

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 15 AUGUST, 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 15 AUGUST, 2016 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

8 August 2016

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<p><b>Consider request for review of refusal of planning consent in respect of change of use from storage barn, alterations and extension to form dwellinghouse on land east of Flemington Farmhouse, West Flemington, Eyemouth. 16/00136/FUL 16/00016/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	<p>(a) <b>Notice of Review</b></p> <p>Including:- Decision Notice (page 25) Officer's report (page 27)</p>	(Pages 1 - 36)
	(b) <b>Consultations</b>	(Pages 37 - 44)
	(c) <b>Emails regarding Decision Notice date</b>	(Pages 45 - 46)
	(d) <b>List of policies</b>	(Pages 47 - 58)
5.	<p><b>Consider request for review of refusal of planning consent in respect of erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo at Kirkburn, Cardrona. 16/00114/FUL. 16/00017/RREF.</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Notice of Review</b>	(Pages 59 - 64)

	(b) <b>Decision Notice</b>	(Pages 65 - 66)	
	(c) <b>Officer's report</b>	(Pages 67 - 72)	
	(d) <b>Previous application referred to in report</b>	(Pages 73 - 80)	
	(e) <b>Consultations</b>	(Pages 81 - 88)	
	(f) <b>List of policies</b>	(Pages 89 - 96)	
6.	<b>Consider request for review of refusal of planning consent in respect of erection of timber processing building incorporating biomass plant room and staff welfare provision at Kirkburn, Cardrona. 16/00205/FUL, 16/00020/RREF.</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review</b>	(Pages 97 - 104)	
	(b) <b>Decision Notice</b>	(Pages 105 - 106)	
	(c) <b>Officer's report</b>	(Pages 107 - 112)	
	(d) <b>Previous applications referred to in report</b>	(Pages 113 - 138)	
	(e) <b>Consultations</b>	(Pages 139 - 144)	
	(f) <b>List of policies</b>	(Pages 145 - 152)	
7.	<b>Consider request for review of refusal of planning consent in respect of replacement windows and door at 62 Castle Street, Duns. 16/00126/FUL 16/00019/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review</b>	(Pages 153 - 178)	
	(b) <b>Decision Notice</b>	(Pages 179 - 180)	
	(c) <b>Officer's report</b>	(Pages 181 - 184)	
	(d) <b>Consultation</b>	(Pages 185 - 186)	
	(e) <b>List of policies</b>	(Pages 187 - 192)	
8.	<b>Consider request for review of refusal of planning consent in respect of erection of dwellinghouse and garage in garden ground of Lindisfarne, The Loan, Gattonside. 16/00162/PPP 16/00021/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review</b>	(Pages 193 - 250)	

	(b) <b>Decision Notice</b>	(Pages 251 - 252)	
	(c) <b>Officer's report</b>	(Pages 253 - 260)	
	(d) <b>Paper referred to in report</b>	(Pages 261 - 270)	
	(e) <b>Consultations</b>	(Pages 271 - 276)	
	(f) <b>Objection</b>	(Pages 277 - 278)	
	(g) <b>List of policies</b>	(Pages 279 - 290)	
9.	<b>Any Other Items Previously Circulated</b>		
10.	<b>Any Other Items which the Chairman Decides are Urgent</b>		

#### **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.**

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**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

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto: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 100014757-001

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:	IRD Design Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Iain	Building Name:	New Harbour Building
Last Name: *	Dunn	Building Number:	<input type="text"/>
Telephone Number: *	018907 50111	Address 1 (Street): *	Gunsgreen Quay
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Eyemouth
Fax Number:	<input type="text"/>	Country: *	UK
		Postcode: *	TD14 5SD
Email Address: *	irddesign@aol.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="Lilybrook"/>
First Name: *	<input type="text" value="James"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Cook"/>	Address 1 (Street): *	<input type="text" value="West Flemington"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Ayton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD14 5SQ"/>
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="660866"/>	Easting	<input type="text" value="394121"/>
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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)

Proposed conversion of storage building into dwelling house.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See Attached Appeal Statement

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

Yes  No

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

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

Drawing Refs 001 - Existing Building - Plans section and elevations (incl photos) 004A - Ground Floor Plan as proposed 005A - First Floor Plan as Proposed 006A - Elevations as proposed 007 - Drainage and site plan as proposed 008 - 3D views and elevations Original Planning Application form Design Statement Case Officers report Refusal Notice Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00136/FUL

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

07/02/2016

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

22/02/2016

## 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)

We think it important for the Review Board to meet on site (along with the Agent/applicant/Planning Officers) to see for themselves how the building sits within the current building group and help understand how the chosen materials would not be detrimental to the character of the area. This visit (when read in conjunction with the appeal documentation) will show that the building which is already on site can be converted successfully and in our opinion, does in fact comply with Policy D2.

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 Iain Dunn

Declaration Date: 01/06/2016



Date:- 27<sup>th</sup> May 2016

## APPEAL STATEMENT

DETAILED APPLICATION CONVERSION OF STORAGE BUILDING INTO SINGLE DWELLING

CLIENT:-  
**MR & MRS J COOK**

SITE ADDRESS:-  
**WEST FLEMINGTON  
BURNMOUTH  
SCOTTISH BORDERS**



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**6.0 CONCLUSION**

## 1.0 INTRODUCTION

The original proposal was for the conversion of an existing portal framed storage building into a single dwelling house in a rural area of West Flemington under planning. This application was subsequently refused permission by Scottish Borders Council Planning Department based on the following reason: -

*“The proposed development is contrary to Policy D2 of the Consolidated Local Plan 2011 in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition, the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.”*

**It is our belief that the application does in fact comply with the requirements of Policy D2 of the Consolidated Local Plan 2011 and that the Planning Authority should have approved the application.**

In addition to this, we feel that the Planning officer cannot have properly assessed the application given that it was received on the 8<sup>th</sup> February 2016 and registered on the 9<sup>th</sup> February 2016 and refused on the 22<sup>nd</sup> February 2016, all of 10 working days! Surely an application of this nature requires a little more time to properly assess it!. The application drawings which have been returned to us are stamped with the applicable dates which clearly indicate that the application could not have been properly assessed within this timeframe. Consultee responses were not returned until **after** the officer refused the application, and the case officers own report which outlined the reasons for refusal was written on the 1<sup>st</sup> April 2016.....**some 30 days after the drawings had already been stamped as being refused.**

We would ask that the Local Review Body assess this application properly on its own merits and not simply disregard the application with only a cursory assessment, as what appears to have been done in this instance.

## 2.0 THE SITE, SURROUNDINGS & THE PROPOSAL

This application is also supported by the provision of the following information:-

Full layout plans, 3D Images, all elevations, drainage and site plans were submitted for consideration at Planning stage.

001	Existing Building – Plans sections and Elevations (incl Photos)
004A	Ground Floor Plan
005A	First Floor Plan
006A	Elevations
007	Drainage and site plan
008	3D Views and elevations

The subject site is situated at West Flemington, which in itself is a small building group comprising several dwelling houses, together with stone steading buildings and agricultural buildings in the immediate vicinity. It is situated between Ayton and Burnmouth and the application site extends to approx 0.87 Hectares.

At present the application site has a large portal framed storage building which is to be retained and converted into a 5 bedroom family home.

There are two modern bungalows (“Lilybrooke” and “the Bungalow”) that are situated to the East and West of the application site. The site has a large concrete area to the west of the building which is to be retained and used for parking for the development. The existing access will be retained for vehicular use which gives access to a farmac road leading down over the main East Coast Railway line to the A1 trunk road. The remainder of the site is laid to grass and is bounded by fences / mature hedging / stone wall. The proposals will retain all the existing boundary treatments.

Care was taken to ensure that the detail features of the scheme are sympathetic to and recognise the overall character of the area. The use of fibre cement boarding was proposed to reflect the existing appearance while the existing blockwork walls would be finished in roughcast sympathetic to the adjacent properties. The old corrugated roof sheeting would be removed and replaced with a highly energy efficient insulated board covered with a slate effect system, again to further aid blending in with the adjacent buildings.

The large

It was hoped that the use of energy efficient, sustainable design sympathetic to the existing building and area as a whole would be considered acceptable to the Council's Planning Officers.

Under the current Local Plan, the existing building group also has the possibility for future expansion, something that was supported by the Planning Dept when approving application ref 04/02006/OUT (Currently expired without being implemented).

Despite this support for a new build dwelling, the applicants saw the potential of the existing portal frame building to be converted into a highly energy efficient luxury home and it was hoped that as the building already has its own "sense of place", it would minimise any complaints from adjacent property owners about development of the building. This was further supported when the formal application was submitted as there was no complaints from any persons regarding any aspect of the proposals. Notwithstanding the above comments, the applicant remains willing to discuss all aspects of the proposal with the Council.

### 3.0 PLANNING POLICY

A number of Planning Policies apply to this development, however, it is only Policy D2 that the Case Officer has specified that the proposals did not comply with, therefore we have concentrated our response in this area.

#### Policy D2 states

##### (C) Conversions

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

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

### 4.0 RESPONSE TO REASON FOR REFUSAL

The Case Officer concluded that the proposals failed to address the criteria outlined in Policy D2.

It is our opinion that the proposals do in fact comply with the above policy and the following information will hopefully clarify that we have met the three criteria of Policy D2 and enable the Local Review Body to approve the application.

#### Policy D2 Criteria 1

Whilst we agree that the barn "*has no architectural or historic merit.*" (as was stated in the Supporting Statement submitted with the original application), we do not agree with the Case Officers statement that the "*level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwelling house.*"

The interventions stated by the Case Officer are as follows:

- 1. The external cladding of the structure, which would extend beyond the existing external dimensions of the building.**  
In reality, the cladding only extends 100mm (4") from the existing building. This is caused by the insertion of timber battens to provide the ventilation space needed to meet the requirements of the Building Standards. This effects only the first floor portion of the building and in no way is detrimental to the character of the building or surrounding properties.
- 2. The insertions of fenestration and door openings which puncture the fabric of the original structure.**

Whilst new openings have been formed, I do not agree with the Case Officer that these “go beyond what would constitute a conversion”. Much thought was put into the design to ensure that the openings proposed would enable the building to retain its original identity and not detract from the overall character. It has to be minded that this building is much larger than the more traditional stone steading conversion, therefore the ratio of new openings to wall space is similar to that of a smaller conversion and in our opinion strikes an acceptable balance.

Forming the new openings is also significantly easier in a portal frame building than one which has 600mm (2') thick stone walls. The fact that the cladding is also being replaced with new fibre cement boarding makes it less invasive to the structure and therefore less detrimental to the building as a whole.

The new large door and window openings on the North and South sides of the building are also common to a lot of agricultural buildings and do not look out of place on this conversion.

### **3. Insertion of floor space.**

The size of the building was such that the installation of an additional floor was possible without raising the height of the building. This is entirely an internal issue that does not cause overlooking issues as the building is set forward of the adjacent bungalows “Lilybrooke” and “the Bungalow”. The building is also sitting at a lower level than the adjacent bungalows due to the ground topography which further supports that there are no privacy issues. The small extension to the Master Bedroom on the East of the building was to make use of the views over to Ayton Castle and also enabled a larger balcony to be formed at first floor level. It was thought that this small extension would not be detrimental to the character of the building, however the applicants remain open to adjusting this should the Review Panel decide that it is unacceptable.

### **4. Creation of internally insulated walls.**

This is standard practice on any conversion and therefore cannot be used to support any refusal. The fundamental problem with old buildings is the lack of insulation, which has to be upgraded to comply with the stringent standards of the Building Regulations. Every conversion therefore has to meet this requirement and the most common solution is to provide a timber frame inside the existing structure and fill it with the required level of insulation. This not only ensures compliance, but also protects the external appearance of the existing structure.

## **Policy D2 Criteria 2**

*The building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion.*

The building will not be demolished and will remain the same size and height. The steel portal frame will be retained and will only require new cladding panels to the walls and roof.

As the Planning Department have not requested a Structural Survey to be done on the existing building, it would appear that in their opinion, the building is indeed suitable for conversion.

## **Policy D2 Criteria 3**

*The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.*

As stated above, the building will retain the same footprint with only a small extension to the Eastern side which will be in keeping with the scale and architectural character of the building. The first floor balcony area above the extension is mainly formed within the existing roof structure, therefore should not pose any detrimental impact on the existing building or surrounding area.

## **5.0 ENERGY EFFICIENCY**

The level of insulation proposed to the walls, roof and floor will far exceed the requirements of the very stringent Building Standards whilst the use of solar PV and solar thermal panels will further reduce the carbon footprint of the building. A large glazed area to the South elevation will enable large amounts of solar gain into the pool area, effectively turning this into a “solar space” from which the already warmed air can help support (via a heat exchanger) the Air Source heating system which in turn provides

underfloor heating throughout the property. The building will be made extremely air tight to minimise draughts and retain the heat much more effectively.

In addition, a woodburning/pellet stove will be fitted in the first floor lounge area as secondary heating to further reduce the demand on the air source heating system.

In the summer months, the velux roof windows installed on both sides of the roof can be opened to provide an effective natural ventilation system to keep the building cool.

It is hoped that the level of energy efficiency provided will make the building effectively "self sustaining" and provide a home that will continue to meet the the Government standards for energy efficiency for many years to come.

## 6.0 CONCLUSION

As you will see from the above information, it is our opinion that the Local Planning Dept have wrongly refused the application and should be looking to re-use existing structures wherever possible that are within existing Building Groups, and should not look to dismiss the possibility of converting the more unusual portal frame barn which, if done correctly, can offer some interesting alternatives to the countryside whilst retaining the original identity of the former barn.

That said, not all portal frame buildings will be suitable of course, however, as stated previously, this particular building has an applicant who, rather than implement his former approval to build a new property, had the foresight to spend that little extra time and effort to retain an existing structure and convert it into an energy efficient home. This building already lies within an established building group, has no access problems, has all utilities at hand and will have suitable treatment of foul drainage. To top this off, there were no objections from any neighbour, Consultee, or indeed any member of the public whatsoever.

In addition to the above, Local Plan Housing in the Countryside Policy also advises that consideration be given to the rehabilitation of any available existing buildings in rural areas as an alternative to new development. Surely this development epitomizes that statement!

It is hoped that the Review Panel, when assessing this Appeal, will agree that when judged against the Development Plan and all relevant Government Guidance, the proposal is considered to be acceptable and will overturn the Planning Authorities decision to refuse the development.

Whilst it is considered that the development is acceptable the applicant remains willing to further discuss all aspects of the proposal with the Planning Authority.

END OF APPEAL STATEMENT

Your Faithfully,

Iain Dunn C.BuildE MCABE  
Director  
IRD DESIGN Ltd



# **APPENDIX**

## **Photographs of Existing Building**







**ENVIRONMENT & PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
LHO.  
- 8 FEB 2016  
Akn  
No  
Complaint/Complaint  
Ref No

For Office Use Only:  
Application Number: 16/00136/FUL  
Date Registered: 9.2.16

# PLANNING APPLICATION

1. Name and Address of applicant	Name and Address of Agent
MR & MRS J LOOK WLYBROOK, WEST FLEMINGTON AYTON Post Code Tel No E-mail address	IRD DESIGN LTD NEW HARBOUR BUILDING, GUNSGREEN QUAY EYEMOUTH Post Code TD14 5SD Tel No 018107 50111 E-mail address irddesign@aol.co.uk

2. Full Postal Address of Application Site (edged in red on the site plan)

STORAGE BARN, WEST FLEMINGTON, AYTON, EYEMOUTH

Is this address a flat?  
Yes  No

3. Brief Description of Proposed Development

PROPOSED CONVERSION OF STORAGE BUILDING INTO DWELLING HOUSE

4. Type of Application (tick one box only)

- (a) Full application for new building works and/or a change of use and/or engineering works
- (b) Full application for a change of use not involving any building works
- (c) Planning permission in Principle
- (d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)
- (e) Application for removal or variation of a condition on a planning permission previously granted (Please indicate reference number of previous application)
- (f) Application for renewal of a limited period permission (Please indicate reference number of previous application)
- (g) Application for renewal of an unimplemented permission (You need only answer Questions 17 and 18) (Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

(a) State the reference number and date of the planning permission in principle .....

(b) State which of the conditions are submitted for approval as part of this application:

All Conditions (please tick)  or Condition Numbers

**6. Pre-Application Discussion and Consultation**

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes  No

If yes, please complete the following information about the advice you were given:

Officer Name:  Date:   
 Council Reference:

(b) Has Pre-Application Consultation taken place (for MAJOR developments: See Notes for Guidance)?

Yes  No

If Yes, a Pre-application Consultation Report should accompany this application

<b>7. Site Area</b>	<b>8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)</b>
..... 0.87 ..... hectares	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**9. Existing/Proposed Uses**

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
STORAGE BARN	DETACHED 5 BED DWELLING HOUSE.

**10. Commerce and Business**

<b>(A) Floorspace</b> Please indicate the total amount of floorspace (in square metres) to which this application relates	
Existing -	Proposed -
<b>(A) Employment</b> Please indicate the number of staff employed (including part-time):	
Existing -	Proposed -
<b>(B) Traffic Flow</b> What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)	
Existing -	Proposed -
<b>(C) Industrial Processes</b> In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:	
<b>(D) Storage of Hazardous Substances</b> Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES, please state materials and quantities below:	

**11. Car Parking**

Please indicate car parking facilities/spaces:

Existing: 6 + Proposed: 6 +

**12. Accesses and Rights of Way (Please tick those that apply)**

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road                      Vehicular                       Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

**13. Trees**

Will the proposed development involve the felling of any trees?                      Yes                       No   
 (If YES, please indicate positions on plan)

**14. Drainage and Water Supply**

(A) Please state how surface water will be disposed of: SOAKAWAY

(B) How will foul sewage be dealt with?

Mains sewer                       Septic Tank and Soakaway                       Other (Please specify).....

(C) From where will the proposed development receive its water supply?

Public mains supply                       Private source

Where the water supply is from a private source, has any testing or analysis been undertaken?

Yes                       No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

**15. Materials**

Please state type and colour of materials to be used (if known)

	EXISTING	PROPOSED
Exterior Walls	<del>RENDERED</del> BLOCKWORK WALLS WITH TIMBER CLADDING	RENDERED BLOCK WALLS CEDRAL WEATHERBOARDING
Roof	CORRUGATED SHEET	INSULATED SHEET ROOF WITH META SLATE COVERING
Windows	NONE	POWDER COATED ALUMINIUM

**16. Additional Information**


Is there any additional information you wish to give in support of this application?

APPLICATION MAKES USE OF AN EXISTING BUILDING, RATHER THAN BUILDING NEW DWELLING. SITE IS LARGE ENOUGH TO ACCOMMODATE ALL CONSTRUCTION VEHICLES AND MATERIALS WITHOUT BEING DETRIMENTAL TO SURROUNDING PROPERTIES. AN EXISTING VEHICULAR ACCESS IS ALREADY IN PLACE & WILL BE RE-USED. PROPERTY WILL BE EXTREMELY ENERGY EFFICIENT IN EXCESS OF CURRENT STANDARDS AND WILL ENHANCE THE CURRENT BUILDING GROUP.

**17. Declaration**

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach FOUR copies of the application forms and enclose the application fee of £ 401, together with:

- Four sets of the necessary plans and drawings
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an  (for Guidance for further information)

Signed  on behalf of MR & MRS J COOK Date 5/2/2016

**18. Please complete Certificate A and Certificate B (please tick ONE box in each)**

**CERTIFICATE A** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates
- OR
- The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner<sup>1</sup> of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served
		

Signed  on behalf of MR & MRS J COOK Date 5/2/2016

**CERTIFICATE B** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of ~~21 days~~ ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served
		

Signed  on behalf of MR & MRS J COOK Date 5/2/2016

<sup>1</sup>An owner includes anyone with a lease on the land that has at least seven years left to run



# **DESIGN AND ACCESS** **SUPPORTING STATEMENT**

**CONVERSION OF STORAGE BARN  
INTO  
SINGLE 5 BED DWELLING HOUSE**

**WEST FLEMINGTON, AYTON, EYEMOUTH**

## **SITE DETAILS**

**Scheme Name:**

Conversion of storage building into dwelling house

**Client:**

Mr & Mrs J Cook

**Date:**

Jan 2016

**Local Area:**

Northumberland

**Proposed Use:**

Dwelling House

**Size Of Site (approx.):**

0 - 0.5 hectares

**Anticipated Scale (approx.):**

Single Dwelling House

**Type:**

Conversion

**Will your project receive funding from any organizations:**

No.

**Designations of Site and Surrounding Area:**

Site is of an existing steel portal frame storage building on a large rural site at West Flemington.

**Site covered by design/planning/development brief or masterplan?:**

Yes

**Brief or Masterplan Title:**

SBC Local Plan is applicable

## **Location:**

**Where is your site located?**

The site is situated at West Flemington which is situated midway between Ayton and Burnmouth.

**Size and Shape:**

The site is rectangular in shape with the existing storage building being situated towards the middle of the site.

The size of existing building is approx. 15.5m x 23m.

**How large is your site (in hectares/sq.m) and what is its basic shape?**

The overall site on which the property stands is approx. 8724sqm. ( 0.87Ha )

## **General History:**

**Describe the general history of your site, what has it been used for? Any possibility of contamination should be noted under other.**

The building is presently used for storage of packaging materials relating to the applicants business and has no known risks of contamination.

## **Planning History:**

**What is the planning background to the site? Are there any existing/extant planning permissions or current proposals other than your own? Are there any known covenants on the land?**

Previous Outline Planning has been gained for the adjacent site for a single dwelling house under Ref 04/02006/OUT. This site will now be used as garden/drive/parking under this new application.

## **Buildings and Structures:**

**What grade is the listed building(s)? What is the architectural and historical interest of the building(s). See About Listed Buildings for more information.**

**"Buildings can be listed because of age, rarity, architectural merit, and method of construction. The architectural and historic interest of the building must be carefully considered before any alterations, either outside or inside, are agreed."**

The building is not listed and does not have any archaeological merit.

#### **Access:**

**Are there any desire lines affecting the site, that is formal or informal routes connecting places which pedestrians find/or would find convenient to travel between easily?**

N/A

#### **Other:**

**Are there any other constraints/opportunities that need to be considered in your design i.e. overhead wires, tunnels underneath the site, landforms, ground conditions etc?**

There are no constraints on the site that would affect the design proposals.

#### **Land use:**

**What are the adjacent/predominant land-uses? If relevant how are different storeys within buildings used? The relationship with existing uses will be crucial. Day, night, seasonal variation of use should be noted.**

The predominant land use is generally agricultural with several domestic dwelling houses in the immediate location. The proposals will not have a detrimental effect on the surrounding buildings or businesses.

**What type of road does your site front onto i.e. residential street, dual carriage way?**

**"The type of road and volume of traffic using it will have implications for your design solution."**

The existing property is situated off an existing narrow tarmac roadway that has previously been upgraded in the past with 2No passing places. The proposals will not affect the existing road or traffic.

#### **Parking:**

**How is parking dealt with along the road that your site fronts onto i.e. on road parallel /echelon parking, off road?**

**"If appropriate, your design solution may look to reflect the existing car parking arrangement to as this may assist in achieving continuity with neighbouring developments."**

Parking in this area is all off road parking and will not be affected by the proposals. All materials etc will be stored on site via the existing access and can easily accommodate the construction materials / accommodation and vehicles.

#### **Development Objectives**

##### **Objectives:**

**What are your development objectives i.e. accommodation requirements, development quantum, minimum floorspace / number of units, financial outlay, creation of an iconic building?**

The applicants wish is to create a single very energy efficient quality home at West Flemington. However, rather than take an easier option to build a new property, the applicants wanted to try and see if they could retain the existing storage barn already on the site, and see if this could be converted to achieve the accommodation that they wanted. The building needed to have 4 large bedrooms at ground floor level and an open plan layout at first floor to make the most of the stunning views over the surrounding countryside around the site. A small indoor plunge pool was also requested along with steam room/sauna to add a little bit of luxury. The proposed building will essentially use the existing structure of the original building, with only a small extension to the East side off the master bedroom. The cost of the conversion will be significantly more than the cost of a new build property, however the applicants thought that they would rather make use of the existing building that was already on the site and try to create a stunning home whilst retaining the overall character of the building and surrounding area.

#### **Design Solutions**

##### **Layout (i.e. context, orientation, connections, car parking):**

The layout of the building is generally open plan lounge kitchen to first floor with a couple of offices off the main space. Ground floor houses the bedrooms and bathrooms along with a large utility room. Due to the raised ground level to the rear, a new floor level will be formed approx. midway between the ground and first floors housing a plunge pool with sauna area and wc with large glazed windows to the south to make the most of the solar gain and further reduce the heating of the property. Windows will be of powder coated aluminium windows which will be fitted with thermally efficient glazing to further reduce the energy used to heat the property. A timber frame will be erected within the building which will be filled with high quality insulation. Heating can be provided by an efficient air source heating system providing underfloor heating throughout the property. Solar PV panels are proposed to the west facing roof to further supplement the energy demands whilst solar thermal panels will aid to provide hot water for the property. The building will be clad in fibre cement weatherboarding to retain the appearance of the existing property whilst the roof will be clad with energy efficient insulation panels covered with slate effect clip on sections made from recyclable materials used successfully throughout the country. The concrete block base wall will

be rendered to blend in with the surrounding properties. The large concrete area to the West of the building will provide numerous car parking facilities and the existing road access will be retained. Visibility is excellent in both directions. Foul waste will be treated by a septic tank and surface water taken to soakaway in the adjacent field.

**Details and materials (i.e. façade treatment, roofscape, materials, colours):**

The existing building structure will be retained and clad in Cedral Weatherboard fibre cement boards in a blue/green colour. Roof will be clad in insulated cladding panels covered with Steadmans META-Slate roof covering to give the appearance of a slate roof without the added weight. Aluminium windows and external doors will be finished in white powder coated finish. The existing block walls will be covered with a render finish and a large decked area provided to the rear (South) of the property.

**Sustainability (i.e. energy efficiency, resource conservation, flexibility/adaptability):**

All structural elements to be fully insulated whilst Air source heating, Solar PV and Solar thermal panels will ensure that the property is energy efficient well in excess of the current standards.

**Impact (i.e. on neighbours, travel patterns, historic features, character or regeneration of area):**

Not affected

**Other (list):**

End of Supporting Statement

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00136/FUL**

**To : Mr And Mrs J Cook per IRD Design New Harbour Building Eyemouth Scottish Borders TD14 5SD**

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

**Proposal : Change of use from storage barn, alterations and extension to form dwellinghouse**

**at: Land And Storage Barn East Of Flemington Farmhouse West Flemington Eyemouth Scottish Borders**

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

**Dated 6th April 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00136/FUL**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
001	Existing Layout	Refused
004A	Floor Plans	Refused
005A	Floor Plans	Refused
006A	Elevations	Refused
007	Other	Refused
008	Elevations	Refused

**REASON FOR REFUSAL**

- The proposed development is contrary to Policy D2 of the Consolidated Local Plan 2011 in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.

**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.

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00136/FUL

**APPLICANT :** Mr And Mrs J Cook

**AGENT :** IRD Design

**DEVELOPMENT :** Change of use from storage barn, alterations and extension to form dwellinghouse

**LOCATION:** Land And Storage Barn East Of Flemington Farmhouse West Flemington Eyemouth  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
001	Existing Layout	Refused
004A	Floor Plans	Refused
005A	Floor Plans	Refused
006A	Elevations	Refused
007	Other	Refused
008	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads: No objection subject to condition in respect of parking and turning.

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

Ecologist: No objection subject to condition in respect of breeding birds.

Environmental Health Officer: Previous use as agricultural land may have resulted in land contamination. Questionnaire has been issued seeking further details. Should this not be returned a condition is advised in respect of a requirement for a scheme to investigate and remediate potential contamination.

Burnmouth Community Council: No objection

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

G1 Quality Standards for New Development

G2 Contaminated Land  
NE3 Local Biodiversity  
H2 Protection of Residential Amenity  
Inf4 Parking Provision and Standards  
Inf5 Waste Water Treatment Standards  
Inf6 SUDS  
D2 Housing in the Countryside (Part C: Conversions)

Supplementary Planning Guidance:

New Housing in the Borders Countryside  
Placemaking and Design

**Recommendation by** - Lucy Hoad (Planning Officer) on 1st April 2016

The application seeks full planning permission to convert an agricultural barn into a 5 bedroom residential dwellinghouse. There have been no pre-application discussions in respect of the proposals.

#### Site and Location

The shed forms part of the layout of a small building group at West Flemington to include West Flemington House (B Listed), West Flemington Farm Steading, now derelict (B Listed), and properties The Cottage, The Bungalow and Lilybroke. The building group lies in an elevated position in the hillside 1.3Km east of the village of Ayton and overlooking Ayton Castle. The hillside features agricultural enclosures of pasture and arable crops which are interspersed by mature tree belts and hedged field boundaries. The Eye Water lies in the valley floor hidden by semi-ancient deciduous tree cover.

The site (0.87ha) includes a parking and turning area adjacent to the shed. Access is taken from a minor road over the rail line near the junction with the A1. Records indicate that outline consent for a single dwelling on the site (to the immediate west of the shed) was granted in 2005. This consent has now timed out.

The barn (22.5 x 15m) is a steel portal framed building used for storage purposes, displays agricultural form with low pitch roof, being constructed of concrete block walls to 1.8m with timber clad walls above. The roof is covered in corrugated sheeting. The access door is located on the north-west elevation of the building.

It is proposed to retain the barn. Externally the building is to be clad in fibre cement weatherboarding (blue/green) with a render finish to the concrete blocks, and the roof is to be covered in Meta slate roof system over insulation roof panels. New fenestration and door openings are proposed on the south gable and east and west elevations. Upper floor window openings are proposed for the north gable. A small extension with balcony is proposed to the east elevation. A timber decking area is proposed to the south of the shed. Internally it is proposed to erect a timber frame within the building which will be filled with insulation. A new floor level will be formed to provide accommodation at upper level. The building is to be heated by an air source heat pump system and solar panels are proposed for the roof.

Local Plan Housing in the countryside policy advises that consideration be given to the rehabilitation of any available existing buildings in rural areas as an alternative to new development. The Council must be satisfied that the building has architectural or historical merit or is physically suited to residential use. There is no presumption in favour of redevelopment particularly where the housing is of a different scale and character to that which has existed previously.

The aim of conversion is to retain traditional rural architecture (such as the adjacent listed former farm stone buildings at West Flemington) as part of the history and character of an area, as explained in the justification for local plan policy D2.

In this case the existing structure is a relatively modern steel portal framed building constructed of breeze block and timber having an agricultural form with neither architectural nor historic merit which would justify its retention by means of securing a residential use. No evidence has been provided to prove the building is redundant for agricultural purposes. The application states that the existing use of the building is for storage of packaging material for the applicants business but does not confirm the nature of the business. The EHO



has advised a condition be applied in respect of contamination and potential mitigation given historic use of the land as agricultural unit.

In terms of assessing conversions the emphasis is on the characteristics and quality of the original building. The design statement advises the intention is to use the existing building on site to create an energy efficient quality home whilst retaining the character of the building and surrounding area. Whilst the design proposed reflects the existing shape of the barn, it is neither regarded as a being a conversion, nor successful response to the local landscape in terms of domestic housing provision.

The construction of the barn is of poor quality without architectural or historic merit. The interventions proposed to the structure in order to bring it to a standard acceptable for residential use include the external cladding of the structure, which would extend beyond the existing external dimensions of the building, the insertions of fenestration and door openings which puncture the fabric of the original structure, insertion of floor space, and creation of internally insulated walls. In effect the level of intervention proposed in order to create a dwelling unit would go beyond what would constitute the conversion of the existing building. On these principles the application cannot be supported as it would be contrary to the fundamental requirements of policy D2 in that the building is not considered to be of a suitable quality for conversion in order to contribute to the historic character and appearance of the locality.

#### Access and parking

There is ample space available within the site for parking and turning provision. The Roads Officer has reviewed the application plans and raised no concerns in respect of access or parking provision.

#### Protected species

The Ecologist has reviewed the ecological report and is satisfied that there are no implications in terms of bat presence in the building but seeks for works to be undertaken outwith the bird breeding season given the presence of nesting material. Any works within the season would require further surveys and potential mitigation

#### Services

It is intended to connect to the public mains network. Foul waste is to be treated by septic tank with surface water to soak away in the adjacent field.

#### Developer Contributions

The proposal for a dwelling would attract a requirement for contributions towards lifelong learning/school provision.

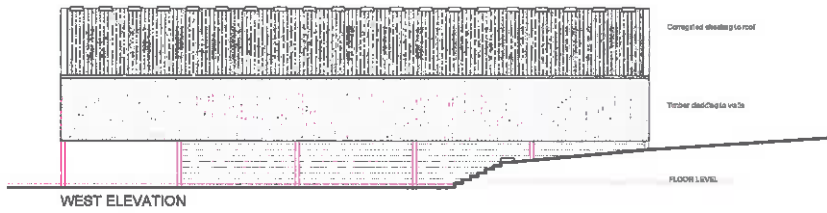
### **REASON FOR DECISION :**

The proposed development is contrary to Policy D2 of the Consolidated Local Plan 2011 in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of an existing building.

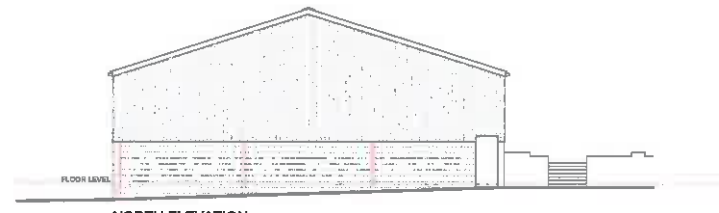
### **Recommendation: Refused**

- 1 The proposed development is contrary to Policy D2 of the Consolidated Local Plan 2011 in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.

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



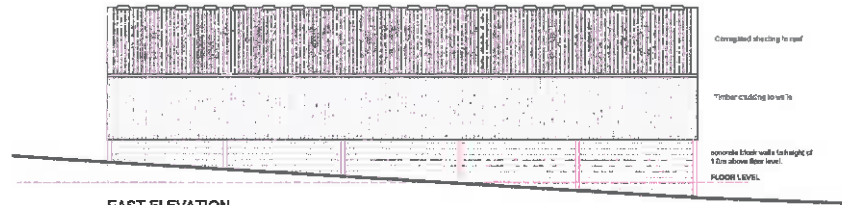
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



CROSS SECTION



LOCATION PLAN  
1:1250



TIMBER OFFICE



STORAGE BARN

RAISED GARDEN AREA



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**IRD DESIGN Ltd**  
 ARCHITECTS & ENGINEERS

The Revlon we have chosen is a good fit for the project and will be a high quality and professional representation of the building.

**BuildE** chartered building engineer  
**cabE** chartered associate of building engineers

MR & MRS J Cook

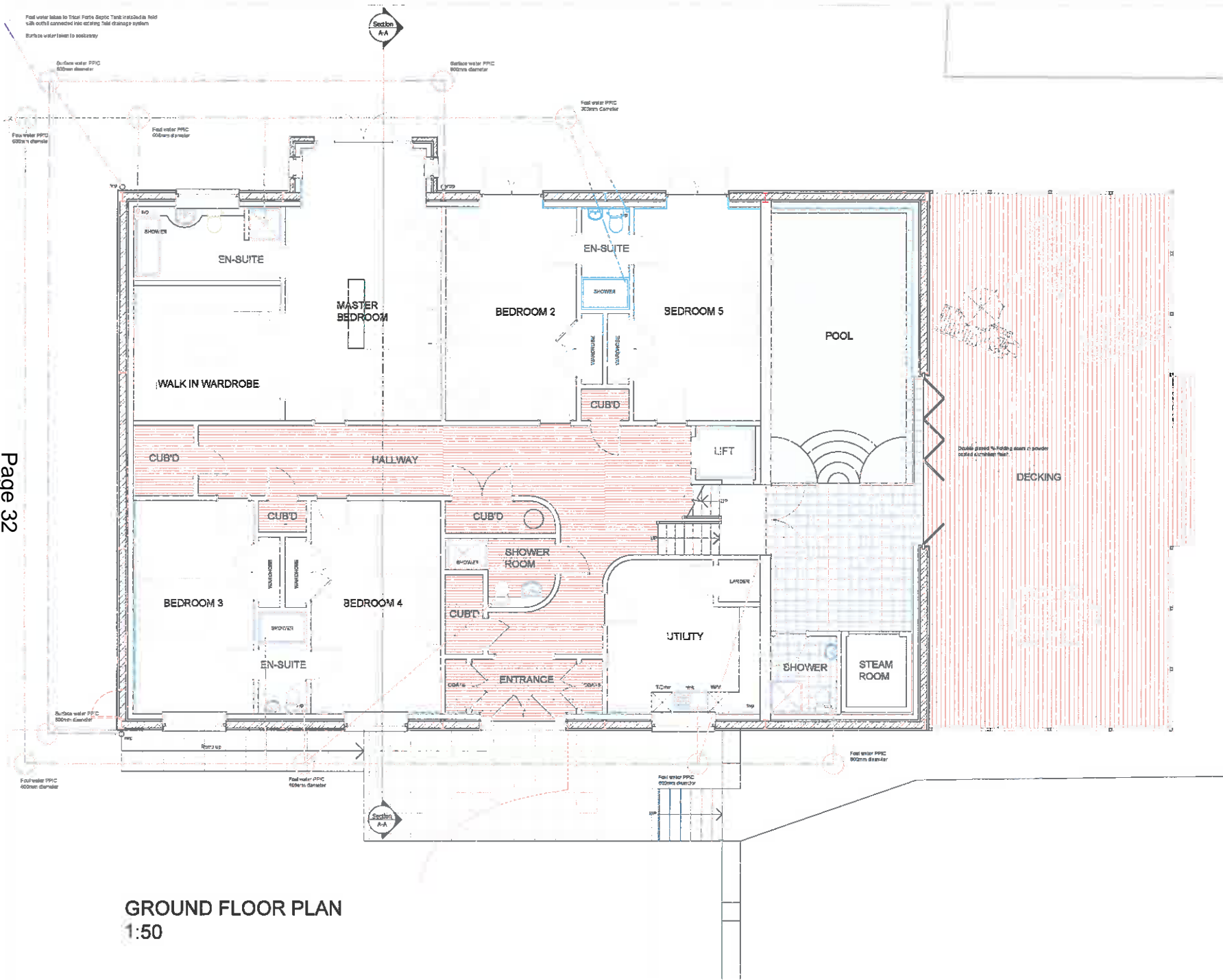
Project: Conversion of storage barn to dwelling house

Address: West Flemington Aycliffe Eyemouth

Drawing Title: SURVEY DRAWING Plan, Section and Elevation as proposed

Date: Jan 2016  
 Drawn by: IRD  
 Project number: 15/197  
 Scale: 1:100

**A1 001**



**GROUND FLOOR PLAN**  
1:50



New Harbour Buildings  
Kingsway  
Bournemouth,  
BH3 4 8ED  
Phone: +44 (0)1202 91111  
Email: info@irdesign.co.uk

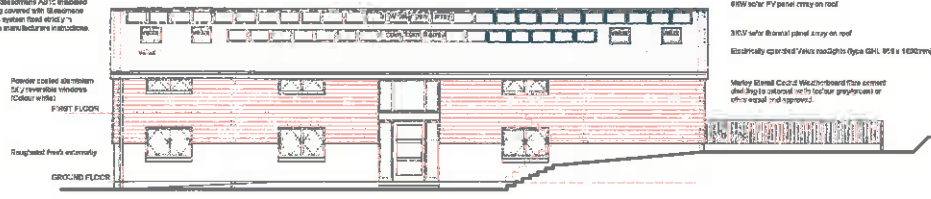
Client: **MR & MRS J COOK**  
**CONVERSION OF FORMER BARN TO DWELLING HOUSE**  
Address: **WEST FLEMINGTON BURNMOUTH**  
Drawing title: **GF PLAN AS PROPOSED**

Date: **NOVEMBER 2015**  
Drawn by: **IRD**  
Checked by: **15/1/17**  
Scale: **1:50**

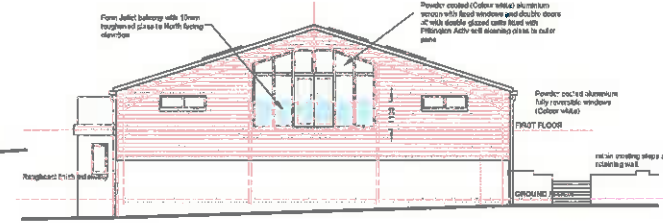
**A1 004A**



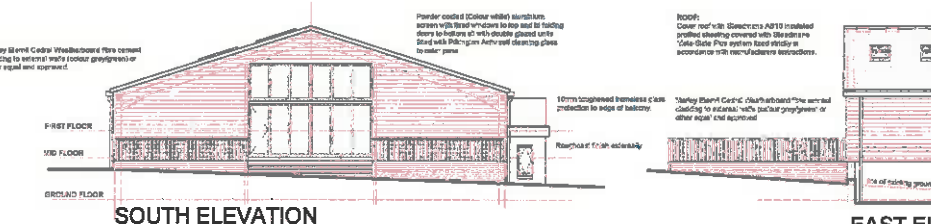
ROOF:  
Cover roof with Steadmans A81C insulated profiled sheathing covered with Steadmans Meta-Slate Plus system fixed strictly in accordance with manufacturer's instructions.



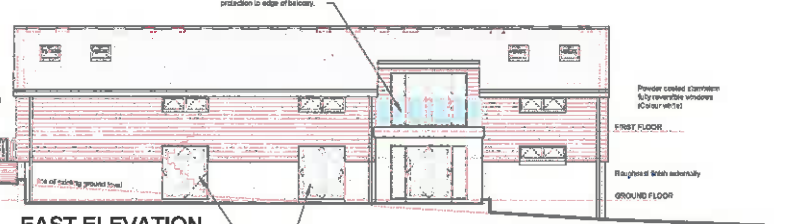
WEST ELEVATION



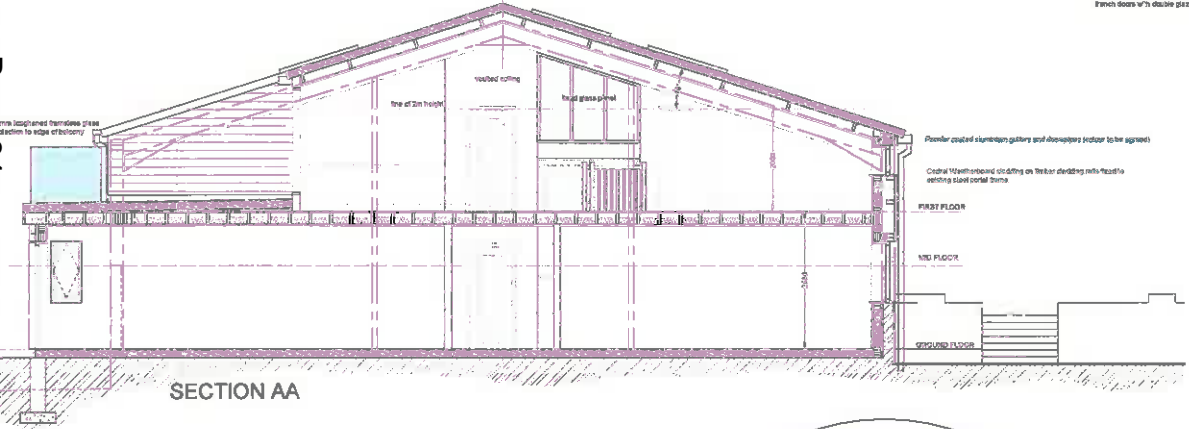
NORTH ELEVATION



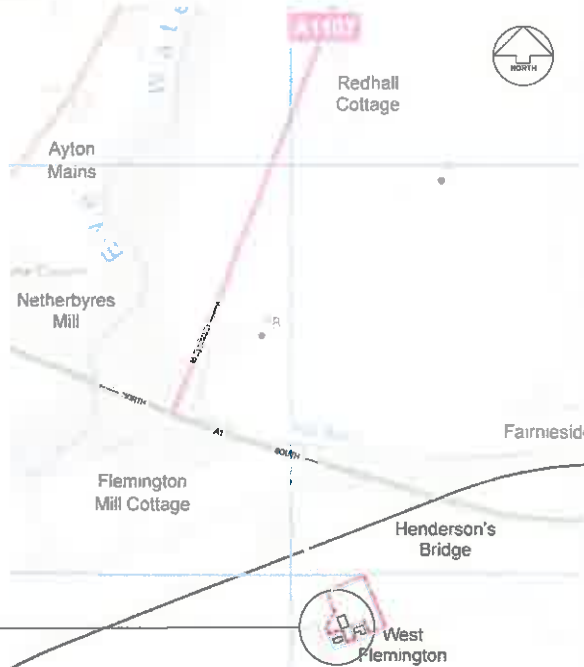
SOUTH ELEVATION



EAST ELEVATION



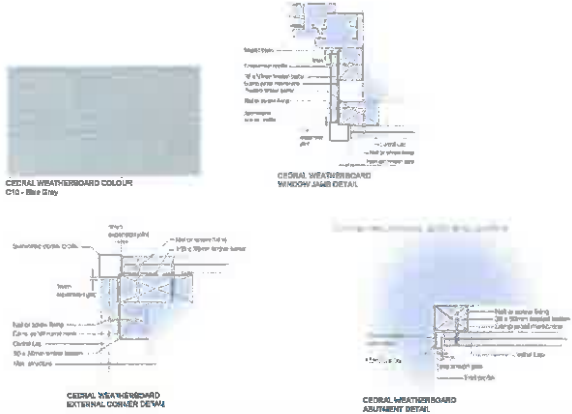
SECTION AA



OS Map 1:20,000



LOCATION PLAN 1:1000



STEADMAN'S META-SLATE PLUS



All Description Date

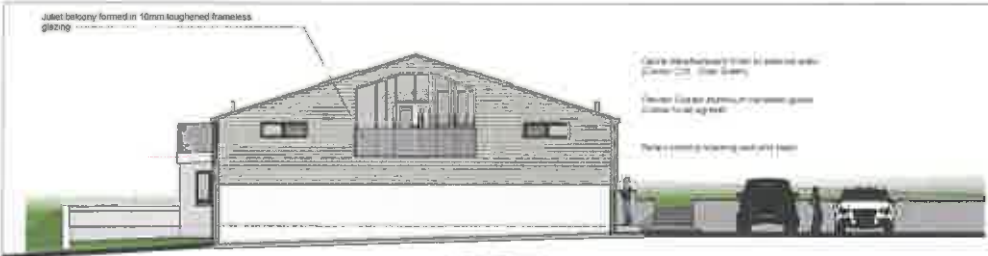


Client: MR & MRS J COOK  
CONVERSION OF FORMER BARN TO DWELLING HOUSE  
WEST FLEMINGTON BURMGOUTH

Drawings Title: SECTION AND ELEVATIONS AS PROPOSED

NOVEMBER 2016  
Drawn by: IRD  
15/197  
1:50  
A1 006A





**NORTH ELEVATION**  
1:100



**SOUTH ELEVATION**  
1:100



**WEST ELEVATION**  
1:100



**EAST ELEVATION**  
1:100

Page 36



3D IMAGE 1



3D IMAGE 2



3D IMAGE 3



3D IMAGE 4



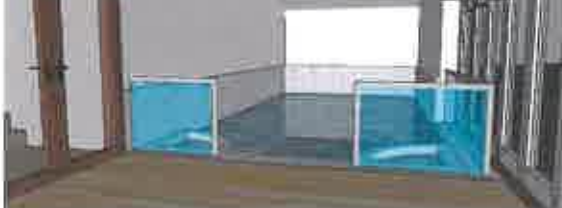
3D IMAGE 5



3D IMAGE 6



3D IMAGE 7



3D IMAGE 8



3D IMAGE 9



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LIST OF REVISIONS



New Harbour Building  
Gunsberg Close  
Eymouth  
Gosport  
TD14 5SD  
Tel: 01850 750111  
email: rd@design@bt.com uk

Client: MR & MRS J COOK

Project: Proposed conversion of storage building into dwelling house

WEST FLEMINGTON  
AYTON BERWICKSHIRE

Drawing Title: ELEVATIONS AND 3D VIEWS

Date: Sept 2015  
Drawn by: IRD  
Project No: 15/172  
Scale: 1:100

Sheet size: A1  
Drawing No: 008  
Revision No:





ENVIR  
INFR  
-3 MAR 2016  
LH.

Officer Lucy Hoad  
01835 825113  
Our Ref : 16/00136/FUL  
Date : 11th February 2016

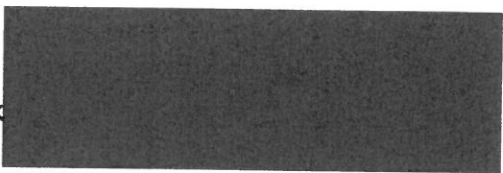
**NAME OF APPLICANT:** Mr And Mrs J Cook  
**NATURE OF PROPOSAL:** Change of use from storage barn, alterations and extension to form dwellinghouse  
**SITE:** Land And Storage Barn Adjacent Flemington Farmhouse West Flemington Eyemouth Scottish Borders

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**REQUEST FOR OBSERVATIONS OF: Burremouthe Community Council**

We have no objections to this planning application.

Signed



Reply Date: 1/3/2016

**PLEASE RETURN TO PRS@SCOTBORDERS.GOV.UK OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 0SA**



# REGULATORY SERVICES



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

Date: **24 March 2016**

From: **Roads Planning Service**

Contact: **Keith Patterson**

Ext: **6637**

Ref: **16/00136/FUL**

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**Subject: Change of Use From Storage Barn to Form Dwellinghouse,  
West Flemington, Eyemouth.**

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I shall have no objections to this proposal provided two parking spaces and turning are provided within the curtilage of the site prior to occupation of the dwelling and retained thereafter in perpetuity.

JAF

**Rob Dickson**  
**Director of Environment & Infrastructure**

Head of Planning & Regulatory Services  
Brian Frater

IRD Design  
New Harbour Building  
Eyemouth  
Scottish Borders  
TD14 5SD

*Please ask for:* Gareth Stewart  
*Our Ref:* 16/00136/FUL  
*Your Ref:*  
*E-Mail:* [gareth.stewart@scotborders.gov.uk](mailto:gareth.stewart@scotborders.gov.uk)  
*Date:* 03 March 2016

**By Email**

Dear Sir,

**LAND AND STORAGE BARN EAST OF FLEMINGTON FARMHOUSE WEST FLEMINGTON, EYEMOUTH  
CHANGE OF USE FROM STORAGE BARN, ALTERATIONS AND EXTENSION TO FORM  
DWELLINGHOUSE**

There is an indication within this Planning Application that the site has had a previous use as agricultural land. Such use may have resulted in land contamination. I therefore recommend that you complete and return the attached questionnaire providing information relating to the previous use of the site.

Once the questionnaire has been returned for my attention, I will be able to advise Planning colleagues on whether any further action is needed to investigate or assess potential contamination issues at the site. Please note the completed questionnaire will be publicly accessible on the Council's website.

If the questionnaire is **not** returned, it is important that the potential for contamination is considered in any Planning Permission given. In such circumstances it will be our recommendation that the following condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use:

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

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

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

*and thereafter*

(IRD DesignRe 16/00136/FUL03Mar16 Page 1 of 2)

Council Offices, Paton Street, GALASHIELS, Scottish Borders, TD1 3AS  
Tel: Galashiels (01896) 662706 Fax: Galashiels (01896) 750329  
LP – 8 Galashiels [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

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

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

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

Should you have any concerns regarding the completion of the questionnaire or wish to discuss potential land contamination issues please contact me directly.

Yours faithfully,

Gareth Stewart

Contaminated Land Officer

**Scottish Borders Council  
Redevelopment of Agricultural & Other Buildings Questionnaire**

**Planning Application Number: 16/00136/FUL**

**Yes/No**

Is asbestos known or suspected to be present in the fabric of any buildings present?	
Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?	
Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?	
Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?	
Has any part of the site been used for disposal of solid farm waste?	
Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?	
Has the site been used to store/maintain vehicles?	
Has there been any building fires or bonfires onsite?	

Please give the source of all available information used to answer these questions and an indication of the time period which it covers (continue on separate sheet/reverse side if required):

Source e.g. Previous farmer/operator	Time Period Covered e.g. 1975-1990

If you have answered yes to any of the above questions please give details below (*continue overleaf if necessary*):

**PLEASE NOTE – YOUR RESPONSE WILL BE PLACED IN THE PUBLIC DOMAIN**

Signed

Date

Name

(Block Capitals) \_\_\_\_\_

Thank you for completing this questionnaire, please return it to :-

Gareth Stewart, Contaminated Land Officer, at the address below.

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

## PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 11th February 2016

Contact: Lucy Hoad ☎ 01835 825113

Ref: 16/00136/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 3rd March 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 3rd March 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 J Cook

**Agent:** IRD Design

**Nature of Proposal:** Change of use from storage barn, alterations and extension to form dwellinghouse

**Site:** Land And Storage Barn Adjacent Flemington Farmhouse West Flemington Eyemouth Scottish Borders

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**OBSERVATIONS OF: Ecology Officer**

## CONSULTATION REPLY

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of natural heritage issues (biodiversity).*

I am satisfied with the Bat Roost Assessment (Findlay Ecology Services February 2016). The existing structure is unsuitable for bat roosts and no evidence of bats or their roosts was found. There is some limited tree and hedgerow habitat within 50m of the existing agricultural barn. The wider landscape is largely arable fields with some shelter belt plantations and a policy/mixed woodland area.

On balance I am satisfied that no further assessment and mitigation for bats is required. Evidence of a bird nest (species not identified) was found. Mitigation will be required for breeding birds.

### Recommendation:

- No works shall be carried out during the breeding bird season (March-September) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if works are to commence

during the breeding bird season.

Dr Andy Tharme  
Ecology Officer  
11 March 2016

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<sup>i</sup> Breeding bird season identified as 1 March-31 August in BS 42020, but is extended in this case to account for potential breeding by barn swallow.

## **PLANNING CONSULTATION**

On behalf of: Director of Education & Lifelong Learning

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

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

Date: 17 June 2016  
Ref: 16/00136/FUL

### **PLANNING CONSULTATION**

**Name of Applicant:** Mr And Mrs J Cook

**Agent:** IRD Design

**Nature of Proposal:** Change of use from storage barn, alterations and extension to form dwellinghouse

**Site:** Land And Storage Barn Adjacent Flemington Farmhouse West Flemington Eyemouth  
Scottish Borders

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

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## **CONSULTATION REPLY**

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

A contribution of £3209 is sought for the Primary School and £4512 is sought for the High School, making a total contribution of £7721.

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

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

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

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



**From:** Walling, Fiona  
**Sent:** 16 Jun 2016 16:38:08 +0100  
**To:** Planning Appeals  
**Subject:** FW: Notice of Review - Planning Application 16/00136/FUL

**From:** irddesign [mailto:irddesign@aol.co.uk]  
**Sent:** 15 June 2016 16:37  
**To:** localreview  
**Subject:** Re: Notice of Review - Planning Application 16/00136/FUL

Hi Fiona,

Apologies for the delay in response but I have just noticed your email in my spam folder. I am happy for the application to proceed as is and for the review body to be informed of the date error accordingly.

Kind regards

Iain

Sent from Samsung tablet

----- Original message -----  
From: localreview  
Date: 13/06/2016 15:24 (GMT+00:00)

To: "irddesign@aol.co.uk"

Subject: Notice of Review - Planning Application 16/00136/FUL

Mr Iain Dunn

IRD Design Ltd

Dear Mr Dunn

**Proposed conversion of storage building into dwelling house – West Flemington,  
Burnmouth - 16/00136/FUL**

I refer to your Notice of Review in respect of the above planning application submitted on behalf of the applicants, Mr & Mrs James Cook. This has been passed to the Democratic Services Team who provide the administration for the Local Review Body. I understand that the Decision Notice for this application had been issued with the incorrect date and that it has now been re-issued, dated 6 April 2016. I understand also that Mrs Wemyss, from Regulatory Services, spoke to you on the telephone to explain and apologise for this error.

I note that you specifically refer to the original Decision Notice date in your statement accompanying the Notice of Review. I am therefore writing to give you the opportunity of re-submitting your Notice of Review should you so wish, given that a revised Decision Notice has been provided. If you would prefer not to resubmit the Notice of Review, the Local Review Body will be provided with factual clarification at the meeting at which this review is considered, regarding the date error in the Decision Notice and the fact that the Appellant has been provided with a revised, correctly dated Decision Notice.

Please would you confirm whether you wish me to process the Notice of Review and documents which we have received or whether you wish to revise and resubmit these.

Kind regards

Fiona Walling

*Democratic Services Officer*

*Scottish Borders Council*

*Council Headquarters*

*NEWTOWN ST BOSWELLS TD6 0SA*

*Tel: 01835 826504 (Direct Line)*

**LIST OF POLICIES**

**Local Review Reference:** 16/00016/RREF

**Planning Application Reference:** 16/00136/FUL

**Development Proposal:** Change of Use of Storage Barn, alterations and extension to form dwelling house

**Location:** Land east of Flemington Farmhouse, West Flemington, Eyemouth

**Applicant:** Mr and Mrs J. Cook

**\*\*New LDP 2016\*\***

**Policy HD2: Housing in the Countryside**

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

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

**(A) Building Groups**

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

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

In addition, where a proposal for new development is to be supported, the proposal

should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

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

#### **(B) Dispersed Buildings Groups**

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

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

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

#### **(C) Conversions of Buildings to a House**

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

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

#### **(D) Restoration of Houses**

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

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form

- and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

**(E) Replacement Dwellings**

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

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

**(F) Economic Requirement**

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

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

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

Policy PMD2 Quality Standards

Policy ED10 Protection of Agricultural Land and Carbon Rich Soils

Policy HD1 Affordable and Special Needs Housing

Policy EP6 Countryside Around Towns

Many of the Plan's environmental policies will be relevant particularly EP4 National Scenic Areas and 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

### **Policy PMD2: Quality Standards**

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

#### **Sustainability**

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,

- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

#### **Placemaking & Design**

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

#### **Accessibility**

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

used for waste collection purposes.

**Greenspace, Open Space & Biodiversity**

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

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

*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 and Doors  
Use of Timber in Sustainable Construction

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

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

**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)

### **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:*

Policy PMD2 Quality Standards for New Development

## **Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage**

### *Waste Water Treatment Standards*

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

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

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

Development will be refused if:

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

### *Sustainable Urban Drainage*

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

*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 Sites 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

### **Policy IS2: Developer Contributions**

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

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

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

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the

economic viability of a proposed development, including possible payment options, such as staged or phased payments.

*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 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

### **Policy IS13: Contaminated Land**

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- (a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- (b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

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

Policy PMD5 Infill Development  
Policy EP15 Development Affecting the Water Environment  
Some of the Plan's Environmental Promotion and Protection policies may also be relevant.

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

Contaminated Land Inspection Strategy

### **Policy EP3: Local Biodiversity**

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on

habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance

*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 EP6 Countryside Around Towns  
Policy EP12 Green Networks  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy EP14 Coastline  
Policy EP15 Development Affecting the Water Environment  
Policy IS2 Developer Contributions  
Policy IS15 Radio Telecommunications

Scottish Planning Policy

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

Biodiversity  
Development Contributions  
Green Space

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

Development Contributions  
Greenspace  
Green Networks

Others:

- Scottish Planning Policy
- SPG Placemaking and Design
- SPG New Housing in the Borders Countryside

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**NOTICE OF REVIEW**

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

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

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

**Site inspection**

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

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

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



**Statement**

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

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

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

The application was made to provide a building for the 'bringing-on' pedigree store cattle - in particular in this case Dexters which are a threatened species. A business plan was professionally prepared and submitted with the application which gives clarity to the viability of the project. Furthermore, in anticipation of the consent being granted, further ground has been leased from an adjoining small-holder to provide additional grazing for the cattle. The staff facilities proposed are a requirement of the HSE and any business which provides employment has to be aware of staff welfare.

The building has been designed so as the cattle feed and watering uses gravity. Fundamentally, the water is to be drawing from an existing borehole within the site which has been established. In a previous request for planning consent, it was asked that a water storage building could be formed on the higher ground. This would have removed the need for the animal feed silo - or at least reduced it in height. However, the council refused both the water storage facility and the water pumping shed, and hence the need for such a high feed silo, with capacity in the event of pump-failure or power interruption.

The applicant is looking for ways of maximising food production or the conversion of feedstuff to protein from a very limited small-holding. The building is designed so as two levels of production area can be installed should the business be successful. The facility requested in the application 16/00114/FUL proposes to be a commercially viable business, whilst also assisting in the prolongification of the Dexter breed by creating demand. It should be noted that Dexters have been kept at Kirkburn since the applicant purchased the small-holding, so this is not a new introduction.

The applicant requests that the decision is reconsidered and is willing to have an open discussion to make the points clear. Specifically he feels that the Borders Council are being close-minded to the progressive use of the small-holding as a viable food producing unit.

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.

No new material has been raised, although it is the second attempt to obtain the consent.

**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.

Business Plan for Store Cattle Unit  
 Drawing 196 02 rev B

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

**Checklist**

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

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

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

**Declaration**

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

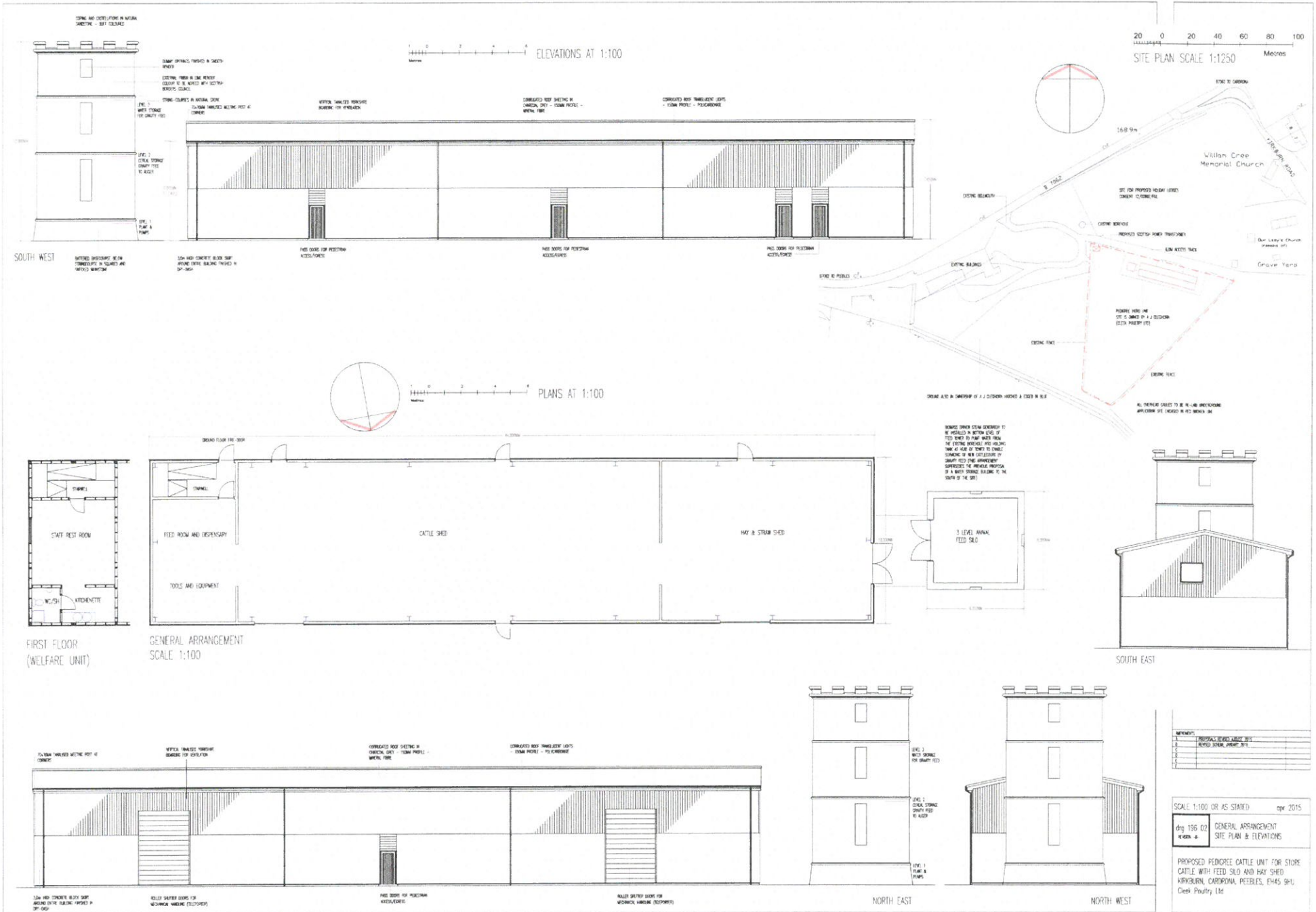
Signed

[Redacted Signature]

Date

15/6/16

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



NO.	REVISIONS
1	PROPOSED PEDIGREE CATTLE UNIT
2	REVISED DRAWING PERIOD 2015
3	
4	

SCALE 1:100 OR AS STATED cpe 2015

dra 196 02 GENERAL ARRANGEMENT SITE PLAN & ELEVATIONS

PROPOSED PEDIGREE CATTLE UNIT FOR STORE CATTLE WITH FEED SILO AND HAY SHED KIRKBYURN, CARBORONA, PEBBLES, EH45 5HU. Clerk Poultry Ltd

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*Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission Reference : 16/00114/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **2nd February 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo**

at: **Field No 0328 Kirkburn Cardrona Scottish Borders**

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

Dated 28th March 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed



.....  
Chief Planning Officer

**APPLICATION REFERENCE : 16/00114/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 02 B	Planning Layout	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.
- 3 The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

**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.

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00114/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo

**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
196 02 B	Planning Layout	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The previous application (15/00947/FUL) was lacking information relating to vehicle movements that this proposal would generate.

The current application includes a business plan which details the operations of the proposed business. Whilst the proposal is unlikely to generate significant increase, the access to the site requires to be upgraded.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval prior to works commencing on the development showing the following upgrading works;

- o The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- o The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.
- o The first 6m of the access to be surfaced to my specification i.e. 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.
- o Measures to be put in place to prevent the flow of water onto the public road.
- o Visibility splays of 2.4 metres by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges, 12/00902/FUL, by the same applicant, which has yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved. A separate planning application for the access upgrade was also approved (15/01206/FUL). Should either of these applications be implemented and the access is upgraded, then there would be no requirement for further upgrades required as a result of this proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

This is an Application to erect a cattle court and animal feed silo.

Feed silos have the potential to cause noise nuisance.

Cattle courts can cause pollution, insect and odour problems

Recommendation

Delete as appropriate - Agree with application in principle, subject to conditions  
Conditions

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Waste and contaminated water arising from the use of the cattle court shall be stored, handled and disposed of in such a manner as not to cause Statutory Nuisance or pollution.

Reason To protect the residential amenity of nearby properties and to protect the environment.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I have previously provided consultations on earlier proposals for this site. I have raised concerns that the setting of the formerly Scheduled, and still regionally significant, Our Lady's Church and churchyard, will be compromised by development in this location. I requested that the applicants demonstrate that the setting of the church and churchyard will not be compromised per Policy BE2 and the replacement policy EP8. I note that the previous applications were refused in part because of a lack of information provided by the applicants to allow a determination that development would not adversely impact the setting of the churchyard. I also note that this information has not been supplied in this application and I am similarly unable to make a judgement. As such I recommend refusal of the application as currently submitted, but I would refer you to my earlier comments and recommendations. If further information is supplied I would be happy to revisit this application.

Landscape Architect:

Implications of the Proposal for the Landscape including any Mitigation



Due to the sloping nature of the field I am concerned that the cattle shed and silo will be highly visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. No attempt has been made to cut the building into the slope.

The attractive juxtaposition of valley side pastoral farmland with mixed and coniferous forestry and woodland could potentially be undermined by the introduction of an industrial scale shed that will require substantial earth moving to achieve the required amount of level ground. I suggest that the existing trees along the north boundary may not provide adequate screening for the buildings that will be located well up the hillside and I am concerned they will be seen from much of the surrounding elevated land to the north west, north and north east.

As part of an extensive development of the field we would normally expect a Landscape and Visual Impact Assessment (LVIA) with visualisations to be undertaken to test the scheme.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

#### Conclusion

The submitted information was limited, however I have a concern that this proposal will have a serious negative visual impact on this part of the Tweed valley and would be visually intrusive from much of the surrounding area

I therefore, on landscape and visual grounds, cannot support this application.

#### Economic Development:

I have reviewed the above application in respect of the business plan for a cattle store unit. I believe there are a number of fundamental issues with the business plan and a number of operational issues with the design of the unit.

1. The proposed building is more akin to an industrial unit as opposed to a cattle shed; 2 points in this respect are the lack of appropriate ventilation which may create a welfare situation for the stock and secondly the roller shutter door into the cattle area would in probability become inoperable due to the cattle manure in the building.
2. The size of the building appears to be excessive for the stock numbers proposed, looking at the stock numbers and the recommended stocking rates for cattle buildings then the cattle shed could probably hold almost twice as many cattle as the proposed number. The submitted plan indicates that a number of cattle would be sold off grass and only 25 would be housed, indicating an excess capacity within the cattle shed. The silage and probably the straw could be housed outside and thereby reduce the size of building.
3. The feed silo has a capacity of circa 600 cubic metres; the business plan indicates a feed usage of 20.8 tonnes which would require approx. 30 m<sup>3</sup> and in respect of good practise this wouldn't be bought in as one lot but probably every 1 to 2 months and in effect a only a fraction of the silo would be required for feed storage. The silo is considerably bigger than it needs to be.
4. The 40 acres of grassland are a key element to the model, however there is no copy of the lease or for how long. The business plan puts this proposal forward as a 20 year project, so the lease would have to reflect this to some degree.
5. The business plan contains details for marketing of the end product, however this aspect is not particularly robust (restaurants are unlikely to buy whole carcasses they will buy specific cuts). A local food van attending regional events such as agricultural shows is unlikely to have an even demand of 2 beasts per month throughout the year (typically they are seasonal). Is there a letter of intent from the food van owner that they will take 2 beasts a month throughout the year?
6. A number of the financial and production assumptions are optimistic and in practice would be different to those submitted e.g. straw usage of 17.5 tonnes would probably be higher particularly feeding silage to the cattle.

Peebles and District Community Council: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development  
Policy BE2 Archaeological Sites and Ancient Monuments  
Policy EP2 Areas of Great Landscape Value  
Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 28th March 2016

This application is the third to seek permission for a cattle court and feed silo on this part of the agricultural holding at Kirkburn, Cardrona. As many issues remain the same and the proposal is little changed in respect of impacts on landscape or archaeology, I would refer you to the full report prepared for Application Reference 15/00947/FUL and the reasons given for refusal with regard to landscape and archaeological impacts. The Landscape and Archaeology Officers have reaffirmed their opposition to this latest proposal which does not effect any reductions in height, scale or location of the shed and silo from those previously refused, nor provides any of the previously requested information to enable further landscape or archaeological assessments to be undertaken. Cladding of the silo to create a traditional "tower" appearance does nothing to limit the impact of this excessive 12m high structure on the designated landscape quality of the area. Given the continued opposition from the consultees, the decision on this application should be no different from the previous two in relation to landscape and archaeology.

The main change with the application is that it has been submitted with a Business Plan in support, identifying the purpose of the building and silo, based upon leasing 40 acres of land from Laverlaw to the south, rearing and fattening 32 cattle per year and providing meat for a local burger van and local restaurants. The building is meant for wintering cattle, storing hay and silage. The silo will contain cereal and water.

Compared to the last two decisions, it is useful to have received a justification for the silo and building this time based upon a cattle business using 40 acres of leased land. Previously, it was not considered that the building could have been justified on the basis of the very limited size of the owned landholding. Nevertheless, the Business Plan has been carefully assessed by Business Gateway who conclude that the building and silo are excessive for their purpose and the building not suited due to lack of appropriate ventilation and the operability of the single roller shutter door. They describe it as "akin to an industrial unit". Despite ventilated Yorkshire boarding being shown at upper level on the building, Business Gateway are of the opinion that this is insufficient. They also question some of the marketing and productivity assumptions. On the basis of the submitted Business Plan and the concerns of Business Gateway, the revised application cannot overcome the previous reasons for refusal based upon lack of adequate justification or suitability of the building and silo for the intended purposes.

The Business Plan has, however, allowed the Roads Planning Service to accept the proposals provided the access is improved either, in itself as a condition on any consent granted, or as per the implementation of earlier consents relating to the holiday chalet development or access itself.

For the reasons mentioned above, the revised proposals do not address the landscape and archaeological reasons for refusal on previous decisions and the Business Plan does not adequately demonstrate just why the building and silo have to be of the scale and design intended. For these reasons, the proposal continues to be in breach of the relevant Local Plan Policies G1, BE2, EP2 and D1.

#### **REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification

for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.

The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

**Recommendation:** Refused

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.
- 3 The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

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





**APPLICATION REFERENCE : 15/00947/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 02 A	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and silo that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and silo are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, nor are there any indications of how a feed silo and cattle court would relate to each other in scale of usage terms, all of which further undermine the case for justification in this location.
- 3 The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.
- 4 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**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.

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

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/00947/FUL  
**APPLICANT :** Cleek Poultry Ltd  
**AGENT :**  
**DEVELOPMENT :** Erection of cattle/hay shed and feed silo  
**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 02 A	Elevations	Refused

**NUMBER OF REPRESENTATIONS:** 0  
**SUMMARY OF REPRESENTATIONS:**

Roads Planning: Respose awaited.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

This Application includes proposals to erect a cattle / hay shed and feed silo

Equipment associated with feed silos can cause noise impacts from motors and other ancillary equipment.

Recommendation

Agree with application in principle, subject to conditions.

Conditions

Noise

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any

plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason To protect the residential amenity of nearby properties.

The feed silo and associated equipment shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Archaeology Officer:

Please see my comments with respect to application 15/00493/FUL. These remain valid for this application as does the objection pending the submission of further information to help me judge setting impacts to the regionally significant site of Our Lady's Church and churchyard.

Landscape Officer:

#### Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley. The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape in the Designation statement as follows: 'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys. Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'  
The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north. The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

#### Nature of the Proposal

The proposal is for the erection of a 44 x 10 x 7m high cattle/hay shed with staff facilities and an 11.5m x 7.5m diameter feed silo

#### Implications of the Proposal for the Landscape including any Mitigation

Due to the sloping nature of the field I am concerned that the cattle shed and silo will be highly visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. No attempt has been made to cut the building into the slope.

The attractive juxtaposition of valley side pastoral farmland with mixed and coniferous forestry and woodland could potentially be undermined by the introduction of an industrial scale shed that will require substantial earth moving to achieve the required amount of level ground. I suggest that the existing trees along the north boundary may not provide any screening for the buildings that will be located well up the hillside and I am concerned they will be seen from much of the surrounding elevated land to the north west, north and north east.

As part of an extensive development of the field we would normally expect a Landscape and Visual Impact Assessment (LVIA) to be undertaken to test the scheme.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

#### Conclusion

The submitted information was limited, however I have a concern that this proposal with no attempt to lower the buildings' heights will have a serious negative visual impact on this part of the Tweed valley and would be visually intrusive from much of the surrounding area



I therefore, on landscape and visual grounds, cannot support this application.

Economic Development: No comments as there are no supporting business related documents.

Peebles and District Community Council: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 28th September 2015

The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of seven which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with an eighth proposal in the form of an AGN, five of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This cattle court/hay shed application is one of the five occupying a triangular area of land which rises to the south and above the holiday chalets site, stretching to the public road to Laverlaw to the rear. All seven other applications have been refused, including previous applications for hay sheds and a cattle court - and a feed silo on a site adjoining.

The building amalgamates previous hay shed and cattle court proposals into one building, it being erected adjoining a new 6m access road to the south of the chalet site and adjoining the corner of Our Lady's Church and graveyard remains. It will be 44m by 10m with an eaves height of 6m and a ridge height of 7.45m. It will be clad in larchlap boarding with a charcoal grey fibre roof and will possess two roller shutter doors to the front and three other pedestrian doors. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The ground floor has an equipment room and hay store section, the majority being given over to a cattle purpose. A feed silo is also proposed to the east of the cattle shed measuring 7.5m wide by 12.3m to ridge.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions were considered acceptable for the rabbits proposal, noting that it was possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. However, the rabbits proposal was still refused for archaeological, business and traffic related reasons.

This background is important as it should be noted that the cattle court building which is the subject of this application, is neither cut into the site nor is lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the current application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There is previous clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There is also likely to be local impacts from the B7062 next to the site. The previous hay shed and cattle court applications were refused partially for landscape impact reasons and this re-submitted proposal makes no attempt to minimise the landscape impact that was of concern with those applications

These landscape impacts would be exacerbated by the feed silo which, at 12.3m height, is only a 3m reduction on the feed silo refused as part of the chicken sheds application on the site to the west. As with that silo, the slope of the ground means that the structure would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance. Combined with the bulk and height of the cattle/hay shed building, this proposal is no different or better than previous applications

Given the stated purpose of the building as mainly for cattle, it is considered that there would be no real possibility of reducing the ridge of the building to the extent proposed for the rabbit sheds. Indeed, the stated purpose of the building does not seem to have influenced the design. Whilst cattle courts are generally taller buildings, there is no ventilation apparently proposed and few openings apart from two roller shutter doors and four pedestrian doors. There is also staff provision in the form of a rest room, kitchenette and a toilet which either seems unnecessary and unrelated to a cattle court - or excessive in that such provision could be provided elsewhere on the holding, probably within the existing buildings. Certainly, there would be no effective justification to have these facilities duplicated in every building proposed on this site.

Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. In this case, the building is proposed mainly for cattle yet neither seems suited for the purpose nor related to the size and current farming activities on the holding. Recently, it was confirmed that only a few cattle were held on the holding and there has not been any Business Plan submitted explaining the farming practices, either existing or proposed. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. Whilst it has been mentioned that an additional 12 acres to the rear are used from an adjoining farm, there has been no demonstration of this in a Business Plan. In any case, the sheer scale of the proposed building would be unlikely to be able to be justified for the housing of cattle from the landholding, even if it was confirmed there was a formal lease for the additional 12 acres. The same could be said of the use of

part of the building for hay, given the size of the landholding and lack of available growing ground - given that the proposal is also for cattle grazing on the same ground.

Questions also arise over the business justification for the feed store, given it was previously proposed and felt excessive for the poultry sheds which have now been refused. Feed silos for cattle are unusual and on the scale proposed, would seem to be unjustified without any further explanation in the form of a Business Plan.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and silo that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed building and silo are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

There are also potential archaeological implications for this proposal. The adjacent site was consented for holiday cottage development, and this carried with it a condition for archaeological evaluation. The reasoning behind this was the proximity to Our Lady's Church and, the potential setting impacts, and the discovery of a bronze axe head which indicates prehistoric activity. The Archaeology Officer is particularly concerned about the development of the fields west and south of Our Lady's Church. Development that impacts its setting would be contrary to Policy BE2 of the Consolidated Local Plan. In particular, he is concerned that the setting will be further eroded by developments that begin to surround the church and churchyard. The setting includes the fields to the north and south and a topographic relation with the slope to the south-west. These fields are also, at present (including the recently consented holiday chalets), the only areas that are undeveloped and it may be desirable to retain this status for the benefit of the church's setting. Development on the slope would not only appear to 'wrap around' the church yard, it would also overlook the site. The photovoltaic cells and track in near proximity to the churchyard could form a significant competing element with the churchyard.

The Archaeology Officer objects to the application as currently submitted in the absence of additional information such as a photomontage and wireframe from the churchyard showing the development, proposals to mitigate the impact to the setting of the churchyard and photos from the development site towards the churchyard. The applicant was asked to provide such information for the Mushroom Sheds AGN but felt such information was not necessary, given the revised topographical information and willingness to enter into a planning condition for field evaluation. Whilst the Archaeology Officer noted the reductions made to the Mushroom and Rabbit Sheds applications, the cattle court application is higher, bulkier and involves more structures and development of the hillside. His comments remain applicable to this proposal which must be considered to contravene Policy BE2 which seeks to protect Archaeological Sites and their settings from detrimental impact.

Roads Planning have concerns over this proposal together with others submitted on the same and adjoining sites. They point out that conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remaining substandard. This proposal, if approved, would increase the amount of vehicles using the access and should it be approved, upgrading works should be conditioned following the submission of details. Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted on the other applications which details the type, number and size of vehicle trips which will be generated along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access. Whilst they did not request this information for the previous refused cattle court application, the mixture of additional uses here including the hay and feed silo have led them to be concerned over traffic generation without submission of additional information on traffic movements. In the absence of this, they cannot support the application.

Given the uncertainty over the scale of the building and its suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan.

There was also noise issues raised by Environmental Health which could be covered by appropriate conditions.

#### **REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and silo that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and silo are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, nor are there any indications of how a feed silo and cattle court would relate to each other in usage terms , all of which further undermine the case for justification in this location.

The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

#### **Recommendation: Refused**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and silo that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and silo are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, nor are there any indications of how a feed silo and cattle court would relate to each other in scale of usage terms , all of which further undermine the case for justification in this location.
- 3 The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.
- 4 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	16/00114/FUL
<b>Uniform Ref</b>	16/00214/PLANCO
<b>Proposal</b>	Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo
<b>Address</b>	Field No 0328 Kirkburn Cardrona Scottish Borders
<b>Date</b>	22/2/16
<b>Amenity and Pollution Officer</b>	David A. Brown
<b>Contaminated Land Officer</b>	No Comments

**Amenity and Pollution**

**Assessment of Application**

*Noise*

This is an Application to erect a cattle court and animal feed silo.

Feed silos have the potential to cause noise nuisance.

Cattle courts can cause pollution, insect and odour problems

**Recommendation**

Delete as appropriate – Agree with application in principle, subject to conditions

**Conditions**

*Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2*

*Reason To protect the residential amenity of nearby properties.*

*All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.*

*Reason To protect the residential amenity of nearby properties.*

*Waste and contaminated water arising from the use of the cattle court shall be stored, handled and disposed of in such a manner as not to cause Statutory Nuisance or pollution.*

*Reason To protect the residential amenity of nearby properties and to protect the environment.*

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 4th February 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00114/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 25th 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 25th 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:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

Thank you for requesting an archaeology consultation. I have previously provided consultations on earlier proposals for this site. I have raised concerns that the setting of the formerly Scheduled, and still regionally significant, Our Lady's Church and churchyard, will be compromised by development in this location. I requested that the applicants demonstrate that the setting of the church and churchyard will not be compromised per Policy BE2 and the replacement policy EP8. I note that the previous applications were refused in part because of a lack of information provided by the applicants to allow a determination that development would not adversely impact the setting of the churchyard. I also note that this information has not been supplied in this application and I am similarly unable to make a judgement. As such I recommend refusal of the application as currently submitted, but I would refer you to my earlier comments and recommendations. If further information is supplied I would be happy to revisit this application.



## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 4th February 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00114/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 25th 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 25th 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:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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### OBSERVATIONS OF: Economic Development Section

## CONSULTATION REPLY

The Economic Development response is as follows:

We have reviewed the above application in respect of the business plan for a cattle store unit. We believe there are a number of fundamental issues with the business plan and a number of operational issues with the design of the unit.

1. The proposed building is more akin to an industrial unit as opposed to a cattle shed; 2 points in this respect are the lack of appropriate ventilation which may create a welfare situation for the stock and secondly the roller shutter door into the cattle area would, in probability, become inoperable due to the cattle manure in the building.
2. The size of the building appears to be excessive for the stock numbers proposed, looking at the stock numbers; and the recommended stocking rates for cattle buildings; then the cattle shed could probably hold almost twice as many cattle as the proposed number. The submitted plan indicates that a number of cattle would be sold off grass and only 25 would be housed, indicating an excess capacity within the cattle shed. The silage, and probably the straw, could be housed outside and thereby reduce the size of building.
3. The feed silo has a capacity of circa 600 cubic metres; the business plan indicates a feed usage of 20.8 tonnes which would require approx. 30 m<sup>3</sup> and, in respect of good practise, this wouldn't be bought in as one lot but probably every 1 to 2 months and in effect only a fraction of the silo would be required for feed storage. The silo is therefore considerably bigger than it needs to be.



4. The 40 acres of grassland are a key element to the model, however there is no copy of the lease or for how long. The business plan puts this proposal forward as a 20 year project, so the lease would have to reflect this to some degree.
5. The business plan contains details for marketing of the end product, however this aspect is not particularly robust (restaurants are unlikely to buy whole carcasses they will buy specific cuts). A local food van attending regional events, such as agricultural shows, is unlikely to have an even demand of 2 beasts per month throughout the year (typically they are seasonal). Is there a letter of intent from the food van owner that they will take 2 beasts a month throughout the year?
6. A number of the financial and production assumptions are optimistic and in practice would be different to those submitted e.g. straw usage of 17.5 tonnes would probably be higher particularly feeding silage to the cattle.

**From:**Trotman, Chris  
**Sent:**Thu, 24 Mar 2016 17:45:02 +0000  
**To:**Miller, Craig  
**Subject:**RE: 16/00114/FUL Business Plan, Kirkburn, Cardrona

Craig,

I have reviewed the above application in respect of the business plan for a cattle store unit.

I believe there are a number of fundamental issues with the business plan and a number of operational issues with the design of the unit.

1. The proposed building is more akin to an industrial unit as opposed to a cattle shed; 2 points in this respect are the lack of appropriate ventilation which may create a welfare situation for the stock and secondly the roller shutter door into the cattle area would in probability become inoperable due to the cattle manure in the building.
2. The size of the building appears to be excessive for the stock numbers proposed, looking at the stock numbers and the recommended stocking rates for cattle buildings then the cattle shed could probably hold almost twice as many cattle as the proposed number. The submitted plan indicates that a number of cattle would be sold off grass and only 25 would be housed, indicating an excess capacity within the cattle shed. The silage and probably the straw could be housed outside and thereby reduce the size of building.
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6. A number of the financial and production assumptions are optimistic and in practice would be different to those submitted e.g. straw usage of 17.5 tonnes would probably be higher particularly feeding silage to the cattle.

If further clarity on any of the above is required please come back to me.

Thank you

Chris

**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](http://www.bgateway.com)

FOLLOW US ON 



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

Date: **25 Mar 2016**

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

Ext: **6663**

Ref: **16/00114/FUL**

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**Subject: Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo**  
**Field No. 0328 Kirkburn, Cardrona, Scottish Borders**

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The previous application (15/00947/FUL) was lacking information relating to vehicle movements that this proposal would generate.

The current application includes a business plan which details the operations of the proposed business. Whilst the proposal is unlikely to generate significant increase, the access to the site requires to be upgraded.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval prior to works commencing on the development showing the following upgrading works;

- The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.
- The first 6m of the access to be surfaced to my specification i.e. 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.
- Measures to be put in place to prevent the flow of water onto the public road.
- Visibility splays of 2.4 metres by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges, 12/00902/FUL, by the same applicant, which has yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved. A separate planning application for the access upgrade was also approved (15/01206/FUL). Should either of these applications be implemented and the access is upgraded, then there would be no requirement for further upgrades required as a result of this proposal.

**AJS**

**LIST OF POLICIES**

**Local Review Reference:** 16/00017/RREF

**Planning Application Reference:** 16/00114/FUL

**Development Proposal:** Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo

**Location:** Field No 0328 Kirkburn Cardrona

**Applicant:** Cleek Poultry Ltd

**\*\*New LDP 2016\*\***

**Policy PMD2: Quality Standards**

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

**Sustainability**

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

**Placemaking & Design**

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

**Accessibility**

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

**Greenspace, Open Space & Biodiversity**

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

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

*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 and Doors  
Use of Timber in Sustainable Construction

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

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

#### **Policy ED7: Business, Tourism and Leisure in the Countryside**

##### **Business, Tourism and Leisure**

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,

- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

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

Policy PMD2 Quality Standards  
Policy PMD4 Development Outwith Development Boundaries  
Policy ED3 Town Centres and Shopping Development may be relevant where an ancillary retail use is involved.  
Policy ED8 Caravan and Camping Sites  
Policy ED9 Renewable Energy Development  
Policy HD2 Housing in the Countryside  
Policy IS4 Transport Development and Infrastructure  
Policy IS7 Parking Provision and Standards  
Policy IS16 Advertisements

Many of the environmental policies will be relevant particularly those involving the protection of landscape assets.

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

Biodiversity  
Countryside Around Towns  
Green Space  
Landscape and Development  
Local Landscape Designations  
Placemaking and Design

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

Biodiversity  
Countryside Around Towns  
Greenspace  
Green Networks  
Landscape and Development  
Placemaking and Design



### **Policy EP5: Special Landscape Areas**

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

#### *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 ED12 Mineral and Coal Extraction  
Policy HD2 Housing in the Countryside  
Policy EP4 National Scenic Areas  
Policy EP6 Countryside Around Towns  
Policy EP8 Archaeology  
Policy EP10 Gardens and Designed Landscape  
Policy EP11 Protection of Greenspace  
Policy EP12 Green Networks  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy EP14 Coastline  
Policy IS15 Radio Communications

Scottish Planning Policy

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

Countryside Around Towns  
Green Space  
Landscape and Development  
Local Landscape Designations  
New Housing in the Borders Countryside  
Placemaking and Design

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

Countryside Around Towns  
Greenspace  
Green Networks  
Landscape and Development  
New Housing in the Borders Countryside  
Placemaking and Design

## **Policy EP8: Archaeology**

### **(A) National Archaeological Sites**

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

- 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 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

Others  
Scottish Planning Policy  
SPG Special Landscape Areas

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**NOTICE OF REVIEW**

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

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

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

**Site inspection**

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

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

Part of the site falls within a locked enclosure

**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.

Within the small holding at Kirkburn there is now detailed planning consent to build eight holiday lodges and a hub-house along with six holiday sheds and an ancillary building to service these.

The holiday complex will promote 'eco-living' and autonomy and as such is to be as bio-diverse as possible. In particular, heating will be by biomass, the source of which is readily available from the Forestry Commission and comes from the neighbouring woodlands in the vicinity.

The Biomass Processing shed is needed to process the raw material ready for combustion in the individual holiday buildings and will enable small-scale processing on-site to service the holiday accommodation. Thus amplifying the awareness of carbon footprinting at the complex.

The biomass processing will lead to one full-time member of staff being employed, and hence the HSE requirement to provide welfare facilities for employees.

The higher parts of the structure have been clad in natural larch which will be sourced from within the Scottish Borders. This material weathers naturally to blend with the landscape. The charcoal grey roof-coverings will, after a number of years, support lichens and other natural grown. The roof has been designed to follow the slope of the hill rather than compete against it.

The applicant would be happy to explain the thinking behind this bio-diversity given the opportunity to speak.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Drawings 196 36, 37 & 38 showing the design and general arrangement of the proposals.

**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

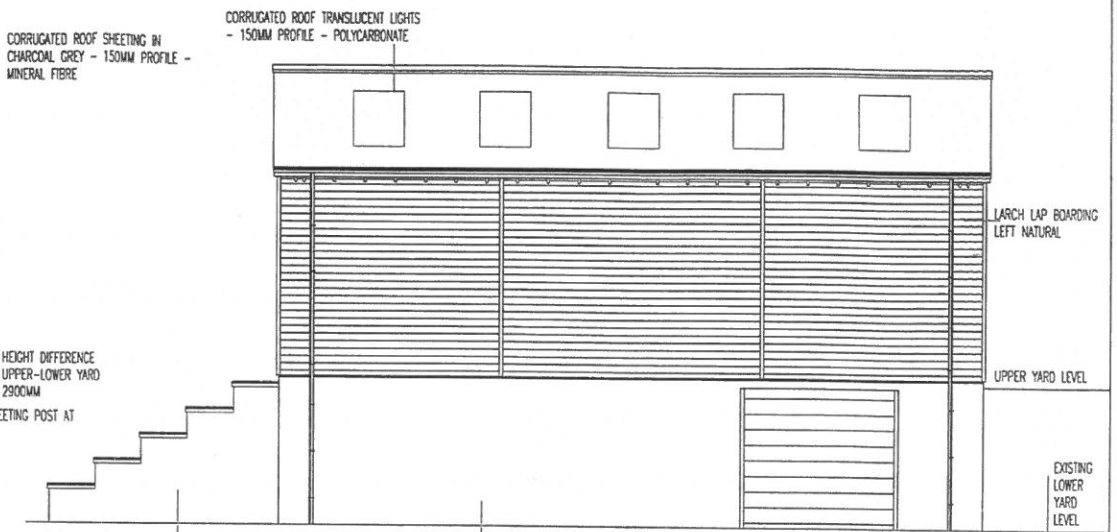
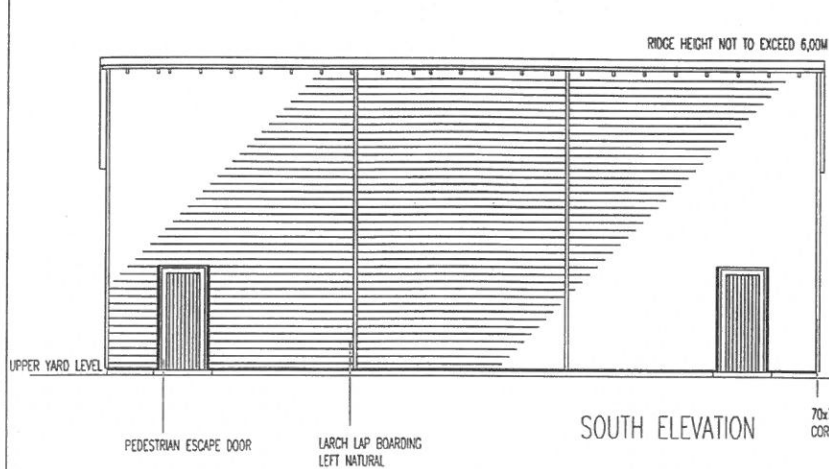
Date

21/6/16

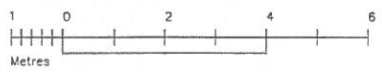
**The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.**



RECEIVED 22 FEB 2016



PROPOSED BLOCK RETAINING WALL AT REAR OF NEW PLANT ROOM TO BE STEPPED DOWN AND FITTED WITH COPE  
 ALL EXTERNAL BLOCKWORK WALLS TO COLDSTORE & PLANT ROOM FINISHED IN RENDER



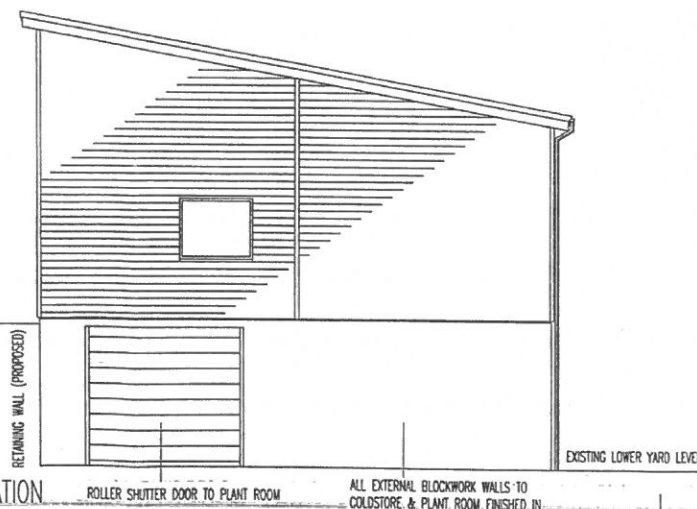
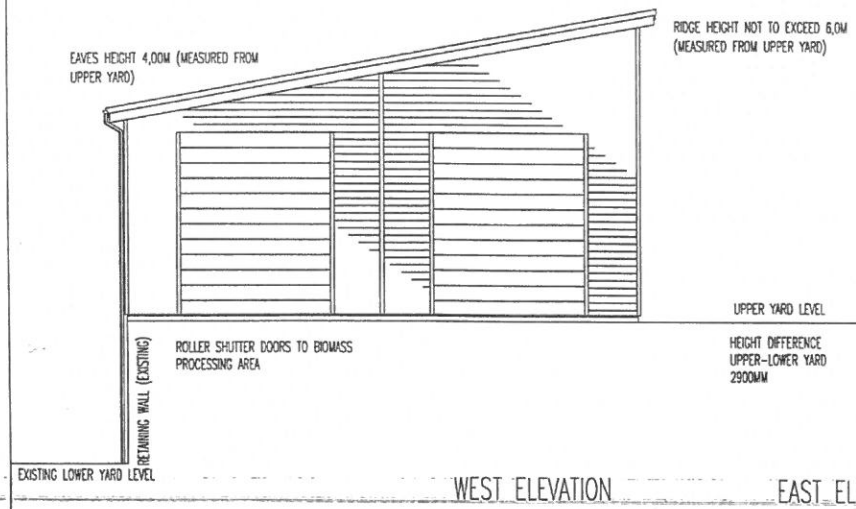
ELEVATIONS AT 1:100

REFUSED

20 APR 2016

PRINT AS 1:05

AMENDMENTS		Planning & Economic
A	revised proposal for re-submission planning FEB 2016/ren	
B		
C		
D		
E		
F		



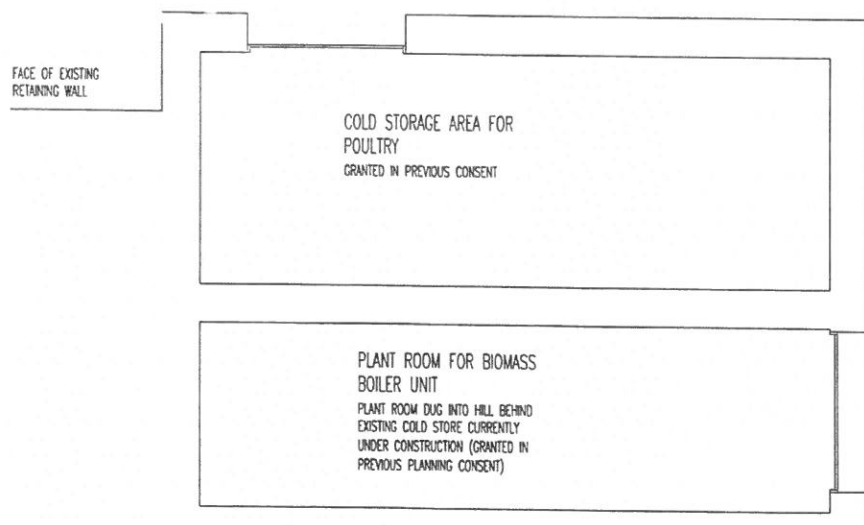
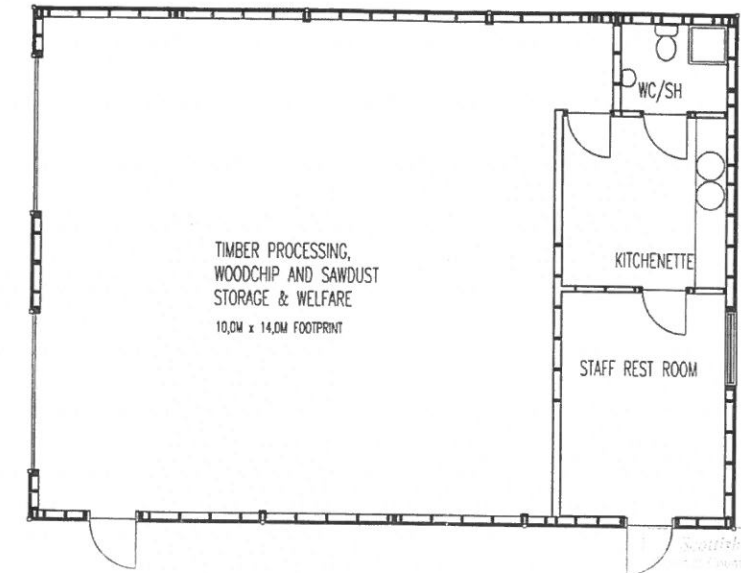
SCALE 1:100 OR AS STATED OCT 2015

drg 196 38 GENERAL ARRANGEMENT ELEVATIONS  
 REVISION -A-

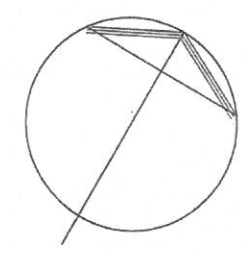
BIOMASS PROCESSING SHED FOR PRODUCTION OF WOOD CHIP AND SAW-DUST WITH ASSOCIATED BIOMASS PLANT ROOM FOR TIMBER DRYING & STAFF WELFARE PROVISION KIRK BURN, CARDRONA, PEEBLES, EH45 9HU  
 Cleek Poultry Ltd.

RECEIVED 22 FEB 2016

GROUND FLOOR PLAN  
(wood processing plant)



BASEMENT PLAN  
(cold store and plant room)



P/INT A3 1:15

AMENDMENTS	
A	revised proposal for re-submission planning FEB 2016
B	
C	
D	
E	
F	

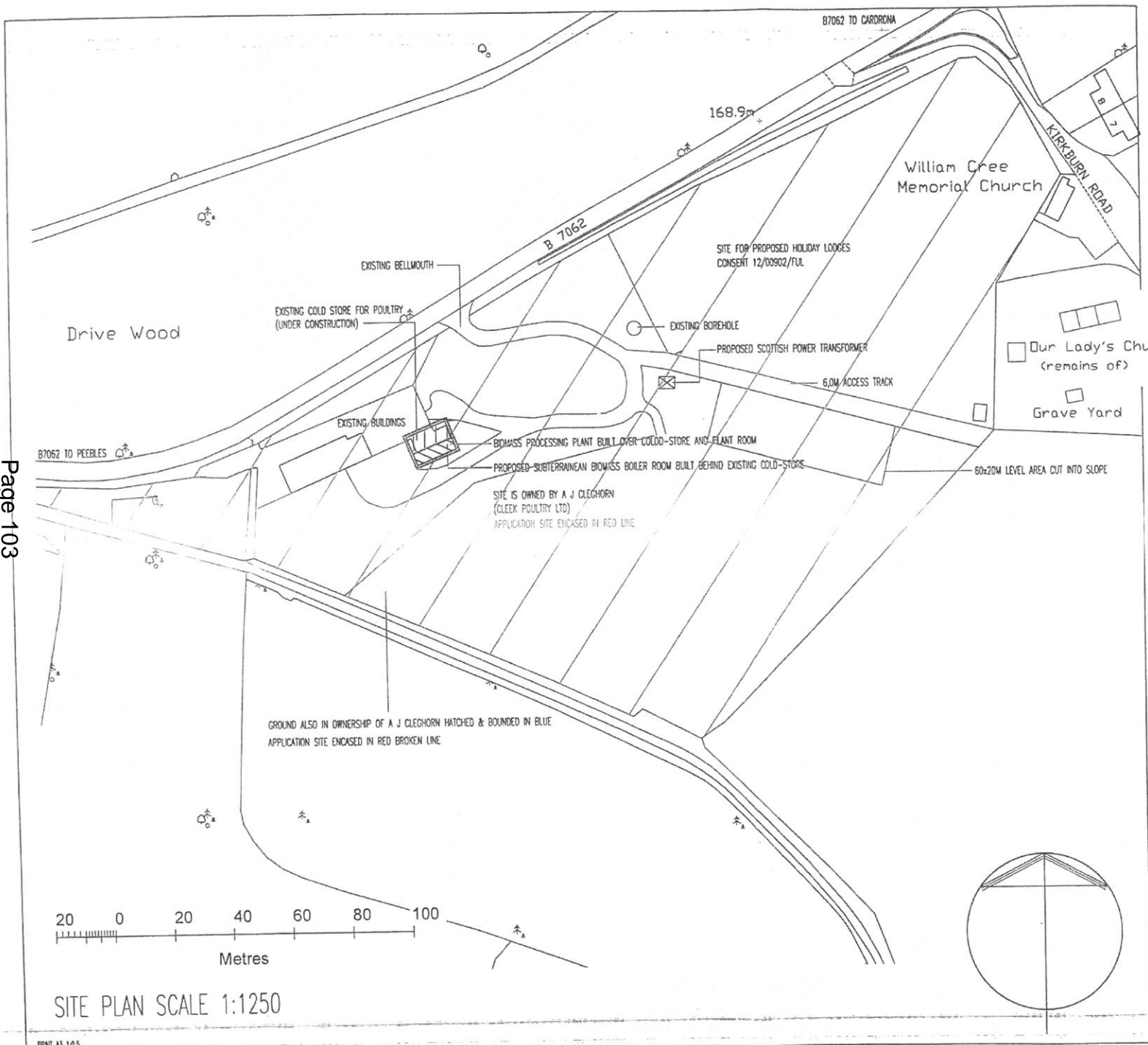
SCALE 1:100 OR AS STATED OCT 2015

drg 196 37 GENERAL ARRANGEMENT FLOOR PLANS  
REVISION -A-

BIOMASS PROCESSING SHED FOR PRODUCTION OF WOOD CHIP AND SAW-DUST WITH ASSOCIATED BIOMASS PLANT ROOM FOR TIMBER DRYING & STAFF WELFARE PROVISION  
KIRK BURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd

RECEIVED 22 FEB 2016

Scottish Borders Council  
 Town & Country Planning (Scotland)  
**REFUSED**  
 15/01/2016  
 Planning & Economic  
 Development Department



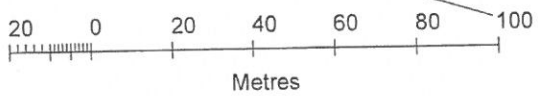
AMENDMENTS

A		
B		
C		
D		
E		
F		

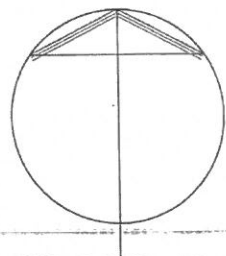
SCALE 1:1250 OR AS STATED OCT 2015

drg 196 36 SITE PLAN/LOCATION PLAN  
 REVISION --

BIOMASS PROCESSING SHED FOR PRODUCTION OF WOOD CHIP AND SAW-DUST WITH ASSOCIATED BIOMASS PLANT ROOM FOR TIMBER DRYING & STAFF WELFARE PROVISION KIRKBURN, CARDRONA, PEEBLES, EH45 9HU Cleek Poultry Ltd



SITE PLAN SCALE 1:1250







*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00205/FUL**

**To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **22nd February 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of timber processing building incorporating biomass plant room and staff welfare provision**

**at : Field No 0328 Kirkburn Cardrona Scottish Borders**

The Scottish Borders Council hereby **refuse** 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 : 16/00205/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 37 REV A	Floor Plans	Refused
196 36	Site Plan	Refused
196 38 REV A	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

**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 :** 16/00205/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of timber processing building incorporating biomass plant room  
and staff welfare provision

**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
196 37 REV A	Floor Plans	Refused
196 36	Site Plan	Refused
196 38 REV A	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The previous application for this proposal (16/00205/FUL) raised an objection from this department due to lack of information on traffic movements that this proposal would generate.

The current submission highlights that this relatively small scale building is proposed for processing biomass fuel for domestic and commercial heating. The applicant anticipates 1 lorry delivery per week at peak times of production. It is then intended that the biomass fuel is distributed to the adjacent holiday lodge development which has planning approval but yet to be constructed.

In theory, this proposal will potentially remove or limit the need for biomass fuel to be delivered to the holiday lodge development, should it be forthcoming.

Access to the site is to be via the existing junction, which is to be upgraded as per a separate application (15/01206/FUL). As such, I would be seeking for a condition, to be attached to any consent for this current application, requiring the access to be upgraded as per the application 15/01206/FUL prior to the timber processing unit becoming operational.

Environmental Health:

Amenity and Pollution

## Assessment of Application

Air quality  
Noise  
Nuisance

This is an Application to erection of timber processing building together with a biomass boiler, a biofuel production facility and staff accommodation.

Biomass heating systems have the potential to cause nuisance and air quality problems.

In order to allow an air quality screening assessment to be carried out the applicant can carry one out using the biomass unit conversion and screening tool at <http://iaqm.co.uk/guidance/>

Alternatively if the following information is provided the screening calculation will be carried out for them:

1. Flue diameter
2. Flue height above ground level
3. Make and model of the boiler
4. Size of boiler (maximum output in kW)
5. Thermal efficiency of the boiler
6. Type of fuel to be used (pellets chips etc.)
7. The height and width of the building in which the boiler will be housed
8. The height and width of any building within a distance of 5 times the stack height, including fuel hoppers.
9. The boiler Emission Factor for PM10 particulates at full boiler power
10. The boiler Emission Factor for NOx at full boiler power

Where manufacturer's Emission Factors are unavailable, a notional value derived from Guidance will be used.

Wood processing machinery can cause noise annoyance.

The Applicant should submit a Noise Assessment for the proposed machinery, giving predicted noise levels within the nearest noise sensitive premises.

Noise levels should incorporate any tonal penalties and be reference against the Noise Rating Curves.

### Recommendation

Delete as appropriate -Further Information Required Before Application is Determined

### Landscape Architect:

#### Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley.

The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape.

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north.

The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

#### Nature of the Proposal

The proposal is for the erection of a biomass processing shed over the consented cold storage block and next to an agricultural shed. The ridge height of the proposal development is almost 9 metres above existing lower yard level

#### Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be highly visible to receptors using the B7062 travelling eastwards from Peebles. The existing trees along the north boundary and on the other side of the road will not provide adequate screening to the shed when seen from this direction or from the east and views from sensitive locations on the other side of the valley may not be screened by the intervening trees along the B7062.



## Conclusion

I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley.

On grounds of Landscape and visual impact, I cannot support this application.

Archaeology Officer:

There are no known archaeological implications for this proposal. While there is some archaeological sensitivity in the surrounding area, the site itself is within an area that has been heavily disturbed by recent development. A watching brief was conducted on the adjacent site in 2005 and failed to identify significant archaeology.

Economic Development: Response awaited.

Peebles and District Community Council: Response awaited.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 19th April 2016

A previous application for a biomass production building and plant at this site was refused and the assessment from the Handling Report should be repeated here as it remains relevant to issues of landscape impact and justification:

"There was a previous application which included, as part of the proposals, a large two storey building built partly over the proposed cold storage area to provide further cold storage and vehicle storage. The building that is now proposed for timber processing and biomass chip creation is in exactly the same position and is identical in scale, appearance and design. The assessment of the history, landscape impacts and need for the proposals are contained within that previous report and the report on the timber processing building previously proposed for the western end of the existing steading building. Those reports stated the following:

"The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds, without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting

the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Repeating the application in terms of the same height, position and scale of building has not addressed the aforementioned concerns in any way, the building remaining prominent to the A72 and to the B road. The Landscape Architect continues to object for these reasons. For the same reasons that led to the rejection of 15/00563/FUL, the current application is contrary to Policies G1, D1, EP2 and the SPG due to the detrimental impacts on designated landscape quality.

In terms of the intended use of the building, the proposed use is for production of biomass woodchip/sawdust with other rooms for timber drying and staff provision. A previous application at the western end of the steading (15/00600/FUL) rehearsed the issue of timber processing in relation to Policy D1 as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the building raises issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. There is no woodland on the land holding despite the application form stating that timber from adjoining woodland will be coppiced and processed. Policy D1 only supports business proposals in the countryside (other than agriculture/forestry) that can demonstrate a clear economic and operational need to be located in that location. As there is no Business Plan nor any clear indication of where the timber is to be sourced from, it cannot be accepted that the proposal complies with the basic requirements of Policy D1. There would also be concern in terms of visual screening if the very woodland being used as a reason to accept some development at the eastern end of the site is intended to be felled to be processed on site.

There has similarly been no explanation as to why the building must be 7.3m high with a roller shutter door 4m high nor any explanation or recognition that either existing buildings could be used for such a use or that an alternative lower building could be used.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location."

As there has not been any Business Plan or justification submitted to address the previous reason for refusal in relation to lack of compliance with Policy D1 or respond to the aforementioned concerns, I would have to consider that the current application still fails to comply with Policy D1. There has been no demonstration of how the current farmholding justifies a building for processing and creating woodchip and sawdust. Despite the applicant stating there is agreement to bring in wood from elsewhere, this information has not been submitted, the intended operation is not for agricultural purposes nor has it been demonstrated that it relates to forestry by-product procedures sourced from wood within the farmholding. I would have to conclude that this new application proposes similar timber processing uses as previously proposed and refused at the farmholding. Without a Business Plan justifying the proposed use, the new application has still not addressed the business justification reasons for refusal. Had it been purely a building with plant for the burning of biomass and creation of energy for agricultural purposes on the farmholding - and this was demonstrated in a Business Plan - then compliance with Policy D1 may have been achieved."

What has changed in relation to this submission ? Firstly, the building is the same floor area placed atop the cold storage building, albeit without mezzanine. It was previously 6m to eaves with a dual pitched roof rising to 7.5m to ridge. The new design is monopitched, 4m to eaves and rising to 6m to ridge. The ultimate height reduction is 1.5m which is not considered to be the "substantial" reduction suggested by the applicant in his supporting letter. All issues of landscape prominence remain from both the B road and from the A72 across the valley and above the intervening trees. The Landscape Architect continues to object for these reasons and the detrimental impacts on the Tweed Valley SLA, stressing that the ridge would be 9m above existing

lower yard level. Most of the six metre height will be visible above the trees, serving to demonstrate on a repeated basis, that the site is not suitable for additions in height above the existing buildings.

The other change relates to the purpose of the biomass building which is stated as being for the production of biomass fuel from raw material brought from Forestry Commission stock at Glentress and Cardrona, processed into fuel and then used both for the holiday lodges/sheds approved on the site but also to fuel the drying process within the Plant Room under the proposed building. Whilst the letter at least provides more information on the connection between the purpose of the building and approved uses at the site (and makes no claim to use timber from the site or immediately adjoining the site), it remains unsupported by anything other than a brief letter. There remains no Business Plan to demonstrate how the proposed use and building would be justified and, especially, why a building of the design, scale and height is proposed. There is also no practical information to explain why the building must be six metres high and why it must, yet again, feature a rest room, kitchenette and toilet. Until a practical and justifiable connection can be demonstrated between the building, the proposed use and the uses on site, then it is considered that Policy D1 continues to be breached by this proposal.

Although previously a reason for refusal, the road safety impacts of this proposal have now been accepted by Roads Planning given what is said by the applicant about raw material delivery and the use of the produce within the site for the holiday development - thus limiting the external vehicular movements. The road safety impacts of the proposal, following clarification by the applicant, are no longer a reason for refusal of the application in this respect.

The environmental health concerns can be addressed by conditions on any approval, albeit any approval must be preceded by an Air Quality Assessment. There are no archaeological implications.

#### **REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

#### **Recommendation: Refused**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

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



*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission** **Reference: 15/01206/FUL**

**To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles EH45 9HU**

With reference to your application validated on **12th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Upgrade of existing access**

**at: Field No 0328 Kirkburn Cardrona Scottish Borders**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

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

**Dated 9th December 2015**  
**Planning and Regulatory Services**  
**Environment and Infrastructure**  
**Council Headquarters**  
**Newtown St Boswells**  
**MELROSE**  
**TD6 0SA**



Signed

.....  
**Chief Planning Officer**

**APPLICATION REFERENCE: 15/01206/FUL****Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
196 30	Location Plan	Approved
196 31	Elevations	Approved

**REASON FOR DECISION**

The application, with conditions, complies with Development Plan Policies on amendments to access for development within the countryside in that the proposed amendments will improve the access for existing use and for consented holiday development at the site.

**SCHEDULE OF CONDITIONS**

- 1 The retaining walls shown on the approved plan to be faced with natural stone cladding within one month of their formation, a sample of which should be submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the visual amenity of the area.
- 2 Notwithstanding what is shown on the plans, planning permission is only granted for the access upgrading and not for the entrance folly.  
Reason: The entrance folly is not considered to be of an appropriate scale to be satisfactorily accommodated within the site without impacts of dominance and incongruity from the public road.
- 3 No development to be commenced until details of the gully outfall routes are submitted to, and approved by, the Planning Authority.  
Reason: In the interests of road safety.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 In relation to Condition 2, any revised design of entrance folly should be submitted as a new planning application and should address the issues of scale and dominance through considerable reductions in width and height and a design more successfully related to the proposed entrance walls and ground levels. There should also be more information provided on the design detailing. It is suggested by the Landscape Architect that you may wish to consider entrance pillars as a possible alternative in any resubmission.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

**Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

**Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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





**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

REF : 15/01206/FUL  
APPLICANT : Cleek Poultry Ltd  
AGENT :  
DEVELOPMENT : Upgrade of existing access  
LOCATION: Field No 0328 Kirkburn  
Cardrona  
Scottish Borders  
  
TYPE : FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
196 30	Location Plan	Approved
196 31	Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

No objections but seeks further information on where the gullies discharge to and expresses concerns over potential impacts of folly on ground levels and whether a use generating traffic is proposed.

Landscape Architect:

Opposes the current design of folly and suggests a much reduced version or, preferably, gate post features to match with the local vernacular. Also recommends the access retaining walls be faced with natural stone.

Peebles and District Community Council: Response awaited.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy D1 Business Tourism and Leisure Development in the Countryside

**Recommendation by** - Craig Miller (Lead Planning Officer) on 7th December 2015

This application is for the alteration of an existing access at Kirkburn, Cardrona, and for the erection of a castellated folly on the western curve of the amended access. The access works involve widening of the access to 6m, creating a tarmac area with kerbs and 6m radii, drainage provisions and a one metre high concrete block retaining wall either side. The gradient would meet 1 in 15 for the first six metres then no steeper than 1 in 8. Sightlines of 2.4 by 120m would be formed.

The entrance folly would be constructed in local reclaimed stone with ashlar dressings and resemble a castellated turret, 4.5m in diameter and 6.3m to the top of the castellations. Two raised string courses are shown and a series of slot-like indentations or voids. There is no further information on whether the folly would have any use, entrance or, indeed, roof.

The access improvements are similar to those proposed for the holiday chalet development consented under 12/00902/FUL but which have yet to be implemented. It is understood that the applicant envisages that the current standard of unimproved access is resulting in objections from Roads Planning towards other proposals at the site using the access. However, such improvements could have been imposed as conditions on any future planning permissions, the main reasons for Roads Planning objections relating to traffic generating proposals being submitted without supporting Transport Statements. In any case, similar road junction improvements were sought by condition on the original holiday chalet approval and were clearly acceptable by the Council for that development - so there should be no reason why a stand-alone proposal to improve the access should not also be supported. This does not mean, however, that any further proposals that could potentially give rise to greater traffic generation or a different nature of traffic should not still be supported by the previously requested Transport Statement. A junction improvement, in itself, may not be sufficient to allay Roads Planning concerns.

The junction improvements go further than those previously consented on the holiday chalet development, mainly involving an increased width of road further up into the site, at the point where the access to the holiday chalets splits from the farm access. The main benefits, apart from the increased width, are a tarmac surface at the bellmouth, improved interception of surface water, retaining of any increased excavation and shallower gradients. Roads Planning have now confirmed their acceptance of the proposals, albeit wanting more information on the route of the gullies. The Landscape Architect had previously suggested stone-faced walling to soften the impacts of the access and this is again recommended by her rather than the stark appearance of concrete block retaining walls as proposed at present. This requirement can be imposed by condition.

The erection of the folly on the western side of the enhanced site entrance must be judged against Policy G1 of the Consolidated Local Plan, relating to quality of design standards. The folly has no intended use and is seen as an ornate entrance feature, therefore, it cannot be judged against Policy D1 as other proposals at Kirkburn have been. There should be no reason why a suitably designed and scaled entrance feature, perhaps relating to the curved retaining walling, could be considered to comply with the criteria listed in Policy G1. However, what is proposed at present is not considered to be in compliance. Given the lack of sufficient flat land at the entrance area and despite the drawing suggesting the folly on a flat site, there are no finished floor levels or contours shown to demonstrate at what elevation above road level the folly will be positioned. Similarly, the height of 6.3m and width of 4.5m could be considered to be out of scale with the context of the landscape and minor road surrounding the site, the height either being accentuated by a raised floor level or fit within the site incongruous due to significant excavation and retaining.

The criteria within Policy G1 require "scale, massing and height" appropriate to surroundings, the development to be "satisfactorily accommodated within the site", to be "compatible with...the surrounding area, neighbouring uses and neighbouring built form" and to be "designed in sympathy with Scottish Borders architectural styles". Whilst a major reduction in height and width could successfully address some of the concerns over scale, dominance and landscape fit, further details of the structure would also be required of how it is set into the site, how it relates to the entrance walling and whether it has a roof, wall or door openings. There is clearly some context in this part of the Tweed Valley for an entrance structure with historical appearance, given the proximity of Kailzie, the Wm Cree Memorial Church and the former Scheduled Monument of Our Lady's Church. However, the structure should be of a scale and design which is able to be accommodated without over-dominance or impression of being totally out of context. The Landscape Architect makes reference to incorporating such a structure with the junction walling as an entrance feature, preferably in the form of gatepost features.

The current design cannot be supported for the aforementioned reasons and the consent will only be issued for the access improvements. A Condition and Informative will be imposed to clarify that the current design of folly is not approved and that a new application would be required for a revised design which may be considered more favourably if significantly reduced in height and width and related better to the ground levels and entrance walling.

#### **REASON FOR DECISION :**

The application, with conditions, complies with Development Plan Policies on amendments to access for development within the countryside in that the proposed amendments will improve the access for existing use and for consented holiday development at the site.

#### **Recommendation:** Approved - conditions & informatives

- 1 The retaining walls shown on the approved plan to be faced with natural stone cladding within one month of their formation, a sample of which should be submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the visual amenity of the area.
- 2 Notwithstanding what is shown on the plans, planning permission is only granted for the access upgrading and not for the entrance folly.  
Reason: The entrance folly is not considered to be of an appropriate scale to be satisfactorily accommodated within the site without impacts of dominance and incongruity from the public road.
- 3 No development to be commenced until details of the gully outfall routes are submitted to, and approved by, the Planning Authority.  
Reason: In the interests of road safety.

#### **Informatives**

It should be noted that:

- 1 In relation to Condition 2, any revised design of entrance folly should be submitted as a new planning application and should address the issues of scale and dominance through considerable reductions in width and height and a design more successfully related to the proposed entrance walls and ground levels. There should also be more information provided on the design detailing. It is suggested by the Landscape Architect that you may wish to consider entrance pillars as a possible alternative in any resubmission.

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



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 15/00600/FUL**

**To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **29th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of timber processing building incorporating roof mounted photo voltaic panel array**

**at : Field No 0328 Kirkburn Cardrona Scottish Borders**

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

**Dated 3rd August 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
.....

**Chief Planning Officer**

**APPLICATION REFERENCE : 15/00600/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 06	Elevations	Approved
SUNMODULE	Specifications	Approved

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**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 :** 15/00600/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of timber processing building incorporating roof mounted photo voltaic panel array

**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
196 06	Elevations	Approved
SUNMODULE	Specifications	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The principle of agricultural activity at this site has already been established through various applications. However it is disappointing to note that previously conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remains substandard. This proposal, if approved, is obviously going to increase the amount of vehicles using the access and, as such, enforcement action should be raised to enforce the compliance of the existing conditions.

There is a lack of information in terms of the number of vehicle movements this proposal will bring. As such, I will require a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval showing the following upgrading works;

- The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.

- The first 6m of the access to be surfaced to my specification i.e. 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.
- Measures to be put in place to prevent the flow of water onto the public road.
- Visibility splays of 2.4 by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges by the same applicant, 12/00902/FUL, which is yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved.

Until I receive this additional information I must withhold my support for this proposal.

Archaeology Officer:

Thank you for requesting an archaeology consultation. The application area was partly covered by a previous archaeological watching brief that failed to identify significant archaeology. Given this, and groundworks that have commenced in the immediate vicinity since the watching brief in 2005, I do not believe there are any further mitigation measures required.

Landscape Officer:

#### Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley. The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape in the Designation statement as follows: 'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys. Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north. The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

#### Nature of the Proposal

The proposal is for the erection of a timber processing building onto the end of an existing shed.

#### Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be highly visible to receptors using the B7062 travelling eastwards from Peebles and the west elevation is higher than the existing shed and will be overly dominant in this small scale setting. I suggest that the existing trees along the north boundary will not provide adequate screening to the shed when seen from this direction and from the east there will be a confused and awkward elevation and association with the existing shed. The roof height will be 3m above the roof height of the existing shed and as such has potential to be visible above the existing tree belt from sensitive locations across the valley e.g. from the A72.

#### Conclusion

The submitted information was limited and I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley.

I would want to see a realistic photomontage presentation submitted as part of a LVIA to satisfy me that there will not be a significant visual impact for receptors using the adjacent road or from the other side of the valley and whether there are mitigation measures that could reduce any negative visual impacts.

Without this information I cannot support this application.



Economic Development: Requires clarification of purpose of all competing proposals and suggests Business Gateway be involved to provide advice and assist.

Peebles and District Community Council: Response awaited.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 30th July 2015

The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for a new building erected at lower yard level adjoining and to the west of the existing buildings. The purpose of the building is described as "timber processing" and the application form suggests it will be coppicing adjacent woodlands. No further Business Plan or justification is provided to explain where such woodland lies, whether it is within the applicant's control, the purpose of the timber produced etc.

The building will measure 10m by 7m to the front and 12m to the rear, 6m to the eaves and 7.3m to the ridge both as measured from the ground level. It will be clad in larchlap boarding with a charcoal grey fibre roof, possessing one large roller shutter door and a pedestrian door adjoining. The roof will be pitched and asymmetrical, reflecting the shorter frontage and longer rear of the building which fits into the available flat space.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

The full background to the landscape impacts envisaged by the mushroom sheds, poultry unit, cattle court, hay stores, silo and solar panels have been described elsewhere in the relevant applications. Adjoining this proposal, the application for the storage building and animal flotation tank building caused the same issues of landscape impact. Whilst it was accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It was acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It was considered that there was not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively

screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this had not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer.

The timber processing building exhibits the same issues of height, albeit being one metre lower than the Flotation Tank building. It nevertheless has a ridge line 2.75m above the current building ridge lines. Given the fact that the existing buildings are close to the top line of the trees when viewed from across the river, a further 2.75m height extension will cause the same problems of prominence and landscape impact as the other proposals which have been rejected, albeit of slightly lesser degree.

Of particular impact will be the building when viewed from the B-road, especially on the approach from the west. An application was refused in 2011 for a building of similar scale and dimensions in the same location. At that time, the building was described for hay storage purposes and it was the same floor area and eaves height of 6m but with a flat roof. That application was refused for the following reason:

"....the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area".

In the report on that application, it was stated :

"The proposals fail to comply with these requirements in that none of these elements are in sympathy with the existing building. The abrupt change from pitched to flat roof form is exacerbated by the 1.5m height increase and the lack of any fenestration, together with the high steel doors which are higher than the eaves of the existing building. As the extension will also be flush with the front and back of the existing building, the lack of any step back also increases the unsympathetic relationship with the existing building.

These concerns have been raised with the agent who has offered to alter the proposal to clad it in metal sheeting rather than the proposed blockwork. The shape, form and bulk of the extension would only be slightly reduced in impact by the use of matching material and it is concluded that the design would still be inappropriate as an extension to the existing building especially within the attractive and historic rural environment that it is located. The building will be visible from the public roads to the front and rear of the site and a better design of extension is warranted in the location proposed."

The new application still exhibits many of the incongruous elements of the previous design, albeit dropping the flat roof in favour of a pitch. This, however, increases the height by a further 1.3m, causing a visual jump up in ridge lines and the eaves line being dramatically different. Again, the roller shutter door will be above the eaves of the existing buildings and the impact from the western direction on the public road will be dominant, faced with a 7.3m high blank gable on already elevated land.

I have no issues with the solar panels on the rear facing roof slope.

It is concluded that the impacts from the A72, compounded by those from the B-road in relation to the dominance of the building and its incongruous relationship with the existing buildings, determine that the proposal would have a significant visual impact on the designated landscape.

Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the building raises issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. There is no woodland on the land holding despite the application form stating that timber from adjoining woodland will be coppiced and processed. Policy D1 only supports business proposals in the countryside (other than agriculture/forestry) that can demonstrate a clear economic and operational need to

be located in that location. As there is no Business Plan nor any clear indication of where the timber is to be sourced from, it cannot be accepted that the proposal complies with the basic requirements of Policy D1. There would also be concern in terms of visual screening if the very woodland being used as a reason to accept some development at the eastern end of the site is intended to be felled to be processed on site.

There has similarly been no explanation as to why the building must be 7.3m high with a roller shutter door 4m high nor any explanation or recognition that either existing buildings could be used for such a use or that an alternative lower building could be used.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

Roads Planning have concerns over this proposal together with others submitted on the same and adjoining sites. They point out that conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remaining substandard. This proposal, if approved, would increase the amount of vehicles using the access and should it be approved, upgrading works should be conditioned following the submission of details. Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the building and the nature of the use intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan.

The Archaeology Officer is not concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

#### **REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**Recommendation:** Refused

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
  
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.
  
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference: 15/00563/FUL**

**To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **28th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Extension to form additional cold storage with agricultural storage shed above, erection of animal flotation unit and installation of roof mounted photovoltaic panel array**

**At: Field No 0328 Kirkburn Cardrona Scottish Borders**

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

**Dated 3rd August 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....

**Chief Planning Officer**

**APPLICATION REFERENCE: 15/00563/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
SUNMODULE	Specifications	Refused
196 04 REV A	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
  
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.
  
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**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 :** 15/00563/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Extension to form additional cold storage with agricultural storage shed above, erection of animal flotation unit and installation of roof mounted photovoltaic panel array

**LOCATION:** Field No 0328 Kirkburn Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SUNMODULE 196 04 REV A	Specifications Elevations	Refused Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The principle of agricultural activity at this site has already been established through various applications. However it is disappointing to note that previously conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remains substandard. This proposal, if approved, is obviously going to increase the amount of vehicles using the access and, as such, enforcement action should be raised to enforce the compliance of the existing conditions.

There is a lack of information in terms of the number of vehicle movements this proposal will bring. As such, I will require a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval showing the following upgrading works;

- The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.

- The first 6m of the access to be surfaced to my specification i.e. 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.
- Measures to be put in place to prevent the flow of water onto the public road.
- Visibility splays of 2.4 by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges by the same applicant, 12/00902/FUL, which is yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved.

Until I receive this additional information I must withhold my support for this proposal.

Landscape Officer:

#### Description of the Site

The site is located in the western part of a larger north facing field on the southern side of the Tweed valley.

The site lies wholly within the Tweed Valley Special Landscape Area (SLA) and the designation recognises the special character of the valley landscape in the Designation statement as follows:

'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys.

Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around

Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north.

The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

#### Nature of the Proposal

The proposal is for the erection of a 10m x 14m store with staff facilities and roof mounted solar panels, a 25 x 6m building to house an animal therapy flotation tank also with roof mounted solar panels.

#### Implications of the Proposal for the Landscape including any Mitigation

The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

#### Conclusion

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.



Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application.

Archaeology Officer: Thank you for requesting an archaeology consultation. The application area was partly covered by a previous archaeological watching brief that failed to identify significant archaeology. Given this, and groundworks that have commenced in the immediate vicinity since the watching brief in 2005, I do not believe there are any further mitigation measures required.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Water and Drainage

This Application includes proposals to erect a cold store and a solar panel array. Refrigeration equipment can be a source of noise complaints if not properly installed and maintained.

Electrical power generating facilities can cause noise impacts from transformers and other ancillary equipment.

This Application proposes to use a private water supply and drainage system.

These can impact of public health.

Recommendation

Agree with application in principle, subject to Conditions.

Conditions

Noise

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

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

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

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

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

Informative

#### Private Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

#### Private Drainage System

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

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

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

Peebles and District Community Council: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 29th July 2015

The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually

related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer who also points out the lack of any Landscape and Visual Impact Assessment to demonstrate the impacts of the development.

I have no issues with the solar panels on the rear facing roof slopes.

Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. There is staff provision in the storage building in the form of a rest room, kitchenette and a toilet which either seem unnecessary and unrelated to tractor and vehicle storage - or excessive in that such provision could be provided elsewhere on the holding, probably within the existing buildings. Certainly, there would be no effective justification to have these facilities duplicated in every building proposed on this site. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

Roads Planning have concerns over this proposal together with others submitted on the same and adjoining sites. They point out that conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remaining substandard. This proposal, if approved, would increase the amount of vehicles using the access and should it be approved, upgrading works should be conditioned following the submission of details. Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan.

There were a series of issues also raised by Environmental Health covering noise, private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not

concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

**REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**Recommendation:** Refused

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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



**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>16/00205/FUL</b>
<b>Uniform Ref</b>	<b>16/00387/PLANCO</b>
<b>Proposal</b>	<b>Erection of timber processing building incorporating biomass plant room and staff welfare provision</b>
<b>Address</b>	<b>Field No 0328 Kirkburn Cardrona Scottish Borders</b>
<b>Date</b>	<b>21/3/16</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – no comments</b>

**Amenity and Pollution**

**Assessment of Application**

*Air quality*

*Noise*

*Nuisance*

This is an Application to erection of timber processing building together with a biomass boiler, a biofuel production facility and staff accommodation.

Biomass heating systems have the potential to cause nuisance and air quality problems.

In order to allow an air quality screening assessment to be carried out the applicant can carry one out using the biomass unit conversion and screening tool at <http://iaqm.co.uk/guidance/>

Alternatively if the following information is provided the screening calculation will be carried out for them:

1. Flue diameter
2. Flue height above ground level
3. Make and model of the boiler
4. Size of boiler (maximum output in kW)
5. Thermal efficiency of the boiler
6. Type of fuel to be used (pellets chips etc.)
7. The height and width of the building in which the boiler will be housed
8. The height and width of any building within a distance of 5 times the stack height, including fuel hoppers.
9. The boiler Emission Factor for PM10 particulates at full boiler power
10. The boiler Emission Factor for NOx at full boiler power

Where manufacturer's Emission Factors are unavailable, a notional value derived from Guidance will be used.

Wood processing machinery can cause noise annoyance.

The Applicant should submit a Noise Assessment for the proposed machinery, giving predicted noise levels within the nearest noise sensitive premises.

Noise levels should incorporate any tonal penalties and be reference against the Noise Rating Curves.

**Recommendation**

Delete as appropriate –Further Information Required Before Application is Determined





## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 26th February 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00205/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 18th March 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 18th March 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:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of timber processing building incorporating biomass plant room and staff welfare provision

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

There are no known archaeological implications for this proposal. While there is some archaeological sensitivity in the surrounding area, the site itself is within an area that has been heavily disturbed by recent development. A watching brief was conducted on the adjacent site in 2005 and failed to identify significant archaeology.

# REGULATORY SERVICES



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

Date: **15 Apr 2016**

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

Ext: **6663**

Ref: **16/00205/FUL**

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**Subject: Erection of timber processing building incorporating biomass plant room and staff welfare provision  
Field No 0328 Kirkburn, Cardrona, Scottish Borders**

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The previous application for this proposal (16/00205/FUL) raised an objection from this department due to lack of information on traffic movements that this proposal would generate.

The current submission highlights that this relatively small scale building is proposed for processing biomass fuel for domestic and commercial heating. The applicant anticipates 1 lorry delivery per week at peak times of production. It is then intended that the biomass fuel is distributed to the adjacent holiday lodge development which has planning approval but yet to be constructed.

In theory, this proposal will potentially remove or limit the need for biomass fuel to be delivered to the holiday lodge development, should it be forthcoming.

Access to the site is to be via the existing junction, which is to be upgraded as per a separate application (15/01206/FUL). As such, I would be seeking for a condition, to be attached to any consent for this current application, requiring the access to be upgraded as per the application 15/01206/FUL prior to the timber processing unit becoming operational.

**AJS**



**LIST OF POLICIES**

**Local Review Reference:** 16/00020/RREF

**Planning Application Reference:** 16/00205/FUL

**Development Proposal:** Erection of timber processing building incorporating biomass plant room and staff welfare provision

**Location:** Field No 0328 Kirkburn Cardrona

**Applicant:** Cleek Poultry Ltd

**\*\*New LDP 2016\*\***

**Policy PMD2: Quality Standards**

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

**Sustainability**

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

spaces.

### **Placemaking & Design**

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

### **Accessibility**

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

### **Greenspace, Open Space & Biodiversity**

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

amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

*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 and Doors

Use of Timber in Sustainable Construction

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

Greenspace

Housing

Landscape and Development

Placemaking and Design (incorporating Privacy and Sunlight)

Sustainable Urban Drainage

Use of Timber in Sustainable Construction

Waste Management

### **Policy ED7: Business, Tourism and Leisure in the Countryside**

#### **Business, Tourism and Leisure**

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance

with the Scottish Borders Tourism Strategy and Action Plan;

- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

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

Policy PMD2 Quality Standards

Policy PMD4 Development Outwith Development Boundaries

Policy ED3 Town Centres and Shopping Development may be relevant where an ancillary retail use is involved.

Policy ED8 Caravan and Camping Sites

Policy ED9 Renewable Energy Development

Policy HD2 Housing in the Countryside

Policy IS4 Transport Development and Infrastructure

Policy IS7 Parking Provision and Standards

Policy IS16 Advertisements



Many of the environmental policies will be relevant particularly those involving the protection of landscape assets.

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

Biodiversity  
Countryside Around Towns  
Green Space  
Landscape and Development  
Local Landscape Designations  
Placemaking and Design

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

Biodiversity  
Countryside Around Towns  
Greenspace  
Green Networks  
Landscape and Development  
Placemaking and Design

#### **Policy EP5: Special Landscape Areas**

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

*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 ED12 Mineral and Coal Extraction  
Policy HD2 Housing in the Countryside  
Policy EP4 National Scenic Areas  
Policy EP6 Countryside Around Towns

Policy EP8 Archaeology  
Policy EP10 Gardens and Designed Landscape  
Policy EP11 Protection of Greenspace  
Policy EP12 Green Networks  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy EP14 Coastline  
Policy IS15 Radio Communications

Scottish Planning Policy

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

Countryside Around Towns  
Green Space  
Landscape and Development  
Local Landscape Designations  
New Housing in the Borders Countryside  
Placemaking and Design

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

Countryside Around Towns  
Greenspace  
Green Networks  
Landscape and Development  
New Housing in the Borders Countryside  
Placemaking and Design

#### **Policy EP8: Archaeology**

##### **(A) National Archaeological Sites**

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

- 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 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

In addition, other policies relevant to the consideration are-

SPG Special Landscape Areas

Scottish Planning Policy





Chief Executive

Notice of Review

20 JUN 2016

Democratic Services

**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

Name

Address

Address

Postcode

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

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

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

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

**Site inspection**

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

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

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

No

**Statement**

**Notice of Review**

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

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

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

PLEASE SEE NOTES ATTACHED

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

Yes  No

If yes, you should explain in the box below, why you are raising 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.

PLEASE SEE NOTES ATTACHED

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

PLEASE SEE ATTACHED

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

**Checklist**

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

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

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

**Declaration**

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

Signed

[Redacted Signature]

Date

14/6/2016

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



Mr. Alan John Redpath

62 Castle Street

Duns

TD11 3BE

Thursday 16<sup>th</sup> June 2016

Dear Sir/Madam,

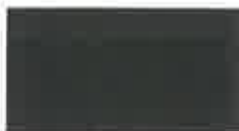
Please find below a list of supporting documents, materials and evidence which I wish to use to support my notice of review.

- SBC H&DO Officer has not supported our application after verbal guidance on the replacement front door. He suggested a window in the centre of the door would be acceptable due to bad light from the fan light above the existing door. Please see attached photos of timber replacement door. Please note the existing door is not the original door as stated in the refusal; it is hollow and not solid. How can we replace like for like when it is not the original door and already having a harmful effect on the character of the grade B listed building?
- A sample window was shown to the H&DO officer on his visit and it detailed the same window pane sizes etc as existing windows. Please note all 5 existing sash & case windows are not the same. Some have horns inside and out and two don't.
- We are looking to replace our 1991 gas combi boiler as it is not efficient and costing money. However; we are reluctant to do this when all the heat will escape through the unrepairable existing windows.
- Historic Environment Scotland have no objections.
- Castle Street is a conservation area but yet various houses on the street would appear to have had a relaxed view on style/make of replacement windows.
- PVC wood grain effect double glazed windows supplied and fitted by Wm Mallen Joinery at a cost of £4,014 + vat against timber sash & case double glazed and fitted by Wm Mallen Joinery at a cost of £8,712 + vat. Same size of sash & case, same size of panes and same size of astrigals.

I would be very grateful if you can reconsider your objection of PVC wood grain effect double glazed windows and a solid wood front door and allow me to continue to maintain and improve this grade B listed building.

I look forward to hearing from you soon.

Regards



Alan John Redpath

**Ian Aikman  
Chief Planning Officer**

Alan John Redpath  
62 Castle Street  
Duns  
Scottish Borders  
TD11 3BE

**Please ask for:** Scott Shearer  
**☎** 01835 826732  
**Our Ref:** 16/00126/FUL  
**Your Ref:**  
**E-Mail:** [sshearer@scotborders.gov.uk](mailto:sshearer@scotborders.gov.uk)  
**Date:** 29th February 2016

Dear Sir/Madam

**PLANNING APPLICATION AT 62 Castle Street Duns Scottish Borders TD11 3BE**

**PROPOSED DEVELOPMENT:** Replacement windows and door  
**APPLICANT:** Alan John Redpath

I am writing to acknowledge receipt of your recent application at the above site. The application has been given the application number 16/00126/FUL which should be quoted in all correspondence. Scott Shearer is dealing with the application, and should you have any queries about the application, you can contact the case officer on the telephone number given above.

The application is considered valid as at the date of this letter, and the Council will endeavour to make a decision by 22nd April 2016 unless otherwise agreed in writing. If you do not receive a decision within that time, you are entitled to seek a review of the application by the Council's Local Review body in the case of applications that would normally fall to be considered under the Council's Scheme of Delegation, or to appeal to Scottish Ministers in all other cases. Details on how to do so can be found on the Council's website, or by telephoning the case officer.

You can check the progress and status of your application, and keep up to date with any comments received in respect of your proposal, by using the Council's online planning system at <http://eplanning.scotborders.gov.uk/online-applications/>

I confirm that the following fees have been received:

Application Fee:	£202.00 This is your receipt for payment (VAT Rate is Non Business) VAT REG NO – 663 7265 15
Advert Fee:	£ .00 This is your receipt for payment (VAT Rate is Non Business) VAT REG NO – 663 7265 15
Refund (if applicable):	£

The Council operates a system of public speaking in the event that the application is determined by its Planning and Building Standards Committee. This opportunity is available to the applicant and/or their agent and to anyone who has made written representations in respect of an application. You should be aware, however, that not all applications will come before the Committee for determination.

You can find our protocol for public speaking on the Council's website, and this provides guidance on the approach that will be used. You should note that a total of six minutes will be allocated to those supporting and to those objecting to proposals, and therefore, if there are likely to be others taking up this opportunity, representations will need to be co-ordinated between those intending to speak. You can find out who else has made comments on the proposal on the Council's Public Access website.

You should be aware that Members of the Committee will already have access to your application, together with any supporting information that may have been submitted with it, and will therefore be aware of your position when they come to consider this application, even if you decide not to speak at the meeting.

If the application comes before Committee for determination, I will write to you again to advise you of the date of the Committee meeting and to confirm whether it is your intention to speak.

Yours faithfully

Ian Aikman

Chief Planning Officer

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00125/LBC  
**APPLICANT :** Alan John Redpath  
**AGENT :**  
**DEVELOPMENT :** Replacement windows and door  
**LOCATION:** 62 Castle Street  
Duns  
Scottish Borders  
TD11 3BE  
**TYPE :** LBC Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Architectural Heritage Society of Scotland: No response at the time of writing.

Berwickshire Civic Society: No response at the time of writing.

Community Council: No response at the time of writing.

Historic Environment Scotland (HES): The proposals do not raise any issues of national significance therefore no objections are raised. It is however advised that the existing historic windows contribute to the character of the buildings. An assessment of the condition of the window should be carried out to determine if the existing windows can be repaired. Should the windows be beyond repair, replacements should match the existing windows including their materials and glazing pattern. The panelled timber door is viewed to be a significant element of the listed building which should only be replaced if the door is beyond repair.

Heritage and Design Officer (H&DO): The building dates from the 19th century and was listed category B in 1971. The building appears to retain its original front windows; painted timber sash and case windows with single glazing. The 9 panel front door, designed in the "Kelso" style with small fan light also appears to be original. The dormers are probably a later addition.

*NOT ORIGINAL*

On assessing the proposals against the SPG on Replacement Windows and Doors it is recommended that;

- o Replacing the current windows with woodgrain effect PVC-U windows is not acceptable
- o Replacing the door with an oak boarded door with no fanlight is not acceptable

An objection is raised on grounds that the proposals will have an adverse impact on the special historic and architectural character of the category B listed building.

#### PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011:  
BE1 - Listed Buildings

Proposed Local Development Plan 2013:  
EP7 - Listed Buildings

Other Considerations;

- o Supplementary Planning Guidance on: Replacement Windows and Doors 2015
- o Managing Change in the Historic Environment: Windows 2010
- o Managing Change in the Historic Environment : Doors 2010
- o Historic Environment Scotland - Information for Historic Building Owners: External Timber Doors 2008

COLOUR SAMPLES ON  
THE STREET CHANGED  
4 HOUSES IN LAST  
3 YEARS

PVC ALL  
UP CASTLE STREET  
PERMISSION  
??

**Recommendation by** - Scott Shearer (Planning Officer) on 20th April 2016

This is a joint report which relates to Listed Building Consent and Planning Applications 16/00125/LBC and 16/00126/FUL. The final recommendations are, however, particular to each separate application.

The application site, No 62 Castle Street forms part of a terraced row of two and three storey buildings in Duns. The building dates from the early 19th century and is finished with dressed whinstone front wall and a slated roof. The building is listed grade B and is located within the towns conservation area. Listed Building and Planning permission is sought to replace seven sash and case windows on the front elevation (including the two dormer windows) with wood effect uPVC windows and install a new oak boarded front door.

This application has been submitted following a Provisional Enquiry early in 2016.

#### Assessment

All existing windows which are proposed to be replaced are single glazed and timber framed with a six over six glazing pattern. The H&DO advises that the existing windows and door has retained their original design. Although not abundantly clear from the brochure extract which has been submitted, from looking at the Listed Building Consent application form and accessing the remainder of the "Renaissance Window Systems" brochure online, it is understood that the uPVC framed windows will be double glazed with a sliding sash opening mechanism.

MARIE DOUGLAS SEEN  
SAMPLE

The Councils development plan polices provision for developments which affect listed buildings seek to ensure that proposals do not spoil their historic and architectural character. The Council has adopted policy provision for replacement windows and doors within listed buildings and in conservation areas which is contained within our Replacement Windows and Doors SPG. The policies which have been formed have taken cognisance of national policy provision and recommendations. The adopted policy for grade B listed buildings recommends that windows and doors should only be replaced when it is proven through a condition survey that the existing windows and door are beyond repair. No such survey has been submitted to accompany these applications therefore this policy requirement is not satisfied by these proposals.

COUNCIL CARRY OUT SURVEY ?

In the event that the existing windows and doors are not repairable it is recommended that existing windows and doors should generally be replaced on a like for like basis. There may be potential to introduce double glazed windows however this is only agreeable when it has been proven that the existing windows are not repairable and the replacement units match the originals in all other manner which includes frame material and proportion.

*BOTTOM WINDOWS HAVE NO HORIZ*

While it is debatable if the existing windows and door found on the front elevation of No 62 Castle Street are in fact original, what is important is the informed view of the H&DO and HES that the existing windows and doors are believed to retain the appearance of the likely original openings and they positively contribute to the character of the listed building. The introduction of uPVC framed windows and a new door design explicitly fails to satisfy policy provision for replacement windows and doors on grade B listed buildings. In this case, the introduction of uPVC window frames which appear to be much thicker than the size of the frames on the timber windows along with the loss of the traditionally designed "Kelso" style door results in having an harmful effect upon the character and appearance listed buildings and therefore cannot be supported.

*SAME SIZE*

*HOW CAN YOU TELL IF YOU COULDN'T TELL FROM SECTIONS?*

The building is located outwith the prime frontage zone of the conservation area so policy does allow for uPVC framed windows to be introduced however questions would probably still remain regarding the size of the window frames and design of the door. It is acknowledged that some neighbouring buildings on Castle Street have eroded some traditional fenestration patterns and door designs by changing to more modern openings. This row itself contains varying architecture with this building seen as a pair alongside the adjoining B listed No 1 Teindhillgreen which has retained timber windows and a "Kelso" style door. Fundamentally because this is a grade B listed building in its own right, local plan policy provision does not make an allowance for this property to be altered in a way in which some other unlisted building's on this street have been.

Through the course of the application, the applicant has refused an approach to amend their proposals to allow the development to comply with policy. The recommendation that uPVC windows would not comply with policy was provided to the applicant in a response to their Provisional Enquiry 16/00004/PREAPP. The application has also been considered against the emerging Local Development Plan where the proposal would continue to fail to satisfy policy provision for developments which affect Listed Buildings.

**REASON FOR DECISION :**

The application contravenes Policy BE1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having an harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

**Recommendation: Refused**

- 1 The application contravenes Policy BE1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having an harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

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

## REGULATORY SERVICES

To: Head of Regulatory Services  
Fao: Scott Shearer  
From: Planning Implementation

Date: 29/03/2016

Contact: Mark Douglas, Principal Officer  
(Built Heritage & Design)

☎ x6563

Ref: 16/00125/LBC

---

**Subject: 62 CASTLE STREET, DUNS  
REPLACEMENT WINDOWS**

---

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of built heritage and design issues.*

I refer to the above application and comment as follows:

### BACKGROUND

The building dates from the earlier part of the 19<sup>th</sup> century and appears to retain its original front door and windows (the roof dormers are probably later). The building was added to the statutory list at category B in 1971.

I have visited the property for a pre-application discussion with the owners when I took record photos of the current windows and door.

### ASSESSMENT OF PROPOSALS

The current windows in the front of the property appear to be the original pattern; painted timber sash and case windows with single glazing. The front door also appears original being a 9 panel flush panelled door (in the "Kelso" style) with a tiny fanlight above.

The proposed replacement windows shown are PVC-U (wood grain effect) windows both for the 5 main façade windows and also for the dormers.

The proposed door is an oak boarded door with a small window opening.

The council has clearly set out its policy within the SPG on Replacement Windows and Doors:

- At 3.15-3.17 it is clear that replacing the current windows with PVC-U is NOT acceptable
- At 3.20 it is clear that the replacing the front door with an oak boarded door and removing the fanlight is NOT acceptable

In this particular case I consider that the changes proposed will have an adverse impact on the special historic and architectural interest of this category B listed building.

### RECOMMENDATION / RECOMMENDED CONDITIONS.

I OBJECT to the proposals as submitted.

Not original  
Hollow door

Approved by  
Mark Douglas



# 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  
HMConsultations@hes.scot

Our ref: HGG/A/B/1200  
Our Case ID: 201508198  
Your ref: 16/00125/LBC

14 April 2016

Dear Sirs

**Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**  
**62 Castle Street Duns Scottish Borders**  
**Statutory Designation: 62 CASTLE STREET**  
**Designation Reference: B26483**

Thank you for your consultation which we received on 01 April.

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

While we do not object, we do, however, have the following comments which your Council should take into account in your decision:

The existing historic windows contribute to the character of the building and should be retained and repaired where possible, and we would recommend that an assessment is carried out of their condition. If the windows are beyond repair, new windows should match the existing, including materials and glazing arrangement.

The panelled timber main door is a significant element to the historic character of Category B-listed 62 Castle Street Duns. replacement should only be considered if the door is beyond repair.

It may be useful to direct the applicant to information we have online which is specifically tailored for homeowners of historic properties –

<http://www.historic-scotland.gov.uk/informguide-timber-doors.pdf>

Furthermore we would be happy to discuss possible repair strategies and methods with yourselves and the applicant, I can be contacted on 0131 668 8912.

# Historic Environment Scotland Àrainneachd Eachdraidheil Alba

## **Note**

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

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

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <http://www.historic-scotland.gov.uk/managingchange>. Technical advice is available through our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

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

Yours faithfully

**James Turner**  
Senior Heritage Management Officer

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00126/FUL**

**To : Alan John Redpath 62 Castle Street Duns Scottish Borders TD11 3BE**

With reference to your application validated on **24th February 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Replacement windows and door**

**at : 62 Castle Street Duns Scottish Borders TD11 3BE**

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

**Dated 21st April 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed**

.....  
**Chief Planning Officer**

~~19/16 23~~ ~~7 39 55 4~~  
~~14/15 27~~ ~~7 39 57 2~~  
~~13/14 30~~ ~~8 45 53 5~~  
14/15  
26

19/16 23 7 39 55 4  
14/15 27 7 39 57 2  
13/14 30 8 45 53 5  
26  
- 15

**APPLICATION REFERENCE : 16/00126/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**REASON FOR REFUSAL**

- 1 The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

**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.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987**

**Application for Listed Building Consent**

**Reference : 16/00125/LBC**

**To : Alan John Redpath 62 Castle Street Duns Scottish Borders TD11 3BE**

With reference to your application received on **1st February 2016** for listed building consent under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the following development :-

**Proposal : Replacement windows and door**

**at : 62 Castle Street Duns Scottish Borders TD11 3BE**

The Scottish Borders Council hereby **refuse** Listed Building Consent for the **reason(s) stated on the attached schedule.**

**Dated 21st April 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00125/LBC**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**REASON FOR REFUSAL**

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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 appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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.

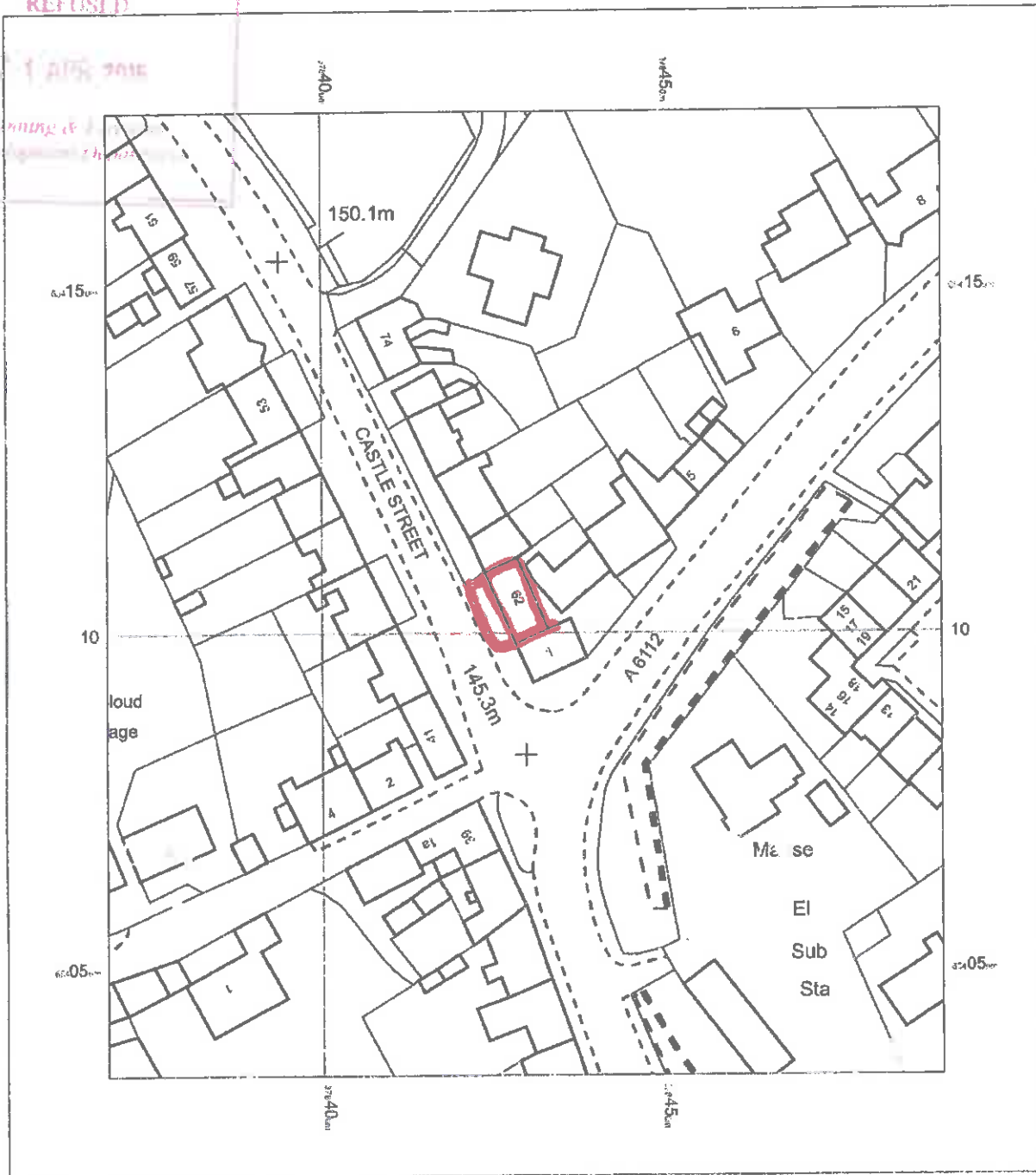
16/00125/IBC

16/00126/FUL

RECEIVED 24 FEB 2016

# 62 castle street

Borders Council  
 Planning  
**REFUSED**  
 1 APR 2016  
 Planning & Development  
 100 High Street  
 Dundee



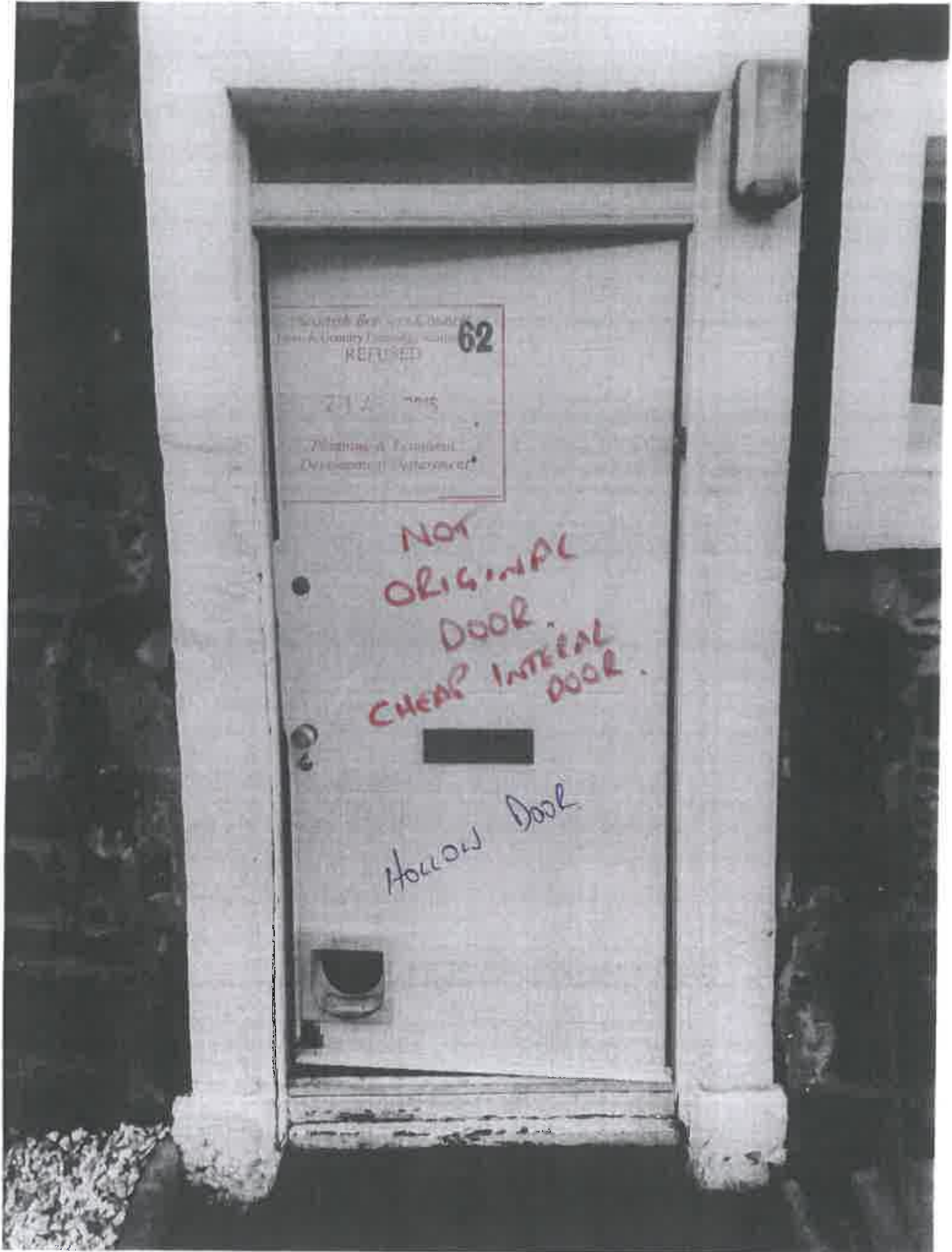
**DUNS**  
**TD113BE**

OS MasterMap 1250/2500/10000  
 scale  
 12 February 2016, ID:  
 M4P-00501858  
 Brown Newsagents, Kelso



1:1250 scale print at A5, Centre:  
 378430 E, 654106 N

©Crown Copyright Ordnance Survey.  
 Licence no. 100025026







LARGER FAN LIGHT  
TO ALLOW MORE LIGHT

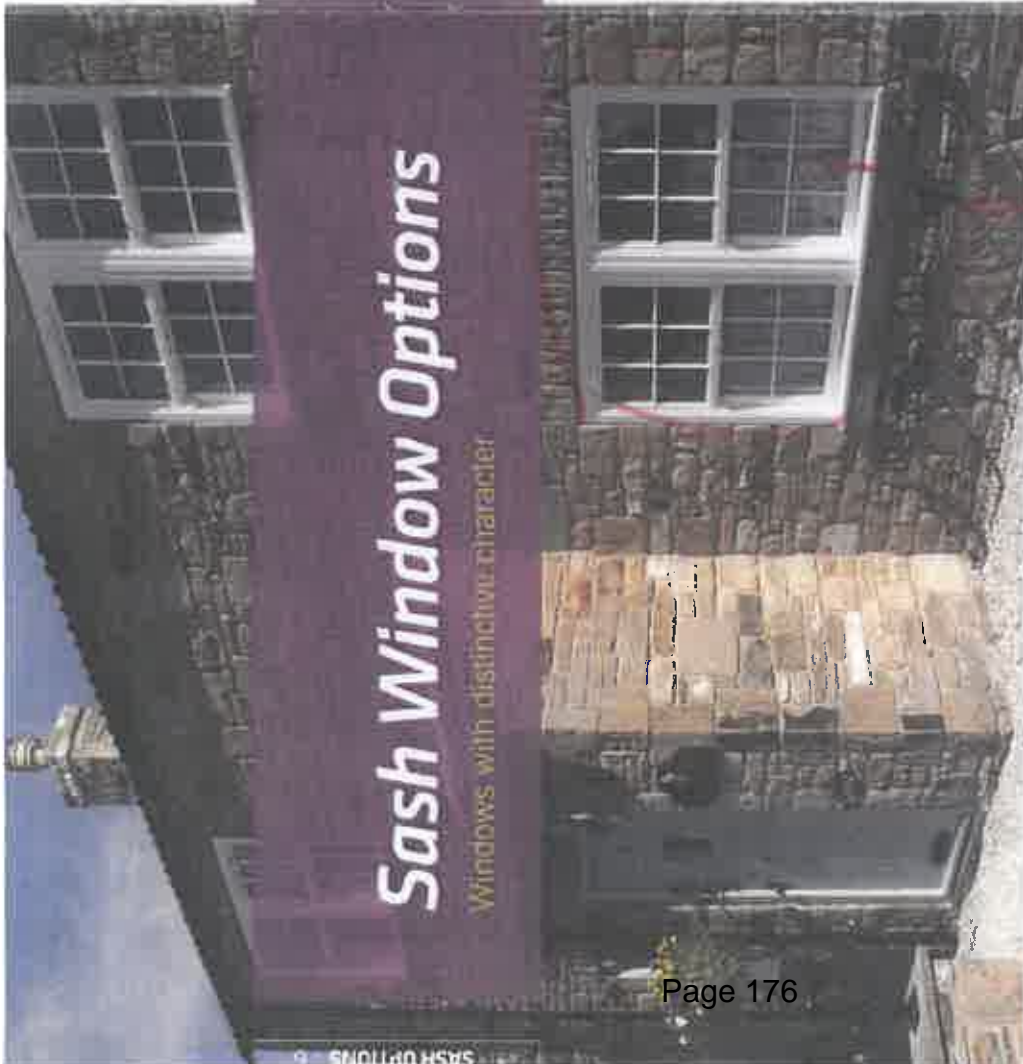


LARGER PAN LIGHT  
TO AVOID MORE LIGHT

RECEIVED 24 FEB 2016



was

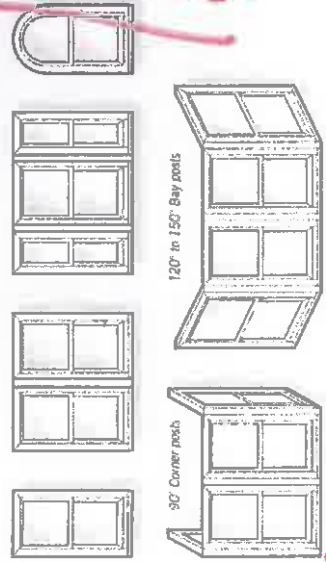


# Sash Window Options

Windows with distinctive character.

### Window Configurations

With the introduction of 90 corner posts, 120 to 150 Bay posts, a variety of new designs become available. Windows may be coupled together, arched heads and fixed sashes, bays constructed - the configurations to best suit your property are endless.



*Red handwritten note:* 700mm x 1100mm

*Red handwritten notes:* 1500mm x 1500mm

Scottish Borders Council  
Planning (Scotland) Act  
REFUSED  
21 APR 2016  
Planning & Economic Development

16/00125/18C  
16/00126/FUL  
RECEIVED 24 FEB 2016



SASH OPTIONS - 7

### Fire Escape

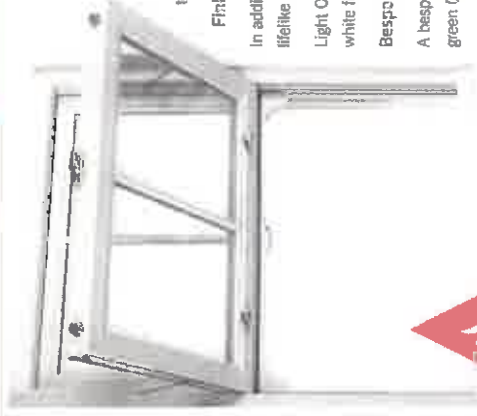
Renaissance do offer a fire escape window for circumstances where ordinary windows don't comply with the required regulation. Please revert to your retailer for further information.

### Finishes - Woodgrain/colours

In addition to standard white or cream base. The Renaissance range encompasses lifelike woodgrain finishes including:  
Light Oak, Rosewood and White Woodgrain. It is also possible to order standard white finish on the interior and woodgrain to the exterior.

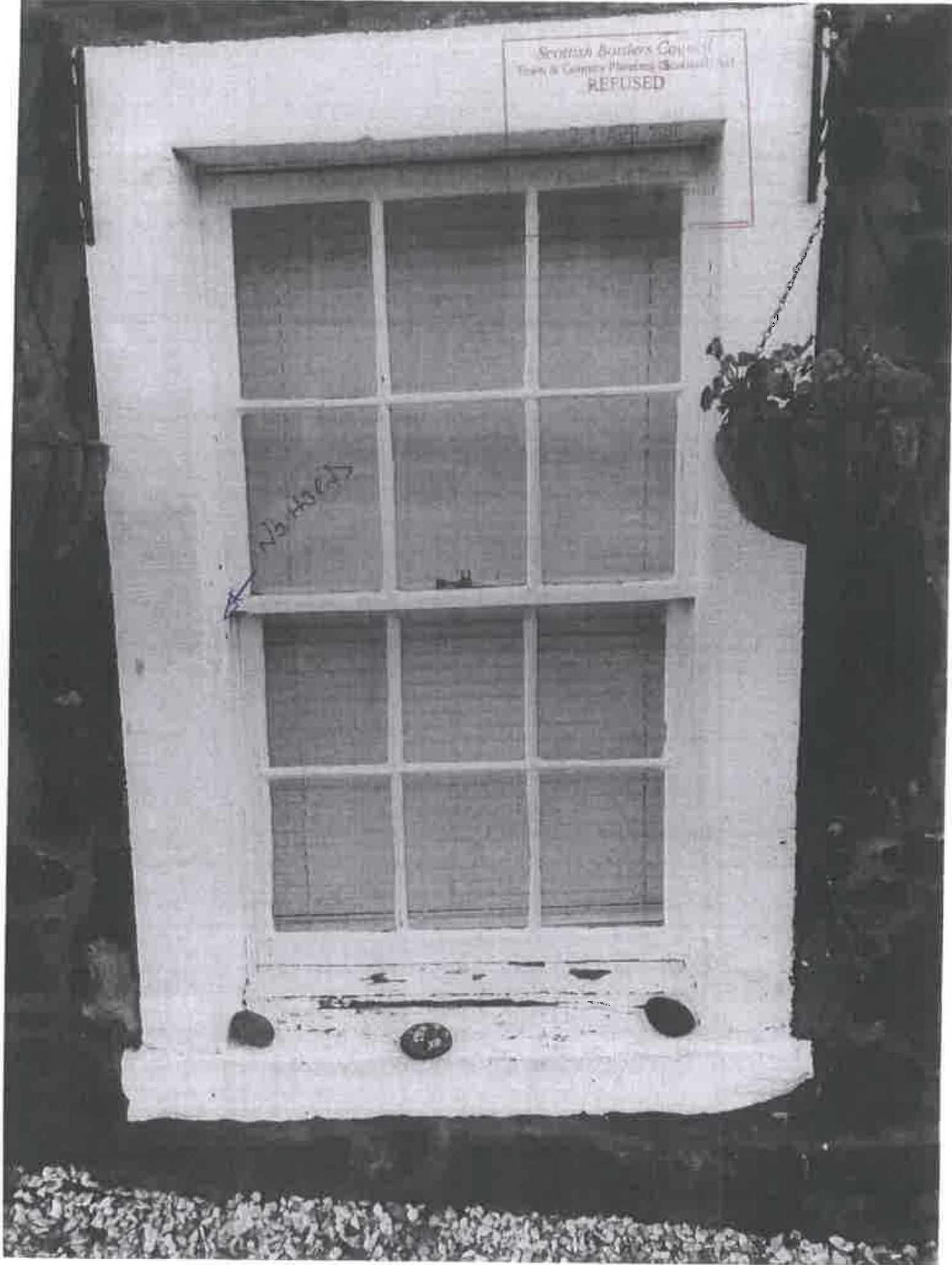
### Bespoke Colour Coating

A bespoke colour coating service is available allowing your window to be coated in green (see pic) or black or any colour you require.



For glazing options see pages 12-13





16/00125/IBC

16/00126/FUL

RECEIVED 24 FEB 2016

South Border Council  
Planning & Community Planning  
**REFUSED**  
21 APR 2016  
Planning & Economic  
Development Department



Has Hobs

WINDOWS ARE  
BEYOND REPAIR.



*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

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**Dated 21st April 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00126/FUL**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**REASON FOR REFUSAL**

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**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00126/FUL

**APPLICANT :** Alan John Redpath

**AGENT :**

**DEVELOPMENT :** Replacement windows and door

**LOCATION:** 62 Castle Street  
Duns  
Scottish Borders  
TD11 3BE

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Architectural Heritage Society of Scotland: No response at the time of writing.

Berwickshire Civic Society: Object. Recommend that the windows and doors should be repaired instead of replaced and the use of secondary glazing should be investigated. The character of the house would be lost through the use of uPVC windows and removal of the existing door.

Community Council: No response at the time of writing.

**PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Local Plan 2011:

BE1 - Listed Buildings

BE4 - Conservation Areas

G1 - Quality Standards for New Development

Proposed Local Development Plan 2013:

EP7 - Listed Buildings

EP9 - Conservation Areas

PMD2 - Quality Standards

Other Considerations;

- o Supplementary Planning Guidance on: Replacement Windows and Doors 2015
- o Managing Change in the Historic Environment: Windows 2010
- o Managing Change in the Historic Environment : Doors 2010
- o Historic Environment Scotland - Information for Historic Building Owners: External Timber Doors 2008

**Recommendation by** - Scott Shearer (Planning Officer) on 20th April 2016

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Assessment

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While it is debatable if the existing windows and door found on the front elevation of No 62 Castle Street are in fact original, what is important is the informed view of the H&DO and HES that the existing windows and doors are believed to retain the appearance of the likely original openings and they positively contribute to the character of the listed building. The introduction of uPVC framed windows and a new door design explicitly fails to satisfy policy provision for replacement windows and doors on grade B listed buildings. In this case, the introduction of uPVC window frames which appear to be much thicker than the size of the frames on the timber windows along with the loss of the traditionally designed "Kelso" style door results in having a harmful effect upon the character and appearance listed buildings and therefore cannot be supported.

The building is located outwith the prime frontage zone of the conservation area so policy does allow for uPVC framed windows to be introduced however questions would probably still remain regarding the size of the window frames and design of the door. It is acknowledged that some neighbouring buildings on Castle Street have eroded some traditional fenestration patterns and door designs by changing to more modern openings. This row itself contains varying architecture with this building seen as a pair alongside the adjoining B listed No 1 Teindhillgreen which has retained timber windows and a "Kelso" style door. Fundamentally because this is a grade B listed building in its own right, local plan policy provision does not make an allowance for this property to be altered in a way in which some other unlisted building's on this street have been.

Through the course of the application, the applicant has refused an approach to amend their proposals to allow the development to comply with policy. The recommendation that uPVC windows would not comply with policy was provided to the applicant in a response to their Provisional Enquiry 16/00004/PREAPP. The application has also been considered against the emerging Local Development Plan where the proposal would continue to fail to satisfy policy provision for developments which affect Listed Buildings.

#### **REASON FOR DECISION :**

The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

#### **Recommendation: Refused**

- 1 The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

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





## **Berwickshire Civic Society**

Berwickshire Civic Society is a Registered Charity No. SC004171

Planning Department,  
Scottish Borders Council  
Newton St. Boswells

14<sup>th</sup> March, 2016.

Dear Sirs,

**Planning Application No 16/00126/FUL**  
**Replacement windows and door**  
**62 Castle Street, Duns**

The Berwickshire Civic Society aims to protect and enhance the built and natural environment of Berwickshire, and to this end we comment from time to time on planning applications, particularly those relating to properties which are listed or in conservation areas.

We refer to the above application and note that 62 Castle Street, whilst not a listed building, is in the Duns Conservation Area.

We **object** to the proposal to replace existing timber windows and doors with new uPVC ones. uPVC does not replicate the finer detailing of traditional timber windows and doors and so the essential character of this attractive house will be lost. We recommend instead that the original windows and front door are repaired and made draught-proof, and secondary glazing installed.

There are companies that would do a quick and efficient job of repairing and draught-proofing the windows, and good secondary glazing could provide better sound proofing and nearly the same energy efficiency as double glazing. If well maintained this solution could be more durable than uPVC windows.

Yours faithfully,

Berwickshire Civic Society

**PLEASE REPLY TO:**  
**secretary@berwickshirecivicsociety.org**

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**LIST OF POLICIES**

**Local Review Reference:** 16/00019/RREF

**Planning Application Reference:** 16/00126/FUL

**Development Proposal:** Replacement windows and door

**Location:** 62 Castle Street Duns Scottish Borders TD11 3BE

**Applicant:** Alan John Redpath

**\*\*New LDP 2016\*\***

**Policy PMD2: Quality Standards**

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

**Sustainability**

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

**Placemaking & Design**

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and,

- where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
  - k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
  - l) it can be satisfactorily accommodated within the site,
  - m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
  - n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

### **Accessibility**

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

### **Greenspace, Open Space & Biodiversity**

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

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

*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 and Doors  
Use of Timber in Sustainable Construction

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

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

#### **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  
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 and Doors

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

Archaeology

#### **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 and Doors  
Shop fronts and shop signage

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

Conservation Areas  
Placemaking and Design

Other considerations-

Scottish Planning Policy

SPG on Replacement Windows and Doors

Managing Change in the Historic Environment: Windows 2010

Managing Change in the Historic Environment: Doors 2010

Historic Environment Scotland- Information for Historic Building Owners: External Timber Doors 2008

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NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

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

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

Site inspection

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

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

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

Statement

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

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

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

See attached document.

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

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Locality Plan  
 Dwg Ref: 15-020/SD/001 Rev B - Site Plan as Proposed.  
 Access Appraisal dated 04/16 by Andrew Carrie Traffic & Transportation Ltd  
 Andrew Carrie response to RPS comment dated 18/05/16

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

Checklist

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

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

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

Declaration

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

Signed [Redacted Signature] Date 19/7/16

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



Planning Application Ref: 16/00162/PPP  
Proposed House Plot  
Land adjacent to Lindisfame  
Gattonside

Appeal Statement to Local Review Body

With reference to the above Planning Application we write to request a review of the reasons for refusal which we believe to be flawed.

The Case Officers Planning Report has established that the site is suitable for development being located within the settlement boundary and can be suitably accessed from the adjacent public road.

It is the views of the Roads Planning Service in respect of The Loan that that have influenced the Case Officers decision to refuse.

We are of the opinion that these views are based on a preconceived notion by the RPS that The Loan is unsuitable for additional traffic. This is clearly evident in the subjective nature of their consultation response in which there is no governmental guidance or knowledge base against which the views are expressed. Informal advice from the RPS revealed that these views were based on historic consultations which would have been made at a time when there was a very different approach to street design. This was a view that has not been shared historically by the Planning Committee.

By stark contrast, the Applicant has commissioned an access appraisal from Traffic Consultant Andrew Carrie in which there is a professional, broad and comprehensive assessment of The Loan and the wider aspects of the local roads network against current Governmental policies and planning guidance. The appraisal concludes that The Loan characterises an Historic streetscape which is the preferred approach in order to reduce traffic speeds to improve overall safety. It is also established that the perceived increase in traffic movement on The Loan created by the development would be negligible. This is due in part to the remote location of The Loan in relation to the application site and the public through road from which access to the application site is taken. This provides an alternative access and egress route to the west of the village which would result in less frequent & occasional use of The Loan. It should also be recognised that the application site is potentially noted as being the last remaining site deemed suitable for development along this access route which is within the existing settlement boundary and outwith the Conservation Area. As such no precedent would be created by allowing this plot to be developed.

It is of significant importance that no objections in this regard have been made by the local residents of Gattonside, and more significantly, those served by The Loan itself.

The only direct comparison that can be referred to in assessing the previous planning history is the approval made by the Planning Committee in 2000s for a new house in the garden of Springbank, which the historic RPS advice refers to. The view of RPS was not shared by The Planning Committee and the decision to approve was taken in favour of the applicant. What is a significant point of note in this regard is that this property takes direct access from The Loan which results in

the continual use of this road by the occupants. By comparison and as noted above, the applicant's site only makes occasional use of The Loan and is a reason why we do not deem the historic RPS advice is wholly relevant to this application.

Further investigation of relevant planning history has revealed that there are other instances of development accessed directly off The Loan that have or have been likely to result in increased car ownership which have been supported by the RPS. This would give rise to our opinion that the views of the RPS, and in some respects the Planning Department are inconsistent, since they are choosing to differentiate between the perceived impact of new housing development and house enlargement. We would deem both of these to constitute "development" which can lead to increased car ownership on significant projects such as that at "Glenview" (05/00006/FUL).

We do note that there was a further response by the RPS to the access appraisal prepared by the Appellants. Those further points raised by the RPS were again clarified and corrected by the applicants' Traffic Consultant where it was deemed that an incorrect interpretation of the Governmental Guidance had been made. However, the Report of Handling, upon which the decision must be based, does not acknowledge or address this latest exchange, so the decision, as issued, was based on an incomplete assessment of the planning merits of the application.

We would therefore contend that there has been an evident lack of understanding throughout in the views of the RPS, in the application of current design guidance, and of the impact of the development on The loan, given the choice of routes available to likely destinations.

We also wish to highlight the benefits of the proposed development that creates a much needed passing place along the adjacent public road as it leaves the settlement boundary. Full consolidation of the edge of the existing public road will take place at this point. This is presently in a very poor state of repair and will be undertaken by the applicant. In effect, this will remove this burden from the Council and allow the necessary stabilisation works to be implemented much earlier than could be expected.

We also wish to comment on the views expressed by the RPS in relation to the recent farm steading/holiday cottage development at Gattonside Mains and wish to clarify that there is still a working farm operating at the site, although the "removal of farm traffic" was mentioned as a justification for the support of the RPS in this approval.

In summary, we would highlight the following points in support of the examination of our submission to the Local Review Body

- The conclusions of the Access Appraisal from the Traffic Consultant which shows The Loan to demonstrate the characteristics encouraged by current Governmental & Planning Guidance.
- A negligible increase in traffic movement on The Loan
- The subjective nature of the views expressed by the RPS without assessment against the current Governmental and Planning Guidance.
- Report of Handling offers an incomplete assessment of the planning merits.

- The historic support of the Planning Committee against the advice of the RPS to new housing development on The Loan.
- Inconsistent approach from the RPS & Planning Department to "development" on The Loan.
- Last remaining development site within the current settlement boundary outwith the Conservation Area therefore avoiding any possible precedent.
- Alternative access/egress road to the west of the application site.
- No recorded accidents on The Loan.
- No objections from local residents including those on The Loan.
- Application site and access deemed suitable for development.
- Further road safety & consolidation measures to be implemented by the applicant.

We trust the Local Review Body will find the foregoing information to be in order and believe this to give adequate justification to our submission.



**LINDISFARNE, THE LOAN,  
GATTONSIDE**

**ERECTION OF DWELLING HOUSE  
AND GARAGE  
Planning Application 16/00162/PPP**

**ACCESS APPRAISAL**

**APRIL 2016**

**C**Andrew  
**CARRIE**  
Traffic & Transportation Ltd

**PO Box 2070, Livingston EH54 0EG**

**Tel 07798 646844  
www.acarrie.net  
Email: ac@acarrie.net**

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## APPENDICES

	Roads Service Response of 8 March 2015 .....	Appendix A
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## EXECUTIVE SUMMARY

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The purpose of this Access Appraisal is to assist decision makers to understand and evaluate the proposal for a house within garden ground at Lindisfarne, Gattonside, in terms of its impact on the transport network in this area. Decision makers, in this context, means not only the appropriate technical officials in the Roads Authority, but also appointed representatives of people who live or work near the proposed development, and who may therefore have an interest in the proposals.

This report first summarises the nature of the proposed development, and the road and transport network in the vicinity of the site, and the general operation of the road network.

Section 3 examines previous relevant planning applications in the area, before Section 4 goes on to examine the suitability of the site access in terms of layout, visibility splays etc.

Section 5 then examines The Loan in detail, particularly width and visibility, and the availability of passing places. Section 6 then considers the route past the site itself, from Gattonside past Gattonside Mains Farm and on to Pavilion Farm, noting that this is a quicker and more attractive route to Galashiels from this part of the village.

In Section 7, this report examines current policy on street design, including Scottish Planning Policy, the Council's Supplementary Planning Guidance "Placemaking and Design", and The Scottish Government policy set out in Designing Streets, all of which encourage a balance between "place" and "movement", rather than the standards-based approach which has been in place nationally for at least the last 40 years. This section demonstrates that The Loan is an example of a historic street where natural features control speeds and driver behaviour, and reflects many of the principles of current street design policy.

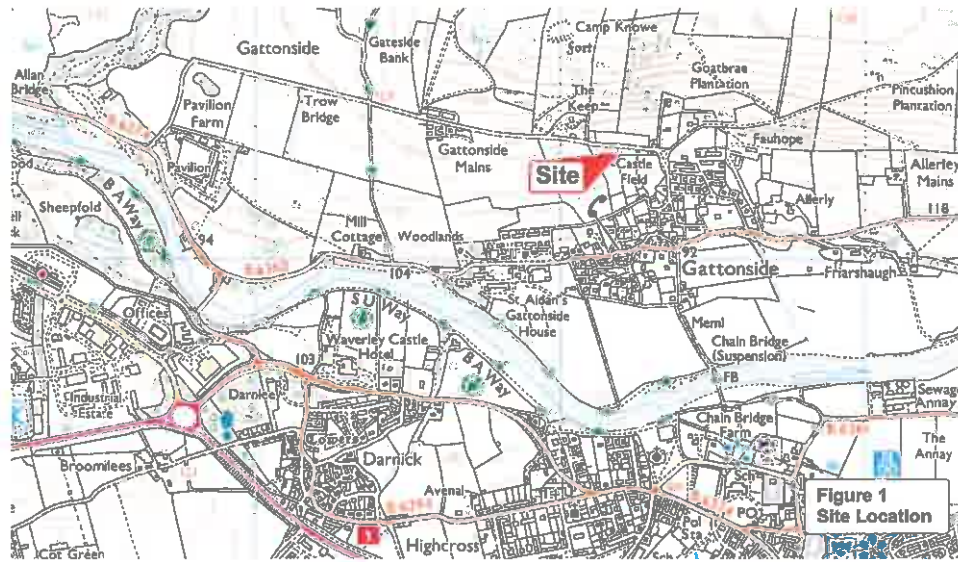
Section 8 goes on to demonstrate how much traffic the proposed development would add, during both peak periods and over the whole day. This is compared with existing traffic flows, and shown to be a negligible difference.

Section 9 then examines the road accident record in Gattonside, and shows that there have been no injury accidents in the whole town in the 10 years leading up to December 2014. This would suggest that road users are exercising the appropriate care in negotiating the historic road layout, and it is unlikely that the proposed development would exacerbate that situation

This examination shows that the development will have little impact on the operation of the surrounding road network.

## Introduction

- 1.1 Mr H Armstrong has submitted an application to Scottish Borders Council to construct a new dwelling house at Lindisfarne, Gattonside. The Planning Application reference is 16/00162/PPP. The location of the site is shown in Figure 1.



- 1.2 In a memorandum dated 8 March, the Council's Roads Planning Service have raised a concern about road safety associated mainly, it would appear, with the existing width and alignment of The Loan, which accesses the site.
- 1.3 The Applicant appointed Andrew Carrie Traffic and Transportation Ltd (ACTT) in April 2016, to consider the Council's concerns and prepare an access appraisal. ACTT have considered the application and have also visited the site.
- 1.4 Further information may be available on various aspects assessed in this report and can be made available on request.



## **1. The Surrounding Road Network**

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- 2.1 Gattonside lies on the north side of the River Tweed, opposite Melrose on the south side. The village is served by the B6360 classified road which runs parallel to the river. To the west, that route joins the B6374 at a bridge over the river, and continues west into Galashiels.
- 2.2 The site lies on the north-west edge of Gattonside, within the urban boundary. It will be accessed from an unclassified road which continues west past Gattonside Mains to join the B6374 at Pavilion Farm. To the east, that route turns south as it enters the village, and becomes "The Loan" as it continues to join the B6360 at a priority junction.
- 2.3 Within Gattonside, these roads are subject to a 30 miles per hour speed limit, although traffic speeds on The Loan, and many other historic streets, are significantly lower.

### 3. Previous Planning Applications

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- 3.1 There are three proposals which are of relevance to consideration of access to this current proposal.
- 3.2 First, planning consent was granted many years ago, for a residential development in Monkwood Road. This development commenced shortly after approval, and has proceeded since then, albeit at a relatively slow rate. Because a material start has been made, there is no time limit on how long completion of the full development might take.
- 3.3 Access to that development was to be solely from Monkwood Road. A link exists, however, from the north end of The Loan, to the end of Monkwood Road, and is used by construction traffic and by other traffic accessing the “top road” to Galashiels.
- 3.4 Second, a planning application was made in 2002, for a single house development in the garden of Springbank, in The Loan itself. The Council’s Roads Planning Service raised the same concerns, and recommended refusal of that application for the same reasons. The application was reported to committee with a recommendation for refusal on that ground, but the Committee determined to approve that application. That house has now been built.
- 3.5 The third application was made in 2011, for a development of 2 residential units and 2 holiday let cottages at Gattonside Mains Farm, between Gattonside and Pavilion Farm on that “top road”. In that case, Roads Planning Service responded that *“While I have no objections in principle to the redevelopment of this farm steading, I do have some reservations regarding the proposed access into the site, and with the suitability of the minor public road to cater with the increased traffic, albeit a generally small increase. Provided these points are suitably addressed, I will not object to this application.”*
- 3.6 The same response clarified the works required to address these points as *“I recommend the existing areas of soft verge where the vehicular traffic currently pass be properly upgraded in tar to an agreed specification. To improve visibility and road safety at the junction with the road to Housebyres a short section of hedge/shrubbery needs to be removed.”*
- 3.7 It is notable that there was no mention of traffic impact on The Loan, in respect of that larger development.

## 4. Site Access Junction

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- 4.1 The proposal is for a single house, accessed from the unclassified road to the north. The proposed access layout has been accepted as satisfactory, and is therefore not examined in detail in this report.
- 4.2 For completeness, however, it has been agreed that the new access point will form a new intervisible passing place on the road. This new passing place will lead to an improvement in road safety, and the necessary dimensions have been specified and agreed
- 4.3 Similarly, the necessary visibility splays have been agreed at 2 metres by 45 metres along the main road, and these can be achieved. Photograph 1 shows the site frontage, with the access point indicated by the arrow, when approaching from the east, while photograph 2 shows the access when approaching from the west.



**Photo 1– Proposed Access Approach from East**



**Photo 2 – Proposed Access Approach from West**

- 4.4 The Council's Roads Planning Service response of 8 March confirms that access to the site itself is not a concern.

## 5. The Loan

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- 5.1 The Council's Roads Planning Service response of 8 March states that "This route (i.e. The Loan) is a very narrow, constrained and largely single file road, with restricted visibility sightlines in either direction due to buildings and walls bounding each side of the road. There is a sign at the bottom of this road stating that it is "unsuitable for heavy goods vehicles". Furthermore, The Loan is also very steep and winding, with very limited passing opportunities resulting in vehicles having to reverse when they meet."
- 5.2 It is acknowledged that, in common with most roads in historic settlements, The Loan has a historic layout which does not meet recent road design standards. The route has been examined along its length, and the main points are set out below.
- 5.3 Approaching from the north, past the application site, traffic first encounters a bend to the right, with two private accesses on the left. This bend is shown in Photograph 3, which shows that forward visibility is limited, so traffic speeds are very low.



**Photo 3 – Bend on Entry to Village**

- 5.4 Leaving that bend, the road turns south, and descends into the village, entering the 30 miles per hour speed limit as shown in Photograph 4. There is a junction on the left, where traffic can join from the northern end of Monkwood Road, although turning left into that road, or right out, is very tight and needs two "cuts" in larger vehicles.



**Photo 4 – Entry to 30 mph Speed Limit**

- 5.5 This photograph also shows the refuse bins left adjacent to that junction (the visit was on a Tuesday, which is bin collection day). The collection vehicle normally arrives from the north, past the Application site, and descends into the village along The Loan.
- 5.6 Moving southwards again, there is a slight bend in the road on entering the 30 mph limit, with railings on the right hand side, although those do not especially restrict visibility. There is a passing place on the left and a short flight of steps from the end of the second cul-de-sac in Monkwood Road, as shown in Photograph 5.
- 5.7 The photograph shows that forward visibility at this points extends for some distance down the hill. The driveway on the right, just beyond the railings, is the access to the new property at Springbank, granted planning consent in 2002, as discussed earlier in this report.



**Photo 5 – The Loan Passing End of Monkwood Road Cul-de-sac**

- 5.8 Continuing downhill, The Loan then bends to the right, with a private road branching off to the left. There is a "Slow" marking on the road, as shown in Photograph 6. There is an access on the right, and a wider verge on the left just at the junction, both of which are used as passing places.



**Photo 6 – The Loan at Junction**

- 5.9 The Loan then continues to bend to the right, between stone walls and buildings on both sides, as shown in Photograph 7. Over this short length of approximately 25 metres, approaching vehicles are not intervisible, so could meet between passing places.



**Photo 7 – The Loan south of Junction**

- 5.10 After a short distance (just alongside the wheelie bins visible in Photograph 7), visibility along The Loan opens up again to the next bend, where there is again

a “Slow” marking on the road, as shown in Photograph 8. There is a wide access on the right, which is used as a passing place.



**Photo 8 – The Loan at Bend to Left**

- 5.11 Photograph 9 shows that bend from the corner of the white cottage, and shows the passing place on the right.



**Photo 9 – Bend Showing Passing Place**

- 5.12 Leaving that bend, The Loan again opens up slightly before bending to the right, as shown in Photograph 10. There is an area used as a passing place on the left.





**Photo 10 – The Loan south of bend**

- 5.13 Continuing downhill, The Loan then passes between two buildings as it bends to the right, as shown in Photograph 11. The Loan is narrowest at this point, at approximately 3 metres. There are two access points before the narrow point which could be used as passing places if necessary. The road also widens after it passes between the buildings, providing another passing place opportunity on the right hand bend.



**Photo 11 – The Loan at its narrowest point**

- 5.14 The road then bends back to the left, as shown in Photograph 12. The road widens on the bend, and there is adequate space for two vehicles to pass.



**Photo 12 – The Loan at Bend to Left**

- 5.15 Leaving that bend, the visibility then opens up again, to the junction with The Loan, as shown in Photograph 12. There is a passing place for traffic entering The Loan from the main road, and a “Slow” marking on the road for traffic going uphill. There is also a sign indicating the route is “unsuitable for heavy goods vehicles”.



**Photo 12 – The Loan Approaching B6360 Junction**

- 5.16 The final consideration is junction visibility at the junction where The Loan joins the B6360. Photograph 13 shows the visibility available to the right along the main road, while Photograph 14 shows visibility to the left. These demonstrate that, notwithstanding the presence of parked cars on the main road, there is adequate visibility in both directions.



**Photo 13 – Visibility to Right at The Loan / B6360 Junction**



**Photo 14 – Visibility to Left at The Loan / B6360 Junction**

- 5.17 The Council have expressed a concern about approval of this application setting a precedent for future incremental development, and hence traffic on The Loan. In practice, however, this application is perhaps the only remaining viable plot served by The Loan, within the settlement area.

## 6. Alternative Route

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- 6.1 The Council's Roads Planning Service response of 8 March states that, in addition to this route via The Loan, *"there is an alternative, but significantly longer (secondary) access route to the west of the proposed site, but not without its own roads issues. It is a single lane road with limited passing opportunities, and has numerous visibility impingements along its entire length. While the proposed passing opportunity associated with this application would result in some road safety gain for motorists using the public road in that vicinity, this would not help with the tortuous part of The Loan serving the bulk of the housing."*
- 6.2 First, for traffic between Galashiels and the northern part of Gattonside, including the proposed site and the area currently under development at Monkwood, this route is significantly shorter and quicker than using The Loan and the B6360 through Gattonside. It would be erroneous to suggest that all traffic to and from the proposed development would use The Loan.
- 6.3 Second, although the above response suggests that this road is unsuitable for additional development traffic, it should be noted that Roads Planning Service expressed no such concerns, in principle, when consulted in 2011 on the proposal for development of 2 residential units and 2 holiday let cottages at Gattonside Mains Farm.
- 6.4 In other words, there were no fundamental objections to these 4 units, on that same road. This is not consistent with the suggestion that the same road cannot accommodate the negligible amount of traffic to and from the single house development subject of the current application.

## 7. Current Policy

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- 7.1 The Council's Roads Planning Service have raised the same concerns, in respect of The Loan, as they did in 2002. However, street design policy has moved on significantly in the intervening years, following research of driver behaviour and necessary standards, and a desire to "de-standardise" street design and enhance the sense of "place".

### **Scottish Planning Policy June 2014**

- 7.2 Scottish Planning Policy (June 2014) states in paragraph 280 that *"Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond."*

### **Supplementary Planning Guidance "Placemaking and Design"**

- 7.3 In response to the Scottish Government's publication of their National Policy Statement for Scotland "Designing Places" in 2001, Scottish Borders Council have Approved and Adopted their own Supplementary Planning Guidance "Placemaking and Design". This SPG states *"This guidance is structured round the process of placemaking and design. It is intended for use by all who are involved in new development in the Borders as a point of reference and as a basis for the planning, design and communication of new development proposals, no matter how large or small, and will be used as a material consideration in assessing planning applications."*
- 7.4 Section 4.3 sets out placemaking & design principles, and states that *"in order to create an integrated addition to an existing building group/settlement, new development should always seek to tie in with existing road and footpath links. By identifying the key desire lines (most direct routes that people are likely to use) through or near to a site, these key routes can help shape the layout and anchor it into the surrounding area. The key pedestrian desire lines should be identified and integrated into the layout."*
- 7.5 It also acknowledges that *"Typically throughout the Scottish Borders, streets are often characterised by buildings arranged in a very organic way, close knit with a staggered building line and a range of double fronted, single fronted and gable fronted buildings. This variety and density of buildings adds richness and character. New development should strive to use the appropriate balance of variety and repetition in the built frontage to create continuity and rhythm and a clear sense of identity."*

- 7.6 It continues “The creation of successful streets is the subject of national advice and good practice currently represented in PAN 76: 'New Residential Streets' by the Scottish Government. This is to be replaced by the forthcoming 'Designing Streets' publication which will set the Department for Transport's 'Manual for Streets' in the Scottish context.” (Note: Designing Streets was published in February 2010, shortly after preparation of this SPG, and will be discussed later in this report.)
- 7.7 The SPG continues “*The function of a street is for ‘traffic, the exchange of goods, social exchange and communication’ (Spiro Kostof, 1992). Since the advent of the motorcar and a subsequent move towards separating vehicles from pedestrians, road design in modern development often focussed excessively on the former of these functions: streets shaped by road engineering with no consideration to the social function that they serve.*”
- 7.8 “*There is now a return to a more holistic view of streets and their role in civic life, shaped by the activities around them, the people moving through them and an overall reduction in vehicular dominance.*”
- 7.9 These are fundamental principles which should not be overlooked.
- 7.10 Turning to street geometry, the SPG states that “*Reducing driver visibility distances, through tight building lines and avoiding overly engineered straights or curves, helps to reduce traffic speeds thus reducing vehicular dominance. The geometry of the street can be fairly constrained as long as there is sufficient access. A swept path analysis should be carried out confirm that the largest vehicle (i.e. service/refuse vehicles) can be reasonably accommodated.*”
- 7.11 It continues “*Shared surfaces, and removal or reduction of grade separation (the conventional method of separating pedestrians and vehicles through an upstand kerb) can help encourage responsible driving by a heightened sense of risk. This helps calm traffic speeds naturally, facilitating the use of streets by pedestrians and cyclists.*”
- 7.12 These statements reflect the Council's adopted policy in considering the design of new developments. Nevertheless, it is clear that the same fundamental principles are applicable to existing streets, to assist integration of new and existing built areas.

#### **The Scottish Government – Designing Streets (February 2010)**

- 7.13 In parallel, the Scottish Government’s policy manual “Designing Streets” advocates a new approach to urban street design, encouraging a sense of place, and reducing the “standard design” approach, and the priority previously afforded to vehicles, at the expense of other road users.
- 7.14 Designing Streets states that it “*marks a distinct shift, raising the importance of street design issues from the subject of advice to that of policy.*” It specifically states that all previous road guidance and standards documents based on the

principles of Design Bulletin 32, dating from 1977, are superseded, and makes it clear that *“information on principles, layout and street geometry which is not consistent with Designing Streets should be revised. Designing Streets should be adopted by all Scottish local authorities or should provide the basis for local and site-specific policy and guidance.”*

- 7.15 Designing Streets states that it is *“national planning policy and its policies should be taken into account by local authorities when determining planning applications and producing guidance. Designing Places and Designing Streets stand together as the two key design policy statements for Scotland.”*
- 7.16 In 2014, the Society of Chief Officers of Transportation in Scotland (SCOTS) published guidance as *“The National Roads Development Guide”* which gave advice on the application of Designing Streets on a consistent basis (albeit allowing for local variations in layout, materials etc).
- 7.17 Many local authorities have formally adopted Designing Streets and the National Roads Development Guide, and some have produced their own documents on street design, reflecting the application of those principles on a local basis. While Scottish Borders Council have formally adopted its counterpart *“Designing Places”* and have produced SPG as discussed earlier in this report, they have not yet done so for Designing Streets. It is understood, however, that they do apply the principles of both documents in the consideration and approval of new developments.
- 7.18 Designing Streets draws a clear distinction in functional terms between roads and streets as follows:
- *“Roads are thoroughfares whose main function is to facilitate the movement of motor traffic.*
  - *Streets have important public realm functions beyond those related to motor traffic. They are typically lined with buildings and public spaces and, whilst facilitation of movement is still a key function, they normally support a range of social, leisure, retail and commercial functions. All thoroughfares within urban settings and rural boundaries should normally be treated as streets. Reference should no longer be made to road hierarchies based on terminology such as local distributor/local access roads.”*
- 7.19 Designing Streets states that *“Most importantly, a multi-disciplinary approach, full community engagement and a balanced appreciation of context and function is fundamental to successful outcomes in such cases.”*
- 7.20 Page 7 sets out 2 policies:
1. *Street design must consider place before movement*
  2. *Street design guidance, as set out in this document, can be a material consideration in determining planning applications and appeals*

- 7.21 Importantly, the policy document states that *"Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions."*
- 7.22 It goes on to state that *"Streets should no longer be designed by assuming 'place' to be automatically subservient to 'movement'."* It continues *"Good street design demands that issues of place and movement are considered together. The status of a street is dependent on its relative importance within a network in terms of both these considerations, and its status should commonly determine the design approach taken. It is only by considering both functions that the right balance will be achieved, but the focus of street design should be on creating a positive sense of place that is supported by an appropriate movement pattern. Other than in the design of motorways and some other inter-urban roads, it is seldom appropriate to focus solely on either place or movement functions, even in streets carrying heavier volumes of traffic, such as high streets"*
- 7.23 Designing Streets suggests a range of traffic-calming measures, which act in different ways:
- ***"Psychology and perception*** – play a strong part in influencing driver behaviour. Street features and human activity can influence the speed at which people choose to drive. Features likely to be effective include:
    - *edge markings that visually narrow the road – speed reduction is likely to be greatest where the edging is textured to appear unsuitable on which to drive;*
    - *buildings in close proximity to the street;*
    - *reduced carriageway width;*
    - *physical features in the carriageway;*
    - *features associated with potential activity in, or close to, the carriageway, such as pedestrian refuges;*
    - *on-street parking, particularly when the vehicles are parked in blocks on alternate sides of the street, either in echelon formation or perpendicular to the carriageway;*
    - *the types of land use associated with greater numbers of people, for example shops; schools and places of work; and*
    - *landscaping.*



- **Street dimensions** – can have a significant influence on speeds. Keeping lengths of street between junctions short is particularly effective.
  - **Reductions in forward visibility** – are associated with reduced driving speeds.
  - **Changes in priority/or no priority** – at junctions. This can be used to disrupt flow and therefore bring overall speeds down.
  - **Physical features** – involving vertical or horizontal deflection can be very effective in reducing speed.
  - **Materials** – can reduce speed by both visual perception and by physical characteristics, such as cobbled surfaces.”
- 7.24 Designing Streets indicates that *“Reductions in carriageway width are most effective in reducing driving speed.”*
- 7.25 Designing Streets encourages the inclusion of features to keep traffic speeds low. Where possible, these should not be "add-ons" such as road humps, etc, but natural-looking features such as limited forward visibility on bends and corners, or variable road widths so that the driver sees a "series of places" rather than "a strip of tarmac road".
- 7.26 While these principles are primarily intended to inform the design of new streets, the document makes it clear that these same principles are applicable to all roads in an urban setting (although the balance between “place” and “movement” may vary).
- 7.27 Paradoxically, many historic villages throughout rural Scotland, although built (as opposed to formally designed) hundreds of years ago, already display precisely the measures and features of natural traffic calming, set out in current policy.
- 7.28 The Loan is an example of such a street, where natural features control speeds and driver behaviour, and where street design has come "full circle".

## 8. Traffic Impact

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- 8.1 Normally, to predict the impact of a development, it is necessary to monitor the operation of the road network during the following periods:-
- (i) traffic peak conditions combined with the predicted generated levels of traffic from the development at that time, and
  - (ii) peak development generation combined with the road network conditions at that time.
- 8.2 A residential development of the type proposed, would tend to demonstrate most traffic movements during the morning and evening highway peak period. Any full capacity assessment would therefore normally be based on the number of vehicle trips generated during the busiest single hour within the morning and evening peak periods.
- 8.3 In the case of single house developments, however, the number of trips during any particular hour would be very low, so it is more appropriate to examine a comparison of daily traffic.
- 8.4 In general, estimation of the probable vehicle trip attraction by a new development is based on experience and on surveys undertaken at existing similar developments, related to a common index.
- 8.5 Reference has been made to the Trip Rate Information Computer System (TRICS) database (Version 7.3.1), which contains data for surveys at site around Great Britain. A search was made for similar sites, so that comparable trip rates could be extracted, to be applied to the current proposal.

### Daily Traffic Assessment

- 8.6 Table 8.1 below illustrates the calculated daily trip rates (7am to 7pm) and amount of trips generated by the development of a single dwelling over the day. The full TRICS output is included in Appendix B.

Land Use	Daily Trip Rates			
	Trip Rates In	Vehicle Trips In	Trip Rates Out	Vehicle Trips Out
1 Dwelling	2.520	3	2.363	2

**Table 8.1 – Daily Development Trip Generation from TRICS**

- 8.7 There will be a few trips overnight, bringing the total to approximately 6 trips per house, on average.

- 8.8 No traffic counts have been carried on The Loan for the purpose of this exercise, but it is evident that the road is not busy. During the two hours spent examining and photographing the route for the purposes of preparing earlier sections of this report, not one single vehicle passed the author, up or down The Loan.
- 8.9 There are currently 23 houses along The Loan, from its junction with the B6360 up and including the application site at Lindisfarne. Application of the above trip rates results in the traffic flows shown in Table 8.2 below

Land Use	Daily Trip Rates			
	Trip Rates In	Vehicle Trips In	Trip Rates Out	Vehicle Trips Out
23 Dwellings	2.520	58	2.363	54

**Table 8.2 – Daily Development Trip Generation from TRICS for Existing 23 Houses**

- 8.10 This would result in a total of 112 trips over the 12 hour day, or an average of 2 per hour (1 in each direction).
- 8.11 The busiest single hour (from Appendix B) would be the morning peak hour, when the two-way trip rate is 0.563 trips per house, which results in a two-way trip generation of 13 vehicles during that hour. The evening peak hour, with a two-way trip rate of 0.503 trips per house, results in a two-way trip generation of 12 vehicles during that hour. The morning and evening peak hours added together therefore account for approximately a quarter of daily traffic movements.
- 8.12 The applicant carried out a traffic survey for the evening peak hour (4pm until 5pm) on Friday 8 April 2016, on The Loan at the junction with the main road at the south end. The results of that survey are shown in Appendix C. This showed that there were 12 traffic movements during that peak hour, which accords closely with the trip generation calculated in the preceding paragraph.

### **Trip Distribution**

- 8.13 As set out earlier, it is unlikely that all of these trip go in and out from the B6360. Some, especially from the northern end, will use the quicker “top road” past Gattonside Mains to access Galashiels. Trips to and from the proposed development are even more likely to use that route, given the location of the site.
- 8.14 All of these existing and additional traffic flows are very low, and it is therefore considered that no detailed capacity analysis is required to demonstrate that the network will adequately cater for the proposed development traffic.

- 8.15 The development results in an insignificant increase in traffic flows on either route, and it would appear unreasonable to assume that such an insignificant increase would be detrimental to capacity or road safety on the road network under examination.

## 9. Road Safety

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- 9.1 Road accidents usually occur when one or more road users, whether a driver, passenger, pedestrian or cyclist, makes an error in a decision relating to speed, layout, or the position or movement of other road users. These decisions can also be affected by external factors such as fatigue or alcohol. Vehicle failure can also lead to road accidents. Such errors or failures can occur at any point on the road network, although, in general, they tend to be focussed on points where drivers have to make a number of decisions, such as junctions or bends.
- 9.2 For these reasons, road safety requires careful consideration and is not readily quantifiable, in the same way that, for example, junction capacity or design standards are. Road safety depends on many factors, of which road layout and traffic flow are only two.
- 9.3 Accordingly, no guarantee can ever be given that any junction has been designed in a way to prevent the occurrence of any road accident over its design life. While it is regrettable, it is a simple fact of human nature that drivers will make mistakes and that some of these will lead to road accidents.
- 9.4 Best practice, therefore, is to design any particular junction to suitable standards, and ensuring that there are unlikely to be excessive queues which might cause drivers to become impatient and accept gaps which might not otherwise be suitable. Earlier sections have explained that the proposed site access junction will be designed to suitable standards.
- 9.5 The accident record on the surrounding road network has also been examined. The police are responsible for the collection of statistical data from recorded injury traffic collisions. Police attending all injury accidents record the relevant information in a standardised form, which has been agreed nationally as covering the factors important to road safety. The collected information includes the exact location of the incident, date and time of day, the number and nature of all casualties, prevailing light and weather conditions (for example dark / raining), road surface conditions (dry/wet), the directions of vehicles and/or pedestrians involved, and any other possible causation factors such as any vehicle skidding, excess speed, etc.
- 9.6 Although accident data is available over a longer period, it is generally accepted that the most recent 3-year or 5-year period is the most appropriate for examination, to determine current accident risk. Older accidents may have had causation factors which have since been addressed, for example by the introduction of new 20mph speed limits, enforcement of existing speed limits, introduction of new pedestrian crossings, or traffic calming or junction improvement schemes.
- 9.7 The injury accident for the ten year period ending December 2014 has been examined, and indicates that there have been no injury accidents in the whole of Gattonside during that time. It is understood that there have been no further injury accidents during 2015.

- 9.8 It cannot be denied that, as the number of users of any length of road increases, there is a greater likelihood that one or more of them will make an error which may lead to an accident. It would be unreasonable to assume otherwise. That in itself, however, does not constitute grounds to refuse any application which might lead to increased traffic flows, however marginal – if it did, it would effectively create a presumption against any increase in traffic or pedestrian flows, at any junction, anywhere. The test that must be applied, sensibly, is to ask whether any change in risk to road safety is real and / or significant.
- 9.9 While local and national policy aims to reduce the occurrence of injury accidents all over the road network, the accident record in Gattonside, and particularly on the roads leading to and from the application site, is not indicative of a particular road safety difficulty on the main roads, or on The Loan. This would suggest that road users are exercising the appropriate care in negotiating the historic road layout, and it is unlikely that the proposed development would exacerbate that situation.
- 9.10 It is notable that none of the residents along The Loan, who live with this situation every day, have raised any material objection or any concerns about road safety, arising from this development. This would perhaps support the argument that drivers are more aware of their surroundings than an approach based on “road standards” would suggest.

## 10. Conclusions

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- 10.1 The site lies on the north-west edge of Gattonside, within the urban boundary, accessed from the south by The Loan, and from the west by an unclassified road past Gattonside Mains. The Council's Roads Service have advised that The Loan is not suitable to carry additional traffic, so the application should be refused.
- 10.2 There have been three previous planning applications in the area, the first of which is in progress in Monkwood Road. The second is for a house in garden ground in The Loan, which was approved against officers' recommendation (which was that planning consent should be refused on these same grounds). The third is for 2 residential units and 2 holiday homes at Gattonside Mains, which were recommended for approval, with no concern about the effect of additional traffic on these same routes.
- 10.3 The proposed development access has been accepted as satisfactory, and will also act as an additional passing place, with a consequent improvement in road safety.
- 10.4 ACTT have examined The Loan along its length, and identified constraints and passing opportunities. It is acknowledged that, in common with most roads in historic settlements, The Loan has a historic layout which does not meet recent road design standards.
- 10.5 ACTT have also considered the alternative route via Gattonside Mains, and consider that this route is shorter for traffic from the northern part of the village, going westwards and thus avoiding The Loan.
- 10.6 The Council's Roads Planning Service have raised the same concerns, in respect of The Loan, as they did for the previous application in 2002. However, street design policy has moved on significantly in the intervening years, following research of driver behaviour and necessary standards, and current Scottish Planning Policy, the Council's Supplementary Planning Guidance "Placemaking and Design", the Scottish Government's policy manual "Designing Streets", and the National Roads Development Guide, all advocate a new approach to street design, balancing place and movement.
- 10.7 The measures available facilitate this, include many features of historic streets, such as buildings in close proximity to the street, reduced carriageway width, physical features in the carriageway, on-street parking, or reductions in forward visibility. Many historic villages throughout rural Scotland, although built hundreds of years ago, already display precisely the measures and features of natural traffic calming, set out in current policy, and The Loan is an example of such a street.

- 10.8 ACTT have estimated the amount of traffic likely to be added by a single house, and demonstrate that, even if all of that traffic was to use The Loan, it would still be a negligible increase. In practice, traffic would use both available routes, so the impact at any point on the road network would be even lower.
- 10.9 The Council have expressed a concern about precedent, but in practice, this application is for perhaps the only remaining viable plot served by The Loan, within the settlement area.
- 10.10 The injury accident for the ten year period ending December 2014 has been examined, and indicates that there have been no injury accidents in the whole of Gattonside during that time. This would suggest that road users are exercising the appropriate care in negotiating the historic road layout, and it is unlikely that the proposed development would exacerbate that situation. It is notable that none of the residents along The Loan, who live with this situation every day, have raised any concerns about road safety, arising from this development. This would perhaps support the argument that drivers are more aware of their surroundings than an approach based on "road standards" would suggest.



**APPENDIX A**

**ROADS SERVICE RESPONSE OF**

**8 MARCH 2016**

To: **Development Management Service**  
**FAO C.CLARKE**

Date: 8/03/16

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

Ext: 5137

Ref: 16/00162/PPP

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**Subject: ERECTION OF DWELLINGHOUSE AND GARAGE  
GARDEN GROUND OF LINDISFARNE THE LOAN  
GATTONSIDE**

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I consider the surrounding public road network to be unsuitable to cater for any new build development at this proposed location. The main vehicular access to serve this site is via The Loan. This route is a very narrow, constrained and largely single file road, with restricted visibility sightlines in either direction due to buildings and walls bounding each side of the road. There is a sign at the bottom of this road stating that it is "unsuitable for heavy goods vehicles". Furthermore, The Loan is also very steep and winding, with very limited passing opportunities resulting in vehicles having to reverse when they meet. To compound my roads concerns even further, there is almost no on-street parking available on The Loan, and any parked cars make the route even more torturous than it currently is. All of my concerns are particularly relevant during inclement weather.

Although there is an alternative, but significantly longer (secondary) access route to the west of the proposed site, it is not without its own roads issues. It is a single lane road with limited passing opportunities, and has numerous visibility impingements along its entire length. While the proposed passing opportunity associated with this application would result in some road safety gain for motorists using the public road in that vicinity, this would not help with the tortuous part of The Loan serving the bulk of the housing.

It should be noted that the proposed new access driveway and parking/turning provision within the site meets my requirements, and is not an issue of concern to me.

In the Planning Statement supporting this application, previous planning records are referred to. One is a fairly historic application for a new house at 'Wellbank' in The Loan. Of more relevance is the application for a house next door to 'Wellbank' at 'Springbank' in 2002. The Roads Planning Service (John Frater) strongly recommended against the proposal expressing serious roads concerns and this view was supported by the Head of Development Control. The application was approved by the Eildon Area Committee against officer's recommendation. The other applications referred to for new houses at 'Lower Greenwells' and opposite 'Abbotscroft' are of little significance, being served by different roads.

The Planning Statement also refers to observations of the Roads Planning Service (again John Frater) on the application for a new vehicular access to serve 'Rosebrae' on The Loan. For that application, while expressing concern on the constrained nature of the road, we were able to support the proposal for a new access which had the potential to help with parking deficiencies in the vicinity. It was recognised that the constrained nature of the road helped enforce relatively slow traffic speeds, but there was no implication given that this would be justification for new housing served by the road.

In summary and taking cognisance of all my points above, I recommend this application be refused in the interests of road safety.

**AJS**

## **APPENDIX B**

### **TRICS TRAFFIC GENERATION DATA**

**TRIP RATE CALCULATION SELECTION PARAMETERS:**

Land Use : 03 - RESIDENTIAL  
 Category : A - HOUSES PRIVATELY OWNED

**VEHICLES**

Selected regions and areas:

<b>06 WEST MIDLANDS</b>	
SH SHROPSHIRE	1 days
WK WARWICKSHIRE	1 days
<b>07 YORKSHIRE &amp; NORTH LINCOLNSHIRE</b>	
NY NORTH YORKSHIRE	2 days
<b>09 NORTH</b>	
CB CUMBRIA	1 days

*This section displays the number of survey days per TRICS® sub-region in the selected set*

**Filtering Stage 2 selection:**

*This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.*

Parameter: Number of dwellings  
 Actual Range: 17 to 82 (units: )  
 Range Selected by User: 5 to 100 (units: )

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/08 to 30/09/15

*This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.*

Selected survey days:

Tuesday	1 days
Wednesday	1 days
Thursday	2 days
Friday	1 days

*This data displays the number of selected surveys by day of the week.*

Selected survey types:

Manual count	5 days
Directional ATC Count	0 days

*This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.*

Selected Locations:

Edge of Town	5
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*This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.*

Selected Location Sub Categories:

Residential Zone	3
No Sub Category	2

*This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.*

**Filtering Stage 3 selection:**Use Class:

C3

5 days

*This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.*

Population within 1 mile:

1,001 to 5,000

2 days

5,001 to 10,000

3 days

*This data displays the number of selected surveys within stated 1-mile radii of population.*

Population within 5 miles:

5,001 to 25,000

2 days

25,001 to 50,000

3 days

*This data displays the number of selected surveys within stated 5-mile radii of population.*

Car ownership within 5 miles:

0.6 to 1.0

2 days

1.1 to 1.5

3 days

*This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.*

Travel Plan:

No

5 days

*This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.*

LIST OF SITES relevant to selection parameters

1	<p><b>CB-03-A-04 SEMI DETACHED</b>                      MOORCLOSE ROAD                      SALTERBACK                      WORKINGTON                      Edge of Town                      No Sub Category                      Total Number of dwellings: 82  <i>Survey date: FRIDAY 24/04/09</i></p>	<p><b>CUMBRIA</b></p> <p><i>Survey Type: MANUAL</i></p>
2	<p><b>NY-03-A-07 DETACHED &amp; SEMI DET.</b>                      CRAVEN WAY</p> <p>BOROUGHBRIDGE                      Edge of Town                      No Sub Category                      Total Number of dwellings: 23  <i>Survey date: TUESDAY 18/10/11</i></p>	<p><b>NORTH YORKSHIRE</b></p> <p><i>Survey Type: MANUAL</i></p>
3	<p><b>NY-03-A-11 PRIVATE HOUSING</b>                      HORSEFAIR</p> <p>BOROUGHBRIDGE                      Edge of Town                      Residential Zone                      Total Number of dwellings: 23  <i>Survey date: WEDNESDAY 18/09/13</i></p>	<p><b>NORTH YORKSHIRE</b></p> <p><i>Survey Type: MANUAL</i></p>
4	<p><b>SH-03-A-05 SEMI-DETACHED/TERRACED</b>                      SANDCROFT                      SUTTON HILL                      TELFORD                      Edge of Town                      Residential Zone                      Total Number of dwellings: 54  <i>Survey date: THURSDAY 24/10/13</i></p>	<p><b>SHROPSHIRE</b></p> <p><i>Survey Type: MANUAL</i></p>
5	<p><b>WK-03-A-02 BUNGALOWS</b>                      NARBERTH WAY                      POTTERS GREEN                      COVENTRY                      Edge of Town                      Residential Zone                      Total Number of dwellings: 17  <i>Survey date: THURSDAY 17/10/13</i></p>	<p><b>WARWICKSHIRE</b></p> <p><i>Survey Type: MANUAL</i></p>

*This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.*

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

**VEHICLES**

**Calculation factor: 1 DWELLS**

**BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	40	0.111	5	40	0.241	5	40	0.352
08:00 - 09:00	5	40	0.171	<b>5</b>	<b>40</b>	<b>0.392</b>	<b>5</b>	<b>40</b>	<b>0.563</b>
09:00 - 10:00	5	40	0.151	5	40	0.161	5	40	0.312
10:00 - 11:00	5	40	0.151	5	40	0.141	5	40	0.292
11:00 - 12:00	5	40	0.181	5	40	0.201	5	40	0.382
12:00 - 13:00	5	40	0.166	5	40	0.161	5	40	0.327
13:00 - 14:00	5	40	0.156	5	40	0.166	5	40	0.322
14:00 - 15:00	5	40	0.201	5	40	0.176	5	40	0.377
15:00 - 16:00	5	40	0.261	5	40	0.216	5	40	0.477
16:00 - 17:00	5	40	0.332	5	40	0.181	5	40	0.513
17:00 - 18:00	<b>5</b>	<b>40</b>	<b>0.337</b>	5	40	0.166	5	40	0.503
18:00 - 19:00	5	40	0.302	5	40	0.161	5	40	0.463
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			2.520			2.363			4.883

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP\* FACT. Trip rates are then rounded to 3 decimal places.

**Parameter summary**

Trip rate parameter range selected: 17 - 82 (units: )  
 Survey date range: 01/01/08 - 30/09/15  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

**TAXIS**

**Calculation factor: 1 DWELLS**

**BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	<b>5</b>	<b>40</b>	<b>0.020</b>	<b>5</b>	<b>40</b>	<b>0.020</b>	<b>5</b>	<b>40</b>	<b>0.040</b>
08:00 - 09:00	5	40	0.000	5	40	0.000	5	40	0.000
09:00 - 10:00	5	40	0.005	5	40	0.005	5	40	0.010
10:00 - 11:00	5	40	0.000	5	40	0.000	5	40	0.000
11:00 - 12:00	5	40	0.010	5	40	0.010	5	40	0.020
12:00 - 13:00	5	40	0.005	5	40	0.005	5	40	0.010
13:00 - 14:00	5	40	0.005	5	40	0.005	5	40	0.010
14:00 - 15:00	5	40	0.010	5	40	0.010	5	40	0.020
15:00 - 16:00	5	40	0.005	5	40	0.005	5	40	0.010
16:00 - 17:00	5	40	0.000	5	40	0.000	5	40	0.000
17:00 - 18:00	5	40	0.005	5	40	0.005	5	40	0.010
18:00 - 19:00	5	40	0.005	5	40	0.005	5	40	0.010
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.070			0.070			0.140

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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**Parameter summary**

Trip rate parameter range selected: 17 - 82 (units: )  
 Survey date range: 01/01/08 - 30/09/15  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

**OGVS**

**Calculation factor: 1 DWELLS**

**BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	40	0.000	5	40	0.000	5	40	0.000
08:00 - 09:00	5	40	0.000	5	40	0.000	5	40	0.000
09:00 - 10:00	5	40	0.000	5	40	0.000	5	40	0.000
10:00 - 11:00	5	40	0.000	5	40	0.000	5	40	0.000
11:00 - 12:00	5	40	0.000	5	40	0.000	5	40	0.000
12:00 - 13:00	5	40	0.000	5	40	0.000	5	40	0.000
13:00 - 14:00	5	40	0.000	5	40	0.000	5	40	0.000
14:00 - 15:00	5	40	0.000	5	40	0.000	5	40	0.000
15:00 - 16:00	5	40	0.000	5	40	0.000	5	40	0.000
16:00 - 17:00	5	40	0.000	5	40	0.000	5	40	0.000
17:00 - 18:00	5	40	0.000	5	40	0.000	5	40	0.000
18:00 - 19:00	5	40	0.000	5	40	0.000	5	40	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			0.000			0.000			0.000

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP\* FACT. Trip rates are then rounded to 3 decimal places.

**Parameter summary**

Trip rate parameter range selected: 17 - 82 (units: )  
 Survey date range: 01/01/08 - 30/09/15  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

**PSVS**

**Calculation factor: 1 DWELLS**

**BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	40	0.000	5	40	0.000	5	40	0.000
08:00 - 09:00	5	40	0.000	5	40	0.000	5	40	0.000
09:00 - 10:00	5	40	0.000	5	40	0.000	5	40	0.000
10:00 - 11:00	5	40	0.000	5	40	0.000	5	40	0.000
11:00 - 12:00	<b>5</b>	<b>40</b>	<b>0.010</b>	<b>5</b>	<b>40</b>	<b>0.010</b>	<b>5</b>	<b>40</b>	<b>0.020</b>
12:00 - 13:00	5	40	0.000	5	40	0.000	5	40	0.000
13:00 - 14:00	5	40	0.000	5	40	0.000	5	40	0.000
14:00 - 15:00	5	40	0.000	5	40	0.000	5	40	0.000
15:00 - 16:00	5	40	0.000	5	40	0.000	5	40	0.000
16:00 - 17:00	5	40	0.000	5	40	0.000	5	40	0.000
17:00 - 18:00	5	40	0.000	5	40	0.000	5	40	0.000
18:00 - 19:00	5	40	0.000	5	40	0.000	5	40	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>0.010</b>			<b>0.010</b>			<b>0.020</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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**Parameter summary**

Trip rate parameter range selected: 17 - 82 (units: )  
 Survey date date range: 01/01/08 - 30/09/15  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are show. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

**CYCLISTS**

Calculation factor: **1 DWELLS**

**BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	40	0.000	5	40	0.020	5	40	0.020
08:00 - 09:00	5	40	0.000	5	40	0.005	5	40	0.005
09:00 - 10:00	5	40	0.000	5	40	0.005	5	40	0.005
10:00 - 11:00	5	40	0.000	5	40	0.020	5	40	0.020
11:00 - 12:00	5	40	0.000	5	40	0.000	5	40	0.000
12:00 - 13:00	5	40	0.000	5	40	0.005	5	40	0.005
13:00 - 14:00	5	40	0.005	5	40	0.000	5	40	0.005
14:00 - 15:00	5	40	0.000	5	40	0.005	5	40	0.005
15:00 - 16:00	5	40	0.025	5	40	0.000	5	40	0.025
16:00 - 17:00	5	40	0.005	5	40	0.000	5	40	0.005
17:00 - 18:00	5	40	0.010	5	40	0.000	5	40	0.010
18:00 - 19:00	5	40	0.000	5	40	0.000	5	40	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.045			0.060			0.105

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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**Parameter summary**

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 Survey date range: 01/01/08 - 30/09/15  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the THICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

## **APPENDIX C**

### **TRAFFIC COUNT 8 APRIL 2016**

**Traffic Flow Survey  
The Loan, Gattonside, Melrose**

**Friday 8th April 2016, Time Measured 1600-1700hrs**

Time	Direction	Vehicle Type	Description
1604	Upwards	Car	VW Golf
1608	Downwards	"	Fiat Panda
1609	Upwards	"	VW Sharan
1631	Upwards	"	Nissan Note
1632	Upwards	"	VW Passat *
1633	Downwards	"	Ford Festa
1637	Downwards	"	VW Passat *
1641	Upwards	"	Audi A2
1645	Upwards	"	VW Polo
1647	Upwards	Commercial Landrover	Landrover
1648	Downwards	Car	Nissan Note
1651	Upwards	"	VW Polo
<b>Total: 12 Journeys between 1600-1700</b>	<b>8 Upwards, 4 Downwards Journeys</b>	<b>11 Cars, 1 Commercial</b>	<b>* Vehicle went in &amp; out</b>



G113-let01

Mr H Armstrong  
2 Mamore Drive  
Earlston  
TD4 6JF

PO Box 2070, Livingston EH54 0EG

Tel 07798 646844  
www.acarrie.net  
Email: ac@acarrie.net

Registered in Scotland No 414163

18 May 2016

Dear Ray

**Proposed Dwelling House  
Lindisfarn, The Loan, Gattonside**

I have reviewed the further response from the Council's Roads Planning Service, dated 10 May, following submission of the Access Appraisal report by Andrew Carrie Traffic and Transportation Ltd.

The response concedes that The Loan has a few similarities with certain aspects of the 'Designing Streets' manual, a point which was not evident in their earlier responses. It is admitted that gradients are steeper than would normally be recommended for new roads, but the village is on the side of a hill and the existing gradient is what it is. For example, if a pedestrian handrail is required, then that is a matter for the Council: it is difficult to see how the construction of a single house on potentially the last available plot on The Loan, within the defined urban development boundary, will suddenly require the provision of a handrail, when the ongoing development of Monkswood Road, immediately to the east, does not, even although The Loan gives the most convenient pedestrian access between that development and the village.

Roads Planning Service cite *"anecdotal evidence with regards to bumps and scrapes and damage to property"* which occur on The Loan. It is accepted by all professionals in the field of road safety that such "bumps and scrapes" occur all over the road network, for a variety of reasons, not all of which are related to road geometry. It is accepted practice, however, that it is only injury accidents (which must, by law, be reported to, and recorded by, the police) that give a reliable comparison of accident trends for any given location, and while it is accepted that passing locations and visibilities are not ideal, the accident record on The Loan indicates that there have been no injury accidents on it at all. As set out in the Access Appraisal, this would appear to indicate that drivers and pedestrians already using The Loan, are applying the appropriate levels of sense and caution. It is also notable that not one single resident or user of The Loan has made any objection to the application on road safety or indeed any other aspect of this development application.

It is difficult to see the relevance to the current application, of the Council's points regarding the recommended road width for cars or HGVs, or the signing warning that The Loan is *"unsuitable for heavy goods vehicles"*, since there is no reason to suppose that the proposed development will generate any traffic of that type except during the construction stage. At the present time, all construction traffic to and from the ongoing development in Monkswood use the "top road" to and from Galashiels, and the proposed development is even better located to make use of that route, even without the formation of "temporary" access routes which the current construction transport is using across the grass triangle at the top of The Loan.

Similarly, it is difficult to see the relevance to the current application, of the Council's points regarding the use of The Loan during winter conditions. Residents of The Loan have to use that road, or park elsewhere, it should be noted that the Loan as well as Monkwood are not priority gritting routes and consequently residents park on the main road during severe winter snow conditions. Residents along the "top road", including the application site, have a choice of route.

Roads Planning Service make two points regarding the use of the "top road". RPS accept that the "top road" will give the easiest access to Galashiels to the west, but then state that drivers will choose "*the shortest and quickest*" route to all other destinations". However, the shortest route is not necessarily the quickest.

The holiday cottage development at Gattonside Mains is located approximately 600 metres west of the application site. The distance from the holiday cottages to the junction of the B6374 and the B6360 (to the north of the bridge over the River Tweed) is approximately 1.6 kilometres, via the top road and the junction at Pavilion Farm. The distance from the application site to that same junction, by the same route, is approximately 2.2 kilometres. The distance from the application site to that same junction via The Loan, is approximately 1.9 kilometres: 300 metres shorter. Drivers do not make their route choices based on distance alone, however: travel time is also an important consideration, and the first route via the "top road" is entirely on roads subject to the national speed limit (although it is conceded that some of the route is not suitable for those speeds), while the second route, through Gattonside, is subject to a 30 miles per hour speed limit for three-quarters of that distance (and again, speeds can be lower than that on parts of the route). Drivers looking at a map would choose the shortest route. Drivers who know the area would choose the quickest route, and that does not involve travelling up and down The Loan.

The route choices for the application site, to all other destinations, will in practice, be no different to the route choices available at Gattonside Mains. Roads Planning Service, however, state that The Loan will remain the "*dominant access route*" to the application site. However, given the above comparison of distance and likely travel time, their comments on this application, regarding comparison of routes for vehicles and pedestrians, access to the bus stops and the local footpath network into Melrose and the nearby riverside walks, etc, could have applied equally to the development at Gattonside Mains, as to the current application, and yet Roads Planning Service raised no objection to that other development.

Finally, Roads Planning Service state that "*the holiday cottage development was a renovation of an existing farm steading which generated its own traffic, some of which would have accessed The Loan at that time. This traffic would have been taken into account when assessing the planning application for the farm steading development.*" However, the application form (11/0113/FUL) states the "existing use" as "*farm buildings used for animals and storage. There is an existing flat in the south west corner*". The form states that the daily traffic flow would increase from 12 vehicles per day, to 24 per day (a figure of 6 trips per dwelling, the same as the figure used by ACTT in the current Access Appraisal). The application is clear that there would be an increase in traffic as a result of that development. Furthermore, regardless of what the application form suggests, it is unlikely that traffic to and from the farm itself was affected to any great extent by the cessation of the previous use: that operational farm traffic is likely still to be present on the road network, so the 24 daily vehicle trips following development is likely to be the net increase in traffic.

It ought to have been evident at the time, therefore that the development of the farm steading would have resulted in an increase in traffic, a proportion of which would use the Loan, yet this application was approved without objection from Roads Planning Service.



The current application is likely to result in fewer new trips on The Loan, than that previous development, and it is difficult to understand why this modest increase (if indeed there is any noticeable increase at all) is apparently likely to create the difficulties perceived by Roads Planning Service.

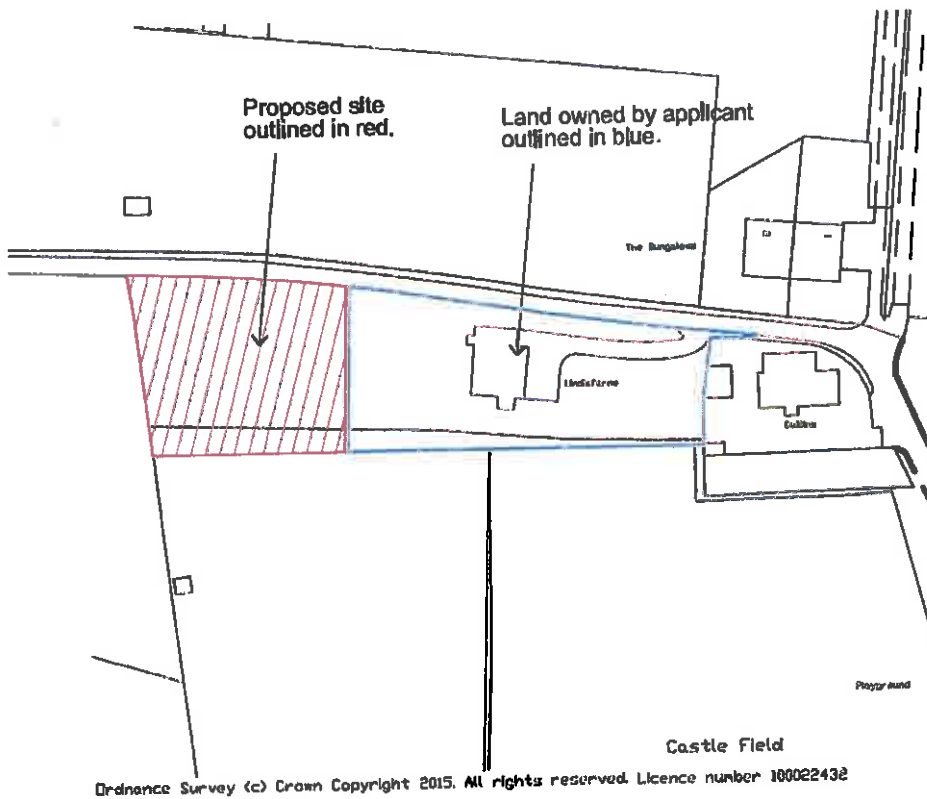
I hope that these comments are helpful.

Yours sincerely,

A black rectangular redaction box covering the signature area.

Andrew Carrie





# Ordnance Survey OS Sitemap

client

**Mr H. Armstrong**

job title

**Proposed house plot,  
Land west of Lindisfarne,  
Gattonside, Melrose**

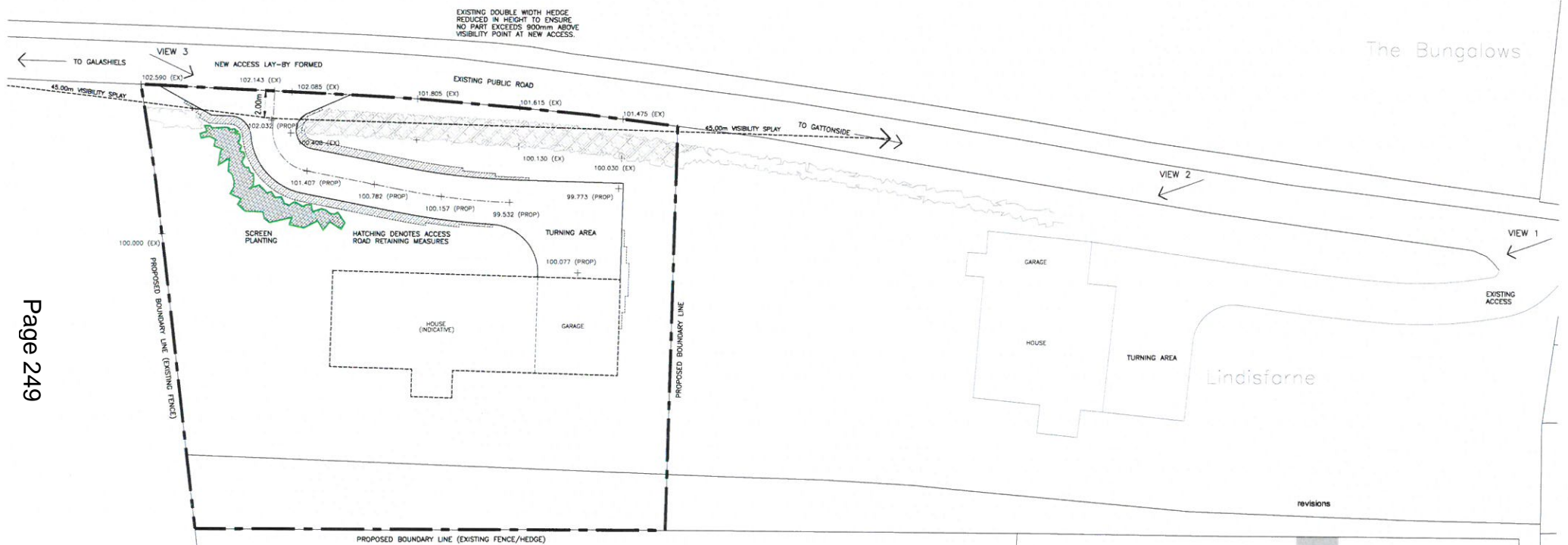
drawing title

**Locality Plan**

scale	date	draw
1:1250	12.02.16	RFM

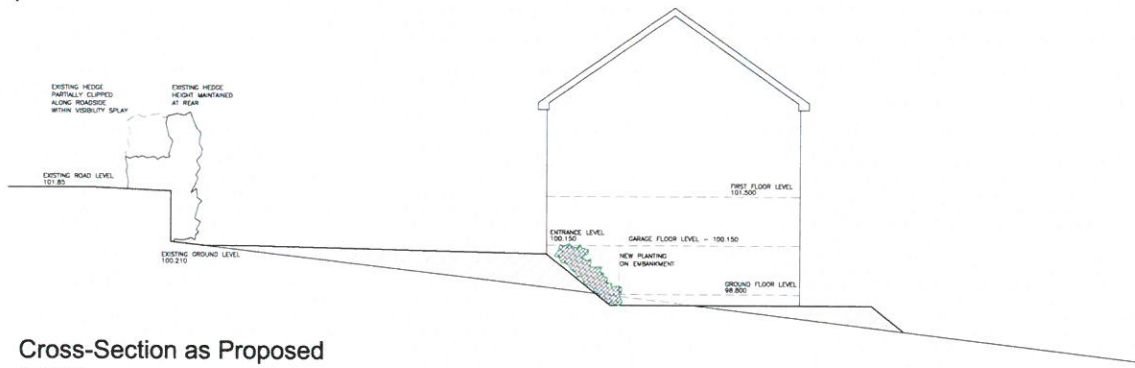
drawing no.





Site Plan as Proposed

Scale 1:200



Cross-Section as Proposed

Scale 1:100

**rm architecture ltd**  
bloomfield, heatherlie park, saikirk, TD7 5AL  
tel: 0175021709  
email: rmarchitecture4@gmail.com

client  
**Mr H. Armstrong**

job title  
**Proposed Housing Development  
adj to Lindisfarne, The Loan,  
Gattonside.**

drawing title  
**Site Plan  
as Proposed**

scale	date	drawn
1:200	Dec 2015	RFM

drawing no.	rev.
15-020/SD/001	B

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*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00162/PPP**

**To : Mr H. Armstrong per RM Architecture Ltd Bloomfield Heatherlie Park Selkirk TD7 5AL**

With reference to your application validated on **15th February 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse and garage**

**at : Garden Ground Of Lindisfarne The Loan Gattonside Scottish Borders**

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

Dated 19th May 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

A large black rectangular redaction box covering the signature of the Chief Planning Officer.

.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00162/PPP**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
15-020/SD/001 B	Location Plan	Refused
	Site Plan	Refused

**REASON FOR REFUSAL**

- 1 The development would fail to comply with Policy PMD5(e) of the Local Development Plan 2016 because it would not be served by adequate access and the implications of the development would potentially be detrimental to road and pedestrian safety
- 2 The development would fail to comply with Policy PMD2(q) of the Local Development Plan 2016 because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route

**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 :** 16/00162/PPP

**APPLICANT :** Mr H. Armstrong

**AGENT :** RM Architecture Ltd

**DEVELOPMENT :** Erection of dwellinghouse and garage

**LOCATION:** Garden Ground Of Lindisfarne  
The Loan  
Gattonside  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
15-020/SD/001 B	Location Plan	Refused
	Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

One representation has been received on behalf of one of the owners of the field and hedge to the west in which concerns are raised that the visibility splay shown will necessitate that their hedge would have to be cut to achieve the proposed sight line. It is not clear from the drawing as the hedge is not indicated. Further clarification is sought and a more detailed drawing showing how the sight line can be achieved without affecting their hedge

**Consultations**

Landscape Service: The revised plan shows a clear developable area outwith the recommended root protection area. Robert Gray's original tree report applied the root protection area from the existing TPO'd trees' stem diameter along the western boundary. While recommended removal of the mature Firs would have an impact, this species can become prone to failure in adverse conditions. Any new dwelling would pose a potential target for such failures.

Replacement of the Firs with a suitable species is required once removed, the applied RPA allows sufficient room for the replacements to establish and co-exist with a new dwelling. The protective fencing must be erected as a single line to agreed RPA distance prior to any development on site. Thereafter no storage of materials or disruption of ground within the RPA zone.

Detail is required on the screen planting, species, numbers, positions, sizes and maintenance schedule. Suggest that the existing hedge is reduced in height as a whole to accommodate the required visibility splay, as opposed to the plan showing it partially clipped. Cypress hedges would not respond too well to that type of pruning.

Community Council: No comments

Education and Lifelong Learning: Contributions of £3209 and £4512 required for Melrose Primary School and Earlston High School respectively

Gattonside Village Sub Planning Committee: No reply

Roads Planning Service: Made the following comments in response to the initial application submission:

They consider that the surrounding public road network is unsuitable to cater for any new build development at this proposed location. The main vehicular access to serve this site is via The Loan. This route is a very narrow, constrained and largely single file road, with restricted visibility sightlines in either direction due to buildings and walls bounding each side of the road. There is a sign at the bottom of this road stating that it is "unsuitable for heavy goods vehicles". The Loan is also very steep and winding, with very limited passing opportunities resulting in vehicles having to reverse when they meet. To compound their roads concerns even further, there is almost no on-street parking available on The Loan, and any parked cars make the route even more torturous than it currently is. All of these concerns are particularly relevant during inclement weather. Although there is an alternative, but significantly longer (secondary) access route to the west of the proposed site, it is not without its own roads issues. It is a single lane road with limited passing opportunities, and has numerous visibility impingements along its entire length. While the proposed passing opportunity associated with this application would result in some road safety gain for motorists using the public road in that vicinity, this would not help with the tortuous part of The Loan serving the bulk of the housing.

In the Planning Statement supporting this application, previous planning records are referred to. One is a fairly historic application for a new house at 'Wellbank' in The Loan. Of more relevance is the application for a house next door to 'Wellbank' at 'Springbank' in 2002. The RPS strongly recommended against the proposal expressing serious roads concerns and this view was supported by the (then) Head of Development Control. The application was approved by the Eildon Area Committee against officer's recommendation. The other applications referred to for new houses at 'Lower Greenwells' and opposite 'Abbotscroft' are of little significance, being served by different roads.

The Planning Statement also refers to observations of the Roads Planning Service on the application for a new vehicular access to serve 'Rosebrae' on The Loan. For that application, while expressing concern on the constrained nature of the road, they were able to support the proposal for a new access which had the potential to help with parking deficiencies in the vicinity. It was recognised that the constrained nature of the road helped enforce relatively slow traffic speeds, but there was no implication given that this would be justification for new housing served by the road.

The proposed new access driveway and parking/turning provision within the site meet requirements.

In summary, they recommend the application be refused in the interests of road safety.

The RPS have since reviewed, in detail, the submission of a traffic report (Access Appraisal April 2016 Andrew Carrie Traffic & Transportation Ltd). Their response to this specific report is noted in full below.

The Loan, when compared with certain aspects of the 'Designing Streets' manual, does have a few similarities, such as restricted visibility, slow speeds and restricted widths. However, when you investigate the design and geometry of The Loan in greater detail, significant road and safety deficiencies become evident. Gradients on The Loan vary between 1 in 6 and 1 in 9, which are considerably steeper than the recommended maximum gradient of 8% (1 in 12) as detailed in The 'National Roads Development Guide' which acts as the technical backup to 'Designing Streets'. Where gradients are steeper than 8%, the guide requires the provision of a handrail for pedestrians, but this cannot be provided on The Loan due to the boundary constraints of walls and buildings. While there are limited passing opportunities on The Loan, they are poorly located and are not inter-visible, resulting in vehicles having to reverse when they meet. This fundamental design flaw of not having inter-visible passing facilities on The Loan is quite disconcerting, and is a safety issue to both vehicular and pedestrian movements. Furthermore, any reversing manoeuvre is unsafe and does not conform to

current design requirements, particularly as the road is a shared space with pedestrians. To compound the gradient and poor inter-visibility as detailed above, there is a distinct lack of on-street parking. Any car that is parked, generally in the wider areas, creates enhanced difficulties to other users of this road as these areas are usually utilised as passing locations.

The Loan is very constrained with regards to road width, particularly as the boundaries are walls and properties, rather than the standard road kerb and/or verge. Its width varies between 2.8m and 4.1m along its length, with the average being around 3.1m, though at one particular pinch point it is reduced to 2.6m at road surface level. In the National Development Roads Guide the minimum recommended road width for vans is 3.0m, and for HGVs it is 3.4m. This minimum width applies to straight lengths of road while The Loan is curving in nature including at the pinch point. It should also be noted that the operation width required for a fire tender is 3.7m.

Although no swept path analysis has been carried out on the Loan, the provision of a road sign at the junction with the main road informing motorists that The Loan is "unsuitable for heavy goods vehicles" immediately warns HGV drivers that this route should not be used.

It should be noted, that during winter conditions many residents park their vehicles on the main road through Gattonside, as The Loan can be inaccessible during snowy and icy conditions, mainly with respect to its excessive gradient, constrained road width and lack of forward visibility. There is also clear evidence that a residential property located on the narrowest part of The Loan has been struck and damaged on several occasions by vehicles negotiating this part of the road.

The following comments relate specifically to the "top" secondary access route to the west of the application site. While they accept that some residents on the "top" road may on occasion use this access route, particularly if travelling towards the Galashiels area, the dominant access route will be via The Loan. The majority of the traffic and pedestrian movements will utilise The Loan as being the shortest and quickest way to all other destinations. Pedestrians must use The Loan to access the bus stops in Gattonside. The local footpath network into Melrose and the nearby riverside walks can only be accessed via The Loan. Furthermore, vehicles travelling east towards the A68 Trunk Road, south and west towards the A6091 and A7 Trunk Roads will use The Loan as the shortest and most direct route.

It should be noted that the holiday cottage development is located significantly further to the west than the proposed single house. Because of this, apart from vehicles travelling east towards the A68 Trunk Road who will use The Loan as their preferred route, all other destinations will be accessed by the shorter and quicker route to the west. It should also be noted that the holiday cottage development was a renovation of an existing farm steading which generated its own traffic, some of which would have accessed The Loan at that time. This traffic would have been taken into account when assessing the planning application for the farm steading development.

There are no recorded injury accidents on The Loan, as speeds are very low. However, there is a considerable amount of anecdotal evidence with regards to bumps and scrapes and damage to property which occurs on The Loan.

In summary, while 'Designing Streets' encourages slower traffic speeds by: use of narrow street widths; constrained geometry; and restricted forward visibility, such roads still have to be carefully designed so that, widths, forward visibility, passing and parking provision are all in sync and meet minimum standards. Acceptable gradients are equally important in particular where the road serves as a shared surface. The Loan does not meet these standards and they have to recommend against it serving further development. 'Designing Streets' is not a licence to deem all constrained roads as being fit for purpose.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2, PMD5, IS2, IS3, IS7, 1S9, EP3, EP4, EP13, HD3

SPG Guidance on Householder Development 2006; Placemaking and Design 2010; Trees and Development 2008; Landscape and Development 2008; Biodiversity 2005; Developer Contributions 2015

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 16th May 2016

#### Site and application description

This application seeks Planning Permission in Principle for a house on garden ground associated with a detached house (Lindisfarne) located at the northern end of Gattonside. It is below a single track public road to the north, with hedging along the roadside, trees within it and trees and hedging to the boundaries, and agricultural fields to west and south.

The application seeks consent in principle for a house, though is supported by an indicative house and garage layout served by a driveway leading from a new access and lay-by from the public road to the north.

#### Policy principle

The site is within the settlement boundary as identified in the Local Development Plan 2016. It has no allocations. Policy PMD5 principally applies, whereby the principle of infill development can be explored subject to meeting certain criteria. There would be no loss of open space of value, and the site has a roadside frontage. There would be no amenity conflict with neighbouring uses.

Developments must meet quality standards in Policy PMD2, including impacts on road safety, and this and other policies are covered in the following assessment.

#### Ecology

There are no ecological designations here or nearby. The loss of mature trees (see below) is limited to the removal of low height fruit trees and four conifer trees. The removal of the conifers is required due to their height and increasing falling potential, rather than the development itself. An informative on potential disturbance to bat habitat is considered appropriate in this case, as is guidance covering effects on potential bird nests.

#### Services

Contributions are required towards local schools and the Waverley Line. A legal agreement would be necessary to secure these contributions

Mains services are required in this settlement location. Here, public foul drainage and water supply connections are proposed. The applicant will need to ensure these (and a surface water drainage scheme), can be achieved without affecting trees or hedging to be retained (see below). A condition should seek to secure their protection. A condition would also be necessary to ensure Scottish Water confirm mains water and drainage connections, including surface water if required (unless achieved on site).

#### Neighbouring amenity

I would not expect that a sensitively designed two storey house in the general location proposed would affect neighbouring amenity in this location by way of daylight, privacy, sunlight or outlook loss. Care would be needed over windows facing Lindisfarne.

#### Siting, design and layout

This site is elevated above the village, but with a high hilly backdrop. A two storey house, set down from the road, in the general location and of the layout proposed, would sit fairly comfortably alongside the existing house. Though a preferred approach is usually to place houses fronting a roadside (with parking to the side or rear), here, in order to align with the existing house, it makes sense to set the house to face away from the road. It would be set lower than the road in this location, where hedging would partially screen views from the road. Provided the driveway can be swept into the site, with retaining walls discretely placed and

hedging used to frame the driveway, then it should be possible to design a house that complements the existing houses. The indicative plan proposed here suggests as much, though there is insufficient information on levels to confirm quite how the driveway will appear and how the house will sit. This can be covered at the detailed application stage.

Fruit trees within the site would be removed but their loss would have no significant visual impact on the public realm. Trees and hedging frame the site, and the more that can be retained the better for setting the development into the context. Hedging is to be retained to the north, though the drawing suggests it will be partially lowered to achieve visibility for the access. A tree survey (submitted at the pre-application stage) suggests trees to the west (which include trees protected by Tree Preservation Order) should be removed because of their height and risk of collapse. Smaller trees (not specified in the tree survey or plan submitted with this application) would be retained. This is agreeable as the indicative layout suggests new replacement planting can be achieved with room alongside the house footprint. This would re-establish the western boundary with more suitably sized trees. To the south, trees and hedging would be capable of being retained under the current proposal.

A condition can require a scheme showing only removal of the four conifers, with the remaining boundary trees retained and protected by fencing during the works, allowing only for the lowering of the roadside hedge (which should be reduced completely, and not partially clipped as proposed). It would be expected that an AMC application should account for the hedging and trees as part of the detailed layout.

#### Parking

The RPS accept the proposed site access and parking arrangements, which allow for parking and turning of two cars. The plan is relatively detailed, but a more thorough scheme would be necessary as part of a detailed application.

Visibility requirements on the east side would be achieved by lowering the hedge. To the west, the visibility splay appears to stray over the neighbouring property and I agree with the adjacent landowner that it is unclear how this may affect neighbouring hedging. The RPS was asked to look into this in detail and, following a further visit, they have confirmed to me that the visibility splay does not require any works over the neighbouring property in order to achieve and maintain it. It would not have been competent to impose a condition requiring provision of this splay since it would require that it be maintained in future over third party land. It appears, however, that this is not necessary.

#### Road capacity

The site is served by narrow single-track roads, both through the village (from the south-east on The Loan) and from the west. The RPS has clear concerns regarding the traffic implications of this development on the local road network.

The applicant's supporting statement originally submitted with the application refers to possible benefits to road safety, including rebuilding of the retaining structure that supports the road alongside the site. However, that is a matter that requires attention in any case, and will not be a net safety improvement to the road network itself. The proposal would also incorporate a passing place as part of the site access, but this will not be in a position that assists with passing problems on The Loan. The supporting statement also refers to previous cases for houses, alterations to existing houses and new parking spaces in the area. The Roads Planning Service has considered these. They point to the fact that the last house approved here was approved contrary to officer recommendation to refuse on road safety grounds. Of the applications referred to in the supporting case, none of these firmly support the case for a further house here. Any other benefits that may be realised (such as consolidating, to some extent, the settlement boundary at this point, for example), don't weigh significantly in favour of a development that would increase traffic on very poor, constrained roads.

The applicant was given the opportunity to respond to these concerns regarding the impact of the development on the road network. In response, a further report (Access Appraisal, April 2016 Andrew Carrie Traffic & Transportation Ltd) has been submitted in support of the application. Principally, the report

o acknowledges that The Loan has an historic layout which does not meet current design standards

- o contends that this would be a single house contributing an insignificant amount of traffic to the existing levels
- o identifies that a route to the west would also be attractive for residents, not just The Loan, where traffic would pass a recently consented holiday cottage development (nb this comprises 4 holiday cottages, not 2 houses and 2 holiday cottages as stated in the report)
- o identifies no recent accident history of note
- o contends that this would perhaps be the last house within the settlement built to use the Loan
- o refers to the changing policy position as regards road design, whereby a novel street design is advocated by Scottish Planning Policy, Designing Streets and the Council's SPG Placemaking and Design. The Loan is considered to be an example of such a street.

The RPS commented on this report (as noted above) and, in turn, the consultants have commented on the RPS comments (dated 18th May).

Having considered this report, the views of the RPS, and the response by the consultants to the RPS, I would account for the following key issues:

- o Consideration of this application must be treated on its own merits. The future prospects for further development that might use The Loan are not for assessment here, and it is not prudent to conclude with certainty that other infill opportunities will not become available.

o The RPS concludes that, while The Loan may have some similarities to the novel street design advocated by planning policy guidance, including Designing Streets (and the Council's Placemaking and Design guidance), The Loan does not meet even the relaxed standards that these current policies apply in several regards. Its key failing is its steepness. It also has limited passing opportunities, with restrictions on intervisibility. The result leads to unsafe reversing manoeuvres. There is also a lack of on-street parking, with cars that are parked adding to the difficulties for passing vehicles. The Loan is also constrained in width, and current signage indicates it is not suitable for HGVs. Even a novel street design that may be applied to a new development using 'Designing Streets' guidance must demonstrate it can safely accommodate larger vehicles, including refuse and emergency vehicles. The RPS notes that the average width of The Loan is less than that required for a fire tender. The road is particularly inaccessible during snowy and icy conditions due to these particular constraints as regards gradient, width and lack of forward visibility. I note the consultants accept that The Loan has constraints, but challenge the RPS's view as to their significance (including of HGVs which, they say, could come from the western route). They also point to the Monkswood road development as a comparison. That is, however, an established 1960s approval and I do not see it as a useful comparison with this development. This proposed development must be served by an appropriate route, and it is evident that The Loan has serious shortcomings. Its physical suitability for promoting any additional residential traffic must be questioned. The Loan may not be the only route to this site, and HGV drivers during construction may find the westerly route more appropriate, but it is not possible to rule out the potential that much of the traffic for this proposed house will use The Loan.

o As regards accident history, traffic speeds are very low, so the lack of recorded accidents is not surprising. The RPS contends, however, that there is significant anecdotal evidence, and some physical evidence, of damage to property along The Loan. I note the consultants acknowledge that passing locations and visibilities are not ideal, but that the absence of an injury record (and objections to this planning application) suggest there is no difficulty in this regard. I am unable to establish that either of these considerations point to The Loan being a suitable route on which to encourage any further traffic.

o The availability of the westerly route is acknowledged, albeit it has its own constraints as the RPS notes and the consultants appear to acknowledge. The consultants compare this site with a holiday cottage development at Gattonside Mains in likely use of the western route. Unlike the holiday cottage development, however (which I note will have transient occupants) this site is clearly closer to the village and it is arguable that traffic patterns for the two can be sufficiently comparable to be of significant value in this assessment. The RPS contends that, while the western route may be attractive for prospective residents who wish to travel west, the dominant access route will be The Loan. This is because it will be the shortest and quickest way to other destinations, including the bypass and A68. The RPS also notes that residents from the proposed house would have to use The Loan in order to access bus stops in the village. I note the consultants challenge this, consider that the quickest route is not necessarily the shortest and draw comparison to the holiday cottage development. I also acknowledge the fact that the availability of the alternative route is a key benefit to the development. However, I do share the RPS' view that much of the

vehicular traffic, and most of the pedestrian activity, for this development will likely use The Loan and that will lead to a net increase in traffic on a substandard road network used by both car drivers and pedestrians.

o This development would comprise a single house. Of itself, the level of traffic generated will, clearly, be relatively low particularly since the site has an alternative access route to the west as noted. However, both the RPS and the consultants acknowledge that The Loan has serious shortcomings that affect road and pedestrian safety. The RPS is firmly of the view that The Loan is simply not safe enough to endorse any further traffic, however limited, particularly to access a house proposed at the very top of the route. However limited, the net increase in traffic will increase the safety risk on a substandard road and this would run against the grain of Policy PMD2 which requires that there be "no adverse impact on road safety".

Ultimately, Policy PMD5 requires that infill developments be served by adequate access. As noted above, the RPS is content to endorse the access arrangement which would likely be achieved into the site itself. However, as noted, the access road network, particularly The Loan, is considered to be substandard. Policy PMD2 also requires that there are no adverse impacts on road safety, including but not limited to the site access. Accounting for the clear and unambiguous concerns of the RPS, it seems that additional development on The Loan, while in its current state, would not comply with Policy PMD2 as regards potential implications on road safety. Indeed, both road and pedestrian safety are likely to be compromised by adding further traffic onto The Loan as a consequence of the proposed development. I acknowledge the consultant's case with respect to the relatively limited extent of traffic that may be associated with this development. However, I would conclude that the risk to the safety of road users, including pedestrians, appears evident when we consider that this development will lead to extra traffic, however small, on what is clearly a substandard road shared by both cars and pedestrians.

#### **REASON FOR DECISION :**

The development would comply with the Local Development Plan 2016 in most respects, subject to conclusion of a legal agreement and schedule of conditions. However, the development would fail to comply with Policy PMD5(e) because the access leading to the site is not adequate. The development would also fail to comply with PMD2(q) because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route. This conflict with the development plan is considered to be overriding in this case.

#### **Recommendation: Refused**

- 1 The development would fail to comply with Policy PMD5(e) of the Local Development Plan 2016 because it would not be served by adequate access and the implications of the development would potentially be detrimental to road and pedestrian safety
- 2 The development would fail to comply with Policy PMD2(q) of the Local Development Plan 2016 because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route

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





## Proposed House

Land West of Lindisfarne,  
Gattonside, Melrose.

## Planning Statement February 2016



# Proposed House

Land West of Lindisfarne,  
Gattonside, Melrose.

## Appraisal

### The Application

The application is for Planning Permission in Principle for the erection of one private house and attached garage.

### The Location

The application site lies within the northern western edge of the settlement boundary in Gattonside and is accessed from two directions. From within Gattonside via The Loan & from Galashiels via the Wester Housebyres road.

### The Site

The application site extends to approx 0.11 hectares and lies to the west of the property known as Lindisfarne.

The northern boundary which adjoins the public road is defined by a mature hedge and a low level dry stone dyke which retains approx 1.3m of the roadside verge.

The eastern boundary which adjoins Lindisfarne is presently undefined but a natural boundary with trees and small shrubs separates the existing garden from the application site.

The southern boundary which adjoins a paddock is defined by a post & wire fence situated behind an existing mature hedge.

The western boundary which adjoins the village settlement boundary is defined by a post & wire fence within which are a line of mature trees.

## Development Proposal

The development proposal is for a single dwelling house plot. It is understood due to the nature of Planning Permission in Principle, aspects such as detailed design of the dwelling, siting & boundary treatment will be addressed as a reserved matter in the event of a successful outcome.

## Planning Policy

Consolidated Local Plan Policies G1 & G7 (Quality Standards for New Development & Infill Development), H2 (Protection of Residential Amenity) require the Planning Authority to be satisfied that the proposals will have considered amongst other matters, the following assessments:

- Is it compatible with & respects the character of the surrounding area, neighbouring uses & neighbouring built form?

## **Proposed House**

Land West of Lindisfarne,  
Gattonside, Melrose.

- Can it be satisfactorily accommodated within the site?
- It does not result in significant loss of daylight, sunlight, or privacy to adjoining properties as a result of overshadowing or overlooking.
- Level of visual impact.
- Impact on the infrastructure.

### **Compatibility with the surroundings**

It is noted that the site remains within the edge of the settlement boundary for Gattonside and is therefore deemed appropriate for development if a suitable means of access and development can be established.

The existing housing profile in the area is a mix detached single & two storey houses of varying recent & traditional styles.

Although the detailed design of the development is not known at this stage the likelihood is that the adjoining property of Lindisfarne will relate with any future design proposals.

Preliminary discussions have been held with the Planning Authority to determine if housing development can take place in this location. From further consultation it has been generally agreed that a mirrored form of development to that which exists at Lindisfarne would generally be acceptable. It is understood that further details of a proposed design would be subject to approval as a reserved matter.

An examination of the existing trees along the western boundary was undertaken to establish the general condition to ensure the longevity of the edge of the existing development boundary. It is proposed that there are a number of trees that are in poor condition to such a degree that would compromise the establishment of the boundary in the not too distant future and therefore would benefit from removal and a scheme of re-planting that can be properly managed. There is a report from messrs Robert Gray attached to this submission which details these proposals.

### **Development Density**

The proposed house would be comfortably accommodated within this generous site and the development density would ensure adequate amenity space to be enjoyed by the occupants whilst not affecting the amenity of those properties adjoining the application site.

### **Loss of Amenity**

The only property that is most likely to be affected by a loss of amenity is Lindisfarne. It is proposed that an adequate treatment of the adjoining boundary as already exists to the opposite side of Lindisfarne with the

## **Proposed House**

Land West of Lindisfarne,  
Gattonside, Melrose.

property "Cuillins" would be anticipated. For this reason it would be considered that there would be no effect on the amenity presently enjoyed at the application site.

It is understood that overlooking issues with neighbouring properties would be addressed in detail in a subsequent reserved matters application should these proposals be approved in principle. However, in general terms good practice would avoid positioning of clear windows that would result in the loss of amenity to the adjacent properties. This is a matter we believe would be achieved to an acceptable standard.

### **Impact on the Infrastructure**

The applicant has carried out some investigative work to establish the extent of works required to service the site with foul and surface water drainage. It has been agreed in principle with Scottish Water that drains can be run along the southern boundary of the application site and Lindisfarne to connect with a public sewer to the south of "The Cuillins". This can be achieved on ground within the ownership of the applicant.

Further discussions with the Water Authority, Scottish Gas & SP Energy Networks have established that water, gas & electricity supplies can be taken from the vehicular access into Lindisfarne and within the property boundary to the application site. This can be achieved on ground within the ownership of the applicant meaning minimal disruption & excavation of The Loan.

A pre-application consultation was undertaken with the SBC Highways Department to establish the principle of establishing a new vehicular access on to the public road. Whilst it was recognised and agreed that an access could be formed into the plot from the adjacent public road to an acceptable standard, we were advised that due to advice given by the department in recent times to development accessed from The Loan meant that they would be unable to offer their support. We were informed that this was on the grounds of road safety.

We were subsequently offered further technical advice on how best to form the proposed access to a standard that would meet the departments required standard for geometry, visibility and road safety measures.

These improvements have been included within the application submission and can be summarised as follows:-

- Formation of 6.0m long x 2.0m wide roadside lay-by/passing place with 4.0m long splays in both directions within the existing verge grass verge.

## Proposed House

Land West of Lindisfarne,  
Gattonside, Melrose.

- Formation of 45m visibility splays with a 2.0m set back from the centre of the public road.
- To reduce the height of the existing roadside hedge within the visibility splays to a height not exceeding 900mm above the new access road level.
- Swept access driveway to replicate in mirror form that which already exists at Lindisfarne. Access drive gradient not to exceed 1 in 8 with the parking/turning area gradient not to exceed 1 in 18.

Due to this historic advice given by the Highways department in this location it is necessary for us to show that the general level of road safety that presently exists on The Loan will not be affected by this application. We are of the opinion that on balance, the proposals will present a greater level of road safety than would otherwise be achieved if the status quo were to remain.

The historic planning records available detailing new development supported by the department in the area can be summarised as follows:

Planning Ref:	Description	Details
90/00685/FUL	New houses at Wellbank	Approved - No Highways advice available
00/01454/OUT	New house at Lower Greenwells	Approved - No Highways advice available
02/00273/OUT	New house at Springbank	Approved - No Highways advice available
10/00491/FUL	New house opposite Abbotscroft	Approved against Highways advice

Other planning records of interest are as follows:

Planning Ref:	Description	Details
99/01404/FUL	Create one house from two at Torwood Cottage	Approved

Does this mean that spare capacity has been released?

It is the records of some other domestic development along The Loan which reveals comments made by the Highways Department which we believe have a bearing on the current proposals and should be duly considered. These planning records relate to domestic alterations and extensions which create further bedroom accommodation and one assumes could lead towards an increase in traffic. These can be summarised as follows:

Planning Ref:	Description	Details
05/00006/FUL	First floor extension Glenview	Approved – additional 3 bedrooms substantial increase in size.
09/01558/FUL	Extension at Rosebank	Approved – additional bedroom
13/01235/FUL	Alterations to The Linney	No objections from Highways.

## Proposed House

Land West of Lindisfarne,  
Gattonside, Melrose.

The comments made by the Highways Department which relate to the 09/01558/FUL approval in particular are of significant interest and have been attached to the application documents whereby it is noted that the Department states *“The Loan is a narrow single lane road with restricted visibility, with very limited on-street parking and is quite torturous at the best of times. That said, the constrained nature of the road helps enforce relatively slow traffic speeds. In summary, while not ideal in terms of visibility, I will not formally object to this application as overall, I consider this to be an improvement to the existing situation.”*

From this statement we can establish the following:-

- There are issues with traffic movement on The Loan. However, the Highways Department recognise that the constrained nature of the roads helps enforce slow traffic speeds -
- Support from the Highways Department can be given in situations where an overall improvement in road safety can be delivered.

What is of significant importance is that of the Planning consents noted, none were able to offer additional road safety measures and were either supported or approved without these additional measures being enforced.

We are in the position to be able to deliver these road safety improvements which will benefit not only the applicant but all road users of The Loan.

Therefore, it is now necessary for us to further examine the situation that exists at the application site at present and what improvements can be delivered.

## **Proposed House**

Land West of Lindisfarne,  
Gattonside, Melrose.



Inspection of the general road condition has revealed the dry-stone walls which retain the public road to be in poor condition and are subsiding into the site whilst damaging the roots of the hedge at the same time. This has forced the applicant to construct a steel and timber retaining wall to protect the land immediately adjoining Lindisfarne and runs parallel with the public road to the end of the rear garden.



Bollards have been installed by the Council on the grass verge in recognition of the problem to protect the application site from road traffic driving over the defective dry-stone walls, further exacerbating the passing problems. The proposals detailed in this application will result in a new retaining structure to consolidate the road sub-structure and protect the hedge roots.

## **Proposed House**

Land West of Lindisfarne,  
Gattonside, Melrose.



The proposed lay-by/passing place is located at approximately the mid-point of the stretch of road that can be viewed from the top of The Loan and will permit safe passage of vehicles approaching in opposing directions.

Due to the defective walling, the further deterioration of the road will present a much greater safety concern if left unattended. These proposals bring forward the consolidation works with added safety measures by virtue of the application to develop this plot without placing demands on Councils roads repair budget.



## **Proposed House**

Land West of Lindisfarne,  
Gattonside, Melrose.

### **Summary**

I whilst recognising that access from The Loan is an issue for the Highways Department we have demonstrated that there are instances where support for applications can be achieved. There are many more benefits to be gained from approval of this application. These can be summarised as follows:

- Delivery of a housing site to meet with the requirement identified in both the SESplan HNDA & SSG.
- Strengthening of the settlement boundary.
- Consolidation of the existing public road.
- Formation of a passing place along a constrained single width road.
- Formation of a suitable access with sufficient visibility.
- A general enhancement of the level of road safety for all road users in this location.

For the above noted reasons we believe that the proposals outlined in this application comply with Scottish Borders Councils relevant planning policies and will hopefully gain the Councils support.

# TECHNICAL SERVICES ROADS & FLEET MANAGEMENT



To: Head of Planning & Building Standards  
FAO C.CLARKE

Date:09/12/09

From: Road User Manager  
Contact: J.FRATER

Ext: 5137

Ref:09/01558/FUL

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Subject : **FORMATION OF NEW ACCESS AND ERECTION OF NEW GATES  
ROSEBRAE THE LOAN - GATTONSIDE**

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At present this existing property does not have any parking provision within its site boundary , and associated vehicles are currently parked on , or adjacent to the public road. The Loan is a narrow single lane road with restricted visibility , with very limited on-street parking and is quite torturous at the best of times. This proposal will certainly help with the parking difficulties that currently exist at present , though visibility from the new access onto the road is far from ideal. That said, the constrained nature of the road helps enforce relatively slow traffic speeds. I would expect a turning facility to be provided within the garden ground of this house. I did happen to meet the applicant when I visited the site , and I did explain this particular point with him.

In summary , while not ideal in terms of visibility , I will not formally object to this application as overall , I consider this to be an improvement to the existing situation.

DJI

**From:** Robin Chisholm <RobinC@eildon.org.uk>  
**Sent:** 11 March 2016 08:49  
**To:** DCConsultees  
**Subject:** Comments from Melrose & District Community Council

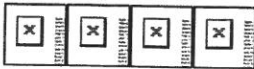
Good Morning

Application Ref 16/00162/FUL  
Erection of Dwellinghouse & Garage  
Garden Ground of Lindisfarne  
The Loan  
Gattonside

**No Comments from M&DCC**

**Regards**

Robin Chisholm for Melrose & District Community Council



Registered in Edinburgh, UK.  
Registered Office:

The Weaving Shed,  
Ettrick Mill,  
Dunsdale Road,  
Selkirk  
TD7 5EB

Tel: 01750 725900  
Email: [enquiries@eildon.org.uk](mailto:enquiries@eildon.org.uk)  
Web: [www.eildon.org.uk](http://www.eildon.org.uk)

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## **PLANNING CONSULTATION**

On behalf of: Director of Education & Lifelong Learning

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

To: Head of Planning & Building Standards  
Contact: Carlos Clarke ☎ 01835 826735

Date: 25 July 2016  
Ref: 16/00162/PPP

### **PLANNING CONSULTATION**

**Name of Applicant:** Mr H. Armstrong

**Agent:** RM Architecture Ltd

**Nature of Proposal:** Erection of dwellinghouse and garage

**Site:** Garden Ground Of Lindisfarne The Loan Gattonside Scottish Borders

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

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## **CONSULTATION REPLY**

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

A contribution of £3209 is sought for the Primary School and £4512 is sought High School, making a total contribution of £7721

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

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

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

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

**From:**Wilkinson, Simon  
**Sent:**30 Mar 2016 09:42:24 +0100  
**To:**Clarke, Carlos  
**Subject:**RE: 16/00162/ppp Erection of house, Lindisfarne Gattonside

Carlos,

The revised plan shows a clear developable area outwith the recommended root protection area. Robert Grays original tree report applied the root protection area from the existing TPO'd trees stem diameter along the western boundary. While recommended removal of the mature Firs would have an impact, this species can become prone to failure in adverse conditions. Any new dwelling would pose a potential target for such failures.

Replacement of the Firs with a suitable species is required once removed, the applied RPA allows sufficient room for the replacements to establish and co-exist with a new dwelling. The protective fencing must be erected as a single line to agreed RPA distance prior to any development on site. Thereafter no storage of materials or disruption of ground within the RPA zone.

Detail is required on the screen planting, species, numbers, positions, sizes and maintenance schedule. The existing hedge in order to accommodate the required visibility splay, I would suggest is reduced in height as a whole opposed to the plan showing a partially clipped. Cypress hedges would not respond too well to that type of pruning.

Regards

Simon

**From:** Clarke, Carlos  
**Sent:** 17 March 2016 15:40  
**To:** Wilkinson, Simon; McDermott, Siobhan  
**Subject:** 16/00162/ppp Erection of house, Lindisfarne Gattonside

Simon/Siobhan,

To: **Development Management Service**  
**FAO C.CLARKE**

Date: 8/03/16

From: **Roads Planning Service**

Contact: **John Frater**

Ext: 5137

Ref: 16/00162/PPP

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**Subject: ERECTION OF DWELLINGHOUSE AND GARAGE  
GARDEN GROUND OF LINDISFARNE THE LOAN  
GATTONSIDE**

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I consider the surrounding public road network to be unsuitable to cater for any new build development at this proposed location. The main vehicular access to serve this site is via The Loan. This route is a very narrow, constrained and largely single file road, with restricted visibility sightlines in either direction due to buildings and walls bounding each side of the road. There is a sign at the bottom of this road stating that it is "unsuitable for heavy goods vehicles". Furthermore, The Loan is also very steep and winding, with very limited passing opportunities resulting in vehicles having to reverse when they meet. To compound my roads concerns even further, there is almost no on-street parking available on The Loan, and any parked cars make the route even more torturous than it currently is. All of my concerns are particularly relevant during inclement weather.

Although there is an alternative, but significantly longer (secondary) access route to the west of the proposed site, it is not without its own roads issues. It is a single lane road with limited passing opportunities, and has numerous visibility impingements along its entire length. While the proposed passing opportunity associated with this application would result in some road safety gain for motorists using the public road in that vicinity, this would not help with the tortuous part of The Loan serving the bulk of the housing.

It should be noted that the proposed new access driveway and parking/turning provision within the site meets my requirements, and is not an issue of concern to me.

In the Planning Statement supporting this application, previous planning records are referred to. One is a fairly historic application for a new house at 'Wellbank' in The Loan. Of more relevance is the application for a house next door to 'Wellbank' at 'Springbank' in 2002. The Roads Planning Service (John Frater) strongly recommended against the proposal expressing serious roads concerns and this view was supported by the Head of Development Control. The application was approved by the Eildon Area Committee against officer's recommendation. The other applications referred to for new houses at 'Lower Greenwells' and opposite 'Abbotscroft' are of little significance, being served by different roads.

The Planning Statement also refers to observations of the Roads Planning Service (again John Frater) on the application for a new vehicular access to serve 'Rosebrae' on The Loan. For that application, while expressing concern on the constrained nature of the road, we were able to support the proposal for a new access which had the potential to help with parking deficiencies in the vicinity. It was recognised that the constrained nature of the road helped enforce relatively slow traffic speeds, but there was no implication given that this would be justification for new housing served by the road.

In summary and taking cognisance of all my points above, I recommend this application be refused in the interests of road safety.

**AJS**

To: **Development Management Service**  
**FAO C.CLARKE**

Date: **10/05/16**

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

Ext: **5137**

Ref: **16/00162/PPP**

---

**Subject: ERECTION OF DWELLINGHOUSE AND GARAGE IN GARDEN  
LINDISFARNE, THE LOAN - GATTONSIDE**

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I refer to my detailed reply of 8<sup>th</sup> April 2016 pertaining to this application and confirm that all points made in it remain valid regarding The Loan in Gattonside. In response to a recent Access Appraisal submission from the applicant's traffic consultant Andrew Carrie, I would like to add to, and enhance my previous comments:

The Loan, when compared with certain aspects of the 'Designing Streets' manual, does have a few similarities, such as restricted visibility, slow speeds and restricted widths. However, when you investigate the design and geometry of The Loan in greater detail, significant road and safety deficiencies become evident. Gradients on The Loan vary between 1 in 6 and 1 in 9, which are considerably steeper than the recommended maximum gradient of 8% (1 in 12) as detailed in The 'National Roads Development Guide' which acts as the technical backup to 'Designing Streets'. Where gradients are steeper than 8%, the guide requires the provision of a handrail for pedestrians, but this cannot be provided on The Loan due to the boundary constraints of walls and buildings. While there are limited passing opportunities on The Loan, they are poorly located and are not inter-visible, resulting in vehicles having to reverse when they meet. This fundamental design flaw of not having inter-visible passing facilities on The Loan is quite disconcerting, and is a safety issue to both vehicular and pedestrian movements. Furthermore, any reversing manoeuvre is unsafe and does not conform to current design requirements, particularly as the road is a shared space with pedestrians. To compound the gradient and poor inter-visibility as detailed above, there is a distinct lack of on-street parking. Any car that is parked, generally in the wider areas, creates enhanced difficulties to other users of this road as these areas are usually utilised as passing locations.

The Loan is very constrained with regards to road width, particularly as the boundaries are walls and properties, rather than the standard road kerb and/or verge. Its width varies between 2.8m and 4.1m along its length, with the average being around 3.1m, though at one particular pinch point it is reduced to 2.6m at road surface level. In the National Development Roads Guide the minimum recommended road width for vans is 3.0m, and for HGVs it is 3.4m. This minimum width applies to straight lengths of road while The Loan is curving in nature including at the pinch point. It should also be noted that the operation width required for a fire tender is 3.7m.

Although no swept path analysis has been carried out on the Loan, the provision of a road sign at the junction with the main road informing motorists that The Loan is "unsuitable for heavy goods vehicles" immediately warns HGV drivers that this route should not be used.

It should be noted, that during winter conditions many residents park their vehicles on the main road through Gattonside, as The Loan can be inaccessible during snowy and icy conditions, mainly with respect to its excessive gradient, constrained road width and lack of forward visibility. There is

also clear evidence that a residential property located on the narrowest part of The Loan has been struck and damaged on several occasions by vehicles negotiating this part of the road.

The following comments relate specifically to the “top” secondary access route to the west of the application site. While I accept that some residents on the “top” road may on occasion use this access route, particularly if travelling towards the Galashiels area, the dominant access route will be via The Loan. The majority of the traffic and pedestrian movements will utilise The Loan as being the shortest and quickest way to all other destinations. Pedestrians must use The Loan to access the bus stops in Gattonside. The local footpath network into Melrose and the nearby riverside walks can only be accessed via The Loan. Furthermore, vehicles travelling east towards the A68 Trunk Road, south and west towards the A6091 and A7 Trunk Roads will use The Loan as the shortest and most direct route.

It should be noted that the holiday cottage development is located significantly further to the west than the proposed single house. Because of this, apart from vehicles travelling east towards the A68 Trunk Road who will use The Loan as their preferred route, all other destinations will be accessed by the shorter and quicker route to the west. It should also be noted that the holiday cottage development was a renovation of an existing farm steading which generated its own traffic, some of which would have accessed The Loan at that time. This traffic would have been taken into account when assessing the planning application for the farm steading development.

There are no recorded injury accidents on The Loan, as speeds are very low. However, there is a considerable amount of anecdotal evidence with regards to bumps and scrapes and damage to property which occurs on The Loan.

In summary, while ‘Designing Streets’ encourages slower traffic speeds by: use of narrow street widths; constrained geometry; and restricted forward visibility, such roads still have to be carefully designed so that, widths, forward visibility, passing and parking provision are all in sync and meet minimum standards. Acceptable gradients are equally important in particular where the road serves as a shared surface. The Loan does not meet these standards and I have to recommend against it serving further development. ‘Designing Streets’ is not a licence to deem all constrained roads as being fit for purpose.

**AJS**



## Application Comments for 16/00162/PPP

### Application Summary

Application Number: 16/00162/PPP

Address: Garden Ground Of Lindisfarne The Loan Gattonside Scottish Borders

Proposal: Erection of dwellinghouse and garage

Case Officer: Carlos Clarke

### Customer Details

Name: Mr Callum Crawford

Address: Estate Office Pavilion Farm U6-4 B6374 At Pavilion Farm To U5-6 West Of Gattonside Mains, Scottish Borders, Melrose, Scottish Borders TD6 9BN

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Trees/landscape affected

Comment: Good afternoon,

As one of the owners of the field and hedge to the west of the applicant's site, we are concerned that the visibility splay as shown will necessitate that our existing hedge will have to be cut to achieve the proposed sight line. It is not clear from the drawing, as our hedge line is not indicated on the drawing and therefore we request further clarification of this area and a more detailed drawing detailing how the site line can be achieved without our hedge being affected.

Best regards

Callum Crawford

Pavilion Estate

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**LIST OF POLICIES**

**Local Review Reference:** 16/00021/RREF

**Planning Application Reference:** 16/00162/PPP

**Development Proposal:** Erection of dwellinghouse and garage

**Location:** Garden Ground Of Lindisfarne, The Loan, Gattonside

**Applicant:** Mr H Armstrong

**\*\*New LDP 2016\*\***

<p><b>Policy PMD5: Infill Development</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) where relevant, it does not conflict with the established land use of the area; and</li> <li>b) it does not detract from the character and amenity of the surrounding area; and</li> <li>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</li> <li>d) it respects the scale, form, design, materials and density in context of its surroundings; and</li> <li>e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and</li> <li>f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.</li> </ul> <p>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.</p>
<p><i>Key Policies to which this policy should be cross-referenced:</i></p> <p>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.</p>

## **Policy PMD2: Quality Standards**

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

### **Sustainability**

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

### **Placemaking & Design**

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

development that will help integration with its surroundings,  
n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### **Accessibility**

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

#### **Greenspace, Open Space & Biodiversity**

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

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

*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 and Doors  
Use of Timber in Sustainable Construction

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

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

#### **Policy IS2: Developer Contributions**

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

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

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

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be

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

*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 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

### **Policy IS3: Developer Contributions related to the Borders Railway**

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

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

Policy IS2 Developer Contributions  
Policy IS4 Transport Development and Infrastructure

*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

### **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:*

Policy PMD2 Quality Standards for New Development

### **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 (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

*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 Sites 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

### **Policy EP3: Local Biodiversity**

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance

*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 EP6 Countryside Around Towns  
Policy EP12 Green Networks  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy EP14 Coastline  
Policy EP15 Development Affecting the Water Environment  
Policy IS2 Developer Contributions  
Policy IS15 Radio Telecommunications

Scottish Planning Policy

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

Biodiversity  
Development Contributions  
Green Space

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

Development Contributions  
Greenspace  
Green Networks

#### **Policy EP4: National Scenic Areas**

Development that may affect National Scenic Areas will only be permitted where:

- a) the objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or
- b) any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance

*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 ED12 Mineral and Coal Extraction  
Policy HD2 Housing in the Countryside  
Policy EP5 Special Landscape Areas  
Policy EP6 Countryside Around Towns  
Policy EP8 Archaeology  
Policy EP10 Gardens and Designed Landscape  
Policy EP14 Coastline

Policy EP12 Green Networks  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy EP11 Protection of Greenspace  
Policy IS15 Radio Communications

Scottish Planning Policy  
SNH Special Qualities of NSAs (Borders)

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

Countryside Around Towns  
Green Space  
Landscape and Development  
Local Landscape Designations  
New Housing in the Borders Countryside  
Placemaking and Design

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

Countryside Around Towns  
Greenspace  
Green Networks  
Landscape and Development  
New Housing in the Borders Countryside  
Placemaking and Design

#### **Policy EP13: Trees, Woodlands and Hedgerows**

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

Any development that may impact on the woodland resource should:

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

*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

### **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)

Other Considerations-

SPG on Householder Development 2006

SPG on Placemaking and Design 2010

SPG on Trees and Development 2008

SPG on Landscape and Development 2008

SPG on Biodiversity 2005

SPG on Developer Contributions 2015

Designing Streets

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