

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 21 NOVEMBER 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 21 NOVEMBER 2016 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

14 November 2016

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<b>Consider request for review of refusal of planning consent in respect of removal of existing summer house and erection of garden room at Beechwood, Lawyer's Brae, Galashiels. 16/00953/FUL 16/00026/RREF</b>	
	Copies of the following papers attached:-	
	(a) <b>Notice of Review</b>	(Pages 1 - 10)
	(b) <b>Decision Notice</b>	(Pages 11 - 12)
	(c) <b>Officer's report</b>	(Pages 13 - 16)
	(d) <b>Papers referred to in report</b>	(Pages 17 - 32)
	(e) <b>Consultations</b>	(Pages 33 - 34)
	(f) <b>List of Policies</b>	(Pages 35 - 38)
5.	<b>Any Other Items Previously Circulated</b>	
6.	<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.**

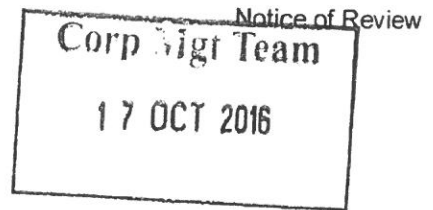
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**Membership of Committee:-** Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

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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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**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 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:

Access to garden ground would be required. There is security entry system which requires a passcode. We would be happy to share the passcode with the planning authority.

**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.

We refer the planning authority to the written submission we made prior to decision by the Chief Planning Officer which clearly articulates our position with regard to this development.

Two points occur from the Part III Report issued by the Chief Planning Officer. Firstly it is stated that we could not accommodate this building in our rear garden. This is not the case, we could. We have chosen not to pursue this location because we feel the impact on our neighbours would be higher and because the amenity we derive from the building would be reduced.

We would reiterate that, because our house is located in the corner of a substantial plot, the amenity we derive from what is classified as our front garden is more like that most people derive from their rear garden. This is the space we use for outdoor living, entertaining and general amenity.

The application has been refused on grounds of prominence, scale and visual impact on the character of the surroundings. We would respectfully submit that a determination on this basis is by its nature subjective. In our opinion the proposed building would have very little impact from the street. It would be almost impossible to see more than one aspect from any point on Lawyers Brae. The impact of the building would also be much reduced by its height above the street. This is a position supported by our immediate neighbours who have provided written statements of support for this development.

The Chief Planning Officer has noted in his report that there is no window planned for the elevation facing the street. This is indeed the case. Should this prove a barrier to accepting the plan we would be happy to accept a condition requiring a window in this elevation.

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.

The Chief Planning Officer noted that there was no window in the elevation facing towards Lawyers Brae. Should the authority wish to include the provision of a window in this elevation as a condition of development we would be happy to accept that condition.

**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.

Email from A McGill to Chief Planning Officer dated 14 September 2016

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 14/10/16

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

From: **Alan McGill** office@amcgill.co.uk  
Subject: Re: Planning application, Removal of existing summer house and erection of garden room, Beechwood, Lawyer's Brae, Galashiels 16/00953/FUL  
Date: 14 September 2016 at 08:45  
To: **Carlos Clarke** CGClarke@scotborders.gov.uk

Hi Carlos, I've spoken with my clients for the above job and they are keen to attempt to gain consent for the garden room based on the size applied for, as anything smaller wouldn't offer them the amenity required. They have written the letter below which they would be grateful if you would consider as part of your determination process.

They would consider finishing the building in a colour acceptable to the planning department to help it blend in, and include screening additional to the hedging already proposed possibly by way of a trellis fence with climbing plants which, along with the existing retaining wall parapet would almost completely screen the building from the public view, all which they would happily accept as a condition to the consent.

My own observations are that that the elevated position above the retaining & parapet wall would result in the proposed building only being visible from the pavement on the opposite side of the road. This pavement terminates as a usable footpath at the infrequently used steep steps leading down to Albert place resulting in the majority of pedestrians using the wider footpath closest to the boundary wall from where the proposed garden room would be out of view.

The building would barely be viewable from the immediate neighbour due to the existing high wall and boundary trees.

The building line on this street appears fairly irregular with a mix of some building fronts set further back and some directly onto the street.

The applicants garden ground is unusually shaped with the rear garden being a much tighter space more visible and potentially disruptive to neighbours in terms of the siting of the garden room.

Kind regards,

Alan.

**A.McGill architectural design services**

Galamoor House, Netherdale, Galashiels, Scottish Borders, TD1 3EY

**01896757622** - office

**07976721222** - mobile

**08721150140** - fax

[www.amcgill.co.uk](http://www.amcgill.co.uk)

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Dear Mr Clarke

We have received your comments on our planning application for the erection of a garden room at our property and are grateful for your acknowledgement that the principle of erecting a garden room in this location can be accepted.

We also note your appreciation of the quality of the proposed building. We selected a building of this quality for its aesthetic appeal but also so that it can remain useful to us throughout the year.

From your note your objection to our proposal is based on its size, its visibility from the road and its suitability for a front garden rather than a back garden.



Beechwood is a unique property which is situated in the corner of an extensive and elevated plot. The ground associated with the property is split into two sections – amenity garden ground and working garden ground.

We did consider putting this building in our rear (or working) garden but discounted it for the following reasons:

- We feel it would have a bigger impact on our neighbours. This has been confirmed after discussing the current proposal with a few of them. For at least three of our neighbours a building in our rear garden would be visible from the upper level within their house. It would also be completely visible for another from every aspect from the rear of their property. None of these neighbours would be impacted if the building was at the front of our property. This has been shown by the lack of local objections to our proposal despite extensive neighbour notification.
- Our rear garden is so far removed from the main building that it would not have the same amenity. Our rear garden until a few years ago was "waste" ground and has now been sectioned into particular areas i.e. drying area, fruit and vegetables, greenhouse etc. It has not been designed with socializing in mind as it so far removed from the main building. As far as we are aware, historically this rear garden has always been the "working" part of the garden.
- Our front garden is used in the way a lot of people use a rear garden because our house is located in the corner of a large plot. This amenity area is off to the side of the house and is where we sit to enjoy our (limited) sunshine and socialize with friends. Our current summerhouse, which we are loathed to remove, is beyond economical repair. The building we are looking to replace it with, although bigger, we believe also to be of good quality. Smaller buildings are not of the same quality. e.g. the building we have applied to erect is made from 58mm logs with its smaller relative from the same company only being 36mm logs. The proposed building is not located directly in front of the house.
- We do not believe the building would be visible from Albert Place but may be visible to pedestrians on Lawyers Brae. We are aware that you have taken the time to visit the site and that you will have seen the existing planting and tree growth. Much of the existing planting is currently overgrown and at least one tree will be removed shortly to avoid it damaging the boundary wall. Once planting is removed the current building, in our opinion, would be an eyesore, looking like no more than a tatty garden shed. We are hoping to erect a quality building, which can be treated with a colour to blend with the garden and, in time, would be screened by more manageable planting. We do not want to end up with a building that looks like a garden shed, particularly in our front garden, as we feel this would look out of character. Given the low profile of the roof of the building we propose and its lack of windows facing the street, we feel it's impact will be little more than that of a well-constructed garden fence to those passing by. Because of its location, height and the narrowness of Lawyers Brae it is unlikely that passersby will be able to see more than one elevation of the proposed building at any one time.

In closing we would like to add that since buying this property we have done everything we can to maintain its heritage both inside and out. We have retained original features internally and would not intentionally do anything which would spoil the look of the house. It has taken us nine years to replace the also very rotten windows. These are being replaced with double glazed wooden sash and case units in exactly the same style as the current windows and have employed a specialist mason with historic building expertise to repair the exterior stonework. We have always used local tradesmen for all

works and although we cannot source this building locally, all ground work and preparation will be carried out locally. We do not feel that this building will detract from the property but will enhance the house and its gardens with minimal impact on the amenity of the local area.

We would be obliged if you would consider these points before taking your final decision.

Yours sincerely

Allan & Awdri Doyle

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On 2 September 2016 at 08:21, Clarke, Carlos  
<[CGClarke@scotborders.gov.uk](mailto:CGClarke@scotborders.gov.uk)> wrote:

Alan,

I refer to the above planning application.

The principle of an outbuilding within this front garden can be accepted because it will replace the existing summer house. However, this is an elevated site, in front of a traditional building. Though the current proposal is a well designed garden room, it is of a scale that is more appropriate within a rear garden, rather than a front garden. This site is elevated above the road, the proposal will be clearly visible from it at a higher level and the building will appear out of character with this front garden setting largely as a result of its size.

I would ask that a much reduced proposal be considered, at least half the size of what is currently proposed. The reason is to ensure that the replacement building appears as inconspicuous as possible, much like the existing summer house. Unfortunately, the current proposal cannot be accepted.

I look forward to hearing from you. I would be grateful to hear from you by 16<sup>th</sup> September, as the application will be determined after that date. If you can respond before then, an earlier decision should be possible

Regards,

Carlos Clarke MRTPI

Lead Planning Officer

Development Management

Regulatory Services

01835 826735

[cgclarke@scotborders.gov.uk](mailto:cgclarke@scotborders.gov.uk)

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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 : 16/00953/FUL

To : Mr & Mrs Doyle per A McGill Architectural Services Galamoor House Netherdale Galashiels  
Scottish Borders TD1 2BL TD1 3EY

With reference to your application validated on **8th August 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Removal of existing summer house and erection of garden room**

**At : Beechwood Lawyer's Brae Galashiels Scottish Borders TD1 3JQ**

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

Dated 27th September 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 : 16/00953/FUL**
**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
LOC-01	Location Plan	Refused
EX-01	Existing Layout	Refused
PL-01	Site Plan	Refused
PL-02	General	Refused
EXISTING PHOTOGRAPHS	Other	Refused
FOREST GARDEN WOODBURY LOG CABIN	Specifications	Refused

**REASON FOR REFUSAL**

- 1 The development would, by virtue of its prominent siting and large scale, be visually unsympathetic to the character of its surroundings, contrary to Policies PMD2 and HD3 of the Local Development Plan 2016, resulting in an adverse visual impact in this location

**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 : 16/00953/FUL

APPLICANT : Mr & Mrs Doyle

AGENT : A McGill Architectural Services

DEVELOPMENT : Removal of existing summer house and erection of garden room

LOCATION: Beechwood  
Lawyer's Brae  
Galashiels  
Scottish Borders  
TD1 3JQ

TYPE : FUL Application

REASON FOR DELAY:

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
LOC-01	Location Plan	Refused
EX-01	Existing Layout	Refused
PL-01	Site Plan	Refused
PL-02	General	Refused
EXISTING PHOTOGRAPHS		Other Refused
FOREST GARDEN WOODBURY LOG CABIN		Specifications Refused

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

Consultations

Flood Protection Officer: Not at risk of flooding  
Archaeology Officer: No archaeological implications

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2, HD3, EP8, EP13, IS8

SPGs Guidance on Householder Development 2006; Trees and Development 2008

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 22nd September 2016

Site and proposal description

This application seeks consent for a log cabin within the front garden of a stone-built semi-detached dwellinghouse. The garden is raised above the adjacent public road (Lawyer's Brae), supported by stone retaining walls. The property is flanked by residential neighbours on its other sides. The proposed log cabin would provide a garden room, be 7 metres (23 ft) long by 4 metres (13 ft) wide, and 2.5 metres (8ft) in height, and be finished with timber log cladding and a shingle roof. It would replace an existing summerhouse.

#### Principle

There is an existing small outbuilding in this location, and the principle of replacing it can be accepted. This proposal would result in loss a tree and hedging, but these have no significant amenity value in themselves, albeit they have potential screening value as noted below. The proposed cabin would also not have any significant consequences for neighbouring amenity in terms of daylight, sunlight, outlook or privacy loss. There would be no other implications of note, including archaeological or flooding.

#### Visual impacts

The proposal would be a simply designed structure and is of an appropriate form and material specification for a domestic garden. In this case, however, it would be sited within the front garden of the house, in a position that is elevated above the public road, a heavily trafficked street leading to the town centre. Most of the existing planting would be removed to allow for the building which, at 7m long and 4m deep, would be larger than a single standard garage. It would be sited up to 1 metre from the outside of the roadside wall.

The visibility of the cabin will be mitigated, to an extent, by hedging that is proposed partway along the roadside boundary; by the variation in level between the road and the cabin itself (whereby the wall reduces visibility when walking immediately alongside it); by neighbouring features such as planting and walls (the risk to a small tree to the south that provides useful screening is unclear, though it may need only trimmed back); and by the irregular building line following the curved street which cuts short long views of the proposal. Nonetheless, the cabin will be visible from the road and will be imposing and conspicuous when in view, with its long, windowless elevation fronting the road in an elevated position. Its size would render it a rather incongruous feature to be found within the elevated front garden of a traditional stone-built house.

The applicants were asked to consider a smaller cabin, by reducing this proposal by around half its footprint, thereby allowing existing hedging to be retained, and more hedging around it. They have not agreed to make any changes to the proposals. They advise that they would consider a suitable colour to blend the building in, additional planting such as a trellis fence and climbing plants, and have advised that there is nowhere within their rear garden where this building could be located. Trellis and other planting and the choice of colour will not significantly disguise the bulk of this building when viewed from the public road, and the fact another site is not available within the applicants' garden must be given limited weight - this proposal must be considered on its own merits.

Ultimately, this application must be judged against the requirements of Policies PMD2 and HD3. Policy PMD2 requires that a development be "of a scale, massing, height and density appropriate to its surroundings" and "be compatible with, and respect(s) the character of the surrounding area, neighbouring uses, and neighbouring built form". It would be my interpretation that these requirements would not be met by siting an outbuilding of such size in such an exposed garden frontage. As regards Policy HD3, this requires that the amenity and character of residential areas be protected and that any development will be assessed in terms of its "scale, form and type". In this case, the scale of this garden outbuilding is not considered visually sympathetic within this front garden location. These concerns cannot fully be addressed by conditions that would control the colour or provision of planting

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

The development would, by virtue of its prominent siting and large scale, be visually unsympathetic to the character of its surroundings, contrary to Policies PMD2 and HD3 of the Local Development Plan 2016, resulting in an adverse visual impact in this location.



**Recommendation:** Refused

- 1 The development would, by virtue of its prominent siting and large scale, be visually unsympathetic to the character of its surroundings, contrary to Policies PMD2 and HD3 of the Local Development Plan 2016, resulting in an adverse visual impact in this location

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





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 100021131-001

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.

### Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

PROPOSED REMOVAL OF EXISTING SUMMER HOUSE AND ERECTION OF NEW GARDEN ROOM.

Has the work already been started and/ or completed? \*

No  Yes - Started  Yes - Completed

### Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	A McGill Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alan	Building Name:	Galamoor House
Last Name: *	McGill	Building Number:	
Telephone Number: *	01896757622	Address 1 (Street): *	Netherdale
Extension Number:		Address 2:	
Mobile Number:	07976721222	Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 3EY
Email Address: *	office@amcgill.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	MR & MRS	Building Name:	BEECHWOOD
First Name: *	-	Building Number:	
Last Name: *	DOYLE	Address 1 (Street): *	LAWYERS BRAE
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	GALASHIELS
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	TD1 3JQ
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

BEECHWOOD

Address 2:

LAWYER'S BRAE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GALASHIELS

Post Code:

TD1 3JQ

Please identify/describe the location of the site or sites

Northing

635861

Easting

349297

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Alan McGill

On behalf of: MR & MRS - DOYLE

Date: 03/08/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Alan McGill

Declaration Date: 04/08/2016

## Payment Details

Cheque: APPLICANT WILL CALL DIRECT TO MAKE CARD PAYMENT, 0

Created: 04/08/2016 09:50



# 16/00953/FUL

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

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Galamoor House  
Netherdale  
Galashiels  
Scottish Borders  
TD1 3EY



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**MR & MRS DOYLE**

PROPOSED ERECTION OF LOG CABIN AT :

**BEECHWOOD**

**LAWYERS BRAE, GALASHIELS** TD1 3JQ

**LOCATION PLAN**

WARRANT -

PLANNING -

APPROVED -

APPROVED -

SCALE - 1:1250 @ A4

DWG No. **LOC-01**

DATE DRAWN / REVISED - **03.08.16**

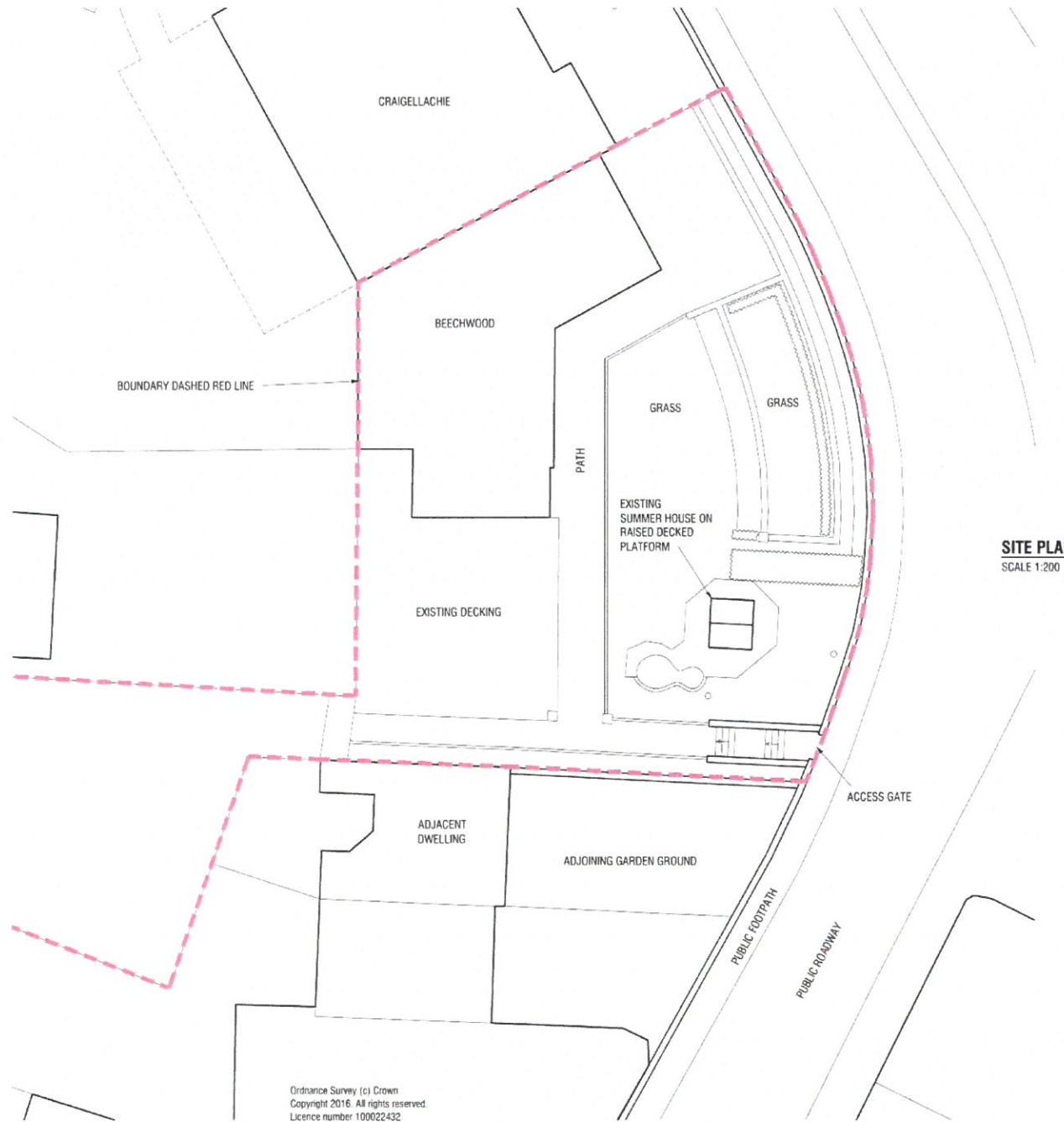
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Page 24



**SITE PLAN**  
SCALE 1:200

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**MR & MRS DOYLE**

PROPOSED ERECTION OF LOG CABIN AT:  
**BEECHWOOD**  
**LAWYERS BRAE, GALASHIELS** TD1 3JQ

**EXISTING SITE PLAN**

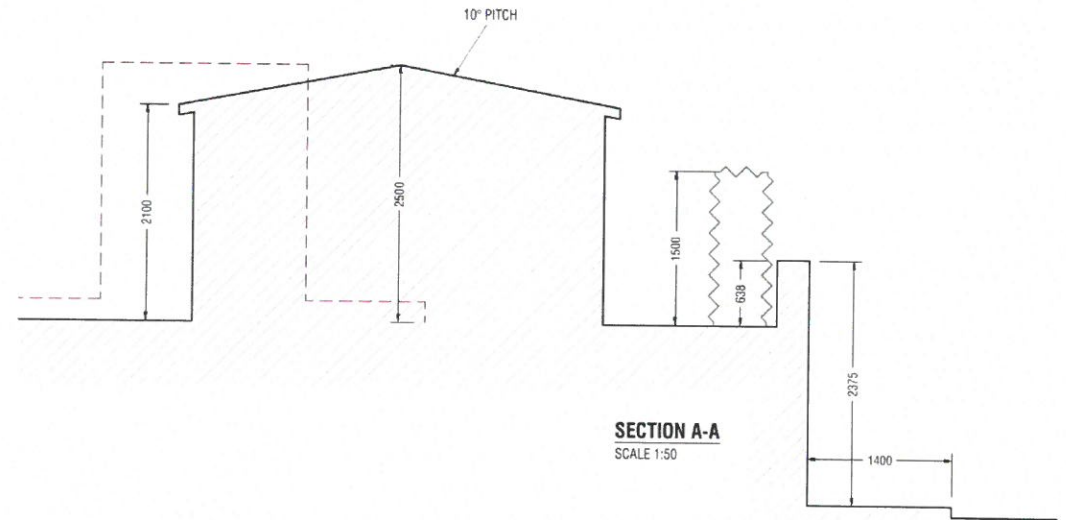
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APPROVED -	APPROVED -

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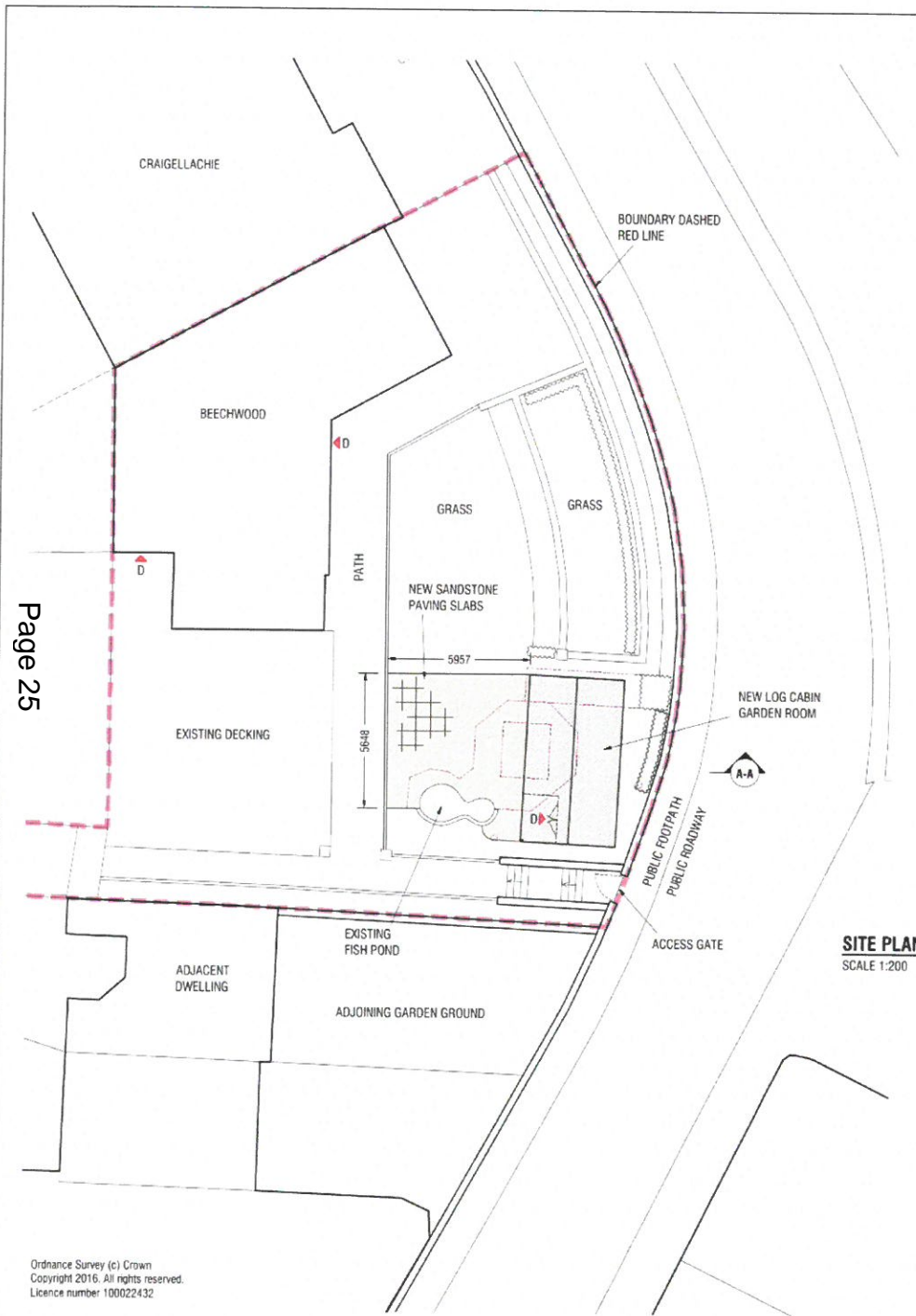
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**SECTION A-A**  
SCALE 1:50



**SITE PLAN**  
SCALE 1:200

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Scottish Borders  
TD1 3EY

**MR & MRS DOYLE**

PROPOSED ERECTION OF LOG CABIN AT:

**BEECHWOOD**

**LAWYERS BRAE, GALASHIELS TD1 3JU**

**PROPOSED SITE PLAN & SITE SECTION**

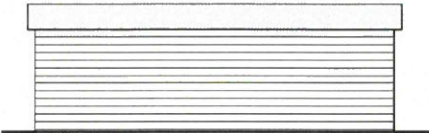
WARRANT -	PLANNING -
APPROVED -	APPROVED -

SCALE - 1:50 & 1:200 @ A3

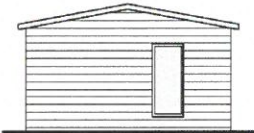
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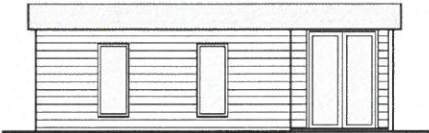
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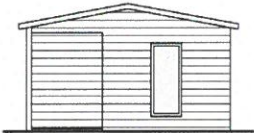
**EAST ELEVATION**  
SCALE 1:100



**NORTH ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100

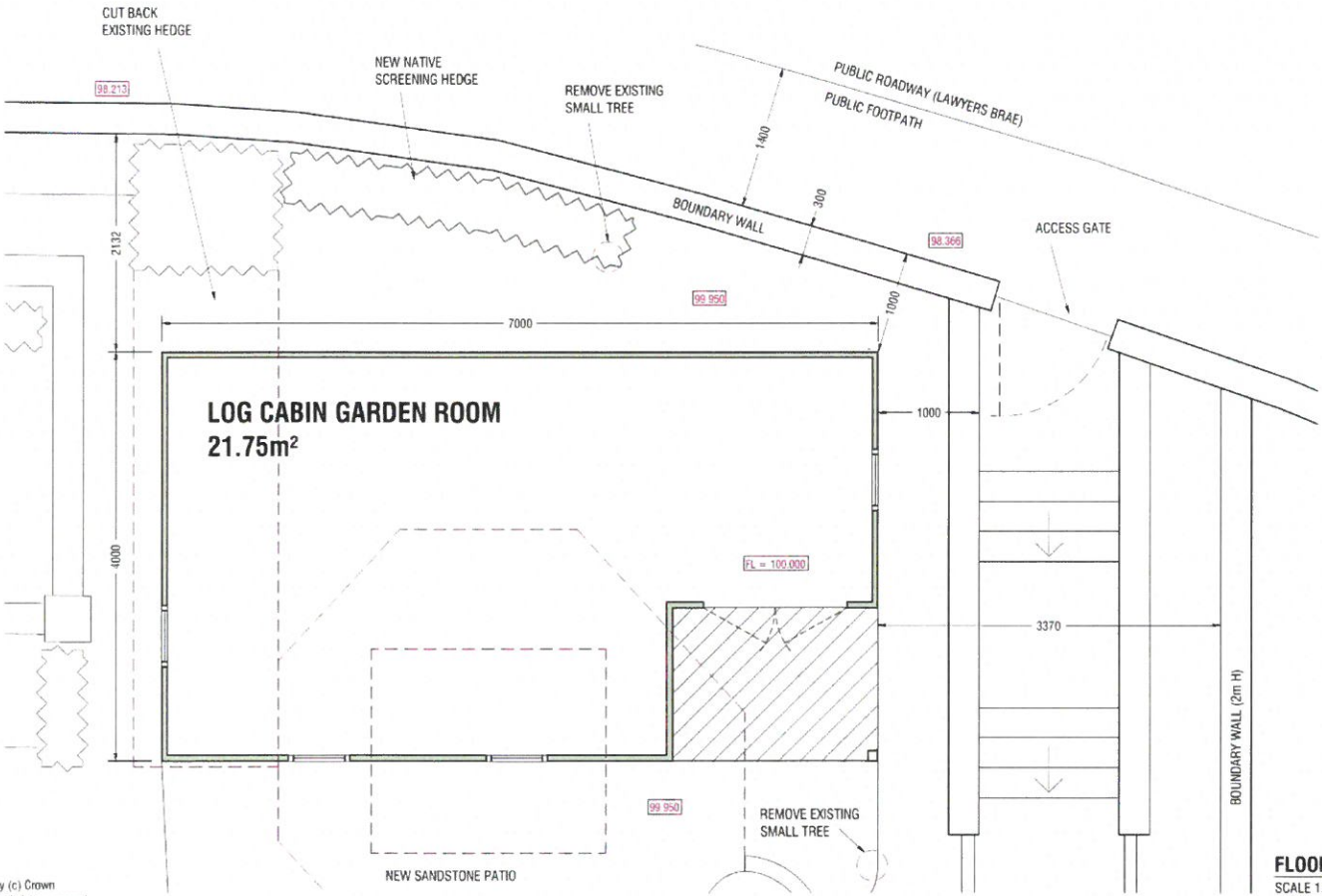
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**FLOOR PLAN**  
SCALE 1:50

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**MR & MRS DOYLE**

PROPOSED ERECTION OF LOG CABIN AT :  
**BEECHWOOD**  
**LAWYERS BRAE, GALASHIELS** TD1 3JQ

**PROPOSED FLOOR PLAN & ELEVATIONS**

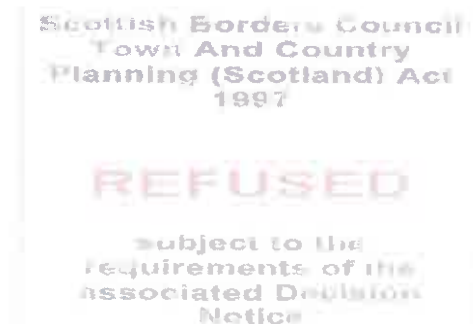
WARRANT -	PLANNING -
APPROVED -	APPROVED -
SCALE - 1:50 & 1:100 @ A3	

DWG No. **PL-02** DATE DRAWN / REVISED - **03.08.16**

16/00953/FUL

**BEECHWOOD  
LAWYERS BRAE, GALASHIELS**

**EXISTING PHOTOGRAPHS**





**WEST ELEVATION OF EXISTING SUMMER HOUSE**



**NORTH ELEVATION OF EXISTING SUMMER HOUSE**



**VIEW FROM LAWYERS BRAE**



**VIEW FROM LAWYERS BRAE**



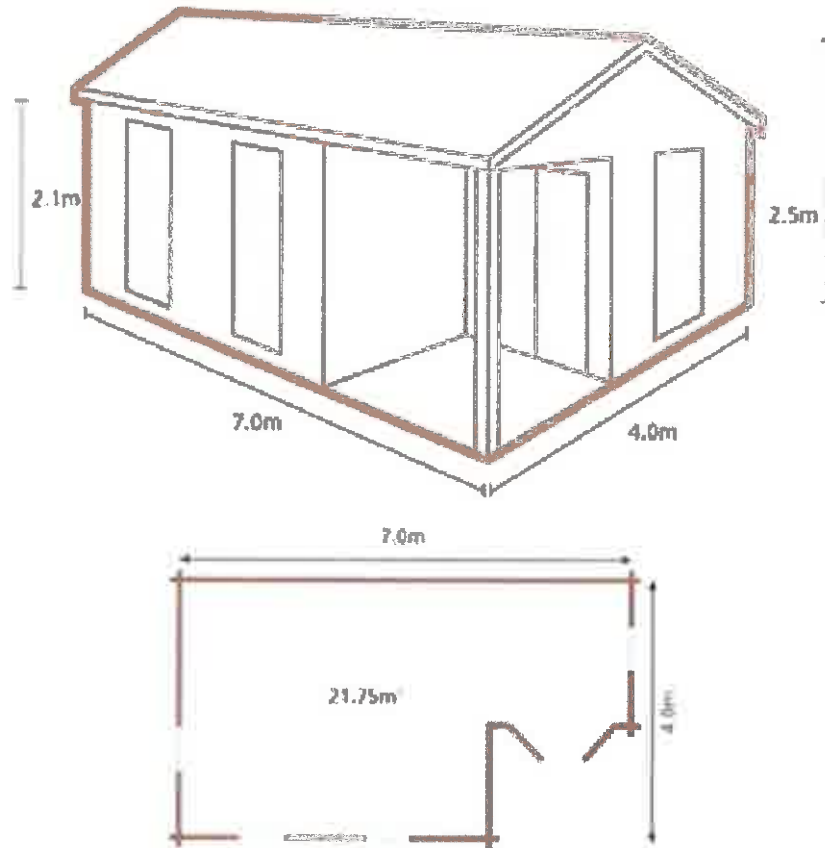


**VIEW FROM LAWYERS BRAE**



# 16/00953/FUL

## Forest Garden Woodbury 58mm Log Cabin 22ft 9" x 13ft 1" (7.0 x 4.0m)



### Product Details

This large and spacious Forest Garden Woodbury Log Cabin is a contemporary and stylish chalet-inspired structure with a light and airy interior. Manufactured from high quality 58mm interlocking machined logs, it is fully double glazed throughout. The large double glazed double door has a mortice lock for added peace of mind and opens out on to the porch area which is ideal for additional seating or storage space.

There are six windows, three fixed and three opening, all of which are double glazed. The cabin floor is constructed from 28 mm tongue and groove boards, whilst the roof is constructed from 19 mm tongue and groove boards covered in green/grey fleck rectangular felt roof tiles. This cabin is ideal as a home office, summerhouse or garden retreat and will make a real feature in your outdoor space.

### Specification

Built in porch area

Fully double glazed throughout

4 x double glazed opening windows

Double glazed double door with mortice lock

Untreated

Cabin material: 58 mm FSC certified Nordic Spruce interlocking machined logs

Roof material: 19 mm tongue and groove boards with green/grey fleck roof shingles

Floor material: 28 mm tongue and groove boards

Eaves height: 209 cm

Roof overhang: 150 cm

Footprint: 22.9 x 13.1ft (7.0 x 4.0m)

Dimensions: H 260 x W 700 x D 400 cm

### Specifications

Installation Included: No

Pre-treated Wood: No

Brand: Forest Garden

Brand: Forest Garden

Double Glazing: Yes

Product Dimensions: H 250 x W 700 x D 400 cm

Roof Material: 19 mm Tongue and groove

boards Wood Type: Nordic Spruce

Double Doors: Yes

Log Thickness: 58 mm

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Planning (Scotland) Act  
1997

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Consultation Reply



**ENVIRONMENT AND INFRASTRUCTURE**

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Carlos Clarke

**Your Ref:** 16/00953/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 22nd August 2016

**Contact:** Lauren Addis

**Ext:** 6517

**Our Ref:** B48/2160

---

**Nature of Proposal:** Removal of existing summer house and erection of garden room

**Site:** Beechwood, Lawyer's Brae, Galashiels, Scottish Borders TD1 3JQ

---

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

As this development lies out with the functional flood plain, I have no objections on the grounds of flood risk.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Lauren Addis  
Technician  
Flood Risk & Coastal Management

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 10th August 2016

Contact: Carlos Clarke ☎ 01835 826735

Ref: 16/00953/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st August 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 31st August 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr & Mrs Doyle

**Agent:** A McGill Architectural Services

**Nature of Proposal:** Removal of existing summer house and erection of garden room

**Site:** Beechwood Lawyer's Brae Galashiels Scottish Borders TD1 3JQ

---

**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

There are no archaeological implications for this proposal.

**Local Review Reference:** 16/00026/RREF

**Planning Application Reference:** 16/00953/FUL

**Development Proposal:** Removal of existing summer house and erection of garden room

**Location:** Beechwood, Lawyer's Brae, Galashiels

**Applicant:** Mr & Mrs Doyle

## ADOPTED LOCAL DEVELOPMENT PLAN 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.

### POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
  - (i) the scale, form and type of development in terms of its fit within a residential area,
  - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
  - (iii) the generation of traffic or noise,
  - (iv) the level of visual impact.

### POLICY 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
- a) adhere to any planning agreement sought to enhance the woodland resource.

### 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.

### POLICY IS8: FLOODING

At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:

- a) development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy;
- b) additional built development in undeveloped and sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at planning permission in principle stage:

- a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change; and
- b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

- a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;
- b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;
- c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;
- (d) the Scottish Environment Protection Agency's Land Use Vulnerability Guidance.

### OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008