plots around the green was feued by Sir Archibald Douglas for houses and gardens.

To the west of the village is a former Denholm Mill that has now been converted to residential use.

Denholm is distinctive in that it represents a planned village based on the decanting of stocking weaving work from Hawick as opposed to the traditional unplanned or organic form of a village usually found in Roxburghshire.

Apart from the main village green a subsidiary smaller open space has been formed by an extension of Sunnyside to the east to form Leyden Road and by the opening of the north part of Kirk side.

While a considerable number of the properties were originally thatched, the birthplace of Dr John Leyden (poet and linguist) is the only remaining example.

The character of the Conservation Area stems principally from the green, though other features do contribute to this.

Properties around the green are mainly two storey (though there are some one and a half) and on a simple rectangular plan, gable ends and eaves to the roadside.

Overall most buildings are constructed in continuous rows but there are a few examples of detached cottages, therefore any new development should aim to follow this practice.

While traditional building materials and architectural detailing prevail throughout the Conservation Area such as the use of sandstone, harling, sash and case windows, margins and rybats.

It is all of these elements that give Denholm its distinct appearance that should be preserved. It is for that reason that any alterations to individual buildings or any new development within the Conservation Area should seek to respect the individual building and the wider Conservation Area.

There are six listed properties within the Conservation Area of which the Westgate Hall is a category 'A'.

- 4.8 It is evident from inspection of the Council's Conservation Area Statement that:
- It does not specifically mention the Manse Field as being important in giving the village its characteristic appearance;
 - It does not mention, at all, the open space on the west side of the village which comprises the Appeal site;
 - It states that the character of the Conservation Area stems principally from the green;
 - It refers to buildings being in 'rows', hence the proposed linked-house form using traditional materials;
 - It lists traditional materials used in the Conservation area. These are to be used on the proposed development;
 - It states that the points noted within the Statement are those which give the Conservation Area its distinct appearance. The Appeal subjects have no mention, directly or indirectly, and the Appellant must therefore conclude that a sensitive development upon the subjects which uses traditional form, materials and is of an appropriate design and scale should be considered favourably.
 - The Appellant is of the view that there is no part of the Conservation Area Statement with which the proposed development is in conflict.
- 4.9 The Appellant asserts that the carefully considered design respects the Conservation Area generally, through its design and use of traditional materials and form. The proposal resembles a farmhouse with converted agricultural steading. The buildings would provide a sensitively designed transition between countryside and village, leaving an area of open space (approximately half the field) on the steeper ground above the development. Tree planting and landscaping would help to assimilate the development into its surroundings.
- 4.10 The prominent modern glazed gable of "The Riggs" was clearly deemed to be appropriate at the western entrance to the village by the Planning Authority. It also lies within the Conservation Area. The proposed development is considered to offer greater sympathy.
- 4.11 The proposal is not considered to have an unacceptable adverse impact on the character or appearance of the Conservation Area, or the western approach to the village, in terms of its traditional design, form, scale, proportions and siting. Indeed, this proposal is well-suited to the village-edge location and will provide an appropriate and sensitive

'gateway development'. Full details of traditional materials to be used and proposed boundary treatment and landscaping were provided within the original application.

Ground 2

The field does not comprise "open space" or "green space" in terms of the Council's policy BE6 of the Consolidated Local Plan 2011, equivalent policy EP11 of the Proposed (as modified) Local Development Plan), Planning Advice Note (PAN) 65 or the Council's Supplementary Planning Guidance on Green Space.

Policy BE6 – Protection of Open Space (LDP Policy EP11 Protection of Greenspace)

- 4.12 Policy seeks to give protection to a wide range of types of open space/ greenspace within settlements. The Proposed (as modified) LDP introduces a hierarchy of greenspaces – 'Key Greenspaces' and 'Other Greenspaces', but the thrust of the policy remains the same. The Manse field is not identified as being a key greenspace on Proposals maps.
- 4.13 PAN 65 (2008) 'Planning and Open Space' recognises the benefits of working within a framework of a typology of spaces and provides classification information at 'Appendix 1', - as shown overleaf. The Appellant is keen to preserve open space in the upper portion of the site, but it is difficult to see how an agricultural field fits into the PAN's typology. The true value and legitimacy of preserving the entire field as agricultural/ grazing land in terms of the impact on the village setting is strongly questioned.
- 4.14 It should be noted that farmland falls into the 'other open land category' within PAN 65 and not within the categories listed under "**Open Space**" as shown overleaf.

Fig 3: PAN 65's open space typology – extracted from PAN 65

PAN 65 Open Space	Public parks and gardens	Public park and garden
	Private gardens or grounds	Private gardens
		School grounds
Institutional grounds		
Amenity greenspace	Amenity – residential	
	Amenity – business	
	Amenity – transport	
	Playspace for children and teenagers	Playspace
	Sports areas	Playing fields
		Golf courses
		Tennis courts
		Bowling greens
		Other sports
	Green corridors	Green access routes
		Riparian routes
	Natural/semi-natural greenspace	Woodland
		Open semi-natural
		Open water
	Allotments and community growing spaces	Allotments and community growing spaces
	Burial grounds	Churchyard
Cemetery		
Other functional greenspaces	Other functional greenspaces, e.g. caravan park	
Civic space	Civic space	

4.15 In terms of the Council's own Supplementary Planning Guidance 'Green Space', 2009, it is, again, difficult to see how the 'Manse field' fits into the categories of green space set out therein. Appendix B (p36) sets out 'Provision Standards' and identifies types of green space which is instructive in confirming how the Council categorises green space in the Scottish Borders. The categories are set out, and assessed, below:

Allotments

4.16 The field clearly does not fall into this category.

Amenity Green Spaces

4.17 This is defined as "Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons and used for a variety of informal or social activities such as sunbathing, strolling, dog walking, jogging and kickabouts". The Manse Field clearly does not fall into this category.

Green Corridors

- 4.18 These are defined as “Routes including (but not limited to) canals, river corridors and old railway lines, linking different areas as part of a designated and managed network and used for walking, cycling or horse riding, or linking towns to their surrounding countryside.” The Manse Field clearly does not fall into this category.

Natural Green Spaces

- 4.19 These are defined as “Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas.” The Manse field is a heavily grazed horse paddock and would not appear to fall into this category.

Outdoor Sports Facilities

- 4.20 The Manse Field clearly does not fall into this category.

Public Parks and Gardens

- 4.21 The Manse Field clearly does not fall into this category.

Provision for Children, Young People and Teenagers (including equipped areas)

- 4.22 The Manse Field clearly does not fall into this category.
- 4.23 The Appellant must conclude, therefore that the agricultural field does not fall within the definition of green space either in terms of the broad categories contained within PAN 65 or the Council’s own Supplementary Planning Guidance.
- 4.24 Further, policy narrative on page 102 of the Proposed (as modified) LDP specifically states that “The greenspaces covered by this policy are based on the typology contained in the Scottish Government’s Planning Advice Note (PAN) 65”.
- 4.25 Overall, it is therefore considered to be inappropriate for the Council to state that the agricultural field must remain as open space in terms of (a) Adopted Consolidated Local Plan policy (b) Emerging Proposed (as modified) Local Development Plan policy (c) PAN 65 and (d) the Council’s Supplementary Planning Guidance on Green Space as none support such an argument for this agricultural field, notwithstanding its specific location.
- 4.26 Notwithstanding this concern, it is noted that ‘protection criteria’ for green space identified in the Local Plan and Proposed (as modified) LDP as ‘other greenspaces’ include the social, environmental or economic value of the greenspace; the role it plays

in defining landscape/ townscape structure and its function. The Council's main concern appears to be connected with the visual role of the field in terms of landscape/ townscape structure. This issue has been addressed under Ground 1.

- 4.27 Denholm benefits from the existence of a large area of formal greenspace – Denholm Village Green. The Manse Field has never been used as amenity greenspace – it is a privately leased (horse) grazing field with footpaths, in separate ownership, to the immediate exterior of its northern and western perimeters. These footpaths will not be impacted by the proposal, including by the trees and boundary treatments which will be preserved and enhanced. There is little environmental value to a heavily grazed open field.
- 4.28 There has been a desire, evidenced through the development management process, to retain a 'green vista' when approaching the village from the west. The current proposal ensures that the highly visible upper proportion of the field is retained, as the proposal is located towards the lower edge. The combination of high quality vernacular buildings, resembling a farmhouse with steading conversion, and retained open space above it respects the character of the western entrance to the village and the Conservation Area.

Ground 3

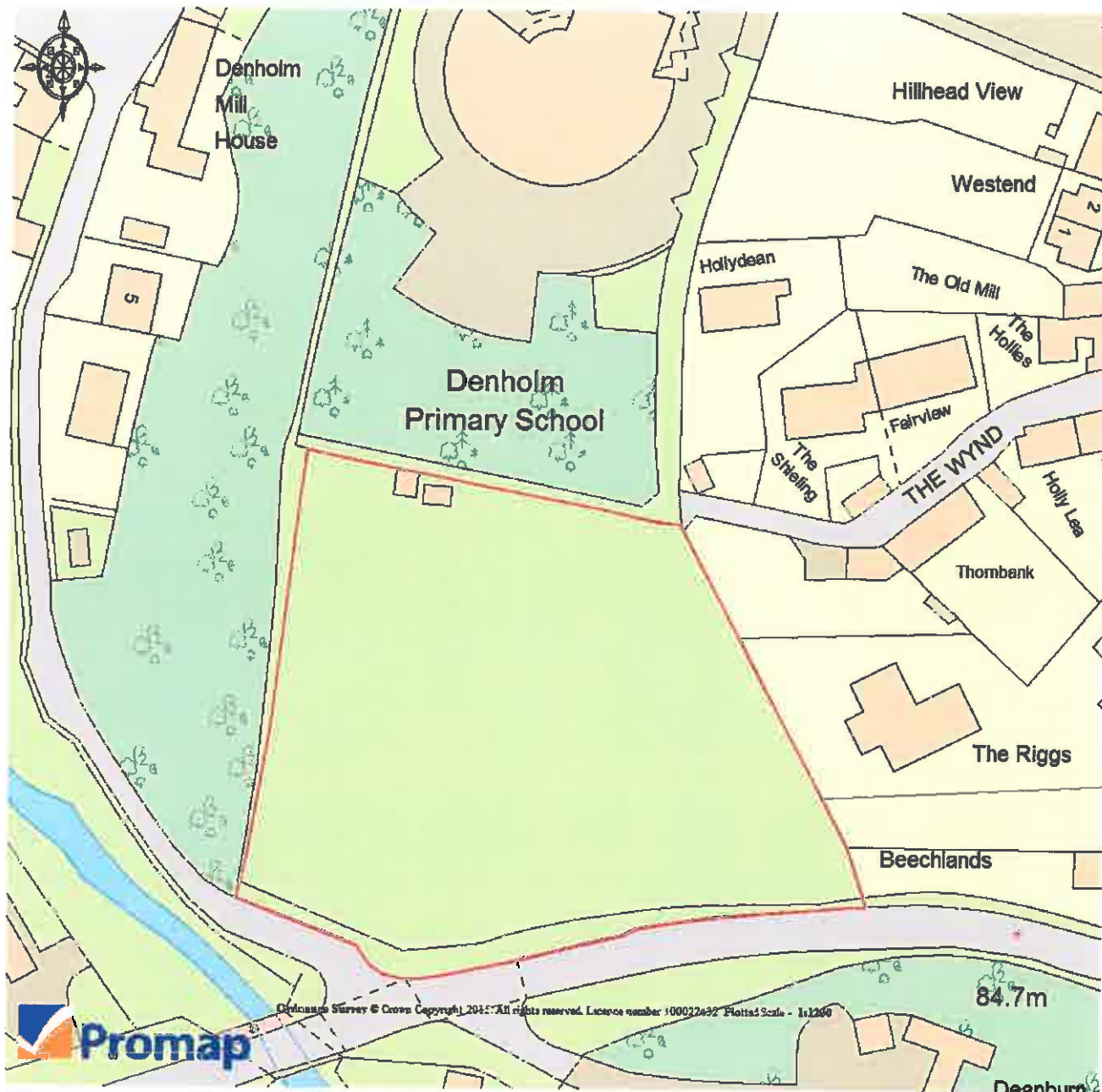
The proposed development is not contrary to policy G1 of the Consolidated Scottish Borders Local Plan 2011 (or to equivalent policy PMD2 of the Proposed (as modified) Scottish Borders Local Development Plan). The design, density and massing of the proposed dwellings respect the traditional architectural forms, where present, in neighbouring development.

Policy G1 – Quality Standards for New Development (Local Plan)/ Policy PMD2— Quality Standards (Local Development Plan)

- 4.29 The scale, massing, height and form of the proposed development are considered, by the Appellant, to be compatible with and respect the character of the surrounding area. There is no uniform 'neighbouring built form' but the proposal seeks to respect the more traditional architectural styles in Denholm. More modern houses are visible to the east of the proposal.
- 4.30 The external materials and their colours are considered to be appropriate to the surroundings, although such can be largely controlled by planning condition should, for example, an alternative colour finish be required. The proposal provides a sensitive

development of traditional appearance at the entrance to the village which the Appellant considers appropriate for the edge-of-village context.

- 4.31 Only a proportion of the site has been proposed for development, namely the lower, more level, area. The site can satisfactorily accommodate the development and is not considered to unreasonably impact upon the visual amenity of the area, as set out under Ground 1.
- 4.32 The proposed landscaping will strengthen site boundaries, through hedge and tree planting, and will further help the development to assimilate into its surroundings.
- 4.33 In terms of off-road linkage with the village centre, a footpath lies to the west and north of the site. The Appellant is willing to discuss contributions to the upgrading of this path with the Planning Authority to allow for improvements.
- 4.34 In terms of access, the Roads Officer has indicated a desire to see to the access moved slightly west to increase the distance from the public road, for safety reasons. The Appellant has confirmed that they are satisfied that they have obtained confirmation from their legal representative that the necessary servitude rights exist to access the subjects, for the development proposed, by way of crossing the verge. The subjects can accommodate adequate parking and turning space on site.



General Finishes (Dwelling 1)
 Road: Natural Stone
 Walls: Wet dash render, painted off-white
 Chimneys and Gable Ends: Slate Tiles
 Windows: Sandblasted (see note on page 10)
 North Elevation: Sanding around windows and doors to be smooth render and stone cills.
 All Windows to be timber sash and case painted.
 Rainwater Goods: Black Plastic

General Finishes (Dwelling 2)
 Road: Natural Stone
 Walls: Wet dash render, painted off-white
 Chimneys and Gable Ends: Slate Tiles
 Windows: Sandblasted (see note on page 10)
 North Elevation: Sanding around windows and doors to be smooth render and stone cills.
 All Windows to be timber sash and case painted.
 Rainwater Goods: Black Plastic

South Elevation

**North Elevation
(Courtyard Level)**

**North Elevation
(Top Floor Level)**

East Elevation

West Elevation



Malcolm McEwen Design
 11 Forest Road, Bonchester Bridge
 Hawick, Borders, TD9 8JS
 Tel 01450 860641 e-mail shankmac@aol.com

Client **N and S Ewart**

Job Title
New Development

**2 No 4/5 Bedroom Dwellings
 Manse Field
 Denholm**

Drawing Title
Elevations

scale **1:200**

date **17th Dec 2016**

Drawn by

Drawing No **MM 3017/3**

A

Notes :



Malcolm McEwen Design
 11 Forest Road, Bonchester Bridge
 Hawick, Borders, TD9 8J5
 Tel 01450 880641 e-mail shankmac@aol.com

Client **N and S Ewart**

Job Title

New Development

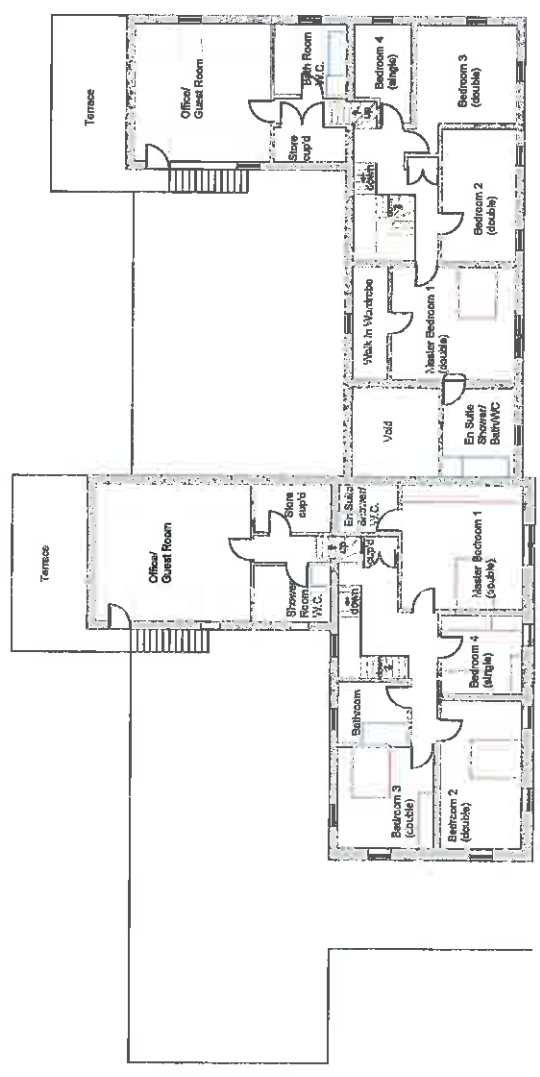
**2No 4/5 Bedroom Dwellings
Manse Field
Denholm**

Drawing Title
Plans

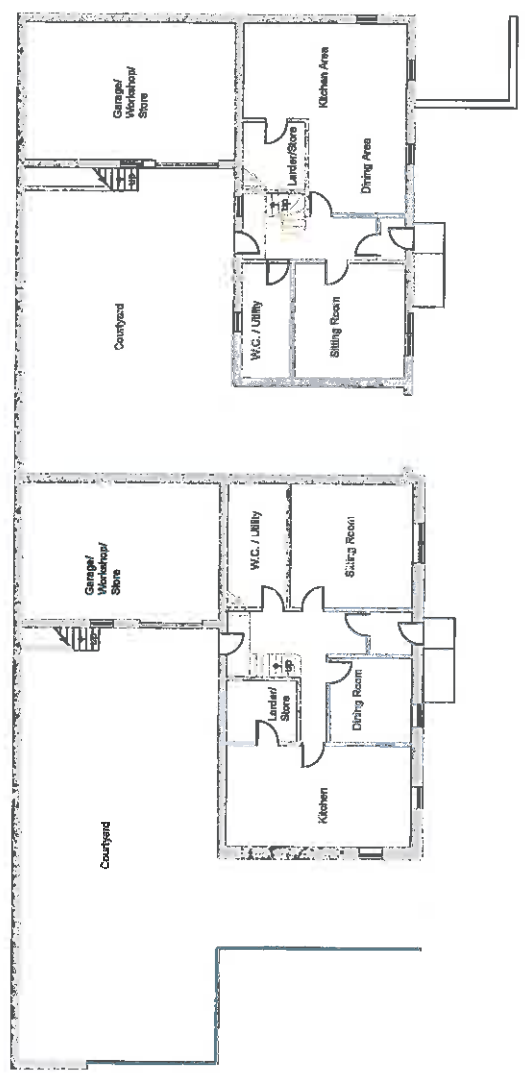
scale **1 : 200**

date **17th Dec 2015** drawn by

Drawing No **MM 30172** **A**

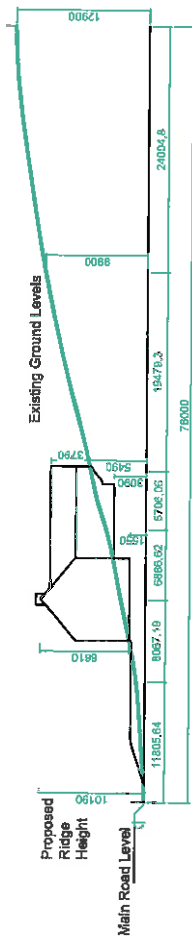


First Floor Plan

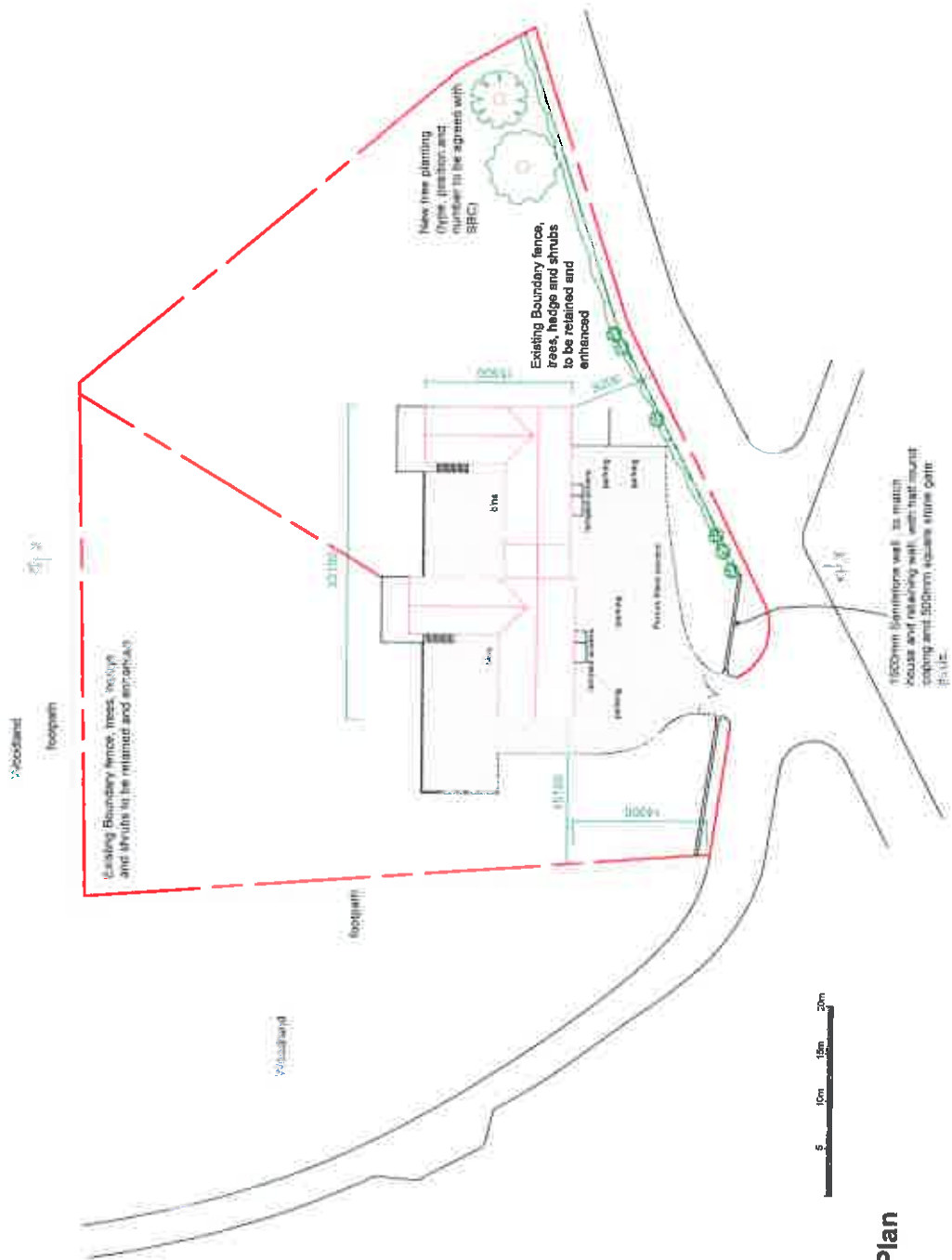


Ground Floor Plan





Section X - X



Site Plan

Malcolm McEwen Design
 11 Forest Road, Bonchester Bridge
 Hawick, Borders TD9 8J5
 Tel: 01459 860841 e-mail: malcolm@mead.com

Client: **N and S Ewart**

Job Title: **New Development**

2 No 4/5 Bedroom Dwellings
Manse Field
Denholm

Drawing Title: **Site Plan and Section**

Scale: 1:500

Drawn by: [blank]

Drawing No: **MM 3017/1 A**



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 000140296-001

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)

Erection of two linked dwelling houses

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:	Ericht Planning & Property Consultants
Ref. Number:	
First Name: *	Kate
Last Name: *	Jenkins
Telephone Number: *	07795974083
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	kate@kjenkins.co.uk

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

Building Name:	
Building Number:	40
Address 1 (Street): *	Belgrave Road
Address 2:	
Town/City: *	EDINBURGH
Country: *	UK
Postcode: *	EH12 6NQ

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Other
Other Title: *	Mr and Mrs
First Name: *	N
Last Name: *	Ewart
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	Acreknowe Farmhouse
Building Number:	
Address 1 (Street): *	Acreknowe
Address 2:	
Town/City: *	Hawick
Country: *	Scotland
Postcode: *	TD9 9UQ

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

618332

Easting

356614

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.56

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)

Equestrian grazing within settlement boundary

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)? *

4

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

What private arrangements are you proposing? *

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

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

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

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

A full drainage scheme will be prepared and submitted to the Planning Authority in fulfillment of an anticipated pre-commencement planning condition

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)

Location illustrated on site plan

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? *

2

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: Kate Jenkins

On behalf of: Mr and Mrs N Ewart

Date: 23/12/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal 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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

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

Supporting Statement

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: Kate Jenkins

Declaration Date: 23/12/2015

Submission Date: 23/12/2015

Payment Details

Cheque: WPNL Ewart, 2165

Created: 23/12/2015 17:16

PLANNING APPLICATION

Land at Manse Field Denholm, Scottish Borders

23rd December, 2015

On behalf of Mr and Mrs N. Ewart

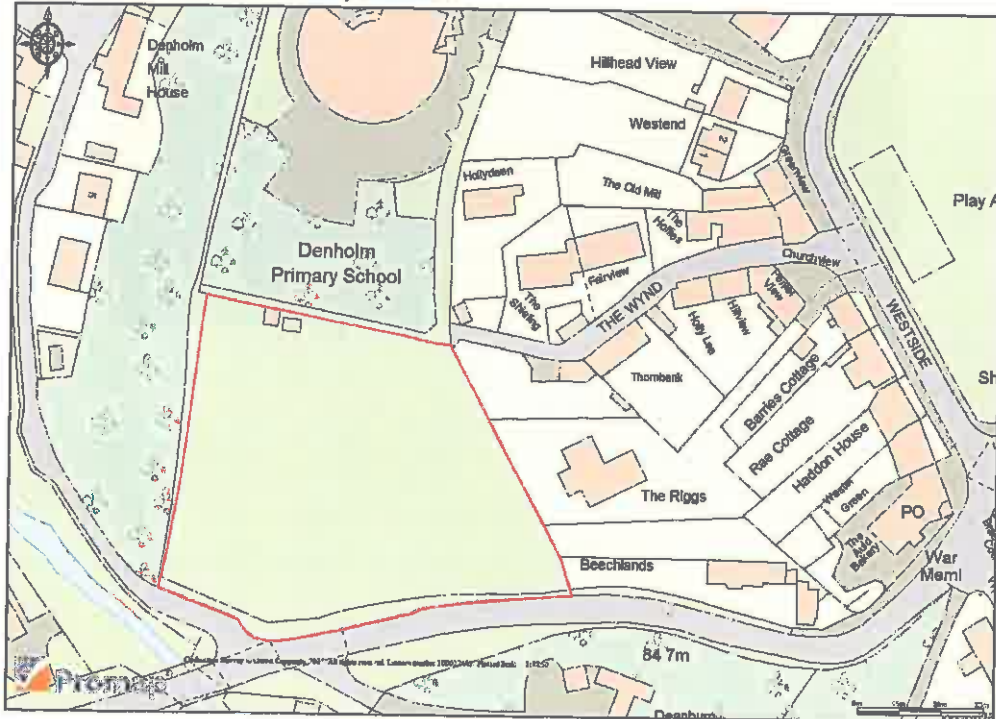
1.0 INTRODUCTION

- 1.1 This planning application seeks planning permission in principle for the development of two traditional linked houses on land at the Manse Field, Denholm.
- 1.2 The application is made by Ericht Planning & Property Consultants on behalf of Mr and Mrs Ewart of Acreknowe farm. The following drawings have been prepared by Malcolm McEwen Designs: Site Plan, North-south Site Section, Elevations and Floor Plans.
- 1.3 The proposal is for two linked dwelling houses. The proposal has been carefully designed to appear as a farmhouse with associated converted steading. The positioning towards the lowest point of the site ensures that the proposal works with the natural landform and minimises the need to cut into the hillside. It also ensures that the dwelling houses do not dominate the open sloping field at the western entrance to Denholm, but rather are positioned to enhance the western gateway.
- 1.4 This supporting statement will set out the background to the proposal and the planning history of the Manse Field. It will assess the proposal against adopted policy within the Consolidated Local Plan (2011) and the soon-to-be adopted Proposed Local Development Plan.

2.0 DESCRIPTION AND LOCATION

2.1 The subjects consist of an area of land extending to approximately 0.56 ha (1.38 acres) which is currently used as a field for equestrian grazing. The land has a moderately sloping south westerly aspect.

Fig 1: Land at the Manse Field, Denholm



2.2 The site is bounded by post and wire fencing. To the north lies an area of predominantly coniferous woodland and a public footpath which both lie between the subjects and Denholm Primary School. To the west, a public footpath descends the slope beyond low trees/ scrub. Residential use lies to the east, with 'Beechlands' and, particularly, 'The Riggs' lying in close proximity to the Manse Field. The dominant, glazed gable of 'The Riggs' is a highly prominent feature overlooking the Manse Field and is readily visible from the public road at the western entrance to the village. To the south lies this road – the A698 Hawick to Jedburgh Road, and the minor road leading to Denholm Mill from which the site is understood to benefit from a servitude right of access.

Fig 2. Aerial view of the Manse Field, Denholm



3.0 PLANNING HISTORY

- 3.1 This section will provide an overview of the planning history of the Manse Field in terms of applications for consent as a 'windfall site' within the Denholm settlement boundary by means of planning applications.
- 3.2 Several applications have sought consent for residential development over the subjects. Most recently, an 'outline application', 07/01788/OUT, was made in 2007 for the development of two dwellings on the Manse Field. This was refused in November, 2007 principally on the grounds that it was considered to result in a loss of open space to the detriment of the amenity, character and landscape setting of the village, its western approach and the Conservation Area.
- 3.3 Throughout the planning history of the Manse Field, the key impediments to development could be summarised as having been:
- ❑ The contribution which the area of green space (in its most general term) makes to the visual appearance and character of the village, particularly on the western approach;
 - ❑ The subjects' relatively steeply sloping aspect as viewed when approaching the village from the west;
 - ❑ The subjects' location within the Conservation Area of Denholm and the contribution which the field is considered to make towards the character of the Conservation Area;

This application addresses these concerns, as detailed within the next section, 4.0

- 3.4 It is, however, noted that the Roads Officer had no objections, in principle, to the development of up to two houses within the field in terms of access and road safety considerations.
- 3.5 In the past c.10 years there have been a number of planning applications and consents for dwellinghouses within the area bounded by Westside, the Wynd and the Manse Field. It is noted that the prominent glazed gable of "The Riggs", built to the south west of Barries Cottage and Rae Cottage, is highly visible from the Manse Field, the Conservation Area and the western approach to Denholm.

Fig 3: The prominent Gable of "The Riggs" facing west over Manse Field



4.0 LOCAL PLANNING CONTEXT AND ASSESSMENT AGAINST POLICY

- 4.1 The adopted Local Plan is the Scottish Borders Consolidated Local Plan 2011. This Local Plan will shortly be superseded by the Scottish Borders Local Development Plan. Relevant policy within both the Scottish Borders Consolidated Local Plan and the Proposed Plan is considered herein.

Settlement Profile

- 4.2 The Local Plan and Proposed Plan contain a settlement profile for each identified settlement. Both Plans show the Manse Field to lie within the settlement boundary and within the Denholm Conservation Area.

Commentary

- 4.3 Narrative indicates that, in terms of areas for longer term expansion, land to the south east of the village is preferred, albeit subject to further assessment. Development to the west of the village will be resisted because it would “*cross the natural boundary of the Denholm Dean*”. This point is noted in both Plans. It is, however, observed that the Manse Field lies on the ‘village side’ of this natural boundary and development would thus not cross it.

Local Policy G7 – Infill Development (Proposed LDP Policy PMD5)

- 4.4 This policy sets out the circumstances under which development on non-allocated infill sites within the development boundary will be approved. Development must:
- not conflict with the established use of the area; and
 - not detract from the character and amenity of the area; and
 - be able to be supported by the existing social and economic infrastructure; and
 - not result in over-development or ‘town and village cramming’; and
 - respect the scale, form, design, materials and density of its surroundings; and
 - be able to achieve adequate access and servicing; and
 - must not result in significant loss of daylight, sunlight or privacy to adjoining properties.

Commentary

- 4.5 The proposed residential use of the lower part of the field complements the adjacent residential nature of the area and it is of an appropriate design for the village-edge location. The proposal certainly does not lead to village ‘cramming’.

The siting and design of the proposal is commented upon in more detail under the 'Conservation Area' assessment below, but suffice to note, at this point, that the carefully considered design respects the character of the designation, the landscape setting and the specific village-edge location generally. There will be no loss of privacy, sunlight or daylight to the existing properties to the east on account of the levels and separation distances involved.

- 4.6 The dwellings can be safely and appropriately accessed as indicated on the site plan; indeed, the Roads Officer has previously indicated support for a maximum of two dwellings being accessed at this location.

Local Plan Policy BE4 – Conservation Areas (Proposed LDP Policy EP9 Conservation Areas)

- 4.7 This policy seeks to preserve or enhance the character or appearance of Conservation Areas.
- Development must not have an unacceptable adverse impact on the character or appearance of a Conservation Area;
 - Development must be designed and located to preserve or enhance the special architectural or historic character of the Conservation Area in terms of scale, proportions, alignment, density, materials and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes;
 - Consideration will be given to guidance within Historic Scotland's 'Scottish Historic Environment Policy' in the assessment of applications;

Commentary

- 4.8 Key points, as identified within the village's Conservation Area Statement, include:
- Denholm is centered round a large green with plots around the green having been historically feued for houses and gardens;
 - The character of the Conservation Area stems principally from the green, although other features do contribute to this;
 - Denholm represents a planned village as opposed to the traditional unplanned or organic form of village usually found in Roxburghshire;
 - Properties around the green are mainly two storey (although some are one and a half) and on a simple rectangular plan, gable ends and eaves to the roadside;

- Overall most buildings are constructed in continuous rows but there are a few examples of detached cottages, therefore any new development should aim to follow this practice;
 - Traditional building materials and architectural detailing prevail throughout the Conservation Area, such as the use of sandstone, harling, sash and case windows, margins and rybats.
- 4.9 The Conservation Area Statement does not specifically mention the Manse Field as being important in giving the village its characteristic appearance. Nothing within the Statement suggests that a development of the nature proposed would impact negatively upon any of the specific features or upon character of the Conservation Area.
- 4.10 The high quality and carefully considered design aims to respect the Conservation Area through its design and use of traditional materials and form. The proposal resembles a modernised farmhouse with converted agricultural steading. The buildings would enhance the entrance to Denholm and its Conservation Area in a positive way, providing a sensitively designed but bold transition between countryside and village.
- 4.11 At present, the prominent glazed gable of “The Riggs” dominates the western entrance to the village and Conservation Area. The proposed development is considered to offer greater sympathy to the Conservation Area. The design respects the character of the Conservation Area and the semi-rural character of the site, despite its location within the settlement boundary.
- 4.12 It is, however, recognised that retention of a good proportion of open space in association with development may be considered by the Planning Authority as important in enhancing the western entrance to Denholm and the setting of the Conservation Area. The proposal protects approximately half of the field – importantly the upper portion which is the visually dominant part of the green space with most impact as viewed from the public road.
- 4.13 The proposal is not considered to have an unacceptable adverse impact on the character or appearance of the Conservation Area in terms of its traditional design, form, scale, proportions and siting. Indeed, this proposal is well-suited to the village-edge location and will provide a pleasant gateway development.

4.14 Materials are noted within the drawings, but for ease of reference include:

Western House

- Roof: Natural slate
- Walls: Southern and western elevations – Random sandstone (yellow-brown, fine grained)
- Cills, Quoins, Lintels and Gable Tables: South and western elevations – sandstone
- Walls: Northern elevation – Wet dash render painted off-white
- Windows: Painted timber sash and case. Banding around windows to be smooth render with stone cills on northern elevation
- Rainwater goods: Black plastic

Eastern House

- Roof: Natural slate
- Walls: Wet dash render painted off-white
- Windows: Painted timber sash and case.
- Cills, Quoins, Lintels and Gable Tables: Southern and Eastern Elevations – sandstone
- Banding around windows and doors: North Elevation – smooth render and stone cills
- Rainwater goods: Black plastic

Boundary treatment and Landscaping

- Existing post and wire fences to remain, other than section of new sandstone wall, to match the western house, with half round coping and square stone gate posts
- Retaining wall to north, as indicated on drawings
- Existing trees to be retained with new planting to be agreed with the Planning Authority.

Policy BE6 – Protection of Open Space (LDP Policy EP11 Protection of Greenspace)

- 4.15 Policy seeks to give protection to a wide range of identified and non-defined types of open space within settlements and prevent their loss to development.

Commentary

- 4.16 A key reason given as to why the Planning Authority has been unable to support development within the Manse Field in the past is the desire to retain the ‘green vista’ when approaching from the west. The current proposal ensures that the highly visible upper proportion of the green space is retained, as the proposal is located towards the lower edge. The combination of high quality vernacular buildings, resembling a farmhouse with steading conversion, and retained open space above it will preserve the character of the western entrance to the village and enhance the Conservation Area.
- 4.17 Denholm benefits from the existence of a large area of formal greenspace in the form of Denholm Village Green. The Manse Field has never been used as amenity greenspace – it is a privately leased grazing field with footpaths, in separate ownership, to the immediate exterior of its northern and western perimeters. These footpaths will not be impacted by the proposal and trees and boundary treatments will be preserved.
- 4.18 PAN 65 (2008) Planning and Open Space recognises the benefits of working within a framework of a typology of spaces and the document provides a recognised example of such classification in its ‘Appendix 1’, as shown overleaf. Whilst the applicant is keen to preserve open space in the upper portion of the site, it should be noted that it is difficult to see how an agricultural field fits into the PAN’s classification system. The true value and legitimacy of the preserving the entire field as agricultural/ grazing land in terms of the impact on the village setting is strongly questioned.

Fig 4: PAN 65's open space typology

PAN 65 Open Space	Public parks and gardens	Public park and garden
	Private gardens or grounds	Private gardens
		School grounds
		Institutional grounds
Amenity greenspace	Amenity – residential	
	Amenity – business	
	Amenity – transport	
	Playspace for children and teenagers	Playspace
	Sports areas	Playing fields
		Golf courses
		Tennis courts
		Bowling greens
		Other sports
	Green corridors	Green access routes
		Riparian routes
	Natural/semi-natural greenspace	Woodland
		Open semi-natural
		Open water
	Allotments and community growing spaces	Allotments and community growing spaces
	Burial grounds	Churchyard
Cemetery		
Other functional greenspaces	Other functional greenspaces, e.g. caravan park	
Civic space	Civic space	

- 5.0 CONCLUSION**
- 5.1 The application is for two linked dwellinghouses of traditional design which will be sited on the lower portion of the Manse Field. The upper half of the field will remain as open space.
- 5.2 The proposal is located within the Denholm settlement boundary and the Conservation Area. The Local Plan and the Proposed Local Development Plan express a desire that development should not take place to the west of the Denholm Dean (a small watercourse). This proposal is to the east (village) side of this natural feature.
- 5.3 The proposal will enhance the western entrance to Denholm by the creation of a sensitively designed development which respects the character of the Conservation Area and the village-edge setting.
- 5.4 The dwellings can be safely and appropriately accessed as indicated on the site plan; indeed, the Roads Officer has previously indicated support for a maximum of two dwellings being accessed at this location.
- 5.5 The Conservation Area Statement does not mention the Manse Field as being a feature which is important in giving the village its character or appearance. Nothing within the Statement suggests that a development of the nature proposed would impact negatively upon any of the specific features of the Conservation Area or upon its character.
- 5.6 The high quality and carefully considered proposal respects the Conservation Area through its siting and design, the use of traditional materials, and its scale, proportions and form. The buildings would enhance the entrance to Denholm and its Conservation Area, providing a sensitively designed development within the area of transition between countryside and village. At present, the prominent glazed gable of "The Riggs" dominates the western entrance to the village and Conservation Area. The proposed development is considered to offer greater sympathy.
- 5.7 The proposal ensures that the prominent upper portion of the field is retained, as the development will be located towards the lowest point of the field. The

combination of a high quality vernacular development, resembling a farmhouse with steading conversion, and retained open space above it will preserve the appearance of the western entrance to the village and enhance the Conservation Area.



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01552/FUL

To : Mr and Mrs N Ewart per Ericht Planning & Property Consultants 40 Belgrave Road Edinburgh EH12 6NQ

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

Proposal : Erection of two dwellinghouses

at : Land South Of Primary School West End Denholm Scottish Borders

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

**Dated 18th February 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01552/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused
MM3017/1	Site Plan	Refused
MM3017/2	Floor Plans	Refused
MM3017/3	Elevations	Refused

REASON FOR REFUSAL

- 1 The proposed development is contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan (2011) in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and to the detriment of the character and appearance of the Denholm Conservation Area.
- 2 The proposed development set forth in this application is considered contrary to policy G1 of the Consolidated Scottish Borders Local Plan (2011), and contrary to adopted supplementary planning guidance on Placemaking and Design in that the proposed dwellings would not reflect the neighbouring built form and density.

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 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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01552/FUL

APPLICANT : Mr and Mrs N Ewart

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of two dwellinghouses

LOCATION: Land South Of Primary School
West End
Denholm
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused
MM3017/1	SITE PLAN AND SECTION	Site Plan Refused
MM3017/2	PROPOSED FLOOR PLANS	Floor Plans Refused
MM3017/3	PROPOSED ELEVATIONS	Elevations Refused

NUMBER OF REPRESENTATIONS: 9

SUMMARY OF REPRESENTATIONS:

EDUCATION & LIFELONG LEARNING (MARK BEDWELL): Confirms the site is located within the catchment area for Denholm Primary School and Jedburgh Grammar School. A contribution of £3209 per unit will be sought for the Primary School, making a total contribution of £6418. As a result of fire, Denholm Primary School was rebuilt with additional classroom space to accommodate future developments in the area therefore a contribution is sought towards the costs of providing this extension to the school and to recoup the capital investment made by the council.

ROADS PLANNING SERVICE: Confirms the principle of two dwellinghouses on this site raised no objection from the RPS when an outline application was submitted in 2007. Has copied below the previous comments which are largely still applicable to the current proposal.

"I have no objections in principle to this proposal. I shall require parking and turning for a minimum of two vehicles, excluding any garages, to be provided within the curtilage of each property. Provision must be made for service vehicles and the access must be constructed to my specification. The exact location of the access onto the public road serving Denholm Mill must be agreed on site with my representative prior to any detailed application being made. The gradient of the parking and turning area must be not greater than 1 in 18, the gradient of the initial 6m on the access must be not greater than 1 in 18 and the intervening section can be up to 1 in 8. Visibility improvements shall be required to the north to ensure driver visibility is adequate. It should be noted that I would not be able to support any further development within this field as it would require the provision of a public road, which would be inappropriate at this location.

With regards to the current design, the access should be located further west to allow a greater distance from the junction with the A698. The precise location of the access will need to be agreed and a scheme of details will need to be submitted and agreed in writing. The access should be formed as per the following specification prior to occupation of the first dwelling:

- o Access to be a minimum of 5.5 metres wide and formed with 6 metre radii.
- o The first 5 metres of the access to be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1."
- o Measures to prevent the flow of surface water onto the public road to be included in the design.

Providing the above points are satisfactorily addressed I will not object to this application. Given the lack of public footway provision between the site and the village centre via the main road, the obvious route for pedestrians from this site to the village centre avoiding traffic is via the footpath to the west and north of the site. This route is a right of way and may benefit from some improvement works as a result of this application. I would advise that you discuss the matter with the relevant Access Officer with a view to ensuring what level of contribution, if any, would be appropriate. Restrictions should be put in place to ensure any planting along the northerly boundary is located so as not to encroach onto the right of way. "

The RPS engineer notes that there is an objection to this proposal which disputes the extent of the public road verge along the frontage of the site. However, it is the opinion of the RPS that the public road boundary is the fence line along the boundary of this field.

COMMUNITY COUNCIL: Observations as follows:

1. Access to the site over the verge on Denholm Mill Road would require the acquiescence of the owners of the verge, the residents of Denholm Mill, who have not yet been consulted by the applicants.
2. CCs felt there would be a negative impact on visual amenity of the area, and did not agree the visual impact would be in keeping with the village and local farm house, as claimed. Also noted the white painted exterior proposed would not be in keeping with nearby buildings.
3. CCs observed the proposed dwellings would not fall in to the category of "affordable housing".
4. Noted the application did not make provision for sustainable drainage or surface water. Concerned that this could mean the applicants "could be in breach of environmental legislation".
5. Observed that application was for planning permission, although there appeared no prior "outline planning permission", The CC would like to be informed whether this was indeed the case, and if so whether this is in keeping with appropriate planning procedures.

ARCHAEOLOGY OFFICER: There are no known archaeological implications for this proposal. However, as the development is near an area of moderate archaeological sensitivity, being located near the medieval village of Denholm, there is nevertheless some potential for encountering previously unknown archaeological deposits. While a condition seeking mitigation is not recommended, recommends an informative.

ACCESS OFFICER: (In summary): "The route from the public road to the bottom of the steps is part of Core Path 123. This is not confined to one particular part of the road or verge and currently walkers use both sides of the road and verge. Core path 123 beyond this road is rural mainly grass surface in nature and is not generally hard surfaced and includes a long set of steps. There is not currently a pavement linking the development with the village. Trees planted along the boundary of the property, while welcome to provide landscape benefit should be chosen and sited to avoid future blockage of the paths due to tree growth into the path area. Thorny plants may eventually grow to create more of a barrier to path users. So selection of species and siting in communication with the planning authority as per the application is welcomed. This is relevant to all boundaries and particularly so at the upper section of the property where the path is narrow and close to the post and wire fence. The development, if it was to be approved, has implications for the ability of the public to exercise rights of access along existing paths. It is essential that these rights are not obstructed by the proposed development and that the public shall continue to enjoy access to the path during and after the

development, without risk from machinery, ground disturbance or any other aspect of development works.

The path indicated Core Path 123 and including the path along the top edge of the property between the property and the Primary School grounds and adjacent path link promoted path DENH/78P/1 must be maintained open and free from obstruction in the course of, and after the development. It will not be part of the curtilage of the property."

Wordings are suggested for planning conditions in the access officer reply available online.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of a site notice, a notice on the national planning notification website, and an advert in the Southern Reporter. Direct notification was carried out of the 17 neighbouring addresses within the notification buffer of the site.

At the time of the finalisation of this report, a total of 9 letters of objection and two representations had been received to the application.

The submissions made can be viewed in full on the public access website. The principal grounds of objection can be summarised as follows:

- Adverse impact on Conservation Area, its appearance, setting and character.
- Precedence/previous planning history has shown that the development of this site is unacceptable and there has been no material change in circumstance that would alter this view.
- Access to the site both for long term vehicular traffic and short term construction traffic is unsuitable.
- Objection was also made that there is no pavement into the village for safe pedestrian access.
- The proposal will visually intrude into open countryside and have an adverse impact on the landscape
- The proposal is not consistent and does not complement the character of the present settlement
- The proposal will have an adverse effect on the approach to (and exit from) the village from the west which being at the entrance to the village has high amenity value to the residents of Denholm and all those who visit the village.
- Trees - Highlighted that the owner of the Manse Field recently authorised the felling of trees which otherwise served to help screen the gable end of the house known as the Riggs.
- Adverse impact on rural views to, and through the site.
- Criticism of the design approach taken.
- Criticism that the proposed housing would not be affordable.

Submission was also received setting out that the site would have to take access over land not in the applicant's control. It is contended that consent for such access would not be forthcoming from the Denholm Mill Residents.

On behalf of the applicant, the agent submitted Responses in terms of

- The reply from the Countryside and Heritage Officer.
- The rights of access to the site.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011
G1, G5, G7, BE2, BE4, BE6, H2, Inf2, Inf4, Inf5, Inf6

Other

- SPG Placemaking and Design
- SPG Householder Development
- SPG Development Contributions
- SPG Affordable Housing

Recommendation by - Andrew Evans (Planning Officer) on 16th February 2016

SITE

The site is located on the edge of Denholm. The site is a field, known locally as "The Manse Field". To the North of the site is located the new Denholm primary school. To the south is located the A698 road between Hawick and Kelso. West of the site is located the road leading to Denholm Mill, off of which comes a pedestrian route leading to the school site on the higher ground beyond, accessed via a stepped footpath. East of the site are located existing dwellings, accessed off of Denholm Green. The site is located at the edge of the village. The site is sloping, with the lower lying land along the boundary fronting the A class road. The Dean Burn lies across the Denholm Mill access road and the field is generally surrounded by post and wire fencing, mature hedging and small trees.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of two dwellings. The application sets out detailed proposals for 2no. two-storey linked dwellings. These would be located at the southern corner of the site, which is the lowest part of the field in which they would sit. They would be served by a new access off of the Denholm Mill road. The proposals indicate the existing boundary fence, trees hedge and shrubs along the boundary with the A road to be retained and enhanced.

The proposed houses would feature Natural slate roofing. The left hand dwelling would be finished in random sandstone (Copp-Cragg or similar yellow-brown fine grained) is specified on the plans. The right hand dwelling would be finished in wed dash render painted off-white. All Rainwater goods would be black plastic. Windows would be painted timber sash and case units. Along the southern boundary, the new access would be located centrally within a new 1.5m high sandstone boundary wall.

PLANNING HISTORY

There has been a history of resisted applications for residential development on this site. The following is a brief summary of the planning history:

- o Planning application for two semi-detached houses refused in 1992 on grounds of road safety and site being outwith the Local Plan boundary for Denholm at the time. The application was also refused as being inappropriate for housing development in that it lay outwith the village form.
- o A single house planning application was refused in January 1992 for similar reasons, an additional reason stating that the proposal would be detrimental to the visual amenity and character of the Conservation Area.
- o Planning application for a single dwellinghouse was refused in September 1992 for the same reasons, except for that relating to road safety. This decision was then taken to appeal and the appeal was dismissed in August 1993. The Reporter agreed with the Council's concerns over the principle of developing the site.
- o The formal allocation of the site for housing was sought during the process of the Finalised Local Plan. This was opposed by the Council and the findings of the Reporter were in line with the Council's opinions. The Reporter stated "I endorse the Council's concern that its development, in whole or part, for housing would be detrimental to the amenity of Denholm, particularly as the site is highly visible when approaching from the west along the main A698 road. In my view, the offer of restricting the proposals to

single or 1½ storey and avoiding the highest parts of the steeply sloping site would not be sufficient to ameliorate the impact of the development satisfactorily, given its prominent setting". Following consideration of those findings, the site was not allocated for housing within the Scottish Borders Local Plan 2008.

o An outline planning application for the erection of two affordable dwellinghouses on part of the site was refused in November 2007. It was concluded that the proposals for affordable housing did not comply with the relevant Development Plan Policies covering the granting of exceptions in such cases, nor did they outweigh the planning history of resistance to residential development and the various protection Policies covering the site in relation to protection of the Conservation Area, informal open space and its role within, and on the approach to, the village.

Colleagues in the Planning Policy and Access team confirm that this site was not submitted for consideration through the recently concluded Local Development Plan process.

POLICY PRINCIPLE

The current application is made in full for the erection of two dwellings. It is clear from the planning history for the site that there has been continued development pressure here and also that this has been resisted over several years. This application does however require to be assessed against the current provisions of the development plan, and to be determined in line with prevailing planning policy.

The site is within the development boundary. There are however additional considerations that arise. The mere location of the site within the development boundary line does not render any development proposal acceptable. The infill development policy is criteria based. The site is located within the development boundary of Denholm. The proposed development requires to be assessed principally against local plan policy G7 (Infill Development). Policy G7 of the Local Plan sets out the position in relation to Infill Development proposals.

The only criteria of the relevant qualifying criteria to this site, it being neither an employment site nor a garden ground or backland site, sets out that infill development proposals would be supported where, 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). In all cases, the development must not conflict with the established land use of the area, detract from the character and amenity of the area, and be capable of being sustained by the surrounding social and economic character. Development must respect the scale, form, design, materials and density of the surroundings. Adequate access and servicing must be achievable and there should be no significant loss of daylight, sunlight, or privacy to surrounding properties as a result of overshadowing or overlooking.

The Council has adopted planning policies and supplementary planning guidance which seek to raise design standards, and promote thorough consideration of context. The proposals require to be assessed in terms of the adopted Supplementary Planning Guidance and the adopted planning policy relating to Placemaking and Design. Policy PMD5 of the emerging Local Development Plan is also relevant to this application.

ARCHAEOLOGY

Archaeology is a material consideration in the planning process. Policy BE2 of the CSBLP sets out the council position in relation to Archaeology. In this case, the Council Archaeology Officer confirms that there is a low likelihood of encountering buried archaeology. Were the application to be approved, an applicant informative could adequately cover archaeological issues, and ensure compliance with policy BE2 of the CSBLP.

ACCESS

Impact on outdoor access and rights of way are material considerations in the process. Policy Inf2 of the CSBLP seeks to protect outdoor access.

The Council Access Officer makes a detailed reply. Whilst the outdoor access officer correctly identified the core path adjacent to the site, I cannot justify the use of a planning condition on this consent to protect this access. The route is outside the application site and outwith the applicant's control. Conditioning this access in the manner suggested by the access officer would not pass the tests for use of planning conditions. Were the application in a position for approval, I would be satisfied that existing rights of way

legislation, and an applicant informative on any planning consent could adequately deal with any access issues arising. Subject to such an informative, the proposals would comply with policy Inf2 of the CSBLP.

PLACEMAKING AND DESIGN and HERITAGE AND CONSERVATION CONSIDERATIONS

The site is located within the Denholm Conservation Area. Policy BE4 of the CSBLP and policy EP9 of the Local Development Plan set out the position applicable to developments in the CA. Fundamentally the requirements of these two policies are the same. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused. All new development must be located and designed to preserve and 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, open spaces, vistas, gardens and landscapes. The policies of the adopted and emerging plans identify a need of design statements to accompany planning applications for development in conservation areas.

Policy G1 of the CSBLP and policy PMD2 of the proposed Local Development Plan sets out the policy requirements on quality standards which are applicable to all new development. The Council has also adopted supplementary planning guidance on Placemaking and Design which is relevant to the determination of this application. Policy G7 (on infill development) sets out that all proposed infill developments must be considered against the Council SPG on Placemaking and Design.

The SPG guidance (Section 4.2, Settlement Pattern) sets out that in urban areas, within the context of Borders Settlements, new development must seek to form a logical addition to the existing settlement pattern, relating to the landscape and land use patterns of the area. The SPG also (Section 4.3 -Views) sets out that as well as views within the wider landscape, the visual integration of development into its surroundings at the local level must be considered. All buildings have a civic role to play as part of the built environment and overall visual quality of an area. Consideration should be given to views approaching the settlement / site, views towards the roofline/skyline, and also approaching the site from within the settlement. It is in this regard that I do have concerns regarding the acceptability of this site for development.

In considering these impacts on views, it is also important to be mindful of the historical underpinning of refusals on this site. In 1993, a reporter set out in refusing residential development application on the site that "the site makes a pleasing contribution to the character of the Conservation Area by sharpening the visual distinction between the village proper and its rural approach from the west". He felt that with the single house development proposed, no matter where it was located or how it was designed, "...The entrance to Denholm would no longer offer the same experience of sudden change from countryside to village square".

This argument was persuasive then, and the underlying logic in such a view remains relevant now. The western entrance into Denholm is characterised by the very quick transition from being in a rural location to being in the village centre around the green. The agent, in the supporting statement identifies that the upper portion of this green space is most prominent. I do not agree with this conclusion. This green open space is much more important than just the upper portion. The whole site contributes to this feeling of openness. In the soon to be adopted Local Development Plan, this land is white land within the settlement boundary. It carries no additional designations. Its contribution to the appearance and character of the Conservation Area should not however be underestimated. I accept that the field is not specifically mentioned in the accompanying conservation text in the "PLACE MAKING CONSIDERATIONS" section of the plan, however the whole of the application site, and the access road and dwellings at Denholm Mill are within the Conservation Area. I do not consider that the proposed development would have a positive impact on the Conservation Area, because of the visual intrusion that would result from developing this prominent area of open space.

Policy BE6 of the CSBLP seeks to ensure the protection of open space. This policy covers all open space within development boundaries. Its key criteria in relation to this application is criteria 3, which sets out that open space will be protected from development where it can be justified by reference to the role that the open space plays in defining the landscape and townscape structure and identity of the settlement. Taking in to account the reasoning's behind previous reporter's decisions, the planning history of the site, and having considered the specific role that this site plays at the entrance to Denholm, I do not consider that the proposed development set out in this application would comply with Policy BE6. I do not consider that there is any possible revision to the proposals which would be likely to make it comply with policy BE6,

In summary, the development of the field as proposed would in its current form be contrary to policy BE4 (Conservation Areas) and BE6 (Protection of Open Space)

In terms of the surrounding density and built form, whilst the proposed development would be for a pair of higher density linked dwellings, the immediate context is set by detached dwellings. The density then increases around both Denholm Mill and the Village Green. The density of development proposed is then higher than the immediately adjacent dwellings. The immediately surrounding housing is detached. The site is not appropriate for the density of development proposed in this prominent edge of village location. The development will change the character and appearance of the conservation area, in a manner that cannot be supported. The proposals are considered to be contrary to policy G1 of the CSBLP and contrary to the guidance set out in the adopted Scottish Borders Council SPG on Placemaking and Design.

AMENITY

Policy H2 of the CSBLP and policy HD3 of the LDP seek to ensure that development does not adversely affect neighbouring residential amenity. The Council has also adopted supplementary planning guidance on Householder Development, which sets out the Council policy position in terms of amenity and privacy. The nearest dwellings are sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be affected by the proposal. The adopted SPG on Householder Development also sets out minimum standards for garden space in planning applications for new housing.

ACCESS AND ROAD SAFETY

Road safety is a material planning consideration. Policies G1 and Inf4 of the CSBLP and policies IS7 of the LDP set out the relevant infrastructure standards for parking to serve development. The Roads Planning Service was consulted on the application. The field is bound to the east by an existing footpath and staircase, leading from Denholm Mill to the Primary School. The proposed access to the site is to be taken off of the Denholm Mill road, very close to its existing junction with the existing Hawick to Denholm road. The proximity to this access was an issue of concern to me on first viewing the site. The RPS engineer confirms in his consultation response that the proposed development of this site is considered acceptable in road safety terms.

Whilst I am mindful of the road safety history of the site and surrounding roads, I also appreciate that engineering thinking in terms of road safety has advanced in recent years, and application of "Designing Streets" principles to the proposals can mean that previous reasons for refusal in road safety terms are no longer as justifiable. Indeed, in the consultation response to the 2007 application, the RPS indicated that development of 2 dwellings could be accepted here on this site.

In the absence of a Road Safety objection from the RPS, I am not content to include road safety as a reason for refusal of the application.

ACCESS / OWNERSHIP, NOTIFICATION AND "RANSOM" STRIP ISSUES

It is noted that one of the objectors to the application, on behalf of the Denholm Mill Residents Association sets forth their position that the site cannot be developed without crossing land in their ownership. They contend that the land between the field boundary and the highway service strip is within the ownership of the nine householders at Denholm mill, and further contend that not all of the land within the red line application site is not wholly within the control of the applicants. The objector's position is that the correct neighbour notification and owner notification has not been carried out. The agent has however certified on the submitted application form that the correct notification has been undertaken. The planning system does not exist to intervene in such disputes. The agent has certified that the correct notification was undertaken. In planning terms it is only necessary that the access is achieved if the development of the site proceeds. I am not minded to support the application for the reasons identified within the report. In the event of a local review, and of members being persuaded to the contrary of the merits of the application, I would simply highlight that for reasons of road safety, any condition on access must be robust enough in its wording to ensure that the necessary access is provided up front, in advance of the development of any dwellings on the site.

WATER SUPPLY AND DRAINAGE

Policy Inf5 of the CSBLP and policy IS9 of the LDP seek to ensure that developments are adequately serviced in terms of waste water treatment and drainage provisions. The site is within the village boundary; however the application details set out that the site would be served by a private foul drainage system.

Policy Inf5 of the CSBLP and policy IS9 of the LDP sets out quite clearly the SEPA position that it is opposed to proposals which involve private discharges of treated sewage effluent in a sewer area. The policies set out that in settlements served by the public foul sewer, permission for an individual private sewage system will normally be refused unless exceptional circumstances prevail (and the conditions within the policies, criteria d of policy IS9 can be satisfied). A planning condition to cover the proposed water and drainage arrangements would be possible, and as such, drainage and water supply matters do not form part of the reasons for refusal of this application. Were the application to be approved, a condition would have to ensure that private drainage was not approved, and details of the proposals for a public drainage connection would have to be provided.

Policy INf6 of the CSBLP seeks to ensure SUDS are implemented into development. Were the application in a position to be approved, this requirement could be met by the use of an appropriate planning condition.

DEVELOPMENT CONTRIBUTIONS

The RPS officer suggested a possible contribution to create a pedestrian route between the site and the village centre. I find this difficult to justify however, as there are existing dwellings at Denholm Mill in the same situation, and there is alternative pedestrian access to the centre via the staircase and footway to the Primary School, a much safer alternative route. I am not completely convinced that the RPS request is desirable. Adding further pedestrians to the side of the A class road as it navigates through the tight turns and level change at the western end of the village green is not desirable.

Policy G5 of the CSBLP and policy IS2 of the LDP seek to ensure that development contributions are identified and collected in line with prevailing policy. The SPG on Development contributions sets out the prevailing contribution levels. In terms of this application site, contributions have been identified in terms of Education and Lifelong Learning and affordable housing. The Development Negotiator wrote to the agent outlining the contribution requirements applicable to this application. The identified contributions shall be secured via legal agreement, to be concluded prior to the issue of any planning consent. The applicant has since provided their confirmation that they would be prepared to enter in to the necessary legal agreement for this application.

PLANNING PROCESSING AGREEMENT

This application was subject to a planning processing agreement, to cover the legal agreement process in event of approval. This identified a conclusion/determination date for the application.

EMERGING LOCAL DEVELOPMENT PLAN

I am also satisfied that the proposed development would not comply with the policies of the emerging Local Development Plan. There is no significant difference in the policy position between the adopted CSBLP, and emerging LDP.

REASON FOR DECISION :

The proposed development is contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan (2011) in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and to the detriment of the character and appearance of the Denholm Conservation Area. Furthermore, the proposed development set forth in this application is considered contrary to policy G1 of the Consolidated Scottish Borders Local Plan (2011), and contrary to adopted supplementary planning guidance on Placemaking and Design in that the density of the development would not relate sympathetically to the surrounding built form.

Recommendation: Refused

- 1 The proposed development is contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan (2011) in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and to the detriment of the character and appearance of the Denholm Conservation Area.
- 2 The proposed development set forth in this application is considered contrary to policy G1 of the Consolidated Scottish Borders Local Plan (2011), and contrary to adopted supplementary planning guidance on Placemaking and Design in that the proposed dwellings would not reflect the neighbouring built form and density.

“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 Date: 16 May 2016

Contact: Andrew Evans ☎ 01835 826739 Ref: 15/01552/FUL

PLANNING CONSULTATION

Name of Applicant: Mr and Mrs N Ewart

Agent: Ericht Planning & Property Consultants

Nature of Proposal: Erection of two dwellinghouses

Site: Land South Of Primary School West End Denholm 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 Denholm Primary School and Jedburgh Grammar School

A contribution of £3209 per unit will be sought for the Primary School, making a total contribution of £6418

As a result of fire, Denholm Primary School was rebuilt with additional classroom space to accommodate future developments in the area therefore a contribution is sought towards the costs of providing this extension to the school and to recoup the capital investment made by the council.

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.

To: **Development Management Service**
FAO Mr Andrew Evans, Council H. Q.

Date: **27th January 2016**

From: **Countryside Access**

Contact: **Susan Kevan**

Ext: **6703**

Ref: **15/1552/FUL**

Nature of Proposal: **Erection of two dwellinghouses**

Site: **Land South Of Primary School West End Denholm Scottish Borders**

Countryside Access – Core paths, Promoted paths and Rights of Way.

There are paths affected by this proposed development. The paths affected are shown on the enclosed map.

Road and path section of Core path 123 is adjacent to the area shown as the site.

It is beyond the post and wire fence marking the edge of the existing grazed field on and near the edge of the site boundary

In addition an adjacent path link is path DENH/78P/1 is part of a promoted route “Denholm Dean and Village” promoted within the Paths around Hawick booklet.

Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a ‘right of responsible access’ to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

The route from the public road to the bottom of the steps is part of Core Path 123. This is not confined to one particular part of the road or verge and currently walkers use both sides of the road and verge.

Please note that the Core path 123 beyond this road is rural mainly grass surface in nature and is not generally hard surfaced and includes a long set of steps.

There is not currently a pavement linking the development with the village.

Path users may currently walk along the road verge along the outside of the existing fence-line of the development. This includes the Core path and linking path and road. The development may reduce this possibility and measures to reduce the impact of this to path users should be taken.

Tree planting and boundary treatment

Trees planted along the boundary of the property, while welcome to provide landscape benefit should be chosen and sited to avoid future blockage of the paths due to tree growth into the path area. Thorny plants may eventually grow to create more of a barrier to path users. So selection of species and siting in communication with the planning authority as per the application is welcomed.

This is relevant to all boundaries and particularly so at the upper section of the property where the path is narrow and close to the post and wire fence.

To protect public access rights during and after development.

AR10 Rights of Way

The development, if it was to be approved, has implications for the ability of the public to exercise rights of access along existing paths. It is essential that these rights are not obstructed by the proposed development and that the public shall continue to enjoy access to the path during and after the development, without risk from machinery, ground disturbance or any other aspect of development works.

The path indicated Core Path 123 and including the path along the top edge of the property between the property and the Primary School grounds and adjacent path link promoted path DENH/78P/1 must be maintained open and free from obstruction in the course of, and after the development. It will not be part of the curtilage of the property.

No fences, gates, stiles or other structures to be built across the route.

Reason: To protect general rights of responsible access.

Susan Kevan
Access Ranger



Map showing Core path 123 and link path DENH/78P/1



Image of section of promoted path DENH/78P/1 where path is currently narrow and adjacent to post and wire fence.



Image of lower corner of path Core Path 123 adjacent to property (Looking from across the road from property towards Denholm Mill)
Core Path 123 users currently use both road verges and the road to walk on.



Image of path Core Path 123 looking down towards road.



Steps on Core path 123 looking from road upwards.
Existing tree and plant cover affords some level of screening of location of proposed development from the steps.
Images also show the rural nature of the path.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 11th January 2016

Contact: Andrew Evans ☎ 01835 826739

Ref: 15/01552/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st February 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st February 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr and Mrs N Ewart

Agent: Ericht Planning & Property Consultants

Nature of Proposal: Erection of two dwellinghouses

Site: Land South Of Primary School West End Denholm Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no known archaeological implications for this proposal. However, as the development is near an area of moderate archaeological sensitivity, being located near the medieval village of Denholm, there is nevertheless some potential for encountering previously unknown archaeological desposits.

While a condition seeking mitigation is not recommended, I do recommend the following informative:

Archaeology Informative

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, stone or bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the developer may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

To: Development Management Service
FAO Andrew Evans

Date: 4 Feb 2016

From: Roads Planning Service

Contact: Paul Grigor

Ext: 6663

Ref: 15/01552/FUL

**Subject: Erection of two dwellinghouses
Land South of Primary School, West End, Denholm**

The principle of two dwellinghouses on this site raised no objection from this department when an outline application was submitted in 2007. I have copied below the previous comments which are largely still applicable to the current proposal.

I have no objections in principle to this proposal. I shall require parking and turning for a minimum of two vehicles, excluding any garages, to be provided within the curtilage of each property. Provision must be made for service vehicles and the access must be constructed to my specification. The exact location of the access onto the public road serving Denholm Mill must be agreed on site with my representative prior to any detailed application being made. The gradient of the parking and turning area must be not greater than 1 in 18, the gradient of the initial 6m on the access must be not greater than 1 in 18 and the intervening section can be up to 1 in 8. Visibility improvements shall be required to the north to ensure driver visibility is adequate. It should be noted that I would not be able to support any further development within this field as it would require the provision of a public road, which would be inappropriate at this location.

With regards to the current design, the access should be located further west to allow a greater distance from the junction with the A698. The precise location of the access will need to be agreed and a scheme of details will need to be submitted and agreed in writing. The access should be formed as per the following specification prior to occupation of the first dwelling:

- Access to be a minimum of 5.5 metres wide and formed with 6 metre radii.
- The first 5 metres of the access to be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1."
- Measures to prevent the flow of surface water onto the public road to be included in the design.

Providing the above points are satisfactorily addressed I will not object to this application.

Given the lack of public footway provision between the site and the village centre via the main road, the obvious route for pedestrians from this site to the village centre avoiding traffic is via the footpath to the west and north of the site. This route is a right of way and may benefit from some improvement works as a result of this application. I would advise that you discuss the matter with the relevant Access Officer with a view to confirming what level of contribution, if any, would be appropriate. Restrictions should be put in place to ensure any planting along the northerly boundary is located so as not to encroach onto the right of way.

I note that there is an objection to this proposal which disputes the extent of the public road verge along the frontage of the site. However, it is the opinion of this department that the public road boundary is the fence line along the boundary of this field.

It should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

AJS

**ENVIRONMENT &
INFRASTRUCTURE**

- 1 JAN 2016

To _____
Action _____
File _____
Consent/Complaint
Ref No _____

Officer Andrew Evans
01835 826739
Our Ref : 15/01552/FUL
Date : 11th January 2016

NAME OF APPLICANT: Mr and Mrs N Ewart
NATURE OF PROPOSAL: Erection of two dwellinghouses
SITE: Land South Of Primary School West End Denholm Scottish Borders

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

REQUEST FOR OBSERVATIONS OF: Denholm & District Community Council

Following observations were agreed at the 20 Jan 16 meeting of the D&DCC:

- (1) Access to the site over the verge on Denholm Mill Road would require the acquiescence of the owners of the verge, the residents of Denholm Mill, who had not yet been consulted by the applicants.
- (2) CCs felt there would be a negative impact on visual amenity of the area, and did not agree the visual impact of the development would be in keeping with the village and local farm house, as claimed. Also noted the "white painted" exterior proposed would not be in keeping with nearby buildings.
- (3) CCs observed the proposed dwellings would not fall into the category of "affordable housing".
- (4) Noted the application did not make provision for sustainable drainage of surface water. Concerned that this could mean the applicants "could be in breach of Environmental legislation".
- (5) Observed that application was for "planning permission", although there appeared to be no prior "outline planning permission". The CC would like to be informed whether this was indeed the case, and if so whether this was in keeping with appropriate planning procedures.

Signed:



Reply Date: 29 Jan 2016

PLEASE RETURN TO PRS@SCOTBORDERS.GOV.UK OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 OSA

*Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX*

Head of Planning & Regulatory Services,
Scottish Borders Council, Council HQ,
Newtown St. Boswells,
Melrose, TD6 0SA.

14th January 2016

Dear Sir,

EN	15/01552/FUL
INF	
15 JAN 2016	
To	AE
ACKN	
File	
Comment/Comp	
Ref No	

Erection of Two Dwelling Houses Land South of Primary School, Denholm.
Application No. 15/01552/FUL.

I refer to the above planning application which has been validated. You may recall that I wrote to you on 28th October 2015 in anticipation of the applicants entering into pre-application discussions with your authority. I see from the application form that this did not happen. The contents of that letter were to alert the Council to the fact that the land between the field boundary and the highway service strip is within the ownership of nine householders at Denholm Mill. The red line application site shown on drawing MM3017/1A is not wholly within the ownership of the applicants, and the Regulation 15 Land Ownership Certificate is incorrect. The application in its present form is therefore invalid.

I would request that the validation exercise be revisited in the light of the contents of my letter dated 28th October 2015 (copy enclosed). The addresses of the owners of the land in question are set out and I can confirm that these remain correct for the service of Notices. Further representations will be submitted when a corrected application has been validated by your department.

Yours faithfully,



Nicholas Cook

*Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX
Tel: 01450 870022*

Brian Frater,
Head of Planning & Regulatory Services,
Scottish Borders Council,
Council HQ,
Newtown St. Boswells,
Melrose
TD6 0SA.

28th October 2015.

Dear Sir,

The Manse Field, Denholm Mill

I have been advised that the owners of the above field and their agent intend to undertake "Pre-Application Discussions" regarding this land.

Although your files will be clear regarding the planning history of the field over many years, I enclose relevant extracts for your information.

In particular, I wish to remind you of the contents of my letter dated 10th September 2007, (copy enclosed). Should an application be received which includes a proposal to create or alter an access to the Denholm Mill road, then the following owners should be served with the appropriate S.35 notice prior to validation:

Mr & Mrs N. Cook, Mr & Mrs D. Taylor	Denholm Mill 42 Windmill Lane, Ashbourne, Derbyshire, DE6 1EY.
Mr G. Couper and Ms S. Dodd	5 Denholm Mill
Mr & Mrs T. Kelly	8 Denholm Mill
Mr I. Shiel	10 Denholm Mill
Mr D. McNair	12 Denholm Mill

Mr & Mrs P. Templeman
Mr & Mrs A. Douglas
Mr & Mrs I. Thompson

14 Denholm Mill
16 Denholm Mill
18 Denholm Mill.

I would appreciate acknowledgement of this letter.

Yours faithfully,

Nicholas Cook



The Manse Field, Denholm Mill

1) Local Plan Inquiry: November 2006.

Statement by Jim Knight, Principle Officer (Landscape) for Scottish Borders Council.

- 4.5 The professional view of the Principal Officer (Landscape) is that:
"The rivers and associated steep banks, partially wooded, are the main landscape features. — The view of the village on its main road approaches is also important, especially the A698 approach from the W looking towards the settlement perched on its elevated position with Denholm Mill located below at the confluence of the Dean Burn and Teviot. — Further development of the village would be more easily accommodated to the E, effectively extending along the terrace of ground upon which the village is built. Development 'spilling over' the bankings that form the natural NW and SW limits of the settlement, should be resisted as this would tend to weaken the existing character and settlement pattern."

2) Local Plan Inquiry Report: October 2007.

Conclusions by Reporter R. Bowden.

Conclusions

I note that the objector has not sought to dispute the Council's assertion that there is no requirement for additional housing sites to be allocated in Denholm to make up any shortfall in the HMA within the local plan period - and no criticism of the allocated housing sites in Denholm has been made. I am not persuaded that there is a special case to be argued to provide for the objection site to provide solely affordable housing units, when the Council has demonstrated that there is no projected shortfall of provision in this sector, particularly when affordable provision comes within the overall housing assessments that SBC has already undertaken.

Whilst noting that the objection site is within the development boundary of the village, I endorse the Council's concern that its development, in whole or part, for housing would be detrimental to the amenity of Denholm, particularly as the site is highly visible when approaching from the west along the main A698 road. In my view, the offer of restricting the proposals to single or 1½ storey and avoiding the highest parts of the steeply sloping site would not be sufficient to ameliorate the impact of the development satisfactorily, given its prominent setting. Furthermore, I am not persuaded that the suggested benefit of linking the developments at Denholm Mill Farm with the rest of the village would be sufficient to justify the development - particularly when the provision of pedestrian routes to the village centre, avoiding the steep hill at the north of the site, would entail footways being provided alongside the main A698 road, which would not be desirable.

In conclusion, I endorse the Council's arguments that the objection site at Manse Field should not be allocated in the adopted plan. For the reasons outlined above, I also conclude that the site concerned should not be identified as an area for potential longer term development of Denholm, when the finalised plan already has an area identified for this purpose, albeit on an indicative basis.

3) Officer's Report and Decision Notice relating to Application 07/01788/OUT.

ASSESSMENT OF APPLICATION:

It is clear from the previous history associated with this field that there has been residential development pressure which has been consistently opposed, even at appeal stage. Although the site was formerly outwith the settlement boundary of Denholm, the emerging Local Plan at the time of the appeal decision in mid 1993 recognised that, whilst the site could be included within the settlement boundary, it could still not be interpreted as an acceptable site for development. Policy 61 was applied across the entire field which afforded it a protection against such development by seeking the retention of the open space that it offered.

In his decision letter of 1993, the Scottish Office Reporter recognised the following :

"...there presently remains a clear presumption against development on the appeal site. If it were necessary, this finding would be reinforced by the inclusion of the site within the Denholm Conservation Area".

He went on to explain why he agreed with this prohibition, stating :

"The site makes a pleasing contribution to the character of the Conservation Area by sharpening the visual distinction between the village proper and its rural approach from the west". He felt that with the single house development proposed, no matter where it was located or how it was designed, *"...The entrance to Denholm would no longer offer the same experience of sudden change from countryside to village square".*

Subsequently, this position of opposition to any form of development has been reinforced by the unsuccessful attempt by the applicants to seek the allocation of the field as a housing site during the consultation process of the current Finalised Local Plan. Although it is accepted that the field remains within the settlement boundary and the applicants were actually seeking a specific housing allocation, the recorded comments of the Department and, subsequently, the Inquiry Reporter, make it clear that the site has no potential as a development or housing site.

Ian Lindley
Director of Planning and Economic Development

Brian Frater
Head Of Planning & Building Standards

Nicholas Cook Secretary
Denholm Mill Proprietors Association
1 Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX

Please ask for : Mr Craig Miller
Ref : 01450 364705 EXT 4761
07/01788/OUT
Your Ref : HADDON
Date : 21st November 2007

Dear Sir/Madam

PLANNING APPLICATION NO: 07/01788/OUT

PROPOSAL: Erection of two affordable dwellinghouses

**LOCATION: Land South Of Denholm Primary School West End
Denholm Scottish Borders**

With reference to the above planning application I can now advise you that this was considered by the of the Council at their meeting on 20th November 2007. Following consideration of all observations received and all representations submitted, including your own, the Committee agreed that the application be refused for the following reason(s):

- 1 The proposed development is contrary to Policies N18 and H9 of the Scottish Borders Structure Plan 2001-2011, Policies 2, 4, 10, 48 and 61 of the Roxburgh Local Plan 1995 and Policies G7, BE4, BE6 and H1 of the Scottish Borders Local Plan: Finalised December 2005 in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and the Conservation Area.
- 2 The proposed development is contrary to Policies N18 and H9 of the Scottish Borders Structure Plan 2001-2011, Policies 2, 4, 10, 48 and 61 of the Roxburgh Local Plan 1995 and Policies G7, BE4, BE6 and H1 of the Scottish Borders Local Plan: Finalised December 2005 in that the need for the development has not been adequately substantiated to justify an exception to the Policies.

Planning and Economic Development

Area Office, High Street, Hawick, TD9 9EF

Tel: 01450 364705 Fax: 01450 364715

E-mail: ped@scotborders.gov.uk Website: www.scotborders.gov.uk

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



INVESTOR IN PEOPLE

DENHOLM MILL PROPRIETORS ASSOCIATION

Chairman: David Fisher
Secretary: Nick Cook
Treasurer: Ian Shiel

1 Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX

Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
TD6 OSA

Your ref:
Our ref: **NJC/BH**
Date: **10 September 2007**

Dear Sir/Madam

Manse Field Denholm

It has been brought to the attention of the Denholm Mill Proprietors that an application may be submitted to propose the erection of two properties on the Manse Field. Can I make two representations at this early stage?

1. The Proprietors own a strip of land adjacent to the Manse Field and should therefore be advised of the application.

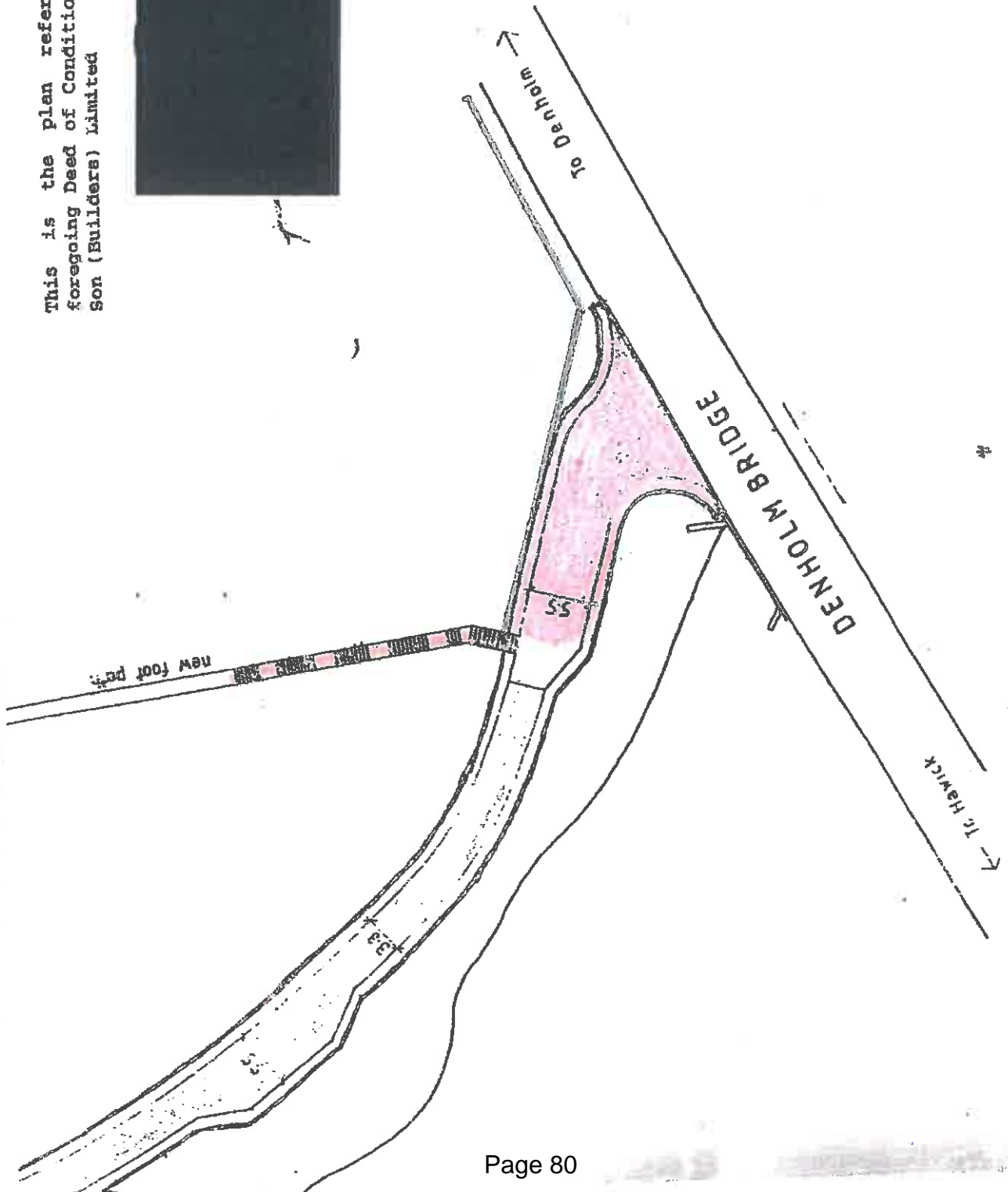
Plan A attached shows the field boundary in green and the area shaded red that was transferred by T Graham and Son (Builders) Limited to the Proprietors. It abuts the application site.

Plan B shows the area adopted by Scottish Borders Council in 2003. It does not abut the application site. There is therefore a small area of ground between the rear of the service strip and the fence boundary that remains in the ownership of the Proprietors.

No approach has been made to us to cross this area of ground to provide access for residential development on the Manse Field.

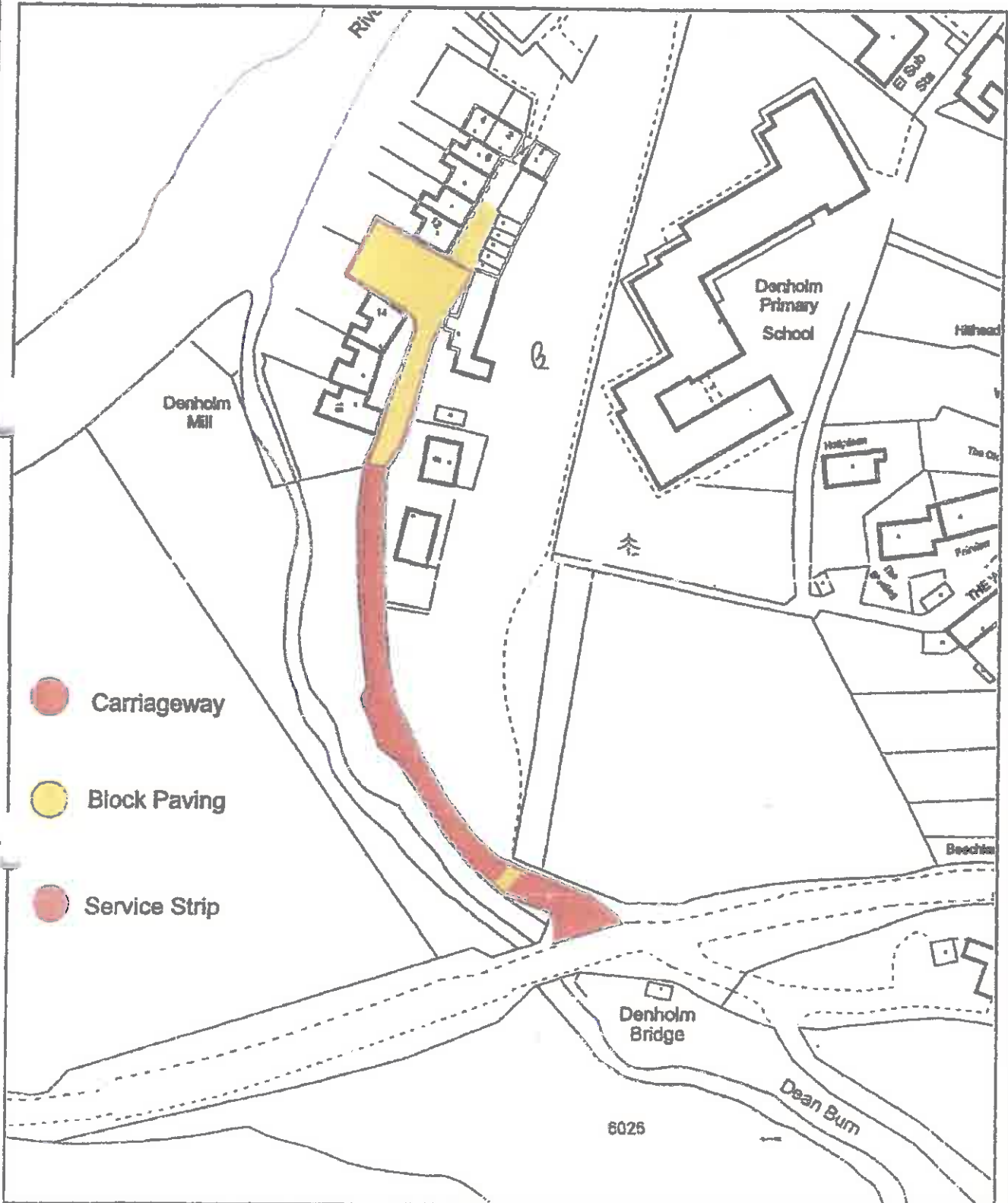
...../




This is the plan referred to in the foregoing Deed of Conditions by T Graham & Son (Builders) Limited



PLAN A

Denholm Mill, Denholm (D166/3)



-  Carriageway
-  Block Paving
-  Service Strip

1:1250



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KE

*Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX*

Paul Grigor,
Roads Planning Service, Regulatory Services,
Scottish Borders Council, Council HQ,
Newtown St. Boswells,
Melrose, TD6 0SA.

12th February 2016.

Dear Mr Grigor,

Manse Field, Denholm.

I have seen a copy of your observations on planning application 15/01552/FUL dated 4th February 2016. I note your comment that:
" ... it is the opinion of this department that the public road boundary is the fence line along the boundary of this field".

I enclose two drawings for your information:

Plan A: This shows shaded red the area of ground transferred to eleven properties at Denholm Mill that comprise "Common Parts" on Title Number ROX 3805.

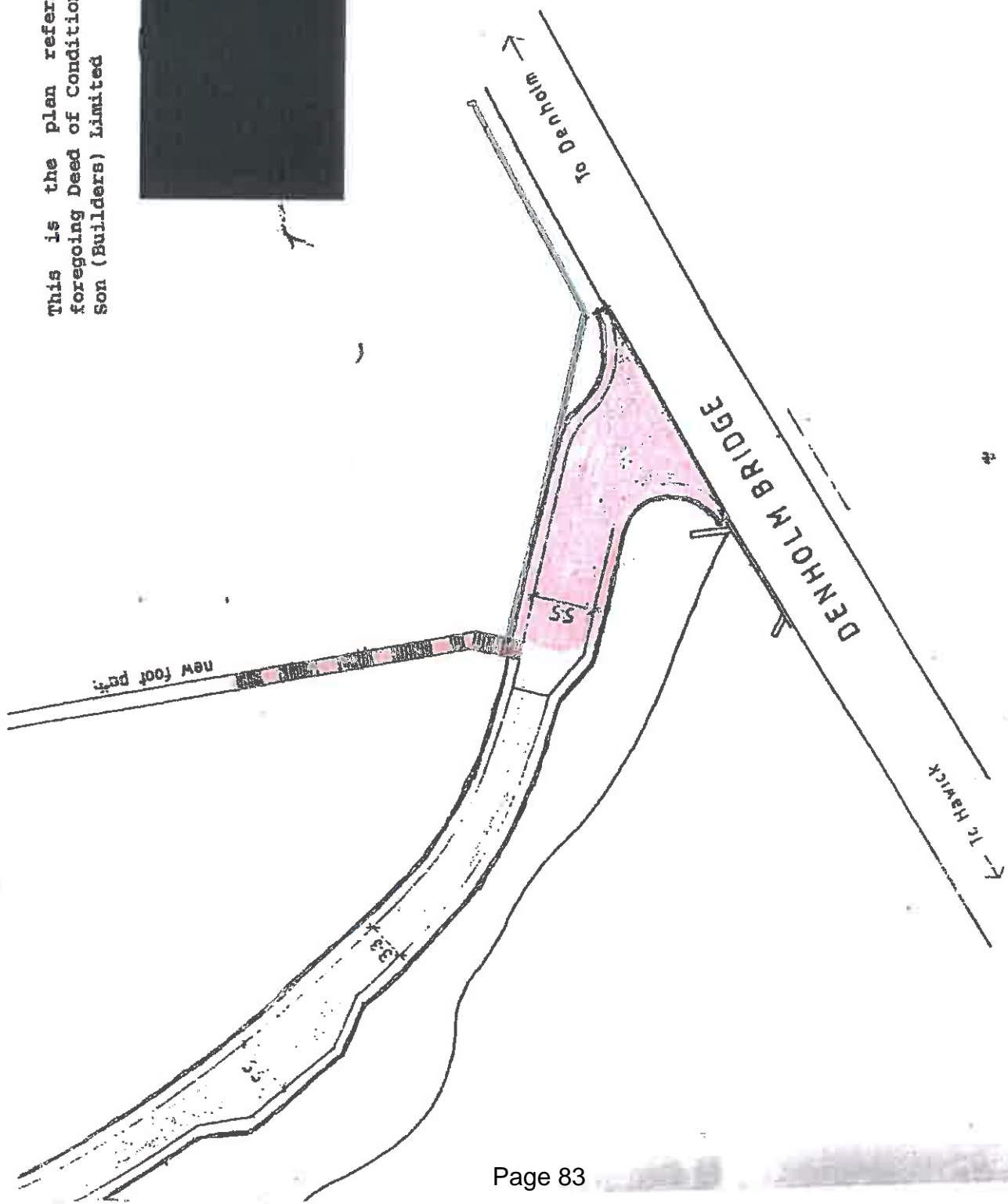
Plan B: This shows the area of ground adopted as "carriageway and service strip" at Denholm Mill (D 166/3) by your Council in 2003. Ronald Elliot the Development Control Coordinator's letter dated 5th June 2003 confirmed the extent of the adopted area: (Reference KRE.L043/R302/92).

As is clear, there is a strip of land, one meter wide (as scaled at 1:1250 from plan D166 /3) that remains within the definition of "Common Parts" between the Service Strip and the fence along the boundary of the field. This land has always been maintained by the owners of property at Denholm Mill.

Yours sincerely,


Nicholas Cook.

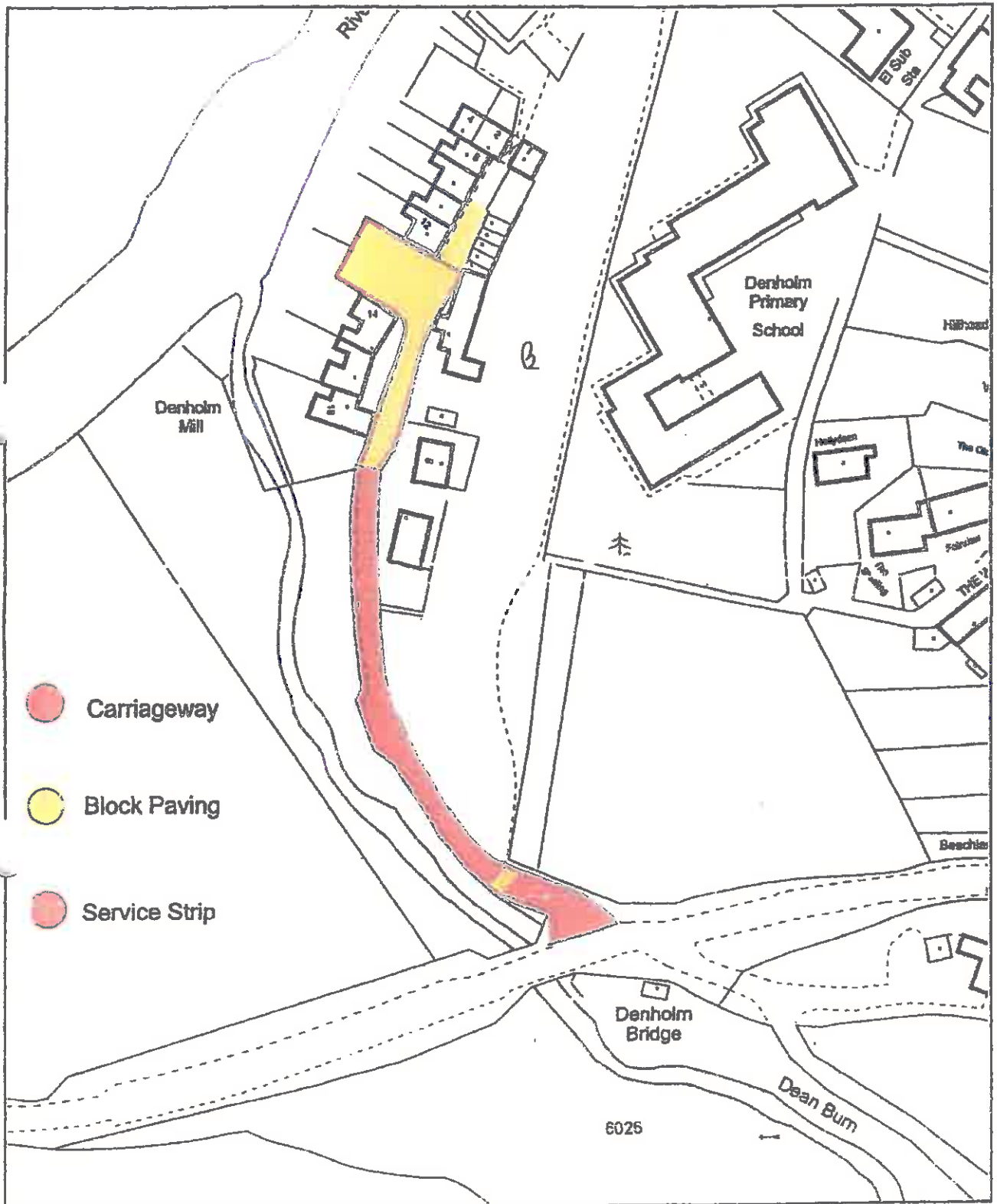
This is the plan referred to in the foregoing Deed of Conditions by T Graham & Son (Builders) Limited



PLAN A

PLAN B

Denholm Mill, Denholm (D166/3)



1:1250



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Scottish
Borders



C O U N C I L

**ENVIRONMENT &
INFRASTRUCTURE**

Ian Aikman,
Chief Planning Officer.

7 1 JAN 2016
To _____
Action _____
File _____
Comment/Complaint
Ref No _____

The Shieling
The Wynd
Denholm.
TD98LY
19-01-2016

Dear sir,
re planning application ref 15/01552/FUL.

On receiving your letter advising us about the building of two dwelling houses on land south of primary school. West End, Denholm, we would like to submit our views.

- 1/ We think there is enough building taking place in the village at the East side without more on the Western approaches.
- 2/ The field at the moment is used as an equine grazing area and very much in keeping with the village.
- 3/ Access/exit to and from these proposed buildings looks like taking place onto the small road to Denholm Mill then onto the A698.
We thought this access/entry was limited to Denholm Mill properties only.
- 4/ As there is a public right-of-way from the Denholm Mill road to the village running along the side and top of the field in question and is very well used, the dwellers won't have the privacy they were possibly expecting.

To conclude,
we would strongly suggest that this development should not be allowed to go ahead.



Ian Aikman
Chief Planning Officer
Scottish Borders Council
Council HQ
Newtown St. Boswells
Melrose TD6 0SA

Mr & Mrs G Farquharson
The Riggs
Westside
Denholm TD9 8LX

Dear Mr Aikman

29/01/2016

Planning Application - 15/01552/Ful
Proposed Development- Erection of Two Dwelling houses
Location- Lan South of Primary School, Denholm

We refer to the above planning application and wish to lodge a formal objection against it.

The site in question is regarded as making a pleasing contribution to the character of the conservation area and sharpening the visual distinction between the village and its rural approach from the west.

The entrance to the village from the west would no longer offer the same experience of sudden change from countryside to village square.

The proposal intrudes into open countryside and would have an adverse impact on the landscape

The proposal would have an adverse effect on the approach to the village from the west which, being at the village entrance, has an amenity value.

Your attention is brought to the number of times 'The Riggs' is used in the supporting statement, (5 times including a photograph), the applicant and their agent obviously relying heavily on 'The Riggs' in aiding their effort to gaining planning permission.

I would like to bring to your attention that 'The Riggs' **only became visible** to the western approach when the co-owner of the field instructed a local gardener to remove 3 mature coniferous trees, which were partly, if not totally, on land belonging to The Riggs' thus exposing the gable of 'The Riggs' to the western approach. Had the trees not been removed, they would have shielded 'The Riggs' from view. This was reported to the council tree preservation officer at the time, who subsequently made a site visit for inspection, and I am sure he will have notes regarding this on file.

I have included a photograph of how the view of 'The Riggs' could look if the trees were not removed, and how it could look if trees were reinstated, fig 3A. I have also included the photo from the supporting statement, fig3, for comparison.

How ' The Riggs' could look if trees were reinstated.

Fig 3(A)



Fig 3: The prominent Gable of "The Riggs" facing west over Manse Field



To be sited in such a prominent position at the western approach its size seems somewhat excessive at 33.1m long by 15.5m wide and 10.19m high from road level.

It will result in significant loss of privacy to 'The Riggs', especially with the windows in bedroom3, bedroom4, bathroom, office/guest room and kitchen area on the east elevation and also the proposed outside terrace to both properties. This is especially true because of the removed trees which have exposed the glass gable.

The supporting statement.

Point 1.3 of the supporting statement suggests that the building would not dominate the field. **A building of 33.1m by 15.5m by 10.19m from road level can be nothing but dominant.**

Point 2.2 of the supporting statement refers to the readily visible gable of 'The Riggs' **This would not be the case had the trees not been removed.**

Point 3.2 and 3.3 of the supporting statement sum up the reasons why the application should be refused.

Point 3.5 of the supporting statement refers again to the gable of 'The Riggs'. **Again, as in point 2.2, this would not be the case had the trees not been removed.**

Page 6 fig 3 of the supporting statement shows a photograph of the gable to 'The Riggs'. **This photograph would look somewhat different had the trees, which shielded this gable, not been removed.**

Point4.4 of the supporting statement suggests :-

- 1 Development must **not** conflict with the established use of the area.
The established use is a field for equestrian grazing.
- 2 Development must **not** detract from the character and amenity of the area.
The character of the area is of open countryside and as such any development would be detrimental to the area.
- 3 The development must respect the scale, form, design, materials and density of its surroundings.
The development would be sitting in open countryside and with the large scale of the building, this would not respect the openness of the area.
- 4 The development must not result in significant loss of daylight, sunlight or privacy to adjoining properties.
The development would result in significant loss of privacy to 'The Riggs' especially the proposed east elevation.

Point 4.5 of the supporting statement suggests the proposed is of an appropriate design for the village edge location.

The size of the design at 33.1m by 15.5m by 10.19m high from road level seems an excessive scale for a building that sits in open countryside before entering the village.

Point 4.5 of the supporting statement also suggests that there will be no loss of privacy to existing properties.

The development would result in significant loss of privacy to 'The Riggs' especially the proposed east elevation.

Point 4.7 of the supporting statement says the development must not have an unacceptable adverse impact on the character or appearance of the area.

The character and appearance of the western approach is that of open countryside and any development on the proposed site would have an adverse impact on the character and appearance of this area.

Point 4.8 of the supporting statement says properties around the green are mainly two storey.

This statement is true, but it would be visually impossible to connect the properties around the green to the proposed development. The nearest properties to the proposed development are either single storey or one and a half storey.

Point 4.11 of the supporting statement again brings up the gable of 'The Riggs'.

As in points 2.2, 3.5 and page 6 fig 3, the gable would not dominate the western approach had the trees not been removed.

Point 4.12 of the supporting statement recognises the importance of open space in enhancing the western approach.

Although the proposal leaves approximately half the field (as long as this doesn't end up two separate pieces of garden ground) once the magnitude of the building is in place, it will be the building itself that will be visually dominant and not the green space in behind.

Point 4.13 of the supporting statement suggests that the proposal will not have an adverse impact on the character or appearance of the area.

As in point 4.7 the character and appearance of the western approach is that of open countryside and any development on the proposed site would have an adverse impact on the character and appearance of this area.

Point 4.16 of the supporting statement suggests that open space at the western entrance will be preserved.

As in point 4.12 once the magnitude of the building is in place, it will be the building itself that will be dominant and not the open space.

Point 4.18 of the supporting statement suggests the applicant is keen to preserve open space and preserve some agricultural / grazing land.

Does this mean the remainder of the field will continue to be used in one lot for agriculture/grazing land, and if so there are no indications on the site layout drawing where this would be accessed from.

Point 5.3 of the supporting statement suggests the proposal will enhance the western entrance and character of this area.

The character of the western entrance is the feeling of space and open countryside.

Point 5.6 for the 5th time brings up the prominent gable of 'The Riggs'
As in points 2.2, 3.5, page 6, 4.11 and now for the 5th time 5.6, had it not been for the removal of the trees the gable of 'The Riggs' would have been shielded by these evergreen coniferous trees.

Point 5.7 of the supporting statement says the proposal ensures that the prominent upper portion of the field will be retained.

Again, once the magnitude of the building is in place it will be the building its self that will be prominent and not the open space behind.

There are already quite a number of building opportunities with existing planning permission to the east side of the village within the Cruden site, the site adjacent to Cruden's, land down the Cannongate, houses under construction on Jedward terrace and a number of plots up Ruberslaw road & Ruberslaw drive. I believe there is ample building land within the village with existing planning permission without opening up the pleasing western approach to housing, and any further development of this area should be resisted.

To conclude,

We strongly believe that this proposal is refused planning permission for all of the above reasons.

Yours sincerely

Grant and Lesley Farquharson.

*Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX*

ENVIRONMENT & INFRASTRUCTURE
29 JAN 2016 <i>AE</i>
File Corr. Ref No.

Ian Aikman,
Chief Planning Officer,
Scottish Borders Council, Council HQ,
Newtown St. Boswells,
Melrose, TD6 0SA.

28th January 2016

Dear Sir,

Planning Application
Erection of Two Dwelling Houses.
Land South of Primary School, Denholm.
Application No. 15/01552/FUL.

I refer to your letter dated 19th January 2016 and note that the application is to be processed in its present form, without Notice being served on the non-applicant owners of land within the application site, point 1.4 below deals with this aspect of the application. I remain of the view that the application is invalid, by virtue of S.35(4) of the Town & Country Planning (Scotland) Act 1997. Nevertheless I wish to make the following additional comments on the submission by Ericht Planning and Property Consultants on behalf of Mr & Mrs Ewart.

1. **Supporting Statement**

- 1.1 Paragraph 1.1 states that the application is for permission "in principle" (i.e. under Regulation 10), whereas the application form states that full planning permission is sought. It is not a Regulation 10 application.
- 1.2 The Statement refers throughout to the proposal being "carefully designed". However no Design Statement has been submitted as required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Part 3, Regulation 13 (2)(b). This requires the submission of a Design Statement for sites within Conservation Areas, to be prepared in accordance with Planning Advice

Note 68. The application should not be determined without such a statement being prepared and submitted as required by the legislation.

- 1.3 Paragraph 2.2 of the Statement correctly confirms that the existing site access comprises a "servitude right". The site description does not identify the location of the existing access points, but historically they have been via three field gates. There are not "servitude rights" at any other point. Two of these gates have served the function of the field for "equestrian grazing" satisfactorily in relation to animal husbandry, grass-cutting, and the erection and extension of the Stock Shelter (ref: 03/01174/AGN).
- 1.4 Drawing no MM 3017/1 A shows a new point of access at a location that is not one of the "servitude right" field gates. Land at the location proposed for the access is not owned by the applicants and no Notice has been served on the owners as required by S.35(4). My letter and enclosures dated 14th January 2016 refers.
- 1.5 The section of the Statement dealing with "Planning History" is severely flawed as it completely ignores the evidence and findings of the Local Plan Inquiry in 2006 and 2007. All matters relating to the sites location within the Settlement Boundary and its contribution to the Conservation Area were debated at that time. The Inquiry Reporter, Mr R. Bowden stated:
"I endorse the Council's concern that its development, in whole or part, for housing would be detrimental to the amenity of Denholm, particularly as the site is highly visible when approaching from the west along the main A698 road. In my view, the offer of restricting the proposals to single or one and a half storey and avoiding the highest parts of the steeply sloping site would not be sufficient to ameliorate the impact of the development satisfactorily, given its prominent setting".
- 1.6 The Statement sets great store by the assertion that the upper portion of the green space will be protected (paragraph 4.12). However Section X-X on Drawing No MM3017/1A clearly shows that a large proportion of the field would be masked by the two storey ridge height at 8.610 m. If a Design Statement had been submitted then an axonometric drawing would have shown this effect on the entrance to the Village. Section X-X shows that when viewed from the point "Main Road Level", at a standing height of 1.6m, none of the field would be visible behind the ridge of the two houses. From a point further away, the very top portion of the field may be visible, but there is no offer

within the application to prevent "suburbanisation" of this area of what would be garden ground by the construction of hard landscape features such as terracing, or the erection of greenhouses, sheds etc.

- 1.7 In the conclusion to the Statement, the author draws attention to the "prominent glazed gable of "The Riggs"" (paragraph 5.6). The original consent for this gable feature was granted by virtue of application 07/01686/FUL in January 2008. This application was under consideration at exactly the same time as application 07/01788/FUL which proposed two affordable dwelling houses on the Manse Field. Application 07/01788/FUL was refused in November 2007, but it demonstrates that the decision maker was aware of the juxtaposition of the two proposals and that the subsequent development of "The Riggs" does **not** create a precedent, as both proposals were considered contemporaneously, one being approved and the other refused.

2.0 Application Form.

- 2.1 The form states that drainage will be via a new septic tank with discharge to land via a soakaway system.
The agent states that:
"A full drainage scheme will be prepared and submitted to the Planning Authority in fulfilment of an anticipated pre-commencement planning condition".
There is no proposal for the sustainable drainage of surface water which, on the Planning Application form contains a clear caveat that:
" ... means that you could be in breach of Environmental legislation."
- 2.2 I attach an extract from the Council's "Infiltration Systems Technical Standard 3.9", dated January 2011. Step 2, paragraph 1 states that: "infiltration systems should not be positioned on steeply sloping sites". Section X-X shows the slopes involved and Reporter Bowden has already referred to the site as "steeply sloping" (see paragraph 1.5 above).
For this reason, the submission of a Drainage Impact Assessment and SUDS layout is essential at this stage in order that full consideration can be given to the impact of whatever is to be proposed by the applicants.

3 Conclusion.

- 3.1 This site has a much greater planning history that has been set out in the agent's Statement. Indeed, the key matters have been ignored completely.

3.2 The application is deficient in several respects:

- a) Land owners have not been served with Notice, as required.**
- b) No Design Statement has been submitted for a site within a Conservation Area as required.**
- c) No Drainage Impact Assessment or SUDS layout has been submitted for consideration.**

3.3 The Policy background for consideration of this application is clear and unambiguous. Indeed a lesser proposal was tested against these policies as recently as 2007 and found to be unacceptable by both the Inquiry Reporter and Scottish Borders Council. There have been no material alterations to policy since that time, and no precedents have been set that could indicate a change in the decision.

For these reasons I request that application 15/01552/FUL be refused planning permission.

Yours faithfully

A large black rectangular redaction box covers the signature area. Below the box, the name "NICHOLAS COOK" is printed in a small, black, sans-serif font.

INFILTRATION SYSTEMS:

POLICY FOR THE DISCHARGE OF TREATED EFFLUENT TO AN INFILTRATION SYSTEM (LOCATION RESTRICTIONS)

Mandatory Standard 3.9 is intended to ensure that wastewater from a building is carried to a suitable point of disposal. One method of complying with the requirement is to treat the wastewater with a septic tank or mini sewage treatment plant discharging to an infiltration system (soakaway). Before an infiltration system can be considered the area of ground has to be checked for its suitability and the guidelines below should be followed.

Step 1: Assessment of Plants and Vegetation:

1. Note the type of plants/vegetation growing on the site; they can often be a good indication of the ground conditions.
2. Plants which indicate good drainage conditions throughout the year include bracken, daisy, ragwort, creeping thistle, bluebell, dandelion, wild carrot, cowslip and poppy. Plants which indicate poor drainage conditions throughout the year include soft rush, meadowsweet, marsh thistle, creeping buttercup, jointed rush, marsh ragwort.

Step 2: Assessment of Site Slope and Gradient:

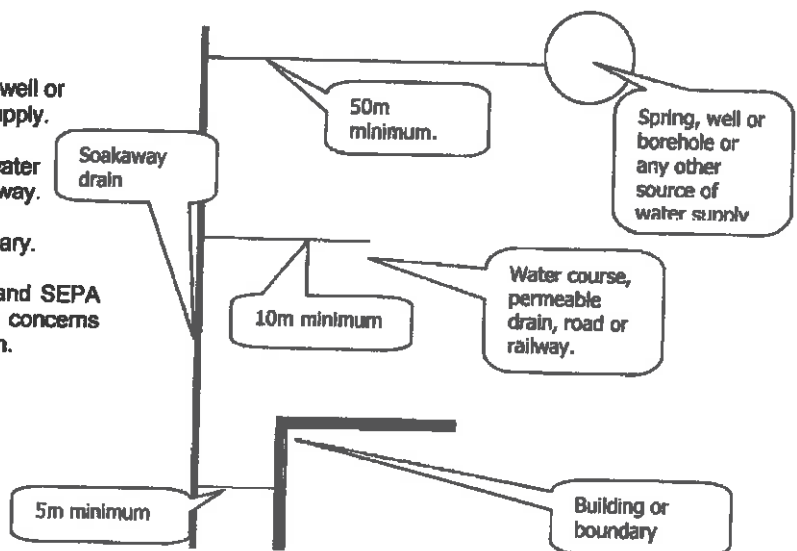
1. Note the gradient of the ground, infiltration systems should not be positioned on steeply sloping sites; they may be positioned on gentle slopes provided they are laid following the contour lines.
2. Infiltration systems should be a minimum of 15 m away from the start of any steeply sloping ground, please consult Building Standards if further clarification is required
3. Infiltration systems should not be sited adjacent to contaminated land as there is a risk that contaminants may be flushed out. Infiltration systems should be sited sufficiently far away from any other soakaway systems so that the overall soakage capacity of the ground is not exceeded. No access road, driveways or paved areas should be located within the disposal area.

Step 3: Risks to Water Supplies / Courses and Distance to Buildings, Boundaries, Roads and Railways.

The infiltration system should be:-

1. At least 50 m away from any spring, well or borehole used as a drinking water supply.
2. At least 10 m horizontally from any water course, permeable drain, road or railway.
3. At least 5 m from a building or boundary.

The local Environmental Health Officer and SEPA should be consulted if there are any concerns regarding potential pollution/contamination.



Thornbank
The Wynd
Denholm
TD9 8LY
4/02/2016

The Chief Planning Officer
Scottish Borders Council

Dear Sir

Application Number	15/01552/FUL
Proposed Development	Erection of 2 Dwelling Houses
Location	Land South of Primary School (known as the Manse Field) West End Denholm

As a neighbouring proprietor I make the following comments on the above planning application and trust that they will be taken into account when the application is considered.

Denholm can be traced back to the 4th century with the earliest surviving record of the village, the Ragman Rolls, being signed in 1296. The centre of the Anglo - Saxon settlement spread from the Dean Burn to the present mill development and includes the Manse Field, the subject of this application. The village is unique in the Borders with its large green, much used by the residents, in particular children, and the amount of common land both within and on the margins of the village which is owned by the village and administered on behalf of the residents by the Feuars committee. The importance of the retention of the character of the village is acknowledged by the designation and delineation of the Conservation and Prime Frontage Areas as agreed by the former Borders Regional Council and the present Scottish Borders Council. Until recent years the village managed to keep much of its character around and near the conservation area with some sympathetic building including the new primary school.

My specific objections to the application are:-

1. **Precedence has shown that the development of this site is unacceptable and there has been no material change in circumstance that would alter this view**
2. **The proposed building is within the designated Conservation Area, and would adversely affect the character of the Conservation Area**
3. **Access to the site both for long term vehicular traffic and short term construction traffic is unsuitable**
4. **The proposal will visually intrude into open countryside and have an adverse impact on the landscape, contrary to the local plan**
5. **The proposal is not consistent and does not complement the character of the present settlement**
6. **The proposal will have an adverse effect on the approach to (and exit from) the village from the west which being at the entrance to the village has high amenity value to the residents of Denholm and all those who visit the village.**
7. **The intrusion of the proposed development cannot be measured in terms of just the building(s) but the driveway, parked cars and items of the sort of paraphernalia (and possible detritus) that is usual in private gardens will lead to even greater adverse visual impact particularly as the parking areas are to the front of the proposed houses and in full view from the A698**
8. **It is unfortunate that the owner of the Manse Field recently authorised the felling of trees which otherwise served to help screen the gable end of the house known as the Riggs, the preservation of which was a specific planning condition applied to the Riggs. It therefore must be assumed that these trees will be replaced and the screening restored**
9. **The proposed buildings would close the long channelled view from the west along the A698**
10. **The aspect and view of the countryside towards the Dean and Ruberslaw**

from the designated Denholm Footpath above the Manse field will be obscured and it and the adjacent rights of way which conform to Council's policy on the countryside will also lose much of their appeal

Previous planning decisions have not in some cases enhanced the character and charm of the village and it would be a great sadness if what remains as one of the most pleasant aspects of the village is blighted by inappropriate development and our legacy to the next generation squandered. The present use for grazing is wholly fitting for the rural nature of the village and more appropriate than the intrusive development of a large mock barn conversion.

Your faithfully,

Frances Stuart

Application Comments for 15/01552/FUL

Application Summary

Application Number: 15/01552/FUL

Address: Land South Of Primary School West End Denholm Scottish Borders

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Evans

Customer Details

Name: Mrs Margaret Sellar

Address: Rillbank Cannongate, Denholm, Hawick, Scottish Borders TD9 8NF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Poor design
- Trees/landscape affected

Comment: This substantial block of blatantly unaffordable housing is a dull and dispiriting pastiche which will destroy the view of the historic village in its natural setting on the approach to Denholm. It is especially important to preserve this western aspect when so much is being sacrificed to development on the other side of the village.

Planning permission should be refused.

Application Comments for 15/01552/FUL

Application Summary

Application Number: 15/01552/FUL

Address: Land South Of Primary School West End Denholm Scottish Borders

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Evans

Customer Details

Name: Mr Tom Sellar

Address: Rillbank Cannongate, Denholm, Hawick, Scottish Borders TD9 8NF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Detrimental to environment
- Loss of view
- Poor design
- Trees/landscape affected

Comment:Denholm is an historic village protected by conservation status. Building 2 large modern houses at the entrance would be totally out of keeping with other houses in the historic village and detrimental to the natural setting and landscape as you approach from the west. The application should not succeed

Fernbank

Denholm

Hawick

TD9 8NB

ENVIRONMENT &
INFRASTRUCTURE

- 8 FEB 2016

TO _____
Ackn _____
File _____
Comments/Complaint _____
Ref No _____

Planning Officer

Scottish Borders Council

Newtown St Boswells

Application 15/01552/FUL

6th February 2016

Dear Sir/Madam,

As a resident of the village for many years, I was very dismayed to view the application that has been submitted for the new development on the western outskirts of the village, sometimes known as the Manse field. It has been used for many years as a grazing field for horses. I understand planning applications have been refused in the past with reasons being very clearly stated.

I believe the development that is proposed is neither in keeping with any properties in the village or a proposal that will enhance the visual aspect to the entrance to the village. I am aware the village boundary is classed on the other side of the road used for Denholm Mill; therefore this property I assume would be included within the Conservation area itself.

The proposed plan incorporating 2 very large houses on a plot of this size and very close to the road, would in my opinion be something that would dominate the entrance to the village rather than blend in as something that 'should' be there. The comment made in their submission notes state it will not result in 'town or village cramming'. I would totally disagree. All recent development is to the Eastern side of the village and outwith the conservation area. The indication that the rear of the plot would still be seen from the road is something I find hard to comprehend, when the height of the property is that of a 2 storey house.

I note several comments made by the applicant refer to the open aspect of the gable wall of the recently built property called The Riggs. I understood this property was screened until recently by trees. The gable only became noticeable when these were removed by the applicant of this planning application. The design of this property was approved in the correct manner and the dominance of the gable wall was not an issue before approval.

I also have reservations that vehicles within the property itself would be a hazard to road users on the A698 Hawick – Jedburgh road who may be distracted by movements within the boundary of the new development as it appears to be very close to the road.

I also note there is also no path going in either direction on the main road at that point so I assume pedestrian access would be made into The Wynd or by the steps leading to the rear of Denholm School. Neither path currently has safe lighting or good surfaces for increased footfall on a regular basis.

I believe this development has been proposed again because of changes to the local development plan, however the reasons behind the refusal of building here in past years has not changed and consideration should be made to the changes this would mean to future generations who are fortunate enough to live here. I feel any development here would adversely change the unique character of the village.

Yours sincerely

A solid black rectangular box used to redact the signature of Gwen Crew.

Gwen Crew

From: Rob Armstrong [REDACTED]
Sent: 05 February 2016 18:00
To: Evans, Andrew
Subject: Planning application Denholm

Dear Andrew ,

I was at my monthly community council meeting at Denholm last week and was shocked as we all were by an application to erect a terrace of new houses in a very sensitive and beautiful part of land to the south of Denholm . The area proposed is a very small but pretty meadow visible as you enter the village from the south.

I strongly object on these grounds ,

Firstly any building on this area would effect the integrity and beauty of this conservation village , as you enter the village you drive from a rural setting into a a period village uninterrupted by modern housing .

The buildings proposed are completely of the wrong scale and design for this paddock and situation

The proposed building materials are not in keeping with the rest of the village and would compromise the conservation village status .

The proposed development is also situated on a potentially dangerous corner and I question the safety of the access.

I would like to question also the legality and entitlement of the proposed access .

It's very important to protect these sensitive boundaries of Denholm , the village has earned its conservation status by its own merits and so is a popular village for visitors and tourists , Insensitive developments as this will only jeopardise its standing as one of the prettiest villages in the Scottish Borders .

Yours faithfully ,

Rob Armstrong
Schoolhouse
Minto .

Sent from my iPad

Mrs S. Mackenzie
Hillview
The Wynd
Denholm
TD9 8LY

Scottish Borders Council
Newtown St.Boswells
Melrose TD6 0SA

Dear Sir

05/02/2016

Re.Planning Application 15/01552/ Ful

Proposed Development :- Erection of 2 Dwelling houses
Location Land South of Primary School, (Manse Field), Denholm.

I refer to the above planning application and wish to lodge a formal objection.

There is no pavement into the village for safe pedestrian access.

Access to the site appears to be from the land owned by the owners of Denholm Mill, I am surprised that the roads department are allowing a further 2 houses access from this drive.

According to the proposed plans both properties will have boundaries onto the right of way to the north of the site next to the **Primary School**. Should the occupiers of these properties chose to use the rights of way what provision have the Council put in place to maintain the said Rights of Way as this increasing burden falls to owners of property in the Wynd.

The proposed building is within the designated Conservation Area, and would adversely affect the character of the Conservation Area. The proposed appearance of the properties are not in keeping with Denholm and the surroundings. The proposal would have an adverse effect to the visual approach to the village from the west.

Yours faithfully

Susan Mackenzie.

*Denholm Mill
Denholm
Hawick
Roxburghshire
TD9 8NX*

Chief Executive

- 1 JUN 2016

Democratic Party

Louise McGeoch,
Clerk to Local Review Body,
Council Headquarters,
Newtown St. Boswells,
Melrose,
TD6 0SA.

31st May 2016.

Dear Ms. McGeoch,

Local Review Body
Appeal Reference 16/00012/RREF.

I refer to your letter dated 17th May 2016. Please find attached the representations that I wish to make in connection with this appeal.

I would be obliged if you would advise me of the decision of the Local Review Body in due course.

Yours sincerely,



Nicholas Cook.

Notice of Review
Appeal Reference: 16/00012/RREF.

I refer to the above appeal which is due to be considered on 18th July 2016.
I wish to make representations on four grounds:

1. Planning Policy

The Consolidated Scottish Borders Local Plan 2011 comprised the policy background at the time that application 15/01552/FUL was refused in February 2016. This plan was superseded by the Scottish Borders Local Development Plan in May 2016. The appellants' agent's "GROUND 2" argues that the appeal site does not comprise "open space" or "green space" in terms of Policy BE6, now superseded by Policy EP11. She would appear to be unaware of the findings of the Reporter's conclusions in relation to Local Plan Inquiry objection 199/1/3 (2007) regarding the inclusion of the Manse Field within the Development Boundary of Denholm. In considering this matter the Reporter stated:

"I conclude that the Council, by defining the development boundary as shown in the finalised plan, to include Denholm Mill and the Manse Field, has not relinquished the policy basis to safeguard the Manse Field from development that would detract from its role as an open space amenity area which also plays an important role in providing visual amenity which enhances the approach to Denholm along the A698 road". (My italics).

This clearly shows that Policy BE6/EP11, which seeks to protect a wide range of open space within settlements and to prevent their piecemeal loss to development, has already been tested in relation to the Manse Field and any development deemed to be unacceptable because the land has been found to comprise "open space amenity area" which performs "an important role in providing visual amenity which enhances the approach to Denholm"

As the appeal clearly fails this most important policy test, it is not necessary to challenge other policy issues raised by the appellants relating to the Conservation Area, design, density and massing.

2. Planning History.

The appellants' agent has not addressed this matter. Development on the Manse Field has been refused on five occasions:

- a) 1992. Erection of two semi-detached houses.
- b) 1992. (i) Erection of a single house.

- c) 1992. (ii) Erection of a single house.
- d) 2007. Erection of two affordable dwelling-houses.
- e) 2016. Erection of two dwellings.

The site has also been considered by two Reporters:

- a) 1993. Appeal to erect a single dwelling-house; dismissed.
- b) 2007. Local Plan Inquiry Report, (objection 1789/1/1) which states:

"I endorse the Council's concern that its development, in whole or in part, for housing would be detrimental to the amenity of Denholm, particularly as the site is highly visible when approaching from the west along the main A698 road. In my view, the offer of restricting the proposals to single or one and a half storey and avoiding the highest parts of the steeply sloping site would not be sufficient to ameliorate the impact of the development satisfactorily given its prominent setting".

3. Land Ownership.

The appellants' agent "indicates" that sufficient rights exist to gain access to the site. No evidence has been submitted to support this claim.

In contrast, I submit a copy of Land Register Title ROX 3805 which was registered in February 2000 and which shows that the area of ground between the highway (coloured brown) and the fence line of the Manse Field (coloured red) is in the ownership of the eleven Dwelling houses at Denholm Mill.

Notices were not served on the eleven land owners as required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Part 3, Regulation 15(2)(b)(i).

No consent to construct an access across this land has been either sought or granted.

4. Planning Advice Note 68.

This note sets out the methodology for the preparation of a Design Statement for a site to be considered for development within a Conservation Area. No such Design Statement was submitted for consideration, and as such the application does not comply with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Part 3, Regulation 13 (2)(b).

For the above reasons, I wish to support the delegated decision of the Council, and request that this appeal be dismissed.



Nicholas Cook



Registers Direct - Land Register: View Title ROX3805

Search Summary

Date: 27/02/2016 **Time:** 08:36:50
Search No.: 2016-00695662 **User Reference:**
Sasine Search Sheet: 17750

A. PROPERTY SECTION

Title Number: ROX3805 **Date of First Registration:** 08/02/2000
Date Title Sheet updated to: 19/07/2004 **Date Land Certificate updated to:** 19/07/2004
Hectarage Code: 0 **Interest:** PROPRIETOR
Map Reference: NT5618

Description:

Subjects 1 DENHOLM MILL, DENHOLM, HAWICK TD9 8NX edged red on the Title Plan. Together with the rights specified in the Deed of Conditions in Entry 1 of the Burdens Section.

Notes:

1. The right to that part of the solum tinted blue on the Title Plan is not included in this Title.

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

B. PROPRIETORSHIP SECTION

Entry Number	Date of Registration	Proprietor	Consideration	Date of Entry
1	19/07/2004	NICHOLAS JOHN COOK 85 Lonsdale Court, Jesmond, Newcastle-upon-Tyne.	£156500	01/07/2004

Notes:

1. There are in respect of the subjects in this Title no subsisting occupancy rights, in terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, of spouses of persons who were formerly entitled to the said subjects.

This is a Plain Copy which reflects the position at the date the Title Sheet was last

*updated.***C. SECURITIES SECTION****Title Number:** ROX3805

There are no entries.

*This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.***D. BURDENS SECTION****Title Number:** ROX3805 **Number of Burdens:** 1

Entry Number	Burden Preamble
1	Deed of Conditions recorded GRS (Roxburgh) 29 Feb. 2000 by <u>T Graham & Son (Builders) Limited</u> (who and whose successors are hereinafter referred to as " <u>the Developers</u> ") proprietors of Denholm Mill, Denholm, being the Land edged red on the Supplementary Plan to the Title Plan, which Supplementary Plan to the Title Plan is a copy of the plan annexed to the said Deed of Conditions (hereinafter referred to as " <u>the Development</u> "), of which the subjects in this Title form part, contains burdens &c in the following terms, viz.

Entry Number	Burden Detail
1	Deed of Conditions recorded GRS (Roxburgh) 29 Feb. 2000 by T Graham & Son (Builders) Limited (who and whose successors are hereinafter referred to as " <u>the Developers</u> ") proprietors of Denholm Mill, Denholm, being the Land edged red on the Supplementary Plan to the Title Plan, which Supplementary Plan to the Title Plan is a copy of the plan annexed to the said Deed of Conditions (hereinafter referred to as " <u>the Development</u> "), of which the subjects in this Title form part, contains burdens &c in the following terms, viz.: WHEREAS The Developers are about to sell or deal separately with the <u>eleven Dwellinghouses</u> which are being or have been created on the Development and it is desirable to set forth in writing the rights attached to each of the Dwellinghouses and the reservations, real burdens, conditions and provisions under which the same shall be held by the respective Proprietors thereof; NOW THEREFORE the Developers provide and do declare as follows:- DEFINITIONS "the Common Parts" means (a) footpaths and pavements within the Development, (b) the access road serving the Development and others leading from the main road at Denholm Bridge on the A698 Hawick Road to the Development as the said access road is shown coloured brown on the Supplementary Plan to the Title Plan ("the access road"), (c) any parking areas (excluding any parking space sold with any of the Dwellinghouses), (d) the amenity ground (except where sold with any of the Dwellinghouses), (e) the boundary walls and fences of the Development so far as not forming the boundary walls and fences of individual Dwellinghouses; (f) the common drains, soil and rainwater pipes, tanks, cisterns, gutters, rhones, conductors, street lighting, electric mains and cables, pipe and wires, serving all of the Dwellinghouses and (g) any other fittings or fixtures or parts in or upon the Development which are capable of use in common and do not form part of an individual Dwellinghouse except in so far as specified in the individual Dispositions of the Dwellinghouses, all as the Common Parts are, unless otherwise stated, shown coloured green on the said Supplementary Plan to the Title Plan. "the Development" means the subjects at Denholm Mill, Denholm being the subjects edged red on the Supplementary Plan to the Title Plan. "Dwellinghouse(s)" means any one of the eleven Dwellinghouses in the Development which Dwellinghouses are to be known as Numbers 1, 2, 4, 5,

LAND REGISTER OF SCOTLAND	Officer's ID/Date	Title Number
	9995 6/3/2011	ROX3805

SUPPLEMENTARY PLAN 0
TO THE TITLE PLAN



6th June, 2016

Fiona Walling
Democratic Services Officer
Scottish Borders Council
Newtown St Boswells
MELROSE
TD6 0SA

Dear Ms Walling

16/00012/RREF ERECTION OF TWO DWELLINGHOUSES, LAND SOUTH OF PRIMARY SCHOOL, WEST END DENHOLM, SCOTTISH BORDERS

Thank you for providing a copy of the representation issued by Mr Cook.

It is confirmed that my Clients and I are aware of the Reporter's findings in 2007, (almost 10 years ago) since which time there has been a Local Plan Amendment, a Consolidated Local Plan and the now adopted Local Development Plan. Both Local Plan and LDP policy is referred to in the statement and my Clients' views have been expressed in term of that policy as well as PAN 65.

In terms of the servitude right of access (or ownership) which serves my Clients' land, this is a civil legal matter outwith the remit of the planning system. Access has not been given to my Clients' title deeds. Early on in the instruction my Clients were advised to be certain that the site benefited from the necessary rights of access for development and not simply existing use. My Clients took this matter up with their solicitors and confirmed to me that they were satisfied as to the outcome.

Yours sincerely

Kate Jenkins

Kate Jenkins MRTPI MRICS
Director

LIST OF POLICIES

16/00012/RREF: 2 Dwelling Houses at DenholmPolicy PMD2 – Quality Standards**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,
- 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.

Green Space, 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.

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

This policy is relevant to most policies within the Plan.

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

Designing out Crime in the Scottish Borders
Green Space
Landscape and Development
Placemaking and Design
Privacy and Sunlight Guide
Replacement Windows
Use of Timber in Sustainable Construction

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

Greenspace
Landscape and Development
Placemaking and Design (incorporating Privacy and Sunlight)
Sustainable Urban Drainage
Use of Timber in Sustainable Construction
Waste Management

PMD5 (Infill Development)

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.

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

Policy PMD2 Quality Standards
Policy PMD3 Land Use Allocations
Policy ED1 Protection of Business and Industrial Land
Policy HD3 Protection of Residential Amenity
Policy EP3 Local Biodiversity
Policy EP11 Protection of Greenspace
Policy IS5 Protection of Access Routes
Environmental Promotion and Protection policies EP7-EP10
In cases of any part intrusion into the open countryside, other policies will apply including Policy PMD4 – Development outwith Development Boundaries, Policies

ED7, HD2, Environmental Promotion and Protection policies.

EP9 (Conservation Areas)

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.

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

Policy PMD2 Quality Standards
Policy PMD5 Infill Development
Policy EP13 Trees, Woodlands and Hedgerows
Policy IS15 Radio Telecommunications
Other Environmental Promotion and Protection policies

Scottish Planning Policy
Scottish Historic Environment Policy

Managing Change in the Historic Environment guidance note series

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

Placemaking and Design
Replacement Windows
Shop fronts and shop signage

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

Conservation Areas
Placemaking and Design

Policy EP11 (Protection of Greenspace)

Policy EP11: Protection of Greenspace

(A) Key Greenspaces

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.

(B) Other Greenspaces

Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a) the environmental, social or economic value of the greenspace;
- b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
- c) the function that the greenspace serves.

In both cases development that would result in the loss of greenspace will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

- a) there is social, economic and community justification for the loss of the open space; or
- b) the need for the development is judged to outweigh the need to retain the open space; and
- c) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

- a) the levels of existing provision and predicted requirements for the settlement;
- b) the extent to which current or predicted future demand can be met on a reduced area.

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

Policy PMD2 Quality Standards
Policy PMD4 Development Outwith Development Boundaries
Policy EP6 Countryside Around Towns
Policy EP12 Green Networks
Policy IS5 Protection of Access Routes

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

Biodiversity
Countryside Around Towns
Green Space
Landscape and Development
Local Landscape Designations
Trees and Development

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

Biodiversity
Countryside Around Towns
Greenspace
Green Networks
Landscape and Development
Trees and Development

HD3 (Protection of Residential Amenity)

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.

Key policies to which this Policy should be cross-referenced:

Policy PMD2 Quality Standards
 Policy PMD5 Infill Development
 Policy EP11 Protection of Greenspace
 Environmental Promotion and Protection policies EP7-EP10

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

Privacy and Sunlight Guide

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

Placemaking and Design (incorporating Privacy and Sunlight)

IS2 (Development Contributions)

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.

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

Policy PMD2 Quality Standards
 Policy PMD4 Development outwith the Development Boundary
 Policy PMD5 Infill Development
 Policy HD5 Care and Retirement Homes
 Infrastructure and Standards policies particularly IS4-IS7 and IS9

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

Development Contributions

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

Development Contributions

IS7 (Parking Provision and Standards)

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.

Key policies to which this Policy should be cross-referenced:

IS9 (Waste Water Treatment Standards and Sustainable Urban Drainage)

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 seweraged 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, 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.

Key policies to which this Policy should be cross-referenced :

Policy PMD2 Quality Standards for New Development
Policy EP1 International and Nature Conservation Sites and Protected Species
Policy EP2 National Nature Conservation and Protected Species
Policy EP15 Development Affecting the Water Environment
Policy IS8 Flooding

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

Sustainable Urban Drainage

Others:

SPG Placemaking and Design
SPG Greenspace
SPG Householder Development
SPG Development Contributions
SPG Affordable Housing
Designing Streets
Denholm Conservation Area Statement
Local Plan Inquiry 2006/7 Reporter Decision on Site Proposal
PAN65 Planning and Open Space



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)

Agent (if any)

Name Martha Gibson

Name

Address 13, Bridgend

Address

Postcode EH44 6JG

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

Planning authority's application reference number 16/00233/FUL

Site address Leithen Road

Description of proposed development Colour of shop front

Date of application 17/6/16 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 <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|--|---|-----------------------------|
| 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.

I am seeking a review as I don't agree with the outcome of my application and I wish it to be looked at again

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.

[Empty box for explanation]

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.

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

17/6/16

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 16/00233/FUL

To: Martha Gibson 13 Bridgend Innerleithen Innerleithen Scottish Borders EH44 6JG

With reference to your application validated on **9th March 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: External re-decoration (retrospective)

At: Shop 1 Leithen Road Innerleithen Scottish Borders EH44 6HZ

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

**Dated 20th April 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 16/00233/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Photos	Refused

REASON FOR REFUSAL

- 1 The development conflicts with Policies G1 and BE4 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance from 2011, in that due to:
 - the poor relationship of the chosen paint colour on the shopfront with the colours and tones of surrounding materials in conservation area buildings and structures; and
 - the prominence of the shopfront in the conservation area and street scene due to its position at the end (focal point) of the High Street;
 the inappropriate colour stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

16/00233/FUL

RECEIVED - 9 MAR 2016



Scottish Borders Council
Environment &
Infrastructure
20 APR 2016
Town & Country Planning (Scotland) Act

16/00233 / FUL

RECEIVED - 9 MAR 2016



SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00233/FUL

APPLICANT : Martha Gibson

AGENT :

DEVELOPMENT : External re-decoration (retrospective)

LOCATION: Shop
1 Leithen Road
Innerleithen
Scottish Borders
EH44 6HZ

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Photos	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

One letter of objection received, describing concerns relating to:

- colour not being sympathetic to heritage of property; and
- colour not being sympathetic to the surrounding historical properties within the conservation area;

One letter of support received, grounds of support being:

- colour appropriate to building as it was a traditional Victorian shade - authentic appearance of shop;
- applied colour and adjacent cream complement one another.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011:

Policies G1, BE4.

Adopted Supplementary Planning Guidance:

Shopfronts and Shop Signs (2011).

National Policy and Guidance:

Scottish Historic Environment Policy (SHEP)(2011)

Recommendation by - John Hiscox (Planning Officer) on 20th April 2016

The following report relates to a (full) application for planning permission. The application is for retention of a paint scheme that has been applied to a shopfront, the property being 1 Leithen Road, Innerleithen. The property is not a listed building, and does not adjoin any listed buildings. It is, however, quite prominent in the Innerleithen Conservation Area, is a traditional building befitting of its conservation setting, and is seen as a focal point when viewed looking east along the High Street. The painted shopfront is a typical traditional timber type.

The application has arisen from a planning enforcement case and hence is applied for in retrospect. Change of paint colour requires full planning permission if a building is in a conservation area. The colour is a shade of mauve - photographs taken during the planning site visit on 28 March 2016 show the property as it looks now - these can be viewed on Public Access. Prior to painting, the shopfront is understood to have been cream in colour.

There has been one letter of objection received, which describes two related concerns: "The new colour is not sympathetic to the heritage of the property or the surrounding historical properties in the conservation area of the town".

A letter of support has also been received, although it must be noted that it is submitted by the property owner (landlord of applicant/tenant). The letter discusses the present colour, suggesting that it is authentic and was one of the original exterior colour schemes many years ago when purples, browns and greens were traditional Victoriana favourites of the day (remarkable that this is no longer acceptable as a conservation colour). It is suggested that the contrast of the purple and cream complement each other well.

The letter also discusses economic issues, although it must be noted that in relation to this type of application they should not be influential.

The Innerleithen Community Council has described concerns about the visual impact but has also described sympathy towards the circumstances of the applicant. The response may be viewed in full on Public Access.

The main point to consider in this application is the visual impact the paint scheme has on the conservation area setting. Adopted planning policy and guidance require that any works or development requiring planning permission in conservation areas are sympathetic to the character and appearance of the conservation setting and not harmful.

In this case, the chosen colour is considered to give rise to a jarring juxtaposition between tones - the colour conflicts with the softer, neutral tones of the buildings it relates to and is incongruous in the wider setting of the conservation area. Further, because the building is prominent and the subject of a focussed view looking east along the High Street, the eye-catching colour is framed and stands out inappropriately from some distance. It is therefore not an appropriate colour - the paint scheme harms the setting of the conservation area unacceptably.

For these reasons, it would not be acceptable in planning terms to retain the shopfront as it stands now and the application is recommended for refusal.

REASON FOR DECISION :

The paint scheme on the shopfront conflicts with the conservation area setting by way of being poorly related to the colours and tones of surrounding materials in conservation area buildings and structures. The shopfront is prominently located at the end of the High Street and therefore the inappropriately coloured shopfront stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

Recommendation: Refused

- 1 The development conflicts with Policies G1 and BE4 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance from 2011, in that due to:

- the poor relationship of the chosen paint colour on the shopfront with the colours and tones of surrounding materials in conservation area buildings and structures; and
 - the prominence of the shopfront in the conservation area and street scene due to its position at the end (focal point) of the High Street;
- the inappropriate colour stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

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



BANK OF SCOTLAND

IDER
FFER

Page 138
MacIntyre



153A STREET

The Allotment



Response to planning application consultation from Innerleithen & District Community Council

Ref 16/00233/FUL

Martha Gibson

External Re-decoration (retrospective)

Shop 1 Leithen Road, Innerleithen

From the comments received from Innerleithen & District Community Council, we didn't have a consensus so in fairness to all have included summary below:

- The appearance of the shop frontage is a significant retrograde step compared to how it looked previously.
- It is a pity that a 'before' photograph was not supplied to make comparisons.
- Purple would not be first choice of colour but on balance the shop is not in a very prominent position & needs assistance to bring it to attention of potential customers so better being purple and open rather than having empty shop premises or asking shop owner to go to expense of repainting.
- One CC Member recalls how Caldwell's was severely constrained (retrospectively) from putting on their illuminate sign and was unsure about the rules regarding a change to shop frontage via colour scheme, so wasn't sure on what basis an objection could be lodged. They did not approve of the current (purple) appearance of the shop frontage.

Secretary, Innerleithen & District Community Council

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Application Comments for 16/00233/FUL

Application Summary

Application Number: 16/00233/FUL

Address: Shop 1 Leithen Road Innerleithen Scottish Borders EH44 6HZ

Proposal: External re-decoration (retrospective)

Case Officer: John Hiscox

Customer Details

Name: Mrs Aneela McKenna

Address: Old Staging House Millbank Road, Clovenfords, Galashiels, Scottish Borders TD1 3LZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Overlooking
- Poor design
- Value of property

Comment: Good Afternoon,

Thank you for your letter dated 10/03/2016 and inviting our comments.

The property - 1 Leithen Road - adjoins our own; our comments relate to the colour used to repaint the frontage of the property.

The new colour is not sympathetic to the heritage of the property or the surrounding historical properties in the conservation area of the town.

Kind regards,

A McKenna

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From: [REDACTED]
Sent: 06 April 2016 15:52
To: Hiscox, John
Subject: 1 Leithen Road Innerleithen

Dear Mr. Hiscox

1 Leithen Road Innerleithen.

I am the owner of the above property which is currently leased out to Mrs Martha Gibson . Martha has been in touch this morning regarding a communication from yourself with regard to the shop colour scheme.

It is my understanding that Mrs. Gibson , unaware of the need for planning permission and at considerable expense ,had the shop repainted without submitting a planning application and subsequently the council contacted her in this regard . Agreement was reached with the then planning enforcement officer to allow the status quo on the proviso that a planning application was submitted. Accordingly Mrs.Gibson complied with all that was requested of her in this regard .

It now appears that the colours are now not going to be acceptable as they are not in keeping with conservation policy.

If it helps Mrs. Gibsons application in any way I write to advise that the present colour was one of the original exterior colour schemes many years ago when purples , browns and greens were traditional Victoriana favourites of the day and it does seem remarkable that this is no longer acceptable as a conservation colour. Many of my associates in the Antiques trade have actually remarked on how authentic the shop now looks in traditional mode and I personally like it very much. Although it could be construed that I have a vested interest in taking this standpoint, I can assure you this is not where I am coming from.....the contrast of the purple and cream complement each other admirably by way of authenticity.

Furthermore , Innerleithen is a difficult wee village in which to sustain a retail operation and 1,Leithen Road is no exception in this regard . I fear that if Mrs. Gibson is put to much more expense and anxiety , she may decide to close and it could be some considerable time before I can secure another tenant , leaving the premises empty which is not good for Innerleithen ascetics.

I submit this communication in the hope that all factors may be considered.

With Kind Regards ,

John Belford

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LIST OF POLICIES

16/00014/RREF: Shop, Innerleithen**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,
- 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.

Green Space, 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.

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

This policy is relevant to most policies within the Plan.

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

Designing out Crime in the Scottish Borders
Green Space
Landscape and Development
Placemaking and Design
Privacy and Sunlight Guide
Replacement Windows
Use of Timber in Sustainable Construction

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

Greenspace
Landscape and Development
Placemaking and Design (incorporating Privacy and Sunlight)
Sustainable Urban Drainage
Use of Timber in Sustainable Construction
Waste Management

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.

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

Policy PMD2 Quality Standards
Policy PMD5 Infill Development
Policy EP13 Trees, Woodlands and Hedgerows
Policy IS15 Radio Telecommunications
Other Environmental Promotion and Protection policies

Scottish Planning Policy
Scottish Historic Environment Policy
Managing Change in the Historic Environment guidance note series

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

Placemaking and Design
Replacement Windows
Shop fronts and shop signage

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

Conservation Areas
Placemaking and Design

Other Planning Guidance:

SPG Placemaking and Design
Innerleithen Conservation Area Statement
SPG Shop Fronts and Shop Signage



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 100013108-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Clarendon Planning and Development Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	<input type="text"/>
Last Name: *	Howel	Building Number:	5a
Telephone Number: *	01312972320	Address 1 (Street): *	Castle Terrace
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	EH1 2DP
Email Address: *	dhowel@clarendonpd.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="C/O Clarendon"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="5a"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Castle Terrace,"/> <input type="text"/>
Company/Organisation	<input type="text" value="Lothian Estates"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 2DP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="623565"/>	Easting	<input type="text" value="365690"/>
----------	-------------------------------------	---------	-------------------------------------

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 three dwelling houses (in principle).

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to Notice of Review Statement and appendices 1-8, all uploaded

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Bonjedward Notice of Review Statement Appendix 1 - Application Location Plan Appendix 2 - Application Planning and Design Statement Appendix 3 - Previous Planning Application Committee Report Appendix 4 - Decision Notice 15-01521-PPP Appendix 5 - Case Officer Delegated Report 15-01521-PPP Appendix 6 - Previous Planning Appeal Decision Appendix 7 - SBC Roads Consultation Response Appendix 8 - SBC Landscape Consultation Response

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/01521/PPP

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

23/12/2015

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

23/02/2016

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 David Howel

Declaration Date: 20/05/2016

Notice of Review Supporting Statement

Land at Bonjedward, Scottish Borders

Erection of three dwellinghouses (in principle)

Ref. 15/01521/PPP

On behalf of

Lothian Estates

May 2016



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APPENDIX 1: Application Location Plan

APPENDIX 2: Application Planning and Design Statement (including Indicative Design Proposal)

APPENDIX 3: Previous Planning Application Ref.06/00232/OUT Committee Report

APPENDIX 4: Decision Notice Ref.15/01521/PPP

APPENDIX 5: Case Officer Delegated Report Ref.15/01521/PPP

APPENDIX 6: Planning Appeal Decision Ref.P/PPA/140/414

APPENDIX 7: SBC Roads Planning Service Consultation Response

APPENDIX 8: SBC Landscape Architect Consultation Response

1.0 BACKGROUND TO THE APPLICATION

1.1 Location, Description and History

- 1.1.1 The application site, extending to 1.37 hectares, is located within the hamlet of Bonjedward on the A68, north of Jedburgh. The site itself comprises grazing land and forms a triangular area bound by the A68 to the west, A698 to north, A6090 to east and Bonjedward Garage to the south. Site boundaries comprise existing trees and hedgerow. The application site location plan is included as **Appendix 1**.
- 1.1.2 The site is located within the Bonjedward Building Group (as detailed hereafter) which comprises, as a minimum, 10 No. existing houses/buildings including Jedneuk House and Lodge, The Old Smiddy and Bonjedward Cottages.
- 1.1.3 The application was validated by Scottish Borders Council on 23rd December 2015 and was subsequently refused under delegated powers to the Service Director of Regulatory Services on 23rd February 2016, on the basis of the appointed Case Officer's subjective recommendation.

1.2 The Development Proposal

- 1.2.1 The proposal comprises the erection of three new dwellinghouses (in principle). The application was supported by a **Planning and Design Statement, incorporating an Indicative Design Proposal** (Page 9), with this document included as **Appendix 2**.
- 1.2.2 Whilst the application is in principle, the Indicative Design Proposal set out the scope for three new dwellinghouses to be accommodated in a traditional terraced/linked form to reflect the historic pattern of development on the site whilst providing generous private garden ground. The proposal would provide for a new access from the east (A6090) and landscaping/planting along north and west boundaries to screen the site from the surrounding roads. It is noted the Council's Landscape Officer proposed a different layout form to accommodate the three plots which is addressed below.

1.3 Planning History

- 1.3.1 As detailed in the Planning and Design Statement, the site was subject to a previous application in 2006 (for 7 plots, subsequently reduced to 4 plots) which included the Bonjedward Garage site within the application area. This application was recommended for approval by the Case Officer at the time (please refer to the Committee Report which formed an appendix of the Planning and Design Statement and is included as **Appendix 3**). However, the application was refused by planning committee in 2008 with a subsequent appeal dismissed due to the loss of employment land (the Garage) and the proposed dispersed pattern of housing plots not relating to the building group.
- 1.3.2 The lessons from this previous application were taken on board and the current application excluded the Garage which is retained as an ongoing business. Additionally, the form of proposed development in the current application (although in principle) seeks to reflect traditional historic character. Attention is specifically drawn to Page 8 of the Planning and Design Statement (**Appendix 2**) which illustrates the historic pattern of

development at Bonjedward with the 19th century OS plan indicating a south-east facing building/terrace of cottages which the current application replicates.

1.4 Reason for Refusal

1.4.1 The Decision Notice (contained within Appendix 4) recommended refusal on the basis of the following reasons:

1. ***“The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognized building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.”***
2. ***“The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.”***

2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

2.1 National Planning Policy Context

- 2.1.1 The applicant, contrary to the Decision Notice, remains of the view that proposals do indeed accord with planning policy at both a national and local level. In particular, following review of the Case Officer's Delegated Report (**Appendix 5**), the applicant would take this opportunity of addressing the above reasons for refusal. However, it is also important to **firstly set the national context** in relation to the proposal in order to inform the review of the planning decision.

Scottish Planning Policy (2014)

- 2.1.2 Scottish Planning Policy (SPP) has introduced a presumption in favour of development that contributes to sustainable development. In particular, Paragraph 28 states that the planning system should ***“support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term”***. It is considered that approval of the proposed houses, with associated conditions, would comprise sustainable development by virtue of adding much needed new housing as a proportionate extension to the established Bonjedward building group which is accessible by public transport to services and amenities in nearby Jedburgh and Kelso.
- 2.1.3 Paragraph 29 of SPP outlines the key related principles which include, ***“supporting good design and the six qualities of successful places”***. These design policy principles are elaborated upon within Paragraphs 41-46, which outline that development should be *distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond*. In this respect, whilst detailed siting and design would be subject to further approval, the proposal has the capacity to address these key design principles with the proposal allowing for a contextual design, reflecting historic development on the site whilst providing scope for high quality residential amenity through generous garden ground size and landscaping proposals. The plots would have scope for flexible accommodation with the generous garden ground suitable for the rural location, to suit prospective buyers wishing to live in the Borders countryside.
- 2.1.4 Paragraph 75 states that the planning system should ***“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”***. In this respect, the Bonjedward site offers flexible plot sizes which can provide scale and scope for home-working in an accessible location, whilst contributing positively to the established community.

Creating Places (2013)

- 2.1.5 The Scottish Government's policy on architecture and place sets out a strong emphasis on place and good design in new development which can have physical, functional, social and environmental value. The Indicative Design Proposal is based upon a review of historic development form at Bonjedward and offers scope to reintroduce a traditional pattern which is right for its context and provides for landscaping enhancements to the site boundaries.

Designing Streets (2010)

2.1.7 The Scottish Government's policy on street design emphasises the importance of place over movement. The Bonjedward proposal provides for a suitably scaled shared access lane from the A6090 to serve the proposed three plots. This approach will also ensure the access lane can remain private and not be subject to over-engineered design required of adopted roads which would be unsuitable and unsympathetic to this rural location.

2.2 Local Planning Policy: First Reason for Refusal (Building Group Definition)

2.2.1 Contrary to the Case Officer's opinion set out in the Committee Report, it is contended that the proposed site clearly forms part of the Bonjedward Building Group. As illustrated on Page 8 of the supporting Planning and Design Statement (**Appendix 2**) and replicated in **Figure 1** below, the site was historically occupied by building/s related to Bonjedward/Jedneuk. Indeed, the site was at the heart of this historic grouping with Jedneuk House, lodge and stables to the south, Bonjedward cottages to the west and the former school to the north-east (now residential). The Bonjedward/Jedneuk building group therefore straddled the main road junction and formed a staging post for north-south and east-west traffic.



Figure 1 - Bonjedward: mid-19th century OS Extract courtesy of ICAHMMS at pastmap.org.uk

Figure 1 – Historic Plan showing Bonjedward/Jedneuk building arrangement around road junction

- 2.2.2 This historic context remains in place with the only difference being the building/s on the proposed site are no longer present. The fact that these structures are not present does not alter the site's central position within the context of the wider Bonjedward building group. The aerial photograph on Page 3 of the supporting Planning and Design Statement clearly illustrates this current relationship between the site and wider building group, as replicated below in Figure 2.



Figure 2 – Building Group context with site outlined in red

- 2.2.3 This view was supported by the previous application assessment (Page 5 of **Appendix 3**), where the Case Officer clearly viewed the site as part of the building group, stating:

“it is accepted that the proposal meets the first test of the Housing in the Countryside policy in that there are at least three dwellinghouses within the vicinity. The site sits relatively comfortably within the boundaries of the building group whereby the site forms part of the visual sense of the area of Bonjedward, with Bonjedward Cottages to the west beyond the A68, The Smiddy House to the immediate south, and Jedneuk to the south beyond the A6090. There is also a row of cottages to the north east of the site, beyond the A698. The application site is enclosed on all three sides by roads.”

- 2.2.3 The Case Officer for the current application takes a different view. Firstly, reference is made to the 2009 appeal decision (**Appendix 6**) which provided a brief five paragraph assessment of the previous application with the Reporter viewing the existing roads around the site as a barrier to the remaining building group. This is refuted on the basis that the wider building group and historic context was not clearly outlined in the previous application and the Reporter took a simplistic view in assessing the site on a stand-alone

basis. The decision also pre-dated Scottish Planning Policy's presumption in favour of development that contributes to sustainable development (set out in the 2014 revision to SPP) which brings strong policy support to assess applications on their ability to contribute towards sustainable economic growth on the basis approval would not have a significant adverse impact upon wider policies.

2.2.4 The application was assessed against local planning policy on Pages 4-6 of the supporting Planning and Design Statement but to counter the Case Officer's views set out in the committee report, we would comment as follows.

- **Adopted Local Plan Policy D2 and Proposed LDP Policy HD2** set out the criteria by which housing in the countryside is supported by the Council as appropriate rural development and includes specific criteria relating to Building Groups. It should be noted that the Local Development Plan has now been adopted (as of 12th May 2016) and therefore, **adopted LDP Policy HD2 is now the sole relevant policy**. The Case Officer contends that the application does not meet the criteria as it is an 'outlier' location disparate from any building group and dismisses the significance of the previous existence of housing on the site. However, it is not so much the previous housing on the site but the historical development of Bonjedward/Jedneuk which is considered key to deciding where the building group extends to. Point 1 of this part of the policy requires that sites are well related to an existing group of at least three houses and the historical development clearly illustrates that the site is at the centre of the wider group which should be seen as a whole rather than a collection of small groupings.
- **Supplementary Guidance on New Housing in the Borders Countryside** sets out further detailed criteria. This guidance makes clear that, in relation to identifying whether a building group exists, ***"in all cases, the existence of a sense of place will be the primary consideration"*** (Page 11 of the Guidance). The Case Officer contends that the site is 'isolated from any Building Group' by virtue of the surrounding roads. However, as noted above and illustrated on **Figures 1 & 2** above, Bonjedward/Jedneuk has historically straddled the Jedburgh/Edinburgh/Kelso road junction and its present sense of place is derived from its position on this junction. This **sense of place** is encountered on all approaches;
 - **from the Kelso direction**, the 'Joiner's Cottages' (former school) on the right hand side facing the road junction to Jedburgh and the A68 signifies the start of the wider group with Bonjedward Garage visible in the middle-distance;
 - **from the Jedburgh direction**, the walls and roofs of Jedneuk House and buildings on the right, Bonjedward Cottages on the left and old Smiddy in front create a sense of arriving at a settlement;
 - **from the Edinburgh direction**, the road sweeps around to reveal the Kelso junction and front of the Garage (car wash) on the left and Bonjedward Cottages on the right;

- from the **Sharplaw (west) direction**, the sense of arrival is formed through Bonjedward Cottages before meeting the A68 junction with the old Smiddy and Garage in front.
 - In all directions, the historic nature of this settlement still provides a sense of place as an overall building group rather than isolated houses in the countryside. The consultation response from the Council's Roads Planning service (**Appendix 7**) further illustrates this point, stating, in relation to the A6090, ***"there is a semi-urban feel to the area and several direct accesses are already in existence"***.
- 2.2.3 The Case Officer does not consider Bonjedward to have a sense of place but appears to assess the site on a stand-alone basis rather than its setting within the wider group. This context means that whilst individual boundaries may exist around the various building elements (wall enclosure to Jedneuk House, garden/tree enclosure around the cottages and roads around the proposal site, garage and old Smiddy), the overall sense of place is derived from the overall grouping which is centred on the crossing point of the A68.
- 2.2.4 Additionally, the proposals would ensure that this cannot be deemed to be 'sporadic development', as contended in the refusal reason. The indicative design clearly shows that the immediate site is utilised for the three plots and further extension is not achievable.
- 2.2.5 As noted by the Case Officer, the Council's Landscape Architect does not object to the proposal. As stated in the landscape consultation response (**Appendix 8**), ***"there should be no harm, in landscape and visual terms, in (the site) being developed for residential use at the low density proposed, provided the green boundary structure is maintained and strengthened"***. This approach is taken in the supporting Indicative Design Proposal. The landscape architect then goes on to provide an alternative site layout for the three plots based on a detached layout with additional planting to north-west and north-east corners. As noted above, the reasoning for providing the terraced/linked building form was to reflect traditional form on the site but the applicant notes the recommendation and would seek to agree detailed siting, design and landscaping requirements with the Council at the detailed application stage in line with Placemaking and Design Supplementary Planning Guidance and utilising the site's natural features.
- 2.2.6 The Case Officer raises the issue of coalescence between the site and the Joiner's Cottages to the north-east. This does not appear to be a justifiable argument based on the historic connection between the cottages (formerly the school for the Bonjedward hamlet) and the site (formerly containing housing plus the Smiddy and now the garage). Additionally, the Case Officer highlights the road signage for Bonjedward which again only confirms that, whilst not a defined settlement, there is an established sense of this hamlet being a 'place' which is arrived at and departed from.
- 2.2.7 Overall, it is considered that the proposed site is at the heart of the Bonjedward building group, established historically and still present today, with a sense of place that is characterised by the various building elements surrounding the

A68/A698/A6090 junction. The Council's landscape architect supports the view that there would be no detrimental landscape impact and a suitable layout and landscaping design can be agreed.

2.3 Local Planning Policy: Second Reason for Refusal (Residential Amenity)

2.3.1 The Case Officer's second reason for refusal relates to a perceived negative amenity of future occupiers of the proposed housing due to proximity to existing roads and Bonjedward Garage.

2.3.2. Adopted Local Plan Policy H2 and Proposed LDP Policy HD3 set out the criteria by which development impact upon residential amenity is to be assessed. As with the first reason for refusal, given the adoption of the Local Development Plan on 12th May 2016, it is now just adopted LDP Policy HD3 that is relevant.

2.3.3 In this respect, the policy is based upon two main elements and four sub-categories. Therefore, the proposal can be assessed on this basis:

- a) The proposed development would not result in the loss of any allocated open space.
- b) Development details:
 - i. Scale, form and type of development would be compatible with adjoining area (detailed design to be subject to further approval). In particular, the proposed scale would accord with the 30% increase rule for Building Groups (3 units added to minimum of 10 existing units).
 - ii. The proposed houses would not overlook, or be overlooked by, existing residential properties. The garage is partially screened by existing trees from the site and this boundary could be augmented by additional landscaping. In any case, the siting of the proposed houses would still be subject to detailed approval and there would be scope to provide sufficient set-back from the garage.
 - iii. The proposed houses would not generate unacceptable levels of traffic or noise. The impact of the existing garage and adjoining roads in terms of amenity impact is considered to be negligible. There was no objection from the Council's environmental health officers and there are existing houses in close proximity to both the roads and garage (the Smiddy, Jedneuk Lodge, Bonjedward Cottages) which have existed alongside the garage for a considerable length of time.
 - iv. As noted by the Council's landscape architect, the proposed scale of development could be accommodated without detrimental visual impact upon the landscape or character of the area.

- 2.3.4 Additionally, the Case Officer's point that there is little access to public services or amenities is not correct as an existing bus service connects Bonjedward to Jedburgh, Kelso and Hawick with an existing bus stop located within 200m of the site on the A68 (well within Government advice on accessibility to public transport, being less than 400m from a bus service as per PAN75 Planning for Transport).
- 2.3.5 **Overall, having assessed the proposal against adopted local policy and taking into account responses from statutory consultees, there is no evidence to support the Case Officer's view that future amenity of the proposed houses would be compromised.**

3.0 STATUTORY CONSULTEES & THIRD PARTY REPRESENTATIONS

3.1 In terms of **statutory and local Consultations**, notwithstanding the Case Officer reasoning, **no objections were received from statutory consultees other than the Community Council (addressed below)**. In particular:

- **Roads Planning Service raised no objection** (subject to conditions including a slight amendment to the junction of the A6090/A698 to improve visibility, which are noted and accepted by the applicant, being within their control).
- **Transport Scotland raised no objection** (subject to a condition to ensure no direct vehicular access is taken from the A68 which is acceptable to the applicant).
- **Environmental Health did not comment** on the application.
- **Education and Lifelong Learning raised no objection** and confirmed that no contributions would be sought.
- The Council's **Landscape Architect raised no objection** (subject to a condition requiring enhanced structure planting as outlined on a supporting sketch) and, as detailed above, confirmed that there would be no harm in landscape or visual terms in the site being developed for residential use at the proposed low density.
- **Historic Environment Scotland raised no objection** in relation to any impact upon the nearby Monteviot designed landscape.
- The Council's Development Negotiator confirms contributions are required towards affordable housing (£8,500) which is noted and accepted by the applicant, to be secured via suitable legal agreement
- The Community Council objected on the grounds of the traffic impact derived from a new junction formed to access the proposed housing. In this respect, the Council's Roads Planning Service consultation addresses this point.
- The applicant is not aware of any other local objections.

4.0 CONCLUSION

4.1 The preceding Statement, in conjunction with the appended supporting documentation, demonstrates that the proposal can be assessed positively in terms of local planning policy with further support derived at national level. In particular: -

- National planning policy outlined within SPP supports and encourages appropriate rural development and investment and sets out a presumption in favour of development that contributes towards sustainable development. The proposal accords with these aims by providing high quality new housing as a proportionate extension to the established Bonjedward Building Group which is accessible by public transport to services and amenities in nearby Jedburgh and Kelso. The proposal, whilst in principle, seeks to reflect the historic development pattern of Bonjedward (on a site which was previously developed) and create a proposal suitable for its context (i.e. small-scale, low density with strong landscaping and not requiring an over-engineered adopted road as under 5 units) in line with national policy, Creating Places and Designing Streets. Detailed design would of course be subject to further approval in any case.
- The first reason for refusal is refuted on the basis that the historic development pattern and current physical relationship between buildings demonstrates that the site is at the heart of the established Bonjedward Building Group. The site was previously occupied by housing which sat between Jedneuk to the south, the Smiddy and Bonjedward Cottages to the west and the former school (now cottages) to the north-east. The building group historically formed a staging post at the junction of the Edinburgh-Jedburgh and Jedburgh-Kelso roads and straddled this road junction, rather than its boundaries being defined by these roads. There are a minimum of 10 individual buildings within the immediate group (Jedneuk House and lodge plus the old Smiddy house and 7 properties at Bonjedward Cottages), not including the cottages to the north-east or additional housing on Sharplaw Road to the west. The site is therefore well related to this group and would not increase the group by more than 30%, all in accordance with adopted LDP Policy HD2.
- The Bonjedward building group (of which the site forms part) is clearly defined through a sense of place which is encountered on approaches from all four directions and, as noted by the Council's Roads Planning service, the A6090 (which the site is accessed from) has a 'semi-urban feel' due to the number of individual access points and properties. This is reinforced by the road signage depicting approach and exit from Bonjedward.
- The site would not form sporadic development as the immediate site would not allow for obvious extension and the Council's Landscape Architect confirmed that the proposal would have no landscape or visual harm.
- A previous planning application for the site was considered by the then Case Officer to be within the building group at Bonjedward and the evidence provided as part of the subsequent appeal did not fully outline the site's historic context. Additionally, since the appeal decision in 2009, Scottish Planning Policy has been revised to support economic growth through sustainable development that does not have a significantly detrimental impact upon wider policies. For the reasons set out in this statement, it is considered

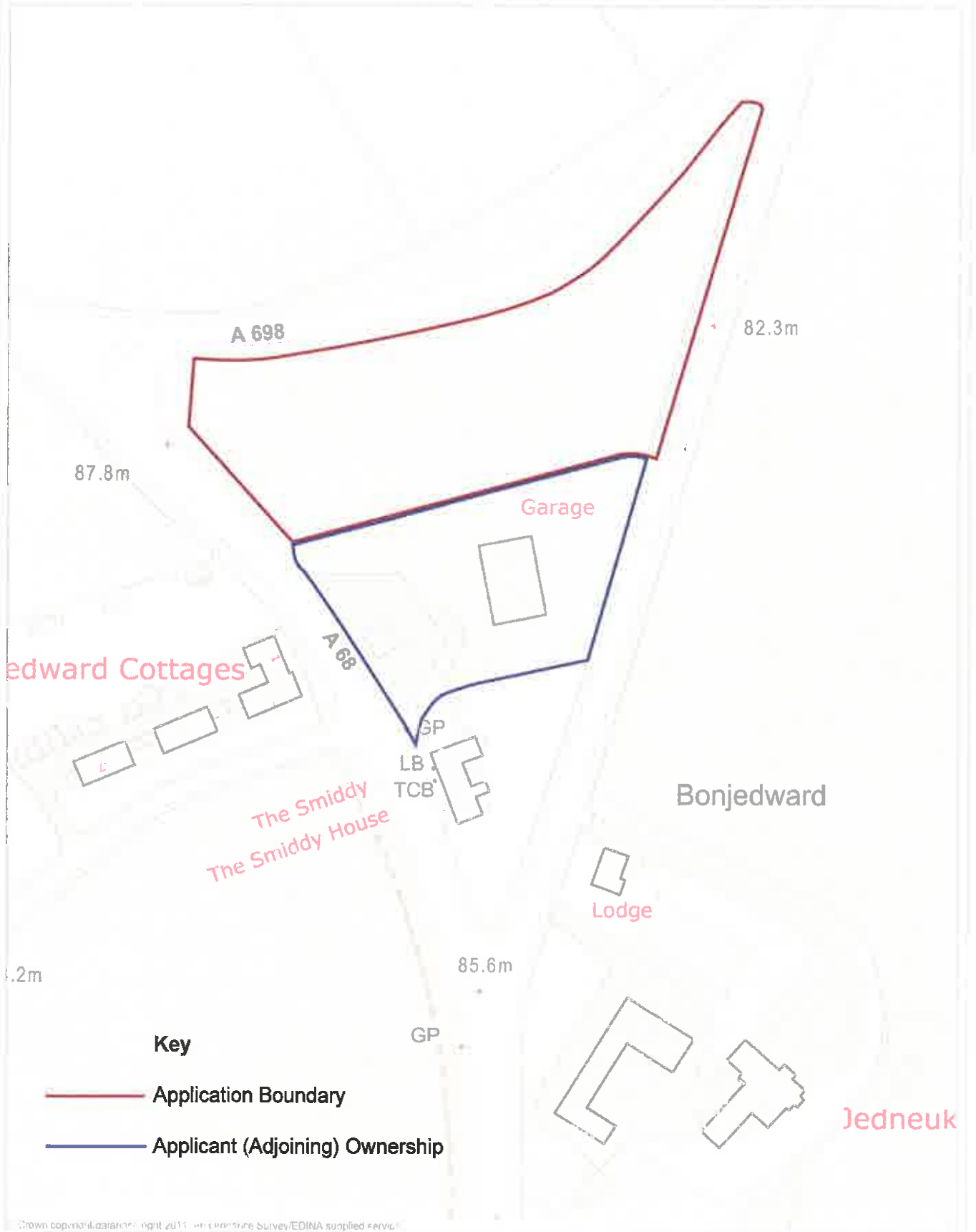
that the current proposal would not have any detrimental impact. This is substantiated by the support from the Council's landscape and transport services in particular.

- The second reason for refusal is also refuted in that there would be no detrimental impact upon future occupiers of the proposed housing due to the proximity of the garage or roads. The proposal accords with adopted LDP Policy HD3 in terms of an assessment of residential amenity and no objections were raised from the Council's Environmental Health service with respect to noise. Existing housing including the old Smiddy and Jedneuk Lodge have existed alongside the garage for a considerable time without detriment.
- There were no statutory or local objections to the application other than the Community Council who objected on traffic impact grounds which are addressed through the Council's Roads Planning service consultation response.

6.2 In closing, on the basis of the evidence provided in this Statement, the applicant considers that the aims and objectives of both national and local policy have been practically applied to this proposal which seeks a proportionate, contextual extension of an existing, accessible building group. The proposal can achieve a design quality that will contribute positively to the Scottish Borders. The applicant notes and accepts proposed conditions required by statutory consultees and can work positively with the Council to deliver detailed siting, design and landscaping in line with national and local design policy.

6.3 On the basis of the foregoing, it is respectfully requested that the submitted Notice of Review be viewed positively by the Local Review Board of Scottish Borders Council with the applicants agreeable to the imposing of appropriate planning conditions, as necessary.

Bonjedward - Location Plan



- Key**
- Application Boundary
 - Applicant (Adjoining) Ownership

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Scale 1:1250





**Bonjedward
Jedburgh**

Planning & Design Statement

Prepared by
Clarendon Planning and Development Ltd

On behalf of
Lothian Estates
December 2015



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BACKGROUND

Description & Location

The proposed site is situated within the hamlet of Bonjedward, north of Jedburgh. The site is contained within a 'triangle' area of grassland delineated by the A68 to the west, the A698 to north and east and part of the existing building group (and a line of trees) to the south. The site extends to approximately 1.37 acres, as outlined on **Figure 1**.

The site sits within the wider Bonjedward building group which, as a minimum, comprises Jedneuk House, Lodge and stables plus The Old Smiddy and Bonjedward Cottages. These 11 houses/buildings form the heart of the building group notwithstanding additional housing west of Bonjedward and the cottages to the north, which form part of the wider grouping.

Application Proposal

This application seeks Planning Permission in Principle (PPP) for 3 No. dwellinghouses on the aforementioned site, along with associated landscaping and newly formed private access road to serve the new houses. Whilst an 'in principle' application, the proposal is supported by indicative site layout (see **Appendix 1**), representing a potential design solution to complete the building group at Bonjedward.

Planning History

In 2006 a planning application for outline consent was submitted (ref:06/00232/OUT) for 7 No. detached houses. This was subsequently reduced to 4 No. plots. This application was recommended for approval by the case officer but refused by planning committee in 2008 (see **Appendix 2**) and an appeal dismissed in 2009 by the DPEA (PPA-140-414). The application was based upon a wider site incorporating the adjoining garage and proposed 'dispersed' arrangement of detached plots. The reasons for refusal included loss of employment land (the existing garage) and that the proposals for housing did not relate well to an existing building group in the countryside.

The current application site does not include the garage and the point relating to the existing building group was contrary to initial advice and planning officer recommendations.



Figure 1 - Site Location

PLANNING POLICY ASSESSMENT

National Policy Setting

National planning policy provides the overarching context for new development proposals including new housing within the countryside. **Scottish Planning Policy** (Scottish Government, 2014), Paragraph 75 outlines policy principles for rural development, stating that the planning system should, “encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”. Paragraph 78 states, in terms of delivery, that “in the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements”.

Creating Places (June 2013) incorporates the design and place aspirations of **Designing Places** (2001) and is fully integrated with **Scottish Planning Policy** (2014) to place design and place at the heart of planning policy. This is supported by **Designing Streets** (2010), with the overall emphasis on the creation of places that provide a sense of identity, making best use of resources through sensitive utilisation of existing shelter and built and natural environment features whilst relating new development to local context. This is equally important for small-scale expansions of rural building groups as higher profile urban development and therefore detailed design considerations for Bonjedward should ensure the creation of a well-defined and contextual place.

Development Plan

The site is covered by the **South East Scotland Strategic Development Plan** (SESplan, approved June 2013) and the **Consolidated Scottish Borders**

Local Plan (2011, incorporating the adopted 2008 Plan). SESplan is subject to additional Supplementary Guidance in relation to housing land allocations which was approved in June 2014. At local level, the Local Plan is being replaced with a new style Local Development Plan (LDP). Scottish Borders Council has completed the Examination of the Proposed LDP and proposed modifications process. The Council is due to consider the Reporter's Report with a view to adoption of the Plan shortly.

Proposed LDP (examination version, 2014)

Due to the advanced stage of the Proposed LDP, the proposal is based upon Scottish Borders' Proposed LDP in which new housing in the countryside is allowable within existing Building Groups on the following grounds set out within Policy HD2:-

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

- o The site is well related to an existing group of at least three houses or buildings currently in residential use or capable of conversion to residential use.
- o Cumulative impact of new development on character of the building group, landscape and amenity of the surrounding area must not create unacceptable adverse impacts.
- o Proposal to be of appropriate scale, siting, design, access and materials and should be sympathetic to the character of the group.

Bonjedward Building Group, as a minimum comprises

Jedneuk House, Lodge and stables (latter being commercial use but with scope for conversion to residential), plus The Old Smiddy and Bonjedward Cottages. These 11 houses/buildings form the heart of the building group notwithstanding additional housing west of Bonjedward and the cottages to the north, which form part of the wider grouping.

Given the scale of the existing building group, the addition of 3 units would not lead to unacceptable cumulative impact. The positioning of the units would reflect historic character (as detailed within **Appendix 1**) and amenity would be protected by existing and proposed landscaping which would be subject to detailed approval.

Similarly, whilst the scale, siting and access is outlined within **Appendix 1**, design and materials would be subject to detailed approval.

Additionally, the Council's Supplementary Guidance on New Housing in the Countryside also notes that development of 5+ unit will require fully adopted roads with this scale generally not viewed favourably and preference for 'lower impact' development that does not require full street lighting and over-engineered solutions. This is also supported by the Government's **Designing Streets Policy**.

Adopted Local Plan

Given that the proposed LDP is yet to be adopted, regard must also be taken of the adopted Local Plan. In terms of this, the proposed site is within an area of designated countryside within the adopted Local Plan but adjacent to an established rural building group at Bonjedward. The relevant policy within the adopted LDP is **Policy D2 – Housing in the Countryside**, as supported

PLANNING POLICY ASSESSMENT

by the Council's 'New Housing in the Borders Countryside' Supplementary Planning Guidance (SPG) (approved 2008).

Part A of Policy D2 relates to Building Groups and states that housing of up to 2 additional dwellings or a 30% increase of the Building Group, whichever is the greater, may be approved, subject to certain criteria.

Criteria No.1 requires that the site is well related to an existing group of at least three houses or buildings currently in residential use or capable of being converted to residential use. In this respect Bonjedward relates well to the existing group through well-defined containment on all sides.

The suitability of the proposed site can be assessed against the Council's SPG which defines a Building Group as being, *identifiable by a sense of place which will be contributed to by natural boundaries such as water courses, trees or enclosing hedges, plantations or means of enclosure*" (Section 2.b.1, Page 10). The proposal site is clearly defined by its own existing strong physical boundaries which also contain part of the Bonjedward Building Group and as such satisfies this criteria.

Criteria No.2 confirms the threshold for additional units within the Plan period as 2 No. additional dwellings or a 30% increase in addition to the group with which the proposal accords.

Criteria No. 3 states that the cumulative impact of new development on the character of the Building Group and landscape amenity of the surrounding area will be taken into account when determining applications. In this regard, the application is 'in principle' and therefore on the basis that the proposed site is well-related to the existing

buildings, detailed design will address impact on landscape, amenity and character. However, on the basis of the indicative site layout produced for illustrative purposes (Appendix 1), detailed design could address Criteria 3 with conditions attached to any approval in principle able to guide the design. In particular the following key points would be addressed:-

- **Building Positioning:** As detailed within the Section 3.1 of the SPG, *"setting a building against a background of trees is one of the most successful means by which new development can be absorbed into the landscape"*. The indicative proposals set the three dwellinghouses against a backdrop of existing trees and hedgerow, thus framing the Building Group.
- **Building Scale:** The indicative layout details 3 No. linked houses as these are considered to be the most suitable solution in planning terms. The scale would be within the 30% growth policy threshold for building groups, serviced via a private access and oriented to link with existing buildings at Bonjedward and reflect the historic positioning of the buildings on the site.

- **Building Materials:** The indicative proposal is intended to be based on traditional Scottish rural vernacular to link to the existing cottages. Detailed materials treatment can be discussed with the Council at detailed application stage.

- **Energy Efficiency:** The existing woodland creates natural shelter for the houses and gardens whilst the building positioning allows for a significant area of garden ground (and living spaces) to benefit from the natural daylight pattern.

- **Access:** The proposal proposes a new private access road to the east of the site at the A698, adjoining the

A68. The specific design arrangement will be subject to detailed design considerations.

- **Landscape:** The proposal utilises the existing strong landscape boundaries which are augmented with an additional landscape edge. In order to integrate the site in landscape terms, additional planting along the northern/western boundary will be required to augment the existing hedgerow whilst additional landscaping will be required to augment the existing tree 'screen' towards the garage building. Furthermore, the proposed plots would provide large areas of garden ground/small paddocks.

- **Access to Public Transport:** Positively, for a rural location, a local bus service exists at Bonjedward (regular local service linking Jedburgh, Kelso and Hawick) with an existing bus stop on the A68, approximately 200 metres to the west.

The **New Housing in the Borders SPG** provides a checklist of suitable criteria for any particular group to accommodate new houses, to which the site compares favourably, namely:

- The scale of the site allows for the proposed built form to relate to the existing buildings and create attractive plots suited to the rural location.

- The site is strongly contained by existing defensible boundaries, trees and hedgerow thereby creating a defined sense of place within which to accommodate new built form.

- Spacing between existing and proposed units can be designed to ensure the new development relates to the existing built form, rather than isolated or ribbon development.

PLANNING POLICY ASSESSMENT

- Mature trees will form the site boundary to the south-west side of the proposed development.
- There will be no impact on existing intensive livestock units given the presence of existing cottages and the proposed layout and access arrangement in relation to the farm.

The development proposal has been reduced over time (from 7 to 4 and then to 3 units) and given the previous use of the site for housing (as per historic map within Appendix 1) it is considered there is an historical basis within which to complete the group, assisted by the strong boundaries of the proposed site and potential for a strong relationship between new development and the existing terrace. This containment also ensures the group will not be able to extend over time out-with a clearly defined space.

The second reason for refusal in the previously submitted application and appeal on loss of employment is not a consideration in the proposal as the garage site is not included.

Overall, it is considered that the proposal meets the requirements of Policy D2 as the site is historically related to the existing Building Group and provides for a well related extension of suitable scale (3 units) and detailed proposals can ensure there is no detrimental impact on surrounding landscape, amenity or character.

The indicative proposals will be subject to further discussion with the Council at detailed application stage and can fully accord with the Council's 'New Housing in the Borders Countryside' Supplementary Planning Guidance.

Conclusion

The preceding Statement, in conjunction with the appended supporting documentation, demonstrates the suitability of the proposal in the context of the site character and location.

The grounds of support specifically relate to the following fundamental factors:

The site accords with Adopted Local Plan Policy D2 criteria (a) in that it is well related to an established Building Group at Bonjedward, both historically and with the existing strong physical containment (which also incorporates part of the existing Building Group).

The proposal accords with Adopted Local Plan Policy D2 criteria (b) in that three new dwellings would be added to an existing group of eleven houses, thereby not breaching the expansion threshold within the Plan period.

The proposal accords with Adopted Local Plan Policy D2 criteria (3) in that the proposal would contribute to the character, landscape and amenity of the existing Building Group and surrounding area rather than detract from, with particular respect to the proposed private access road.

The proposal accords with the Scottish Borders Proposed LDP (examination version, 2014) in which new housing in the countryside is allowable within existing Building Groups in that housing of up to a total of 2 additional dwellings or a 30% increase of the building group (within the Plan period). There would be no adverse cumulative impact on Building Group character (scale, siting and access outlined in Appendix 1) with design and materials subject to detailed approval.

It should be noted that a previous application for four houses was also recommended for approval by Council planning officer (Appendix 2).

The proposal accords with national policy and guidance contained within SPP, Creating Places and Designing Streets in terms of creating a contextual small-scale development with character which can create a place with identity; detailed design can guide the final positioning and design of the proposed buildings in relation to the landscape and access arrangements to ensure a suitably rural setting is maintained, including in respect of appropriate street design.

The proposal accords with the Council's 'New Housing in the Borders Countryside' Supplementary Planning Guidance in terms of the site's containment and relationship to the existing Building Group, with detailed design able to address siting and design considerations to ensure impact on character, landscape and amenity factors is positive.

On the basis of the foregoing, it is respectfully requested that the submitted planning application be supported by Scottish Borders Council.

SITE & HISTORIC CONTEXT

Bonjedward developed as a hamlet along with Jedneuk Farm, north of Jedburgh, and as the adjoining OS historic plan extract demonstrates, a strong inter-connection between the grouping of buildings developed around this key road junction.

The potential development site is contained within the 'triangle' delineated by the road junction which now forms the A68 and A698. Existing buildings in the mid-nineteenth century are visible on the historic OS extract (Figure 2), including terraced cottages (including on site of present garage) and building/s within the 'triangle' facing south-east towards Jedneuk and relating to the orientation of Bonjedward Cottages.

Existing built form visible around the site include current Listed buildings comprising The Old Smiddy, Jedneuk House, Lodge and Stables (Lothian Estates office) to the south-east and Bonjedward Cottages to the west.

Further to the north, the old school can be identified (now cottages) and this overall linkage between built form at this location is clear.

Therefore, in planning terms, it is crucial that any new proposed development on the highlighted potential site relates well to its immediate context and historic pattern.

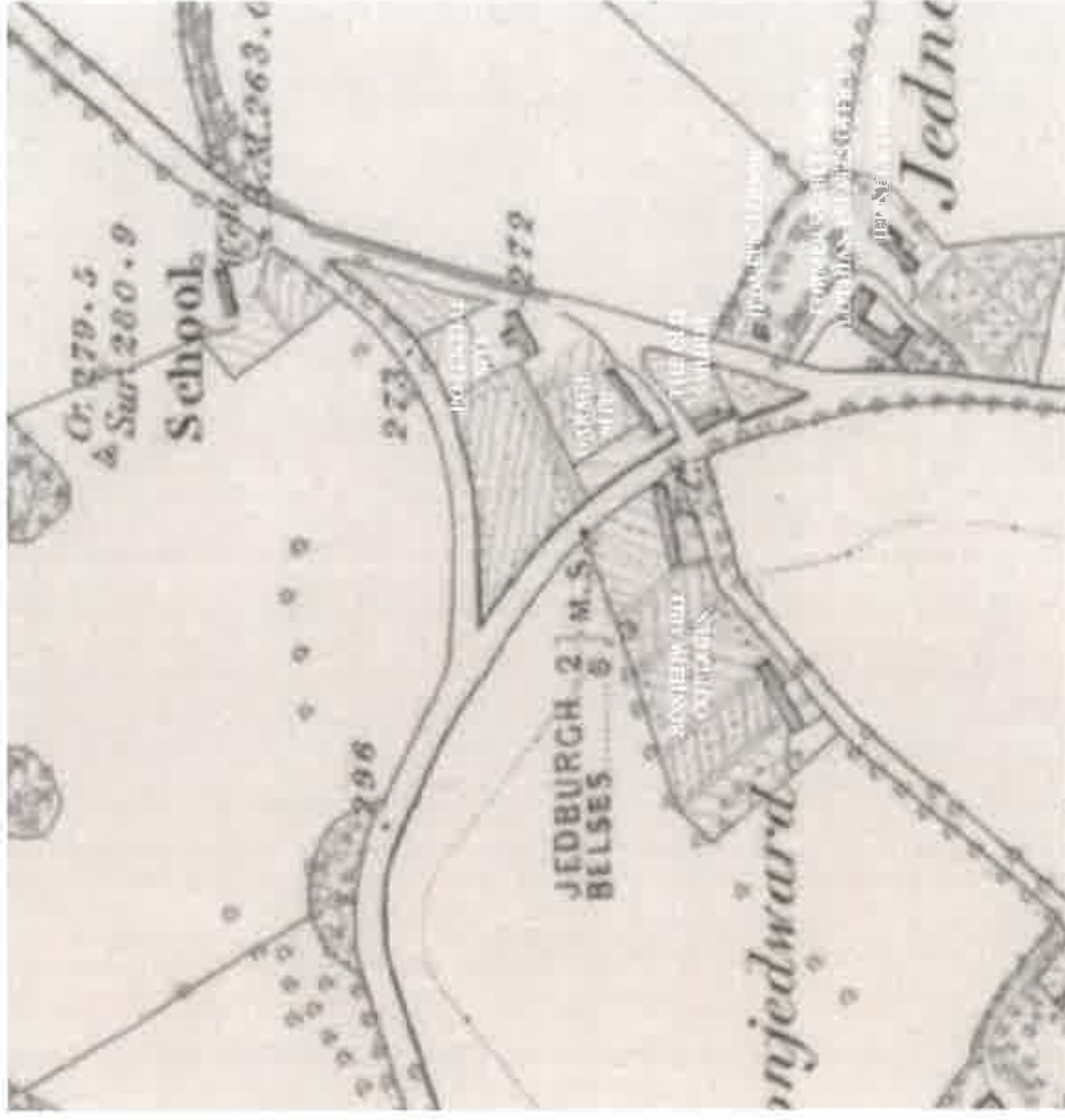


Figure 2 - Bonjedward: mid-19th century OS Extract courtesy of RCAHMS at pastmap.org.uk

INDICATIVE DESIGN PROPOSAL

It is therefore considered that a proposal for 3 No. linked houses would be the most appropriate design solution in planning terms. This scale would be within the '30% growth' policy threshold for Building Groups, serviced via a private access and orientated to link with existing buildings at Bonjedward and reflect the historic positioning of buildings on the site.

Two of the three proposed plots would provide large areas of garden ground/small paddocks offering attractive plots suited to the rural location. Whilst not detached, the desirability of these plots may be further enhanced via the 'detailed' design and how 'linkage' between the plots is handled, post-establishment of the principle of development.

In order to integrate the site in landscape terms, additional planting along the northern / western boundary will be required to augment existing hedgerow whilst additional landscaping may be required to augment the existing tree 'screen' towards the garage building.

An outline layout of how these plots could be integrated is contained on **Figure 3**.



Figure 3 - Bonjedward Building Group with 3 No. proposed new plots

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On behalf of Lothian Estates



SCOTTISH BORDERS COUNCIL

DEVELOPMENT AND BUILDING CONTROL COMMITTEE

21 MAY 2008

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 06/00232/OUT

OFFICER: Karen Hope

WARD: Jedburgh & District East

PROPOSAL: Demolition of garage and erection of seven dwellinghouses

SITE: Bonjedward Garage and surrounding land, Bonjedward, Jedburgh

APPLICANT: Lothian Estates

AGENT: None

SITE DESCRIPTION

The site is a triangular area of ground between the A68, the A698 and the A6090, at Bonjedward just north of Jedburgh. The southern apex of the triangle, which is occupied by 'The Smiddy' and 'The Smiddy House' is excluded from the application site. An existing car wash, which is accessed off the A68, is located within the western boundary of the site. Behind the forecourt there is a large shed and a parking/servicing area which form a garage. Access to this is off the A6090. The northern part of the site is used for grazing. There are a number of established trees on the site. There is a stone wall on the A6090 boundary, and a wall with a hedge above it on the A698. The existing Smiddy and Smiddy House to the immediate south of the site are category C(S) listed buildings as well as no. 1 – 7 (inclusive) Bonjedward Cottages to the west.

PROPOSED DEVELOPMENT

This application originally sought outline planning consent for the erection of seven dwellinghouses on this site. This number has been reduced to four units during the process of the application. Various indicative plans have been submitted with the application. The most recent of which illustrates that a single access would be provided off the A6090 to the west of the site. This would serve the four proposed dwellinghouses as well as the rear of 'The Smiddy House'. The existing car wash would be retained but the garage building within the south eastern boundary of the site would be demolished. A single dwellinghouse, within Plot 1, would be erected within the north western corner of the site, overlooking the A68. A pair of semi-detached properties would be located within the northern boundary of the site, overlooking the A698. A further detached dwellinghouse would be erected within the south eastern part of the site, close to the footprint of the demolished garage, overlooking the A6090. A number of trees within the site would be retained and new planting is also proposed, both within the site and along its boundaries.

PLANNING HISTORY

None.

REPRESENTATION SUMMARY

Two letters of objection have been received. These can be viewed in full on the Council's public access system. The following is a summary of the objections raised:

- To build dwellinghouses here would be like giving planning permission to build on a roundabout and a very dangerous one with many accidents on this area. The proposals would mean the closure of a long established, well supported and valuable business – Bonjedward Garage. The proprietors of the garage would find it difficult to locate suitably advantageous premises and would consequently suffer a potential loss of business.

APPLICANTS' SUPPORTING INFORMATION

Supporting letters have been submitted by the Applicant during the process of the application. It has been advised that, in respect of the house styles and materials, these would be constructed in a similar manner to the existing dwellinghouses in the surrounding area which are of traditional construction, slate roofs, rendered walls, windows with astragals and dormers with the houses being 1.5 storeys incorporating chimneys. It would be the Applicants intention to screen the site with trees to the A68 and the A698 retaining as many of the existing trees as practical with the hedges planted adjacent to the public road on the south side of the A6090 and alongside the entrance roads within the site. The number of proposed dwellinghouses has been reduced from 7 to 4 during the process of the planning application in order to overcome roads issues.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Estates Section): No comments.

Director of Technical Services (Environmental Health): Contamination is expected. The site may require further investigation, and if necessary, remediation, before planning permission is granted.

Director of Technical Services (Roads): It is this Department's policy to restrict the number of new accesses serving dwellings on to principal roads outwith settlement boundaries. However, given that there is an existing business on the site which generates significant traffic, I am willing to consider the proposal in a favourable light. The following conditions must be adhered to should the proposal be considered acceptable in planning terms:

1. There must be no access to the site via the existing car-wash business as indicated on the submitted plan dated Oct. 2007.

Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of each dwelling and retained in perpetuity.

Visitor parking for a minimum of two vehicles must be provided centrally within the development and retained in perpetuity.

A service lay-by to my specification must be provided at the junction with the A6090. The access off the A6090 must be 5.5m wide for a minimum of 6m to allow two vehicles to pass at the access.

The initial 6m of the access must be surfaced to my specification shown below.

A visibility splay of 3.5m x 160m to the south must be provided at the junction with the A6090 and retained in perpetuity. Any planting to be carried out along the rear of

the splay must be a minimum of 500mm back to allow future growth of the planting not to interfere with visibility.

Steps must be taken to prevent surface water from the new access road flowing on to the adjacent public road.

The internal layout of the road must allow for vehicles to pass although this can be confirmed at full planning stage.

Road Spec.

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on
60mm of 20mm size dense binder course (basecourse) to the same BS laid on
350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Statutory Consultees

Crailing, Eckford and Nisbet Community Council: We are not happy with this proposal for the following reasons:

- That it is additional to the Borders plans that we commented on in January, is this the start of a new settlement?;

A development on what is nothing but a large roundabout;

Traffic worries, particularly for residents and more so for children;

With proposed access from the A68 as well as the A6090 it will be impossible to install suitably high fencing for childrens safety;

How many needless job losses on two well established businesses for seven properties that could be put elsewhere.

Historic Scotland: The proposal would see the demolition of the Bonjedward garage. This later 20th Century unlisted building is outwith a conservation area, but sited within a triangular plot of land immediately adjacent to the Monteviot House designed landscape, listed on the Inventory of Gardens and Designed Landscape. There are no scheduled monuments in the immediate area.

It is proposed to build seven new houses within the cleared plot. A footprint layout of the scheme has been sent as part of the application, but elevations of the buildings (including height and materials) is not included. Given that there is a B listed telephone kiosk and various C(S) listed buildings lying to the south and west of the site, your Council should ensure any new build on this site is sympathetic to the rest of the hamlet in terms of design, massing and materials.

Although the proposals do not appear to directly affect the Monteviot landscape, care should be taken to ensure the new buildings blend well into this semi-rural naturalised landscape. For instance we note that a screen planting of mixed native trees as a natural boundary treatment has been proposed. This would certainly be more sympathetic than high urban fencing in this situation and would certainly lessen any impact the development may have on the character of the hamlet.

Jedburgh Community Council: Has concerns about losing thriving industrial premises and asks the applicants to consider keeping the businesses and erecting fewer houses on this site.

Scottish Natural Heritage: We are not aware of any natural heritage interests associated with the development site which would be significantly affected by the proposal. The development does not affect any designated sites and we do not expect to be consulted further. However, since this is an outline application showing

only plot layout and a screen of native planting, we would advise that the design and scale of the proposed dwellinghouses is appropriate to the location and sympathetic to adjacent housing style and scale. We are aware that there are instances where approved planting proposals have not been carried out by a developer. We therefore advise that conditions are attached to a full application should such be approved, in order to effectively secure and ensure any necessary planting scheme.

Transport Scotland: No objections provided the following condition is attached to any consent granted:

1. There shall be no direct vehicular access from the existing garage on the A68 trunk road to the proposed housing development.
Reason: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

Note:- The dated as received by SBC on 17 October 2007 still details adjacent to the carwash, which is to remain, that “existing carwash entrance used to access four houses”. The layout of the carwash and housing development does not reflect this, however, the above condition has been attached to make sure that this does not occur.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2011

Policy H5 - New Housing in the Countryside - Building Groups
Policy H6 - New Housing in the Countryside - Isolated Housing
Policy N17 - Listed Buildings

Roxburgh Local Plan (1995)

Policy 7 – Additions to Building Groups
Policy 8 – Single Houses in the Countryside
Policy 53 – Preservation of Listed Buildings
Policy 63 – Siting and Design in the Countryside

Scottish Borders Local Plan: Finalised December 2005

Policy BE1 – Listed Buildings
Policy D2 – Housing in the Countryside
Policy G1 – Quality Standards for New Development

OTHER PLANNING CONSIDERATIONS:

- New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000 and August 2004.

Historic Scotland Memorandum on Listed Buildings and Conservation Areas 1998.

KEY PLANNING ISSUES:

The main planning issue with this application is whether or not the proposal complies with the terms of the Council's Housing in the Countryside policy. Consideration must also be given as to whether the proposal is acceptable in road safety terms and whether the proposals would have a detrimental impact upon the setting of neighbouring listed buildings.

ASSESSMENT OF APPLICATION:

Planning Policy

This application must be assessed against Policies H5 and H6 of the Approved Structure Plan 2001 – 2011, Policies 7 and 8 of the Roxburgh Local Plan 1995 and Policy D2 of the Scottish Borders Finalised Local Plan 2005. The Council's Housing in the Countryside policy requires the existence of a building group which normally consists of residential buildings comprising at least three dwelling units, including existing buildings capable of conversion to residential use.

It is accepted that the proposal meets the first test of the Housing in the Countryside policy in that there are at least three dwellinghouses within the vicinity. The site sits relatively comfortably within the boundaries of the building group whereby the site forms part of the visual sense of the area of Bonjedward, with Bonjedward Cottages to the west beyond the A68, The Smiddy House to the immediate south, and Jedneuk to the south beyond the A6090. There is also a row of cottages to the north east of the site, beyond the A698. The application site is enclosed on all three sides by roads. The proposals must therefore be judged first against the criteria listed in Policy 7 of the Roxburgh Local Plan 1995.

It is accepted that the proposals would not have an adverse effect on the viability of a farming unit or conflict with the operations of a working farm. Matters relating to the supply of water and drainage would require to be investigated. It is therefore considered that the requirements of criteria 1, 3 and 7 could be met.

Access

Criterion 2 requires that satisfactory access and other roads requirements can be met. The Director of Technical Services (Roads) has raised no objections to the proposals provided various conditions are attached to any consent granted. Transport Scotland has raised no objections provided a condition is attached to any consent granted requiring that there is no direct vehicular access from the existing garage (car wash) on the A68 trunk road to the proposed housing development in order to ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow traffic on the trunk road. It is therefore considered that the requirements of criterion 2 can be met.

Landscape and Natural Heritage

Criterion 4 requires that there would be no adverse effect on countryside amenity, landscape or nature conservation. The Housing in the Countryside Policy and Guidance Note highlights that it is important to retain existing trees wherever possible both within a site and on its boundaries. Careful consideration would need to be given to the position of any dwellinghouses within the plots to ensure that the existing trees are retained.

Criterion 6 requires appropriate siting, design and materials. These matters would

need to be investigated as part of any future application(s) for reserved matters / full planning consent. It is considered that the indicative site plan makes efforts to ensure that the dwellinghouses are in keeping with the character of the area. It is considered, however, that strong planting should be undertaken within the north eastern and north western corners of the site in order to provide an attractive visual screen. The dwellinghouses should also be located more tightly within the site.

Designed Landscape & Archaeology

Criterion 5 requires that there is no adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland.

It has been established that the proposals have archaeological implications. The site occupies the northern extent of the medieval village of *bunjedbrugtoun*. This village is depicted on maps dating back to the late 16th century. These maps also indicate that a tower house or castle formed part of the village. Any ground disturbance may therefore impact on buried remains associated with the medieval settlement. Structure Plan Policy N16 is clear that where there is reasonable evidence of the existence of an archaeological site that either a predetermination evaluation or appropriate mitigation as part of any planning permission should be carried out. It is therefore recommended that a suitably worded condition should be attached to any consent granted requiring that no development takes place until the applicant has secured the implementation of a programme of archaeological work.

The site is located just outside the boundary of the Monteviot House designed landscape. No objections have been raised by Scottish Natural Heritage and Historic Scotland in respect of the development of the site in principle, although careful consideration will need to be given to the siting and design of the dwellinghouses within the site.

It is accepted that the proposals would not have an adverse impact upon ancient monuments, archaeological sites or upon a garden or designed landscape provided appropriate consideration is given to the design and siting of the proposed dwellinghouses and provided the appropriate archaeological evaluation is undertaken with appropriate mitigation measures.

Setting of Listed Buildings

In considering this application weight must be given to the fact that the neighbouring cottages and the Smiddy are category C(S) listed buildings. There is also a B listed telephone kiosk located to the west of the Smiddy. Policy 53 of the Roxburgh Local Plan 1995 seeks to preserve the setting of listed buildings and Policy BE1 of the Scottish Borders Finalised Local Plan 2005 states that new development which adversely affects the setting of a Listed Building will not be permitted. The setting of these properties is therefore highly sensitive. It is considered that, provided the dwellinghouses are suitably sited and designed there should be no detrimental impact upon the setting of the listed buildings.

Contamination

It is understood, as a result of the previous uses of this site, that it may be contaminated. An assessment of any contamination would be necessary and any appropriate mitigation measures would need to be undertaken. This matter could be addressed by attaching a suitably worded condition to any consent granted.

100% Rule

Policy D2 of the Scottish Borders Finalised Local Plan 2005 allows for the expansion of existing building groups by up to 100% of the existing number of houses during any local plan period, provided suitable sites can be identified in compliance with other parts of the policy and the Housing in the Countryside Policy and Guidance Note. The erection of four dwellinghouses at this location would not exceed 100% of the existing building group.

Developer Contributions

An appropriate contribution towards addressing affordable housing in accordance with Scottish Borders Council's Supplementary Planning Guidance on Affordable Housing would be required for this development. Any decision to approve this application would therefore require to be subject to the conclusion of a Section 75 or alternative agreement securing the appropriate contribution / affordable housing provision. The comments of the Director of Education and Lifelong Learning have been sought in order to ascertain whether or not a financial contribution towards education would be required. It is anticipated that these comments will be presented verbally at Committee.

CONCLUSION

Overall, it is considered that this application meets the requirements of the Council's policies relating to housing in the countryside in principle. Careful consideration would need to be given to the design and siting of the proposed dwellinghouses in order to ensure that the development would not have a detrimental impact upon the setting of the neighbouring listed buildings and the area as a whole.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

I recommend the application is approved subject to a legal agreement addressing an appropriate financial contribution towards affordable housing and possibly education, and the following conditions:

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. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.
Reason: To ensure that the site is adequately serviced.
3. There shall be no direct vehicular access from the existing garage on the A68 trunk road to the proposed housing development.
Reason: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the Archaeology Officer and approved by the Local Planning Authority.
Reason: To safeguard a site of archaeological interest.
5. Details of a survey and investigation of the soil conditions of the site, sufficient to identify the nature and extent of any soil 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 Local 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.
6. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact.
7. Parking and turning for a minimum of two vehicles, excluding any garaging, must be provided within the curtilage of each dwellinghouse and must be retained in perpetuity.
Reason: In the interests of road safety.
8. Visitor parking for a minimum of two vehicles must be provided centrally within the development site before any dwellinghouse is occupied and must be retained in perpetuity.
Reason: In the interests of road safety.
9. A service lay-by must be provided at the junction with the A6090 to the specification of the Local Planning Authority before any dwellinghouse is occupied.
Reason: In the interests of road safety.
10. The access off the A6090 must be 5.5 metres wide for a minimum of 6 metres in length in order to allow two vehicles to pass at the access. The initial 6 metres of the access must be surfaced to the specification of the Local Planning Authority.
Reason: In the interests of road safety.
11. A visibility splay of 3.5m x 160m to the south must be provided at the junction with the A6090 and must be retained in perpetuity. Any planting to be carried out along the rear of the splay must be a minimum of 500mm back to allow future growth of the planting not to interfere with visibility.
Reason: In the interests of road safety.
12. The design of the dwellinghouse to be restricted to a maximum of 1½ storeys only.
Reason: To safeguard the visual amenity of the area and the character of the existing category C(S) listed dwellinghouses within the vicinity of the site.
13. Design statements to be submitted to the satisfaction of the Planning

Authority during the process of reserved matters / full planning applications. These must demonstrate an appropriate form of development, taking references from the neighbouring cottages

Reason: To ensure that the development achieves a consistent and co-ordinated level and form of design.

Informatives

In respect of condition no. 6, it is approved Council policy that "all future developments with a total cumulative floor space of 500m² or more to reduce carbon dioxide emissions (CO₂) by 15% beyond the 2007 Building Regulation carbon dioxide emissions". The full document can be viewed online at <http://www.scotborders.gov.uk/pdf/20328.pdf> . This understanding is in line with approved Scottish Executive planning policy SPP6: Renewable Energy published in March 2007.

In respect of condition no. 10, the initial 6 metres of the access must be surfaced to the following specification:

Road Spec.

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Steps must be taken to prevent surface water from the new access road flowing on to the adjacent public road. The internal layout of the road must allow for vehicles to pass.

Approved by

Name	Designation
Brian Frater	Head of Planning and Building Standards

"The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council."

Author(s)

Name	Designation
Karen Hope	Senior Planning Officer

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01521/PPP

**To : Lothian Estates per Clarendon Planning And Development Limited Per David Howel
5A Castle Terrace Edinburgh EH1 2DP**

With reference to your application validated on **23rd December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of three dwellinghouses

at : Land North Of Bonjedward Garage Jedburgh Scottish Borders

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

**Dated 23rd February 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01521/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
Bonjedward – Location Plan	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.
- 2 The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

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 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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01521/PPP
APPLICANT : Lothian Estates
AGENT : Clarendon Planning And Development Limited
DEVELOPMENT : Erection of three dwellinghouses
LOCATION: Land North Of Bonjedward Garage
Jedburgh
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
BONJEDWARD - LOCATION PLAN	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Historic Environment Scotland: The development may affect Monteviot, included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. Historic Environment Scotland does not object to this application and we do not have any comments.

Education: This proposal is located within the catchment area for Parkside Primary School and Jedburgh Grammar School. There are no contributions sought for this application.

Transport Scotland: The Director advises that the following condition be attached to any permission the Council may give:

There shall be no direct vehicular access from the A68 nor via the existing garage on the A68 trunk road to the proposed housing development.

Reason: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

Roads Planning: The entire length of the A6090 is only 257m. Its junctions with the A698 and the A68 to the north and south respectively means that although the road is derestricted in terms of speed limits, traffic is generally not travelling at speeds faster than 40 mph. The application is supported provided:

1. Roadside wall and hedging is adjusted to achieve 2.4m by 120m visibility splays for drivers emerging from the site access;
2. Car turning and a minimum of two parking spaces for each residential unit;
3. Visitor parking would be required: two spaces would suffice;
4. Improvement to junction visibility where the A6090 meets the A698: allowing drivers emerging from the A6090 to be able see to the outside of the bend in the A698 to the west of the junction at a distance of 4.5m back from the carriageway edge at the junction.

Crailing, Eckford and Nisbet Community Council: Objection. Potential traffic safety problems as it highlighted in the representation to the previous application.

Development Negotiator: A Section 69 Agreement would be required to secure £8,500 in respect of an affordable housing commuted sum and this has been agreed by the Agent.

Landscape Architect: There should be no harm, in landscape terms, in the site being developed for residential use at the low density proposed, provided green boundary structures are maintained and strengthened. Three detached dwellings would be better, in landscape terms, within additional woodland planting located in the north west and north east corners. An amended layout based on these principles should be a condition of any approval granted.

APPLICANT'S SUPPORTING INFORMATION:

Planning and Design Statement:

The development would be in accordance with D2 in that:

- o The site is historically related to an established group and has strong physical containment.
- o It is well related in terms of suitable scale, being 3 houses to a group identified as 11 units, within the threshold of a Local Plan period.
- o It would contribute to the character, landscape and amenity of the existing group and surrounding area.
- o It accords with the LDP 2013, in that there would be no adverse cumulative impact on the group.
- o The site benefited from a recommendation for approval by a Council officer in a Committee report in May 2008.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

G1: Quality Standards for New Development
 G5: Developer Contributions
 G8: Development Outwith Development Boundaries
 BE1: Listed Buildings
 BE2: Archaeology
 BE3: Gardens and Designed Landscapes
 NE4: Trees, Woodlands and Hedgerows
 H2: Protection of Residential Amenity
 Inf4: Parking Provisions and Standards
 D2: Housing in the Countryside

Proposed Local Development Plan 2013

PMD2: Quality Standards
 PMD4: Development Outwith Development Boundaries
 HD2: Housing in the Countryside
 HD3: Protection of Residential Amenity
 EP7: Listed Buildings
 EP8 Archaeology
 EP10: Gardens and Designed Landscapes
 EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions
IS7: Parking Provision and Standards

Supplementary Planning Guidance:

Placemaking and Design January 2010
New Housing in the Borders Countryside December 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 22nd February 2016

This report of handling considers Planning Permission in Principle for the erection of three dwellinghouses in an enclosed grazing paddock extending to 0.56 hectares north of Bonjedward Garage, Jedburgh.

SITE AND LOCATION:

Bonjedward is located 1 mile north of Jedburgh and historically developed as a node on a major arterial junction between Jedburgh, Kelso, Hawick and St Boswells.

This site is a triangular paddock enclosed by three roads, the A68 to the west, the A698 to the north and the A6090 to the east. On the southern section of this "island" is one dwelling (The Smiddy and The Smiddy House) (formerly partially a cafe, 11/00026/FUL) which fronts the A68 and include enclosed private curtilage to the rear bounded by the A6090. Occupying the centre of the "island" is a forecourt and garage premises. The forecourt no longer offers fuel instead operating as a car wash for passing trade on the A68 Trunk Road. To the rear of this forecourt is a large steel portal framed shed operating as a long established vehicle repair garage. The building has a shallow gable pitch clad in concrete sheet and overlapping waney-edge timber boarding. The agricultural-style-d building is surrounded by hardstanding which is currently occupied by an array of disused vehicles. The garage parking and field to the north are both accessed from the A6090 by one vehicular access and separated from the highway by a stone dyke boundary. Enclosing the northern boundary of the forecourt is a wedge of mature trees and a small pond. A post and wire fence and a single line of trees define the northern boundary between the industrial use and agriculture. Agricultural fencing encloses the boundary of this paddock which is laid to permanent grass and surrounded by a mature broken hedgerow. This feature provides a reasonable level of visual containment to the north and eastern boundaries. There is no visual containment from the A68, which is set elevated above the field level.

Historic Character:

The Smiddy and Smiddy House are C Listed Buildings, a telephone box next to the forecourt is category B listed, 1-7 Bonjedward Cottages (sited west of the A68 on the minor road to Bonjedward Townhead) are category C Listed Buildings, Jedneuk House (sited to the east of the A68 and accessed from the A6090) is a category C Listed Building and is sited aside Jedneuk Lodge and former stables (now Lothian Estates office); these are not listed although exhibit traditional character. Joiners Cottage, now two dwellings, occupies a site north of the A698 and is setback from the road (at an angle) by its own entrance drive.

HISTORY:

06/00232/OUT: In May 2008 a report was presented to the Development and Building Control Committee recommending approval of the principle of the demolition of the garage and the erection of four dwellinghouses in this paddock and on the garage/workshop site. This report considered the proposal against Policy D2 of the Finalised Local Plan 2005. Material considerations of the Planning Officer had resulted in significant amendments to the original application received in February 2006. This was for seven dwellinghouses on a larger site and included the demolition of the forecourt for the provision of two cul-de-sacs. Three units (on the garage site) were to be accessed from the A68 whilst four units (in the paddock) would be accessed from the existing garage entrance off the A6090. These indicative submissions hinted at a detached suburban development. This design had clearly been a material consideration as the Planning Officer recommended support for a very different layout and siting. The proposal was reduced to four units served by a single access from the A6090.

The Committee refused the application and a subsequent Appeal to the Scottish Minister was dismissed (PPA/140/414). The Reporter cited policies ED1 and D2. Loss of employment land was contrary to policy ED1 and the proposal was deemed to satisfy none of the Housing in the Countryside Policy criteria. Furthermore, recent guidance issued by the Council (Housing in the Countryside SPG 2008) specifically identified the need to protect countryside for its own sake (protecting character and appearance from unwarranted sporadic development.)

15/00024/PREAPP: Pre application advice was given to the Agent in January 2015 that the Council would not support a development on the basis that the roads surrounding the site formed a boundary, disconnecting it from any building group, contrary to policy D2 of the Local Plan: Housing in the Countryside.

POLICY CONTEXT:

Policy D2/ HD2: Housing in the Countryside

The principle to housing on this site was refused by the Scottish Government Reporter. However, I will consider this proposed alternative number of units and site boundary introduced by this application and the alternative indicative layout and siting referred to in the Planning and Design Statement.

Material considerations will be whether the variations introduced by this application have a bearing on the decision and whether there have been changes to Policy (in the emerging Local Development Plan 2013) which would result in the Council offering support for development.

The Council promotes appropriate rural housing development in village locations, in preference to the open countryside, or associated with existing building groups where this does not adversely affect their character or that of the surrounding area. Policy D2 (A): Building Groups of the Local Plan stipulates that 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.

Policy HD2 provides additional stipulations:

"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."

Policy D2 of the Local Plan identifies other opportunities for housing in the countryside: (B) Dispersed Building Groups; (C) Conversions; (D) Rebuilding; (E) Economic Requirement. Policy HD2 of the Proposed Local Development Plan 2013 introduces replacement dwellinghouses. Having assessed the proposal against these sections of both policies I am comfortable that this proposal would not satisfy any of these other criteria.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 is also relevant.

Policy G1/ PMD2: Quality Standards for New Development

These policies seek all development to be high quality, integrate into landscape surroundings and not negatively impact on existing buildings.

A Planning and Design Statement accompanies this application. This will be considered with regard to the character of the existing building group and the visual amenities of the area. Policy G1 and the Placemaking and Design SPG are material considerations and regard will be had as to whether the proposed layout is appropriate. The site is open to public view from the A68. Consideration is given to whether the proposal is in accordance with vernacular, architectural ornamentation, house alignment and overall form.

Policy NE4/ EP13: Trees, Woodlands and Hedgerows

Boundary treatments are important in order to identify an outer limit to this building group and development must ensure proper effective assimilation with the wider surroundings.

Policy INF4/ IS7: Parking Provision

A previous material consideration has been road safety and again the Roads Planning Officer and Transport Scotland have been consulted.

PROPOSAL:

The applicant seeks Planning Permission in Principle for the erection of three dwellinghouses, indicatively shown as a terrace of three dwellings located to the right of the paddock, aligned with the A698 road to the north, and accessed from a new single drive leading from the A6090. The indicative layout depicts a single building line fronted by a communal drive, with subdivided gardens to rear (allocated by plot number) and extending across the entire greenfield site. An "Augmented" landscape edge is shown by a freehand green line on the north and west boundaries.

The agent has highlighted "Bonjedward Building Group" which they define as the 11 dwellings, not including the Joiner's Cottages (two dwellings) to the north.

ASSESSMENT:

Policy G8/ PMD4: Development Outwith Development Boundaries

No Settlement Boundary is identified for Bonjedward in the current Local Plan or LDP 2013 and development outwith boundaries (and in countryside locations) will only be considered against policy D2/ HD2. The Council does not consider this site to fulfil any "exceptional" criteria contained in policy G8 or PMD4, although it is noted that Policy G8 is principally aimed at managing peri-urban (settlement edge) development and not countryside development per-se. I identify no overriding justification in this policy to support development here rather than at allocated sites (the nearest of which are in Jedburgh).

Policy D2/ HD2: Housing in the Countryside

It is contended that this site is an outlier location, disparate from any building group as defined by policy D2 (A). Criterion 1, in both current and emerging policies, seeks for the site to be well related to an existing building group of at least three houses or buildings currently in residential use or capable of conversion to residential use.

This site is not considered to be part of the wider "Bonjedward Building Group" that the agent identifies in the Planning and Design Statement. The applicant places significant weight on the historical significance of previous housing on the site however, as there is no sign of this feature above ground this fact is irrelevant to this policy decision.

Significant weight must be apportioned to Supplementary Planning Guidance on Placemaking and Design and New Housing in the Borders Countryside in drawing conclusions:

1. Whether a Building Group exists and;

2. Whether housing in the countryside is appropriate at this location.

Location

The SPG on Housing in the Countryside states that the existence of a building group will be identifiable by a sense of place which would be contributed to by natural and man-made boundaries; sites should not normally break into previously undeveloped fields particularly where there exists a definable natural boundary between the existing building group and field. The scale and siting of new development should reflect and respect the character and amenity of the building group and any new development should be located within a reasonable distance of properties within the building group.

Three roads contain this development proposal and I do not identify any change in policy or development occurring in the intervening period (since the Appeal) which would instigate a change from the Council's previous position: the site is isolated from any Building Group. The layout of Bonjedward is defined by the enclosing roads. Isolation is achieved from other dwellinghouses by virtue of these man-made boundaries. No relationship is drawn physically or visually with Joiner's Cottages to the north. Neither does the site physically or visually relate to the residential properties to the south and south west. This disparity is reinforced by the intervening industrial land between the immediate residential neighbours.

The Reporter in 2009 stated that the surrounding roads provide such a strong definition of the triangular site that the existing dwellings would not be seen as creating a recognised building group to which the proposals could be visually associated as an extension. The Council accepts this argument. It is considered that the site is not within or well related to the existing properties within the building group at Bonjedward as it is physically separated from those houses by the public roads and the site is some distance from these houses.

Landscape Edge and Trees/hedgerows

A mature landscape edge forms the northern boundary of the garage and carwash. Whilst the sensitivity of the landscape feature may be low (in that the trees and habitat do not appear with any intrinsic wildlife or habitat importance) I see no overriding reason to sever/ break or leapfrog the containment of this important visual feature by siting housing in this undeveloped field, NE4/ EP13.

The Landscape Architect identifies no harm from the proposal in landscape terms. However, to gain his support, any approval would have to be conditional on additional woodland planting located in the north west and north east corners of the site, set around detached dwellings.

Sense of Place

Sense of place is a material consideration and a development on this site is not considered to be within the area contained by a sense of place. Sense of place is defined as a feeling of appreciation for the distinct character of a locality. The Latin term, 'Genius loci', meaning 'the spirit of the place' is a closely related term founded on the belief that a place has an inherent character and influence that transcends any imposed order.

I do not consider siting residential housing adjacent to an industrial and garage business premises within an "island" isolated by busy roads contributes to appropriate sense of place. The Council seeks to create places with a distinct identity conducive to modern living standards. The mixed use and isolated location of this proposal presents potential real and harmful residential amenity concerns, as outlined below.

Containment

Development of this site would introduce an awkward extension of Bonjedward towards the outlying properties at Joiner's Cottages leading to recourse of present character and amenity. These buildings read as being separate at present and coalescence would adversely impact the landscape and amenity of the surrounding area (policy D2, Criterion 3). I note from my site visit that Transport Scotland have now identified "Bonjedward" with entrance signs however I consider the sign locations and presence to be arbitrary in terms of land use planning.

Layout and Access

This agent seeks to establish the principle of three dwellings and goes to significant length to create an illustrative vision of harmonious design (terraced housing designed to appear with local vernacular with a layout adhering to traditional form and absorbed into an enhanced landscape setting with strong access to public transport). Whilst this is welcomed, it must be treated with caution as the extent to which the Council can regulate layout or design or scale at the Planning Permission in Principle stage is very limited.

As a result I do not consider the site to comply with either the Placemaking and Design SPG or the Housing in the Countryside SPG.

Taking into account the alternative number of units proposed, the alternative site boundary introduced by this application and the alternative indicative layout and siting offered in the Planning and Design Statement I deem this proposal to be contrary to policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD2 of the Proposed Local Development Plan 2013.

Policy G5/IS2: Developer Contributions

The application attracts contributions for affordable housing in the sum of £8,500 and the agent has confirmed their acceptance of a Section 69 Agreement to secure this contribution, should the application be approved.

The Director of Education and Lifelong Learning advises that no contributions are sought for this application towards Jedburgh schools.

Policy H2/HD3: Residential Amenity

There is potential for significant adverse impact and harm to any potential occupants of the proposed houses. Introducing residential accommodation on this "island" would conflict with the neighbouring industrial use in terms of noise and privacy. It is acknowledged that a single dwelling co-exists however this has evolved from historic industrial use as a smithy and forge, serving passing trade. The status quo is accepted in terms of amenity and character of the siting of this Listed Building.

In addition, the main public roads on three sides of the site would cause noise nuisance to occupiers of the proposed houses. Adverse residential amenity is inevitable from supporting a proposal on this isolated site which is defined by strong impenetrable man-made boundaries with little access to public services or amenities.

It is accepted that the proposal would not harm the light or privacy of occupants of existing houses.

Policy BE3/EP10: Gardens and Designed Landscapes

Historic Environment Scotland does not identify any impact on Monteviot House Designed Landscape.

Policy BE1 and BE2/EP7 and EP8: Listed Buildings and Archaeology

The proposal would not adversely affect the setting of the Listed buildings or have an adverse impact upon any ancient monument or archaeological sites.

Policy INF4/IS7: Parking Provision

Transport Scotland offer support provided no direct vehicular access is taken from the A68 nor via the existing garage on the A68 trunk and these issues could be controlled by conditions.

The Roads Planning Service has no objections provided that their requirements regarding access, visibility and parking are met. These can also be controlled by conditions.

Policy Inf4/ IS7 can be appropriately addressed and safety managed by the imposition of suspensive planning conditions on any subsequent application. Road safety can therefore be resolved subject to provision of satisfactory design submissions and undertakings.

Nisbet Crailing and Eckford Community Council has objected to the application on the grounds of traffic safety but as I have highlighted above, the Roads Planning Officer considers that these details could be managed through conditions on a detailed application.

REASON FOR DECISION :

The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognisable building group at Bonjedward and it does not relate well to this group. The development would result in sporadic development within the countryside harming the character and appearance of the area. In addition, siting residential housing adjacent to industrial buildings within an area enclosed on three sides by main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

Recommendation: Refused

- 1 The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.
- 2 The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

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

Appeal Decision Notice

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



Decision by Roger Wilson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/140/414
- Site address: Bonjedward (garage and surrounding land), Kelso Road, Jedburgh TD8 6SJ
- Appeal by Lothian Estates against the decision by Scottish Borders Council.
- Application for outline planning permission ref. 06/00232/OUT dated 2 February 2006 refused by notice dated 8 December 2008.
- The development proposed: Demolition of garages and erection of 4 houses.
- Application drawings:
- Date of site visit by Reporter: 23 April 2009

Date of appeal decision: 05 May 2009

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are the effect of the development on (a) employment use land in the area; and (b) the character and appearance of the area.

(a) Employment

2. The site includes a motor repair garage that currently employs up to 5 people full and part time and the development would entail the removal of this use. Whether the lease to the current tenant proprietor (Robert Smith) is renewed is immaterial to the planning issue here. The loss of this employment use land would be contrary to the Scottish Borders Local Plan (LP) policy ED1, which seeks to protect employment land whether or not it is of strategic importance. On this basis, the development would not accord with this policy.

(b) Character and appearance

3. The site is part of a triangular shaped area defined by the A68 road to the west, the A 698 to the north and the A6090 to the east. Within this triangle, there is a single cottage to the immediate south of the repair garage (The Smiddy: listed) and a vehicle-washing



depot immediately to the west. One of the 4 proposed dwellings would be sited within the garage site, and the remaining 3 would be to the north of the garage in what is currently an open field, surrounded on 3 sides by roads (A68, A698 and A6090), and a post and wire fence with trees interspersed along its length marks the fourth boundary.

4. Bonjedward is outside the settlement of Jedburgh, and thus the proposal is regarded as development in the countryside. There are other cottage groups to the north (Joiners Cottage), to the west (Bonjedward Cottages) and to the south (Bonjedward Lodge) but the surrounding roads provide such a strong definition of the triangular site that these other dwellings would not be seen as creating a recognised building group to which the proposals could be visually associated as an extension. The basic aims of the development plan policies on new housing in the countryside are to protect the countryside for its own sake, and to protect its character and appearance from unwarranted sporadic development. To these ends, it restricts countryside housing to specific situations. By applying those principles in this case, the criteria under Scottish Borders Structure Plan (SP) policy H5 do not apply here. There are no grounds to support the proposal under SP policy H6 because it is not for agricultural support and there is no other justification for the housing. New Housing in the Countryside (2008) is further guidance on the subject and is in line with SP policy H5. Local Plan policy D2 is broadly in line with the SP policy H5 and the associated guidance. The development would meet none of its criteria. That there was previously housing on the site is now of little weight in this decision, because there is no evidence of it above ground.

5. The setting of listed buildings beyond the site would be unaffected, and even The Smiddy would be sufficiently removed from the proposed layout to remain unaffected. Nevertheless, there is no development plan policy support for the scheme and no other material considerations that justify setting this aside.

This is a true and certified copy of the decision issued on 05 May 2009.

ROGER WILSON

Reporter

To: **Development Management Service
FAO Mrs. J. Hayward, Council H. Q.**

Date: **14th Jan. 2016**

From: **Roads Planning Service**

Contact: **A. Scott**

Ext: **6640**

Ref: **15/01521/PPP**

**Subject: Erection of dwellings
Land at Bonjedward, Jedburgh – 15/01521/PPP**

The road on the western boundary of the site is the A68 Trunk Road and the roads on the northern and eastern boundaries of the site are the A698 and A6090 respectively. All of these roads encompassing the 'Bonjedward Triangle' form part of the primary road network. It would normally be best practice to presume against direct private access to derestricted principal roads on the basis that these roads form part of the strategic network, the purpose of which is to provide for the safe and expeditious movement of longer distance through traffic.

Notwithstanding the points made in my first paragraph, the stretch of main road on the eastern boundary of the site is quite unique in terms of derestricted principal roads. The entire length of the A6090 is only 257m. Its junctions with the A698 and the A68 to the north and south respectively means that although the road is derestricted in terms of speed limits, traffic is generally not travelling at speeds faster than 40 mph. Furthermore there is a semi-urban feel to the area and several direct accesses are already in existence.

Taking into account the unique circumstances of the A6090 on the eastern boundary of the site I am prepared to support direct access to it to serve this site for housing on the basis that the site is served by a single access towards the southern end of the A6090 frontage and that the roadside wall and hedging is adjusted to achieve 2.4m by 120m visibility splays for drivers emerging from the site access. As well as a requirement of car turning and a minimum of two parking spaces for each residential unit, some visitor parking would be required for the combined residential development. Two spaces would suffice.

My support is also conditional on the applicant being responsible for an improvement to junction visibility where the A6090 meets the A698. As can be seen from Image 'A' on Page 2 of this consultation reply, visibility to the left is restricted for an emerging driver. A sliver of roadside wall, fencing, hedging and embankment needs to be adjusted to achieve a visibility splay which allows a driver emerging from the A6090 to be able see to the outside of the bend in the A698 to the west of the junction at a distance of 4.5m back from the carriageway edge at the junction. See the red line in Image 'B' on Page 2.



Image 'A'



Image 'B'

In close proximity to the site, the junctions of the A6090 and the A698 with the A68 Trunk Road are not to an ideal standard, but that is a matter for Transport Scotland or their agents to comment on.

In summary I am able to support this application in principle so long as my points raised can be taken on board.

DJI

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 24th December 2015

Contact: Euan Calvert ☎ 01835 826513

Ref: 15/01521/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 14th January 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 14th January 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Lothian Estates

Agent: Clarendon Planning And Development Limited

Nature of Proposal: Erection of three dwellinghouses

Site: Land Bonjedward Garage Jedburgh Scottish Borders

OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 28.01.16

CONSULTATION REPLY dated 9 February 2016

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

Description of the Site

The ground is an area of relatively flat pasture lying between the existin Bonjedward Garage and the A698 road which lies to the north. The site is bounded by a mature roadside hedge. The area is just outside the Monteviot Designed Landscape which ends on the other side of the A698 road and is similarly just outside the boundary of the Teviot Valley Special Landscape Area. It is, however, included within the wider boundary of the Monteviot Designed Landscape as surveyed by McGowan (2008)

http://www.scotborders.gov.uk/directory_record/25265/survey_of_gardens_and_designed_landscapes

Nature of the Proposal

The application is for approval in principal for the construction of 3 houses. An indicative design proposal is included within the applicant's Design Statement. It shows a terrace of 3 buildings with the land subdivided into 3 unequal sized plots.

Implications of the Proposal for the Landscape including any mitigation

Although the site adjoins high quality landscapes, it also adjoins houses and a garage and there should be no harm, in landscape or visual terms, in it being developed for residential use at the low density proposed, provided the green boundary structure is maintained and strengthened. To do this, it is recommended that the 'indicative design' be amended in any future detail design to

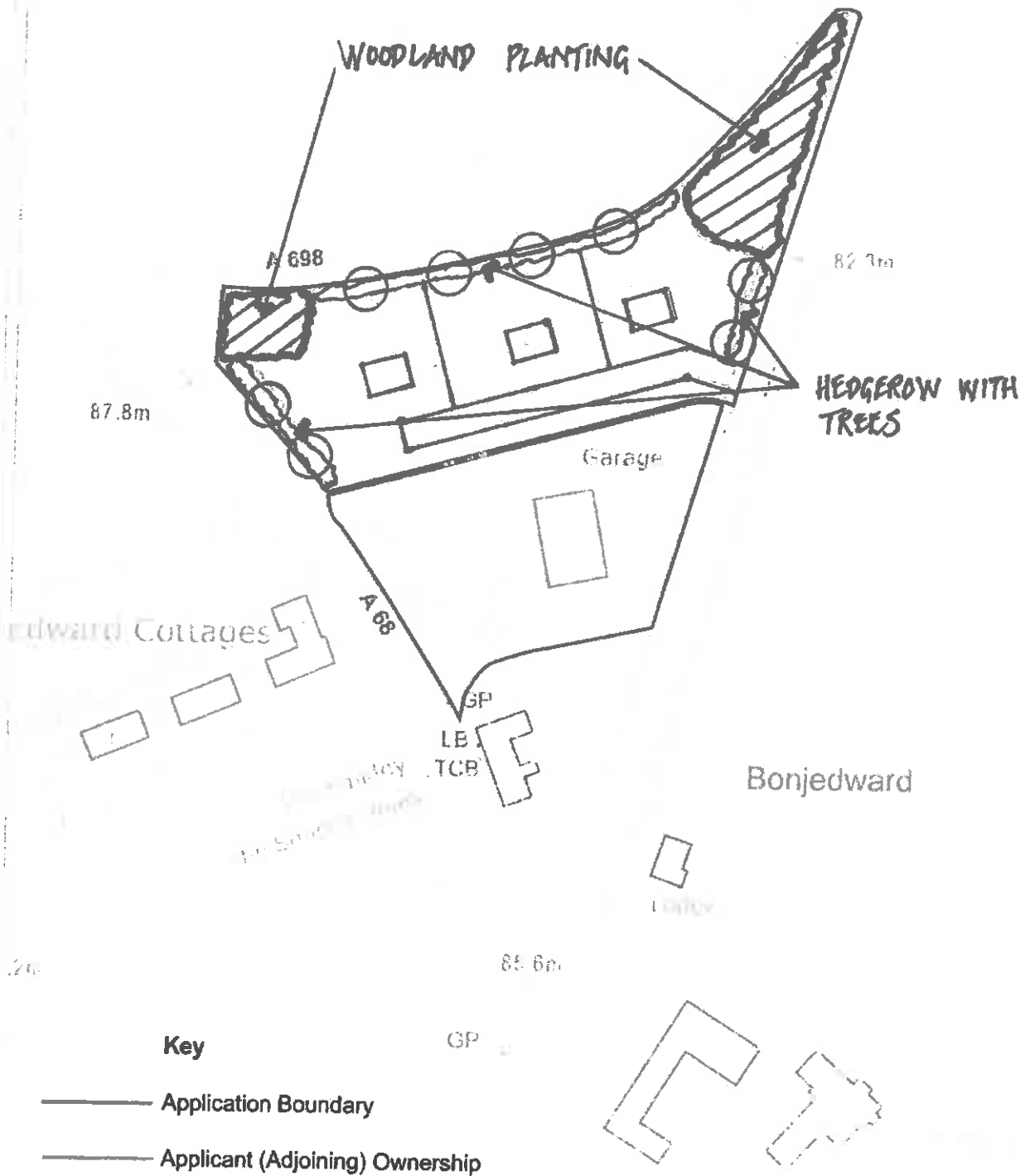
provide 3 detached houses off a single main access with the north west and north east corners of the plot planted up to woodland all as shown on the attached sketch (see below). The illustrated sketch layout should strengthen and enhance existing landscape character features whilst also creating a sheltered setting that can accommodate the proposed development. If you are minded to approve the application, which does lie outwith the Jedburgh settlement boundary, then it should be conditional on the amended layout being adopted.

Recommendation

There is no objection to the application in principal. However any approval should be conditional on enhanced structure planting as outlined.

Bonjedward - Location Plan

15/01521/PPP



Historic Environment Scotland

Àrainneachd Eachdraidheil Alba

By E-mail

Planning and Economic Development
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA
dcconsultees@scotborders.gov.uk

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8716
Switchboard: 0131 668 8600
hs.consultationsscotborders@gov.scot

Our ref: HGP/D/B/8
Our Case ID: 201506183
Your ref: 15/01521/PPP
07 January 2016

Dear Sirs

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Land Bonjedward Garage Jedburgh Scottish Borders

Thank you for your consultation which we received on 24 December.

You have consulted us because you believe the development may affect Monteviot, included in the *Inventory of Gardens and Designed Landscapes* in recognition of its national importance.

Historic Environment Scotland does **not object** to this application and we **do not** have any comments to make on the proposals.

Note

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

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

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <http://www.historic-scotland.gov.uk/managingchange>. Technical advice is available through our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

Yours faithfully

Joan Sewell

Heritage Management Officer (Strategic Casework)

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 Date: 07 June 2016

Contact: Euan Calvert ☎ 01835 826513 Ref: 15/01521/PPP

PLANNING CONSULTATION

Name of Applicant: Lothian Estates

Agent: Clarendon Planning And Development Limited

Nature of Proposal: Erection of three dwellinghouses

Site: Land Bonjedward Garage Jedburgh 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 Parkside Primary School and Jedburgh Grammar School

There are no contributions sought for this application.

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

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 Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	15/01521/PPP
	TS TRBO Reference:-	SE/1/2016

Application made by Lothian Estates per Clarendon Planning And Development Limited, Per David Howel 5A Castle Terrace Edinburgh EH1 2DP and received by Transport Scotland on 06 January 2016 for planning permission for erection of three dwellinghouses located at Land Bonjedward Garage Jedburgh Scottish Borders 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	There shall be no direct vehicular access from the A68 nor via the existing garage on the A68 trunk road to the proposed housing development.
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REASON(S) for Conditions (numbered as above):-

1	To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.
---	---

Transport Scotland Response Date:-	15-Jan-2016
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.

Planning Application Reference 15/01521/PPP

Applicant: Lothian Estates

Site: Land Bonjedward Garage, Jedburgh, Scottish Borders

The Community Council wishes to repeat the objection it made to the original application for 7 houses. Our main objection continues to be the addition of another junction onto the adjacent road and the potential traffic problems that will cause. We trust therefore that the Council's Road's division will be fully consulted and their views taken into account on this important safety issue.

John Campbell
Chairman
Crailing, Eckford & Nisbet Community Council

For more information on events and activities in the area please visit
<http://onlineborders.org.uk/community/cennews>

If you are not the intended recipient please delete and treat this email as confidential.

Note: You can be removed from this contact list at anytime.

LIST OF POLICIES

16/00015/RREF: Erection of 3 dwellinghouses (in principle) at Bonjedward

PMD2: Quality Standards

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,
- 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.

Green Space, 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.

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

This policy is relevant to most policies within the Plan.

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

Designing out Crime in the Scottish Borders
Green Space
Landscape and Development
Placemaking and Design
Privacy and Sunlight Guide
Replacement Windows
Use of Timber in Sustainable Construction

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

Greenspace
Landscape and Development
Placemaking and Design (incorporating Privacy and Sunlight)
Sustainable Urban Drainage
Use of Timber in Sustainable Construction
Waste Management

PMD4: Development Outwith Development Boundaries

Policy PMD4: Development Outwith Development Boundaries

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

Key policies to which this Policy should be cross-referenced:

Development in the Countryside policies ED7 and HD2
Environmental Promotion and Protection policies particularly EP1-EP5 and EP13.

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

Biodiversity
Countryside Around Towns
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside
Placemaking and Design
Trees and Development
Wind Energy

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

Biodiversity
Countryside Around Towns
Landscape and Development
New Housing in the Borders Countryside
Placemaking and Design
Trees and Development
Wind Energy

HD2: Housing in the Countryside

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 of 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.

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 land and/or 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 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 EP5 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

HD3: Protection of Residential Amenity

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.

Key policies to which this Policy should be cross-referenced:

Policy PMD2 Quality Standards
Policy PMD5 Infill Development
Policy EP11 Protection of Greenspace
Environmental Promotion and Protection policies EP7-EP10

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

Privacy and Sunlight Guide

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

Placemaking and Design (incorporating Privacy and Sunlight)

EP7: Listed Buildings

Policy EP7: Listed Buildings

The Council will support development proposals that conserve, protect, and enhance

the character, integrity and setting of Listed Buildings.

Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:

- a) be of the highest quality,
- b) respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;
- c) maintain, and should preferably enhance, the special architectural or historic quality of the building;
- d) demonstrate an understanding of the building's significance.

All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.

New development that adversely affects the setting of a Listed Building will not be permitted.

The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

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

Policy PMD2 Quality Standards
Policy PMD5 Infill Development
Policy IS15 Radio Telecommunications
Other Environment Promotion and Protection policies.

Scottish Planning Policy (section paragraphs 113-115)
Scottish Historic Environment Policy
Managing Change in the Historic Environment guidance note series

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

Replacement Windows

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

Archaeology

EP8 Archaeology

Policy EP8: Archaeology

(A) National Archaeological Sites

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

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

(B) Battlefields

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

(C) Regional or Local Archaeological Assets

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

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

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

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

Policy PMD2 Quality Standards
Policy PMD4 Development Outwith Development Boundaries
Policy PMD5 Infill Development
Policy ED9 Renewable Energy Development
Policy ED12 Mineral and Coal Extraction
Many other Environmental Promotion and Protection policies may also be relevant.

Scottish Planning Policy
Scottish Historic Environment Policy
Managing Change in the Historic Environment guidance note series

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

Archaeology

Policy EP10: Gardens and Designed Landscapes

The Council will support development that safeguards or enhances the landscape features, character or setting of:

- a) sites listed in the Inventory of Gardens and Designed Landscapes, or
- b) sites included in historic gardens and designed landscapes records.

All development should be carefully sited, be of the highest standards of design using appropriate finishing materials and planting, and be informed by and respectful of the historic landscape structure. Proposals that will result in an unacceptable adverse impact will be refused.

All applications affecting a Garden or Designed Landscape will be required to be supported by a Design Statement.

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

Policy PMD2 Quality Standards

Policy PMD4 Development Outwith Development Boundaries

Policy PMD5 Infill Development

Many other Environmental Promotion and Protection policies may also be relevant.

Scottish Planning Policy

Historic Scotland's Scottish Historic Environment Policy

Managing Change in the Historic Environment guidance note series

EP13: Trees, Woodlands and Hedgerows**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) ensure appropriate replacement planting, where there is an unavoidable loss of the woodland resource; and
- c) adhere to any planning agreement sought to enhance the woodland resource

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

Policy PMD4 Development Outwith Development Boundaries

Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy ED9 Renewable Energy Development

Policy HD2 Housing in the Countryside
Policy EP4 National Scenic Areas
Policy EP5 Special Landscape Areas
Policy EP6 Countryside Around Towns
Policy EP8 Archaeology
Policy EP10 Gardens and Designed Landscape
Policy EP12 Green Networks
Policy EP11 Protection of Greenspace
Policy EP15 Development Affecting the Water Environment
Policy IS2 Developer Contributions
Policy IS15 Radio Communications

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

Green Space
Scottish Borders Woodland Strategy
Trees and Development

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

Greenspace
Green Networks
Trees and Development

IS2: Developer Contributions

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.

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

Policy PMD2 Quality Standards
 Policy PMD4 Development outwith the Development Boundary
 Policy PMD5 Infill Development
 Policy HD5 Care and Retirement Homes
 Infrastructure and Standards policies particularly IS4-IS7 and IS9

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

Development Contributions

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

Development Contributions

IS7: Parking Provision and Standards

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.

Key policies to which this Policy should be cross-referenced:

Other Planning Guidance:

Scottish Planning Policy

Creating Places

SPG Placemaking and Design January 2010

SPG New Housing in the Borders Countryside December 2008

Planning Appeal Decision PPA/140/414 (re Application 06/00232/OUT)

SPG Development Contributions

SPG Affordable Housing

Designing Streets

Walling, Fiona

From: Trotman, Chris
Sent: 23 June 2016 08:33
To: McDonald, Alister
Cc: Walling, Fiona; McCreadie, Phil
Subject: RE: Local Review Body - Planning Ref 15/00769/FUL Camphouse Farm

The attached business plan provides details of what could be achieved in respect of the farming enterprise at Camphouse Farm particularly when coupled with the fencing aspect of Mr Kerr's business. The Economic Section do not have any issue with this application or the plan that has been produced in support of the application.

Chris Trotman
Business Gateway.
Ettrick Riverside,
Dunsdale Road,
Selkirk TD5 7EB

Tel: 01835 825602
Mob: 07920 823406

For more information on Business Gateway please take a look at www.bgateway.com



From: McDonald, Alister
Sent: 09 June 2016 16:14
To: Trotman, Chris; McCreadie, Phil
Cc: Walling, Fiona
Subject: FW: Local Review Body - Planning Ref 15/00769/FUL Camphouse Farm

Phil/Chris this request from Fiona Walling refers to a previous planning application Chris commented on, back on 29 October 2015. Therefore I trust the Localities issue is not relevant with a historic case. I trust you can provide a response as requested below.

Alister McDonald
Principal Officer (Employment Infrastructure)
Economic Development
Corporate Transformation and Services Directorate

Tel - 01835 824000 ext. 5412
Please do not print this email unless absolutely necessary - SAVE PAPER

From: localreview
Sent: 09 June 2016 15:58
To: Calvert, Euan; McDonald, Alister
Cc: Nelson, Graham; Johnston, Charles
Subject: Local Review Body - Planning Ref 15/00769/FUL Camphouse Farm

Good afternoon

PLANNING APPLICATION	Land South Of Camphouse Farmhouse Camptown Jedburgh Scottish Borders
PROPOSED DEVELOPMENT:	Siting of caravan for permanent residence (retrospective)
APPLICANT:	Kerr Renwick

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

With reference to the review of the above application I have today received a Business Plan completed by SAC Consulting on behalf of Mr Renwick, Camphouse Farm. You will recall that the Local Review Body requested further information in the form of a professionally prepared Business Plan in order to consider whether there was economic justification for the residence.

Please let me have any comment you may have on the Business Plan, attached to this email, by the end of Friday 24 June. Your comments will be included with the papers presented to the Local Review Body when consideration of this review is continued.

Regards
Fiona

Fiona Walling
Democratic Services Officer
Scottish Borders Council
Council Headquarters
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