

Public Document Pack



LOCAL REVIEW BODY MONDAY, 19 JUNE 2017

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 19 JUNE 2017 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

5 June 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of application in respect of erection of detached garage with first floor studio, alterations and extension to dwellinghouse at Danderhall Cottage, St Boswells. 17/00011/FUL. 17/00011/RNONDT</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 1 - 30)
	(b) Consultation	(Pages 31 - 32)
	(c) Officer's Report	(Pages 33 - 36)
	(d) Response to officer's report	(Pages 37 - 40)
	(e) List of Policies	(Pages 41 - 42)
5.	<p>Consider request for review of refusal of planning consent in respect of erection of agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. 17/00027/FUL. 17/00013/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 43 - 50)
	(including Decision Notice on page 47)	

	(b) Officer's Report	(Pages 51 - 56)	
	(c) Papers referred to in report	(Pages 57 - 66)	
	(d) Consultations	(Pages 67 - 76)	
	(e) List of Policies	(Pages 77 - 80)	
6.	Consider request for review of refusal of planning consent in respect of erection of agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. 17/00028/FUL. 17/00014/RREF		
	Copies of the following papers attached:-		
	(a) Notice of Review (including Decision Notice on page 85)	(Pages 81 - 88)	
	(b) Officer's Report	(Pages 89 - 94)	
	(c) Papers referred to in report	(Pages 95 - 104)	
	(d) Consultations	(Pages 105 - 114)	
	(e) List of Policies	(Pages 115 - 118)	
7.	Consider request for review of refusal of planning consent in respect of erection of vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw Farm, Lamancha, West Linton. 16/01174/PPP. 17/00015/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review (including Decision Notice on page 163)	(Pages 119 - 188)	
	(b) Officer's Report	(Pages 189 - 196)	
	(c) Papers referred to in report	(Pages 197 - 210)	
	(d) Consultations	(Pages 211 - 214)	
	(e) List of Policies	(Pages 215 - 220)	
8.	Consider request for review of approval of application subject to conditions relating to erection of dwelling house and detached garage on land north east of Dundas Cottage, Ettrick, Selkirk. 16/01467/AMC 17/00017/RCOND		
	Copies of the following papers attached:-		
	(a) Decision Notice	(Pages 221 - 226)	
	(b) Notice of Review	(Pages 227 -	

		238)	
	(c) Officer's Report	(Pages 239 - 246)	
	(d) Papers referred to in report	(Pages 247 - 272)	
	(e) Consultations	(Pages 273 - 280)	
	(f) Representation	(Pages 281 - 282)	
	(g) List of Policies	(Pages 283 - 286)	
9.	Any Other Items Previously Circulated		
10.	Any Other Items which the Chairman Decides are Urgent		

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

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

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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@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 100047354-001

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:	KEITH RENTON ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	KEITH	Building Name:	HUMESTANES STUDIO
Last Name: *	RENTON	Building Number:	
Telephone Number: *	01361 810271	Address 1 (Street): *	HUME HALL HOLDINGS
Extension Number:		Address 2:	GREENLAW
Mobile Number:		Town/City: *	DUNS
Fax Number:		Country: *	SCOTLAND
		Postcode: *	TD10 6UW
Email Address: *	keith@keithrentonarchitect.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Danderhall Cottage
First Name: *	Evelyn Brown and Mr John	Building Number:	
Last Name: *	Kirk	Address 1 (Street): *	St Boswells
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Melrose
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD6 0EB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Scottish Borders Council
Full postal address of the site (including postcode where available):	
Address 1:	DANDERHALL COTTAGE
Address 2:	ST BOSWELLS
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	MELROSE
Post Code:	TD6 0EB

Please identify/describe the location of the site or sites

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Northing	632751	Easting	362310
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of detached garage with first floor studio, alterations and extension to dwelling

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.

Failure to make a decision within the allocated time or reply to correspondence

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)

all drawings as submitted copies of images submitted in email dated 14th February 2017 copies of emails to Planning Officer (Andrew Evans) dated 2nd February, 14th February, 27th February and 30th March

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00011/FUL

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

05/01/2017

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr KEITH RENTON

Declaration Date: 03/04/2017

From: Keith Renton <keith@keithrentonarchitect.co.uk>
Subject: Fwd: Planning Application 17/00011/FUL- Danderhall Cottage,
by St Boswells
Date: 30 March 2017 at 12:07:50 BST
To: "Evans, Andrew" <AEvans@scotborders.gov.uk>
Cc: John Kirk [REDACTED] Evelyn Brown
[REDACTED]

Dear Andrew

I was wondering when you might get around to considering my last email?

Regards

Keith

Begin forwarded message:
From: Keith Renton <keith@keithrentonarchitect.co.uk>
Subject: Re: Planning Application 17/00011/FUL- Danderhall Cottage,
by St Boswells
Date: 27 February 2017 at 5:40:23 GMT
To: "Evans, Andrew" <AEvans@scotborders.gov.uk>
Cc: Evelyn Brown [REDACTED]

Dear Andrew

The garage design as submitted was the result of a process of design evolution which saw the garage form simplified and reduced in scale. The earlier designs included a stair enclosure which projected from the south gable of the garage. Refinement and simplification of the design resulted in the stair being located internally reducing the overall foot print the usable space both to the garage and attic studio spaces. We are therefore not keen to do any further adjustments which further reduce the available space and make these spaces unsuitable for their intended use.

I'd also like to reiterate the following:

The building proposed is intended to replace numerous unsightly buildings that previously occupied various locations either side and forward of the house (all of which could be replaced without any planning control under permitted development rights)

The proposed building is to a large extent screened from public view by the existing house and surrounding planting and trees

Its proposed to enhance this further by additional planting to provide further screening.

In summary I would ask you to reconsider your view taking on board all previous submissions and the above. Finally I can confirm that no changes will be made to the designs as submitted and that the

application should be determined on these.

Regards

Keith

On 24 Feb 2017, at 2:49pm, Evans, Andrew <AEvans@scotborders.gov.uk> wrote:
Keith

From the road it could be confused as another house – Though I do note the setback location, tree screening, good quality design, shorter length etc. This garage needs to look a little smaller in profile and height than the house – it looks as big as the house in these views.

To me, the undernoted visuals do emphasise this is too large a structure.

I can allow for 14 days to revise the application, after which I would proceed to then refuse/withdraw if no revisions lodged.

Andrew Evans MA DipHE MRTPI
Planning Officer (Development Management)
Regulatory Services, Scottish Borders Council
Council HQ, Newtown St Boswells, Melrose, TD6 0SA
>:aevans@scotborders.gov.uk | (:01835 826739 | 7:01835 825071

From: Keith Renton <keith@keithrentonarchitect.co.uk>
Subject: Re: Planning Application 17/00011/FUL- Danderhall Cottage, by St Boswells
Date: 14 February 2017 at 9:16:16 GMT
To: "Evans, Andrew" <AEvans@scotborders.gov.uk>
Cc: Evelyn Brown [REDACTED]

Good morning Andrew,

I'm attaching some more 3d images which show both the garage and the house together in context which, I believe, help illustrate my point that the siting of the garage behind the house, albeit higher, mean that the neither the massing of scale of the garage dominant that of the house. These view have been taken from positions that equate to the site boundary with the public road and from within the site. In reality of course, and to a large extent, both the house and garage are screened by trees which are between the road and the house among it difficult to see either from the public road.

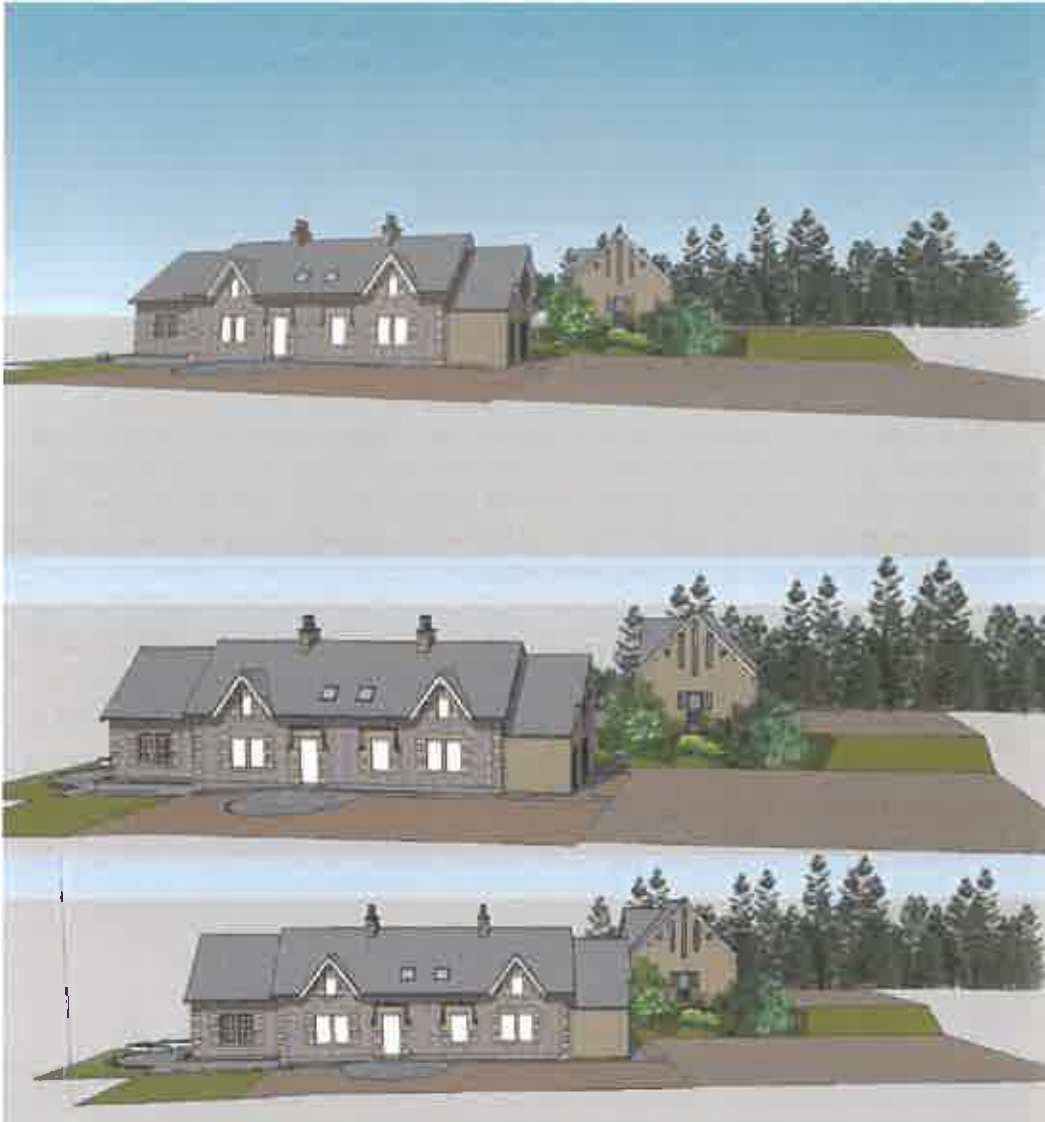
In addition I think it should be noted that the banking between the garage and house levels is to be re-planted with a variety of shrubs and specimen trees (most likely birch which in themselves will help soft the impact of the garage gable.

I'd appreciate if you could reconsider your initial judging based upon the further information now provided.

Best regards

Keith





On 10 Feb 2017, at 2:02pm, Evans, Andrew <AEvans@scotborders.gov.uk> wrote:

Keith,

I have no issue with the position of the proposed building, and am aware of the trees behind it. The issue here is with its scale and mass, relative to the existing house. For the planning department to support the application, revisions should be made to reduce the height and depth of the proposed structure, to result in a more subservient building relative to the dwelling. The building needs to appear incidental in comparison to the house. I can allow further time for submission of revisions, however if it is not intended to revise the proposals, please advise, and I can arrange for the application to be refused under delegated powers – whereby you could then seek a Local Review of that initial decision.

Andrew

Andrew Evans MA DipHE MRTPI
Planning Officer (Development Management)
Regulatory Services, Scottish Borders Council
Council HQ, Newtown St Boswells, Melrose, TD6 0SA
✉:aevans@scotborders.gov.uk | (01835 826739 | 7:01835 825071

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From: Keith Renton [mailto:keith@keithrentonarchitect.co.uk]
Sent: 02 February 2017 10:20
To: Evans, Andrew
Cc: Evelyn Brown
Subject: Re: Planning Application 17/00011/FUL- Danderhall Cottage, by St Boswells

Good morning Andrew,

I've had an opportunity to consider your thoughts on the garage and have discussed this with my clients.

We do not feel that the garage dominates the house or that it is inappropriate in either scale, massing or height.

A conscious effort was made in the design of the garage to ensure that its scale, massing and siting was appropriate. Measures taken which we feel make the proposals acceptable are:

1. The garage eaves height is 300mm less than that of the house, is single storey and shares the same roof pitch of the house.
2. The garage is detached from the house and set back 4m behind the rearmost face of the house.
3. The garage is placed gable on to the front of the house reducing the visual impact when viewed from the approach to the house.
4. The new gable extension and garage designs reflect each other to provide a more harmonious link between the two buildings.

5. The garage is set against a back drop of woodland which reduces the visual impact of the garage

6. The garage size and consequential massing/scale is not unusual with many examples elsewhere in the borders.

7. The garage is being built to replace an assortment of outbuildings that previously were randomly placed across the site (these included an old garage and sheds). We feel that a random selection of other buildings (which could be constructed under permitted development rights) would be more detrimental to the overall visual impact and setting of this house.

8. Finally in determining the location of the garage cognisance was taken of flooding which occurs at the lower parts of the site and to avoid the garage sitting beyond the front face of the house.

In summary I should be most grateful if you could review your initial thoughts taking on board the above.

Best regards

Keith

On 1 Feb 2017, at 3:59pm, Evans, Andrew <AEvans@scotborders.gov.uk> wrote:

Hello Keith,

Planning Application 17/00011/FUL
Erection of detached garage with first floor studio, alterations and extension to dwellinghouse
Danderhall Cottage, by St Boswells
Ms Evelyn Brown and Mr John Kirk

Having considered this application, I must ask for some adjustments to the proposed detached garage building. Can you bring forward an adjusted proposal, which reduces the overall scale of the proposed garage building please? As it stands, the proposed garage is of very similar proportions to the house. Revisions should reduce the height and depth of the proposed structure, to appear more subservient to the dwelling. The building needs to appear incidental in comparison to the house. (Policy PMD2 of the LDP requires scale, massing, height appropriate to the existing building, and this garage requires

reduction to reach proportions the planning dept. can support)

As SBC is asking for amendments to the proposals, in order to support the application, we would also ask that your clients enter into a processing agreement. I enclose a draft processing agreement for consideration, and agreement by reply. If revisions can be brought forward faster than is shown, we can look to bring forward the decision date set out in the PPA as well.

Trust the above is clear.

Regards for now.

Andrew

Andrew Evans MA DipHE MRTPI
Planning Officer (Development Management)
Regulatory Services, Scottish Borders Council
Council HQ, Newtown St Boswells, Melrose, TD6 0SA
:aevans@scotborders.gov.uk | (:01835 826739 | 7:01835 825071

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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@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 100035667-001

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)

Erection of new detached garage and studio and erection of two storey gable extension to existing house

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:	KEITH RENTON ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	KEITH	Building Name:	HUMESTANES STUDIO
Last Name: *	RENTON	Building Number:	
Telephone Number: *	01361 810271	Address 1 (Street): *	HUME HALL HOLDINGS
Extension Number:		Address 2:	GREENLAW
Mobile Number:		Town/City: *	DUNS
Fax Number:		Country: *	SCOTLAND
		Postcode: *	TD10 6UW
Email Address: *	keith@keithrentonarchitect.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Danderhall Cottage
First Name: *	Evelyn	Building Number:	
Last Name: *	Brown and Mr John Kirk	Address 1 (Street): *	B6404
Company/Organisation:		Address 2:	Near St Boswells
Telephone Number: *		Town/City: *	Melrose
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD6 0EB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

DANDERHALL COTTAGE

Address 2:

ST BOSWELLS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MELROSE

Post Code:

TD6 0EB

Please identify/describe the location of the site or sites

Northing

632751

Easting

362310

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: KEITH RENTON

On behalf of: Ms Evelyn Brown and Mr John Kirk

Date: 05/01/2017

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.

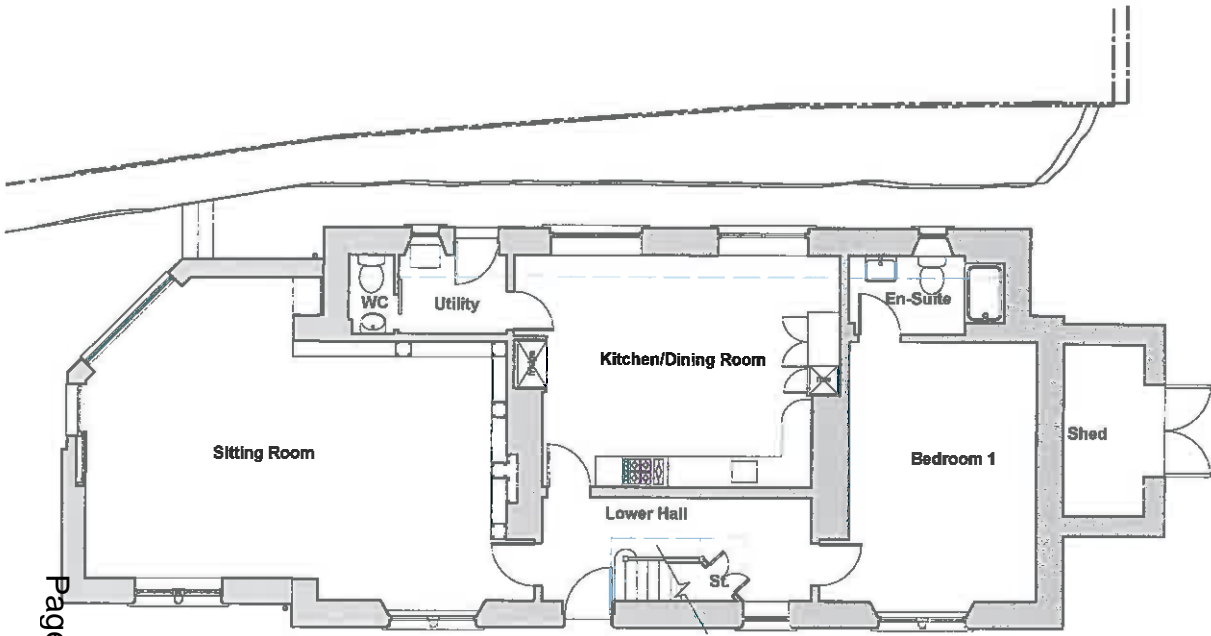
Declaration Name: Mr KEITH RENTON

Declaration Date: 05/01/2017

Payment Details

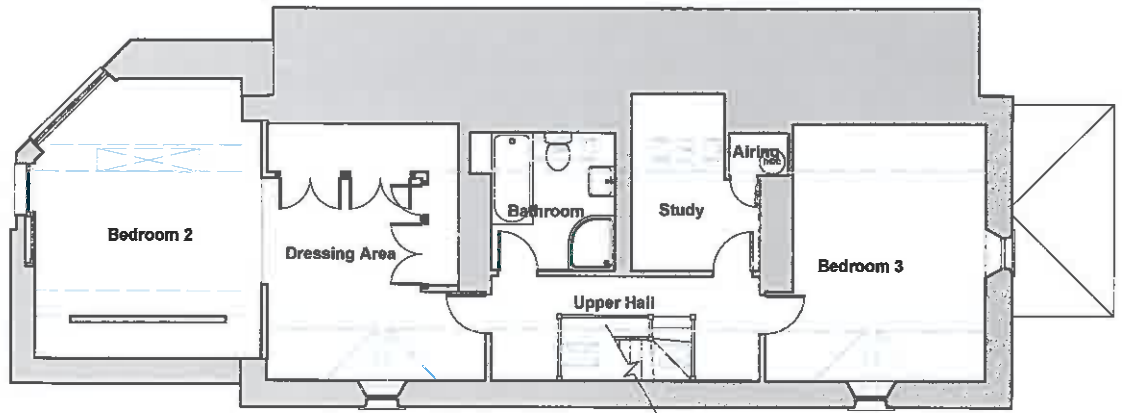
Cheque: KEITH RENTON ARCHITECT, 002687

Created: 05/01/2017 09:35

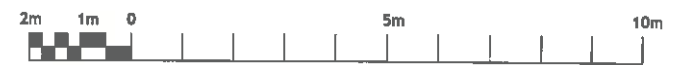


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GROUND FLOOR PLAN



FIRST FLOOR PLAN



EXISTING PLANS

Project Name: Extension and New Garage, Danderhall Cottage, St Boswells, TD6 0EB

Client: Evelyn Brown and John Kirk

Project No: 816P-02

Scale: 1:100

Date: 23 December 2016

Author: KR

Notes:



SOUTH EAST ELEVATION



NORTH EAST ELEVATION



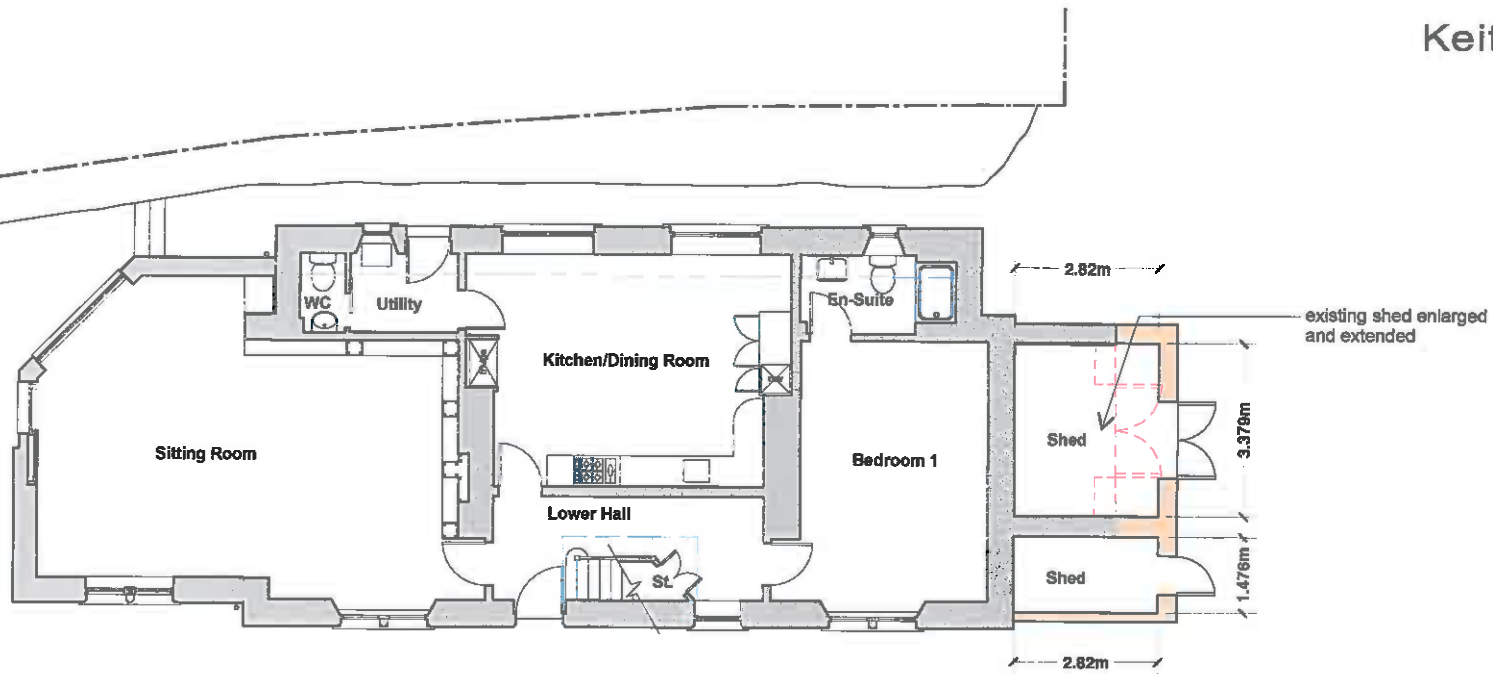
NORTH WEST ELEVATION



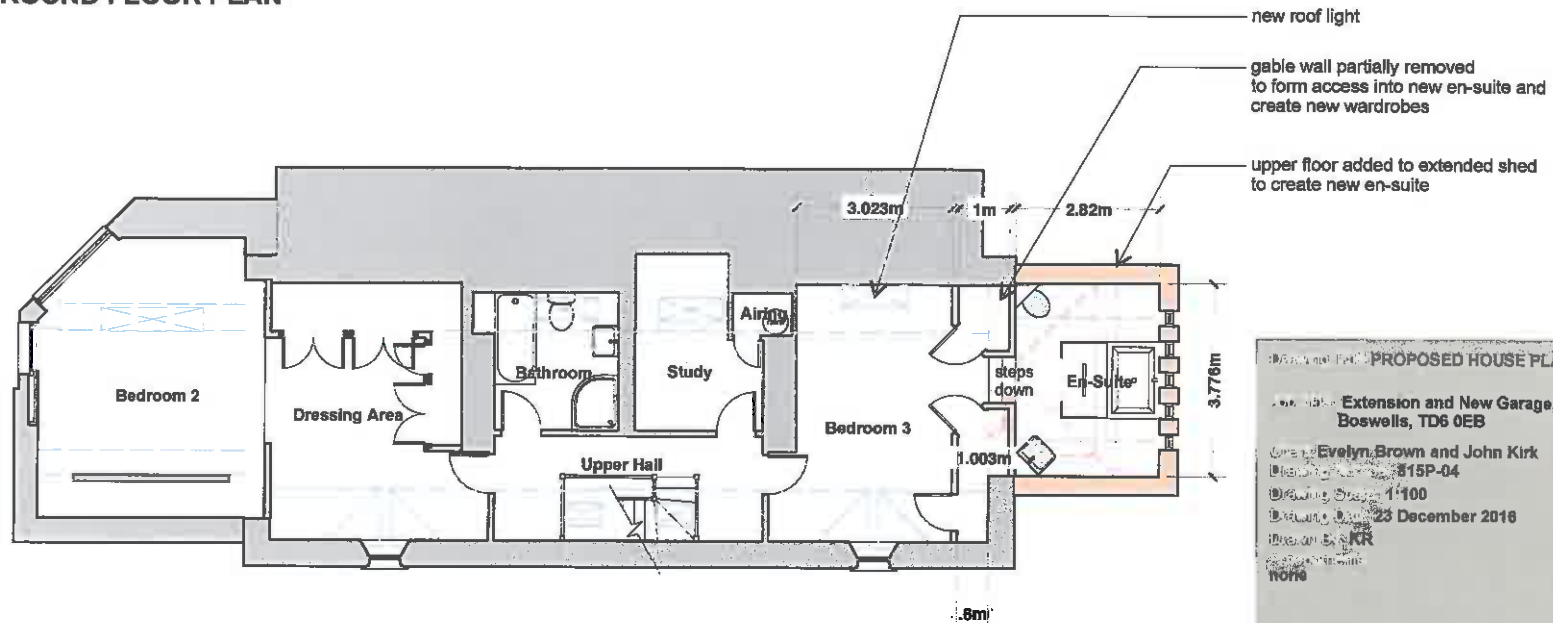
EXISTING ELEVATIONS

Extension and New Garage, Danderhall Cottage, St Boswells, TD6 0EB

Client: Evelyn Brown and John Kirk
Reference: 816P-03
Drawing Scale: 1:100
Drawing Date: 23 December 2016
Drawn by: KR
Checked by: none



GROUND FLOOR PLAN



FIRST FLOOR PLAN



PROPOSED HOUSE PLANS

Project: **Extension and New Garage, Danderhall-Cottage, St Boswells, TD6 0EB**

Client: **Evelyn Brown and John Kirk**

Plan No: **815P-04**

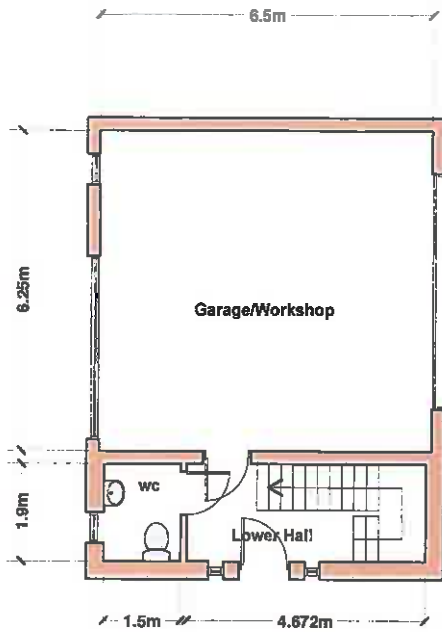
Drawing Scale: **1:100**

Drawing Date: **23 December 2018**

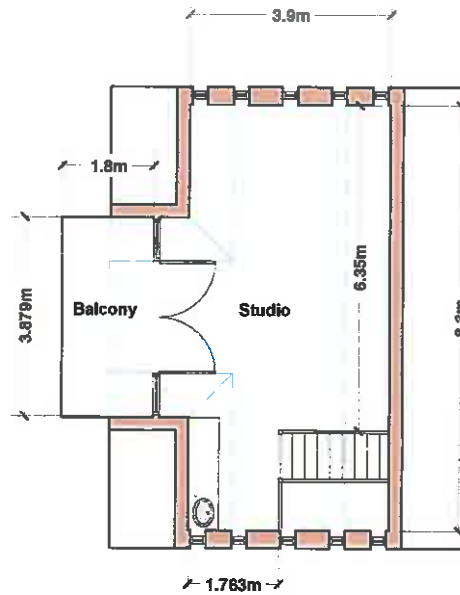
Drawn By: **JKR**

Checked By: **WR**

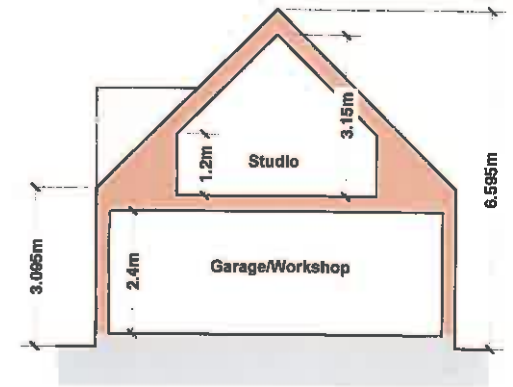
Notes:



GROUND FLOOR PLAN



ATTIC FLOOR PLAN



SECTION

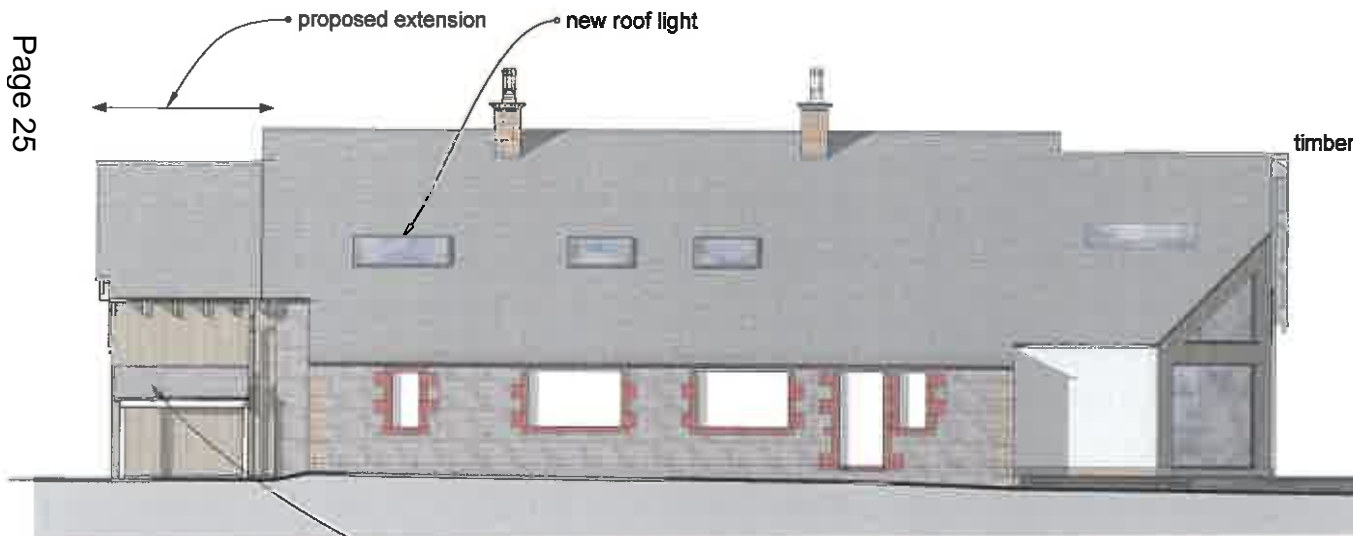


PROPOSED GARAGE PLANS AND SECTION
Extension and New Garage, Danderhall Cottage, St Boswells, TD6 0EB
Evelyn Brown and John Kirk
815P-05
Scale 1:100
23 December 2016
KR
None

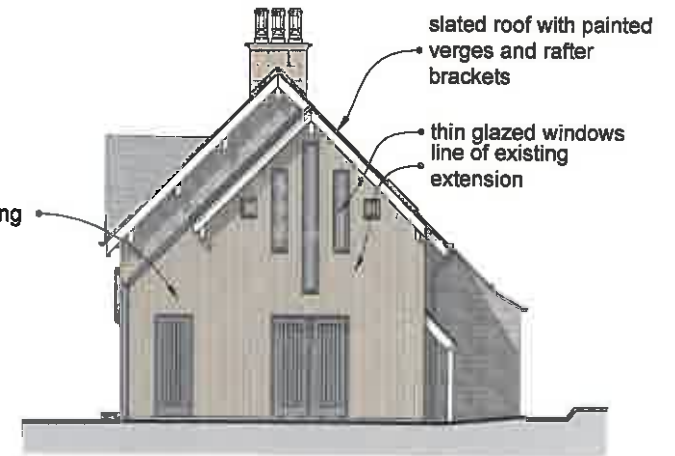


SOUTH EAST ELEVATION

Page 25



NORTH WEST ELEVATION



NORTH EAST ELEVATION



PROPOSED SOUTH ELEVATION

Project: Extension and New Garage, Danderhall Cottage, St Boswells, TD8 0EB

Client: Evelyn Brown and John Kirk

Project No: 815P-06

Prepared by: 03 January 2017

Drawn by: KR

Scale: 1:100

Sheet: 2 of 2

03/17



HOUSE 3D VIEWS

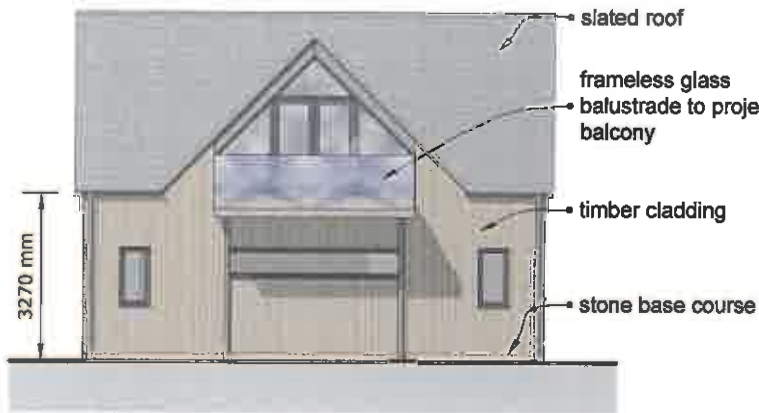
Extension and New Garage, Danderhall
Cottage, St Boswells, TD6 0EB

Evelyn Brown and John Kirk
815P-07

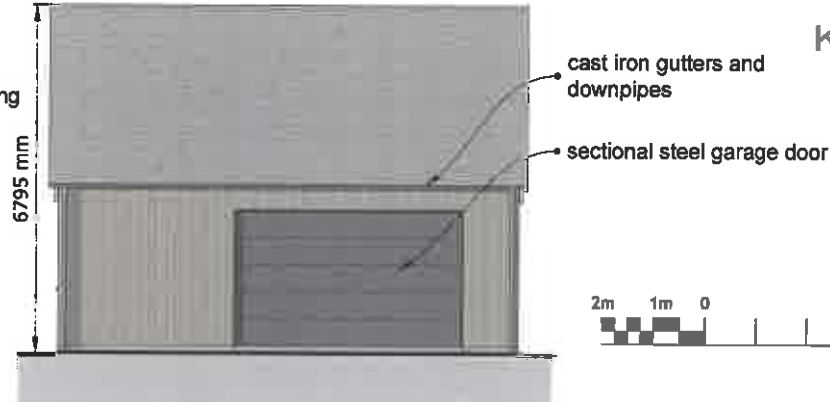
03 January 2017

KR

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WEST ELEVATION



EAST ELEVATION

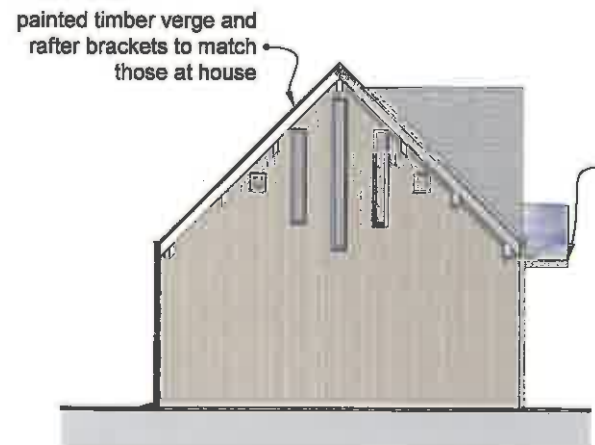
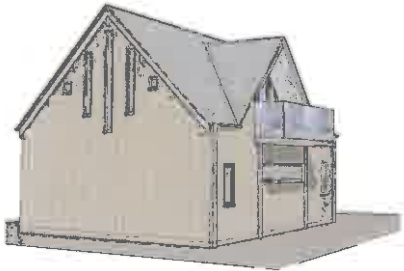
Keith Renton 

Tel: 01361 810 271
 info@keithrentonarchitect.co.uk
 www.keithrentonarchitect.co.uk

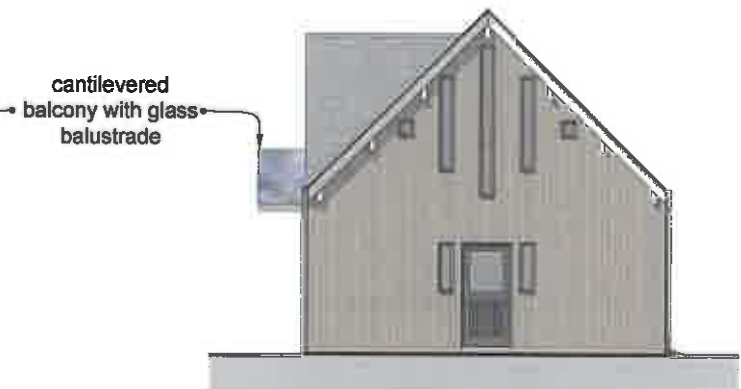
 
 The Scottish Government



Page 27



NORTH ELEVATION



SOUTH ELEVATION

GARAGE ELEVATIONS

Extension and New Garage, Danderhall Cottage, St Boswells, TD8 0EB
 Evelyn Brown and John Kirk
 815P-08
 03 January 2017
 Scale: 1:100
 none





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REGULATORY SERVICES

Agenda Item 4b



To: **Development Management Service**
FAO Andrew Evans

Date: **2 Feb 2017**

From: **Roads Planning Service**

Contact: **Paul Grigor**

Ext: **6663**

Ref: **17/00011/FUL**

**Subject: Erection of detached garage with first floor studio, alterations
and extension to dwellinghouse
Danderhall Cottage, St. Boswells, Melrose**

I have no objections to this proposal.

AJS

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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 : 17/00011/FUL

APPLICANT : Ms Evelyn Brown and Mr John Kirk

AGENT : Keith Renton, Architect

DEVELOPMENT : Erection of detached garage with first floor studio, alterations and extension to dwellinghouse

LOCATION: Danderhall Cottage
St Boswells
Melrose
Scottish Borders
TD6 0EB

TYPE : FUL Application

REASON FOR DELAY: Negotiation

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
815P-01	Location Plan	Refused
815P-03	Existing Elevations	Refused
815P-02	Floor Plans	Refused
815P-07	Other	Refused
815P-08	Elevations	Refused
815P-05	Floor Plans	Refused
815P-06	Elevations	Refused
815P-04	Floor Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

ROADS PLANNING SERVICE: No objections to this proposal.

PUBLICITY AND REPRESENTATIONS

This application did not require any publicity or notification.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan (2016)
PMD2, HD3

OTHER

Scottish Borders Council Supplementary Planning Guidance:

- Householder Development
- Placemaking and Design

Recommendation by - Andrew Evans (Planning Officer) on 11th May 2017

Danderhall Cottage is located on sloping land to the east of St Boswells. The property was extended last year, with additions granted planning permission to the western gable elevation. This was constructed.

It is now proposed in this current application to extend the dwelling to the opposite eastern gable elevation. It is also proposed to erect a detached garage with first floor studio accommodation. Via permitted development rights, an outbuilding would have been possible, but would have been limited to 4m in height.

In terms of placemaking and design there are no issues with the extension to the house. In terms of neighbouring amenity, again, there are no issues arising, and the proposals comply with the guidance and standards in the SPG on Householder Development. In terms of road safety, the Roads Planning Service was consulted and advises that there are no objections to this proposal.

There were however concerns over the visual impact, and size and scale of the proposed new outbuilding. In an attempt to address this, 3d images which show both the garage and the house together in context were produced by the agent. The contention of the architect is that whilst higher, the relationship of the buildings mean that neither the massing nor scale of the garage dominate that of the house. These 3d views have been taken from positions that equate to the site boundary with the public road and from within the site. A degree of screening by trees which are between the road and the house is present. However it is possible to see both the house and the site of the outbuilding from the public road.

Whilst the planning authority notes these points, and notes the proposed planting that could be carried out in front of the proposed building, this would not be a subservient structure. The depth of the proposed garage building would be greater than the existing house. The agent highlights that the eaves would be lower than the house eaves, and the garage would be set back from the house. This is true, however the land on which the new outbuilding would sit is higher than the level that the existing house sits at. The ridge and eaves would sit at a higher level relative to the existing house (the site being on higher land). The ridge of the existing house is at 6.5m. This compares to a ridge height for the proposed building of 6.795m. Visually from the roadside, the proposed outbuilding would sit at a higher level than the existing house. The building would have a greater visual mass than the existing house. From the road it would visually be confused as another house.

I do note the setback location, tree screening, good quality design, shorter length etc. However, the submitted visuals emphasise this is too large a structure, accounting for the size and scale of the existing house. The building ideally needs to appear incidental in comparison to the house. Policy PMD2 of the LDP requires that scale, massing and height be appropriate to the existing building. This garage requires reduction in order to appear visually sympathetic to the existing house. On balance, this conflict with policy is considered unacceptable.

REASON FOR DECISION :

The proposed outbuilding would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale, massing and height that would be appropriate to the existing dwelling or its surroundings and would be visually unsympathetic as a result.

Recommendation: Refused

- 1 The proposed outbuilding would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale, massing and height that would be appropriate to the existing dwelling or its surroundings and would be visually unsympathetic as a result.

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

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RESPONSE TO PART III REPORT (Including Report of Handling)

Tel: 01361 810 271

Info@keithrentonarchitect.co.ukwww.keithrentonarchitect.co.uk**Planning Reference** 17/00017/FUL**Applicant** Ms Evelyn Brown and Mr John Kirk**Development:** Erection of detached garage with first floor studio, alterations and extension to dwelling house

Location: Danderhall Cottage
St Boswells
Melrose
TD6 0EB

1.0 REASON FOR DELAY:

The report states the reason for delay was due to “negotiation”. This is not the case. The reason for delay is due to no communication from the officer to the agent. Below is a summary of communications relating to the application:

Email from Andrew Evans (AE) to Agent (KRA) received 1 February 2017.

KRA response to AE 2 February

Email from AE to KRA 10 February

KRA response to AE 14th February

Email from AE to KRA 24 February

KRA response to AE 27 February

No response received from AE

KRA email to AE 30th March

No response received.

As a result of no communications from planning officer for a period of over 5 weeks the decision was made to request a planning review to determine this application.

2.0 COMMENTS ON REPORT**2.1 Studio:**

It should be noted that although there is reference to a “first floor” studio the studio itself is fully accommodated within the attic roof space of the proposed garage.

2.2 Garage Location:

The garage is located behind the rear building line of the house. The house is sited approximately 28m away from the road verge and the garage 40m away when measured from the same point. This is a significant distance which places the house as the principal building on the site.

2.3 Visibility Of The house And Site From The Public Road:

It is accepted that the house can be seen from the public road however this is a limited and partial view through trees and other vegetation.

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

Our ref: 815-01PR:KR

The site of the garage however cannot be fully seen directly from any point on the public road. Appendix 1 includes images taken from Google street view which support this and can be verified by a site visit.

2.4 Depth And Height Of Garage:

The garage internal size is 6.5m which is not an unusual depth for a garage. This size takes account of the length of a car plus space either end to pass by, this is not unreasonable.

The depth of the garage is **not** greater than that of the house. The central and largest part of the house is 7.8m deep reducing to 6.1m at the gable. The garage is 7.0m deep.

Again the garage ridge height is **not** higher than the house. The house ridge height when measured from ground level is between 6.8m - 6.9m. The garage ridge height is 6.595m as shown on the section drawing included with this submission.

2.5 "Confused as a House"

As it has been established the garage cannot be seen from the road therefore any confusion cannot occur. Even if it were possible to fully see the building from the road, the opportunity to take in the buildings appearance is limited by the road layout and speed of traffic using this road. Additionally the large garage door and limited fenestration means the possibility of confusing the building as a house is unlikely.



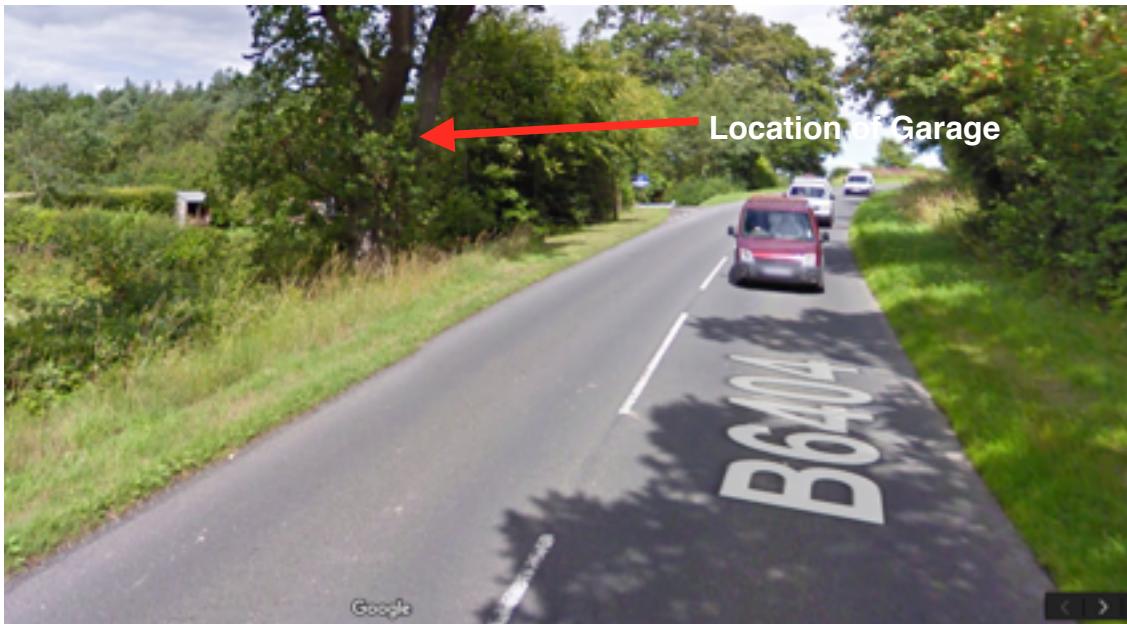
View on approach from the east



View from the east



View from site entrance



View from West



View on approach from West

Local Review Body – List of Policies

Local Review Reference: 17/00007/RREF

Planning Application Reference: 17/00011/FUL

Development Proposal: Erection of detached garage with first floor studio, alterations and extension to dwellinghouse

Location: Danderhall Cottage St Boswells Melrose

Applicant: Ms Evelyn Brown and Mr John Kirk

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

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 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,

Local Review Body – List of Policies

- 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.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

Received by
hand. 7/4/17. fw.
Notice of Review



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

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: THE SITE IS A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

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 SITE IN QUESTION HAS BEEN GRANTED PLANNING PERMISSION FOR HOLIDAY LODGES OF A SIMILAR SIZE AND SCALE AND MASSING.

THE OWNER WISHES TO MAINTAIN THE DESIGNATION OF HIS LAND AS A SMALLHOLDING. THE PURPOSE OF THESE BUILDINGS (THIS APPLICATION IS FOR ONE OF EIGHT SIMILAR BUILDINGS) IS TO CREATE 'NEST' WORKSPACE FOR OTHER AGRICULTURAL USERS SUCH AS SELF EMPLOYED FORESTERS, MARKET GARDENERS, AGRICULTURAL ENGINEERS AND SUCH LIKE. ALL OF THESE WOULD BE SYNONYMOUS WITH THE SMALL-HOLDING USE.

ACCESS IS BY WAY OF AN EXISTING BELLMOUTH WHICH HAS CONSENT TO BE UPGRADED AND WHICH WOULD HAVE SERVED THE HOLIDAY DEVELOPMENT. THE INTENSITY OF USE IS LIKELY TO BE CONSIDERABLY LESS THAN IF THE HOLIDAY DEVELOPMENT WAS BROUGHT INTO USE.

THE UPHOLDING OF THE GRANTING OF THIS CONSENT WOULD ENABLE THE APPLICANT TO CREATE A MARKET RENTAL INCOME TO SUPPORT THE ACTIVITIES AT KIRKBURN WITHOUT DIVERSITY INTO HOLIDAY ACCOMMODATION.

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.

REFUSAL NOTICE 17/00027/FUL
 DRG 196 73B
 DRG 196 72

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

Checklist

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

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

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

Declaration

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

Signed

[Redacted Signature Box]

Date

28/3/17

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00027/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **10th January 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of agricultural storage building with welfare accommodation

**At : Land West Of Former Willam Cree Memorial Church Kirkburn Cardrona Peebles Peebles
Scottish Borders**

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

**Dated 6th March 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Chief Planning Officer

APPLICATION REFERENCE: 17/00027/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 73B	Location Plan	Refused
196 72	Elevations	Refused

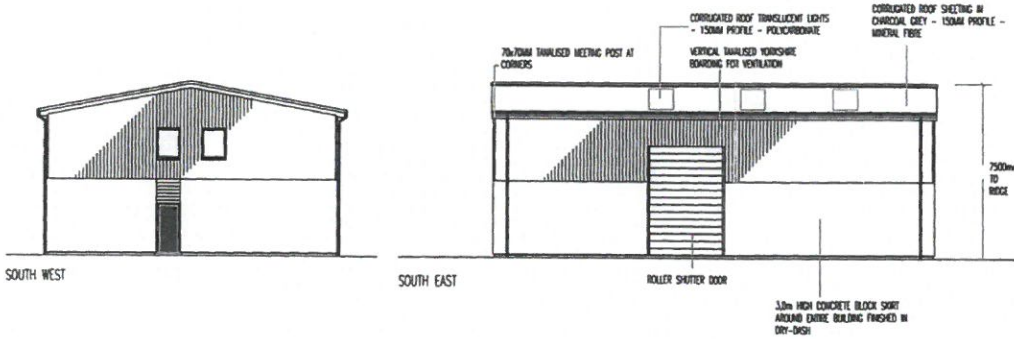
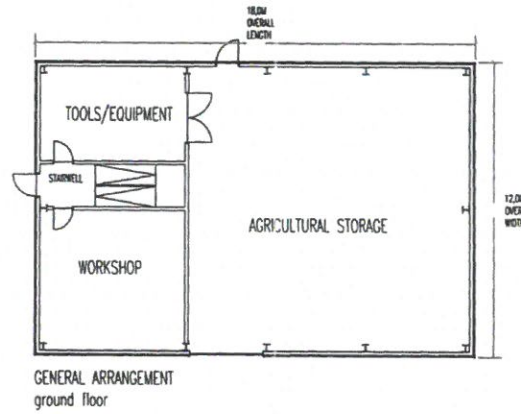
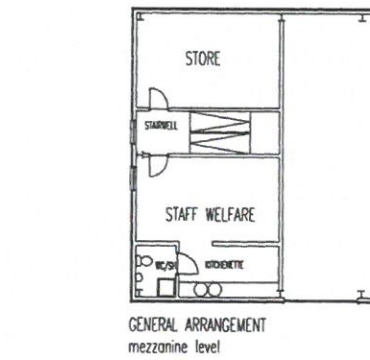
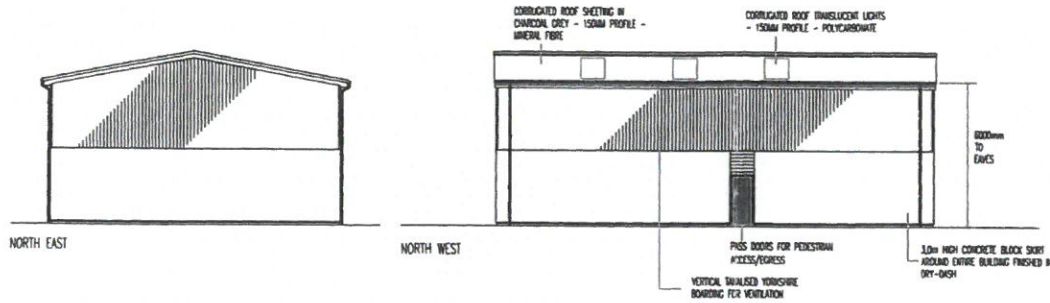
REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

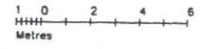
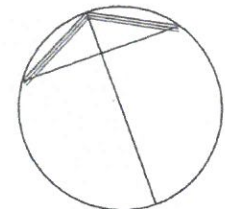
FOR THE INFORMATION OF THE APPLICANT

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
Town & Country Planning
REFUSED
- 0 -
Planning & Economic
Development Department



AMENDMENTS	
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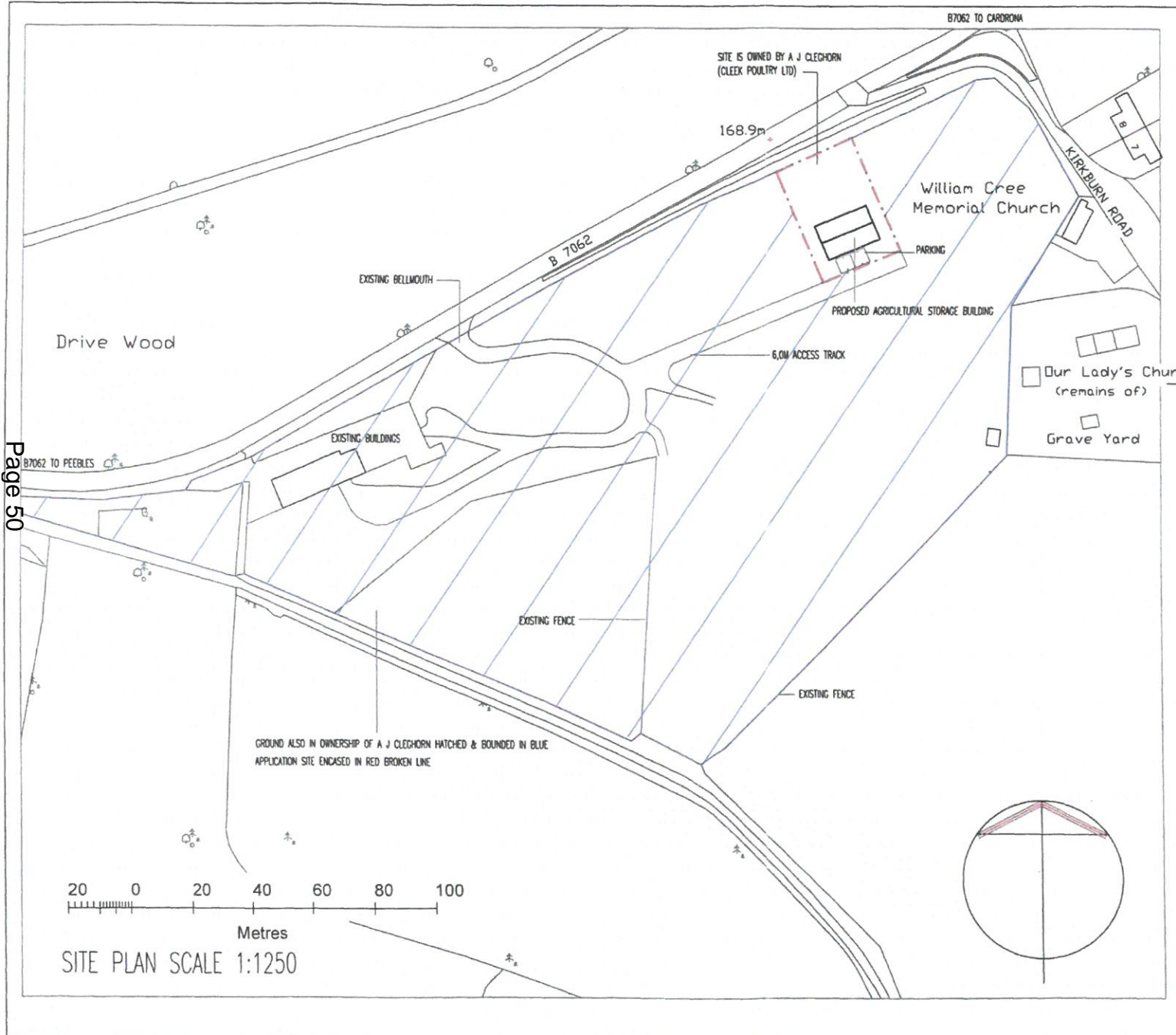
PRINTING NOTE A3 PAPER AT 1:21

SCALE 1:200 NOV 2016

drg 196 72 GENERAL ARRANGEMENT
REVISION --

PROPOSED AGRICULTURAL STORAGE SHED WITH WELFARE ACCOMMODATION
KIRK BURN, CARDRONA, PEEBLES, EH45 9HU
Cleek Poultry Ltd

ALL DRAWINGS ON THIS SHEET AT 1:200



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Scottish Borders
 Town & Country Planning
 RECEIVED
 10 JAN 2017
 Planning & Economic
 Development Department

AMENDMENTS	
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PRINTING NOTE A3 PAPER SCALE 20:1

SCALE 1:1250 DECEMBER 2016

drg 196 73B REVISION --	SITE PLAN
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PROPOSED AGRICULTURAL STORAGE SHED WITH WELFARE ACCOMMODATION
 KIRKBURN, CARDRONA, PEEBLES, EH45 9HU
 Cleek Poultry Ltd

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00027/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural storage building with welfare accommodation

LOCATION: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 73B	Location Plan	Refused
196 72	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

A number of applications for various agricultural proposals have been considered, all of which utilise the same access point onto the public road. Several of these proposals lacked information on traffic movements and were subsequently refused permission, in part due to the lack of this information.

A fresh batch of planning applications, including this one, has now been lodged along the northern boundary of the site, all of which are for agricultural buildings. Again these submissions do not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise
Nuisance
Water Supply

This development proposes to use a private drainage system.
These can impact on public health if not properly installed and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informative.

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.

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.

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

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

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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.

Archaeology Officer:

The proposal in question is unlikely to pose adverse setting impacts to Our Lady's Church. Other recommendations for this site remain valid.

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 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 a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on land to the south of the B7062. Each site is located next to the previous one, immediately to the east of an application for an identical agricultural building.

Implications of the Proposal for the Landscape including any Mitigation

Each application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to

the north of the field. 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. None of the applications include a visual assessment of the visual impact of the development(s) on receptors using the

B7062, nor do they show how the proposal(s) might be mitigated by planting.

I suggest that the existing trees along the north boundary will not provide adequate screening for the shed.

Condition 11 of the approval for 8no holiday lodges and hub house part of which is located on the same ground as these applications state:

'Notwithstanding the details indicated on the approved drawings, no development shall be commenced until revised plans have been submitted to, and approved by, the Planning Authority relating to a revised design of all chalets and the hub house, reducing the eaves heights and also reducing the ridge heights. There should be no ridge height increase. Once approved, no development shall proceed except in strict accordance with the approved details.

Reason: To minimise the visual impact of the proposed development and to safeguard the visual amenity of the area and the quality of the locally designated Special Landscape Area'.

This condition applied to chalets with a ridge height of 6m whereas this application (and the three adjacent

applications) has a ridge height of 7.5m. This is a further 1.5m increase on ridge heights that were requested to be reduced. It is likely that this building (and other adjacent ones) will be visible to road users

and while a single agricultural building in this location might be acceptable, with a robust buffer planting

scheme, the cumulative impact of all these large agricultural buildings would be unacceptable.

The difficulty of screening taller buildings than those previously consented means that each proposal, on its own or together with the others, could have a highly negative cumulative visual impact on the local area.

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.'

There is a precedent for development in this location. Nonetheless, the number of proposed building(s) and the heights relative to the lodge development previously approved means that, on landscape and visual grounds and for the reason stated above, I could not support this application.

Economic Development: No comments.

Heritage and Design:

BACKGROUND

The proposed development lies close to the former William Cree Memorial Chapel at Kirkburn. This building dated 1921 was added to the statutory list in 1971 at category B. Works have now been carried out to convert the former chapel to residential use.

The issue that I will consider is whether the proposed adjacent development will have an adverse impact on the setting of the former chapel. The former chapel is a single storey stone structure built in an "arts and crafts" style. The building is on the site of former cottages and was originally planned as a small community hall before being converted to a memorial chapel. The "setting" of the chapel was presumably intended to reflect the open countryside around it being a memorial to the then owner of the Kailzie estate and a memorial window was installed in the gable end (this has since been removed).

This application is one of a series of applications lodged for agricultural building on this site; there are two others (shown on dwgs nos. 197 73A and 73C). The proposals submitted for this particular application show the shed to be in the middle of the two other applications proposed in terms of distance from the former chapel.

ASSESSMENT OF PROPOSALS

The application site is at a lower level than the former chapel and the proposed new building is two stories tall with a ridge height of c7.5m and the cladding colours and materials are relatively subdued. No planting or screening proposals are shown either on the actual application site or the adjacent land which is in the ownership of the applicant and has already got an earlier consent for chalets etc; some planting in the area as a buffer would be useful. I am content that the new building will not have an adverse impact on the setting of the category B listed former church; it does not lie on the axis of the church which faces towards the SW.

RECOMMENDATION / RECOMMENDED CONDITIONS.

No objection.

AHSS: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP8 Archaeology

Policy EP5 Special Landscape Areas

Policy ED7 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 2nd March 2017

This application is now one of seven submitted for identical storage buildings on a plot by plot basis around the holiday chalet site. I consider that the issues debated under the first of these applications (16/01464/FUL) remain valid and the handling report is stated below:

"The landscape impact reasons for refusal of previous applications at this landholding have been thoroughly rehearsed, connected with the need for development to be sympathetic to the landscape designation which the Tweed Valley now lies within. All decisions have taken cognisance of the potential screening effects of the trees to the south of the landholding, on both sides of the road, recognising that the holiday developments (being on lower land) would be satisfactorily screened, augmented by new planting. None of the other applications have respected the issues of landscape impact both from the A72 above the general tree line and from the B road itself next to the site. Two of the applications (15/00468/AGN and 15/00671/FUL) were potentially on excavated land and had ridge heights that were closer to being of limited impact above the tree line but these were ultimately still rejected as the requested amendments to ridge and ground heights were not agreed to.

What sets this application apart from the other non-holiday proposals is that it is proposed to occupy part of the site previously granted for holiday chalets (12/00902/FUL and 15/00965/FUL). These applications still demonstrated, through cross sectional and landscaping information, that any projection of the buildings above the general tree top heights was highly unlikely. Whilst there is one noted roadside tree of 110.43mAOD tree top height, the others vary from around the 105 - 108 m AOD height with one further west at 109m. There is no doubt that the average tree top height of screening afforded by the trees is nearer the 107m height and that the general impact of the holiday chalets was contained by the screening, albeit a condition was imposed to soften the abrupt nature of the roadside elevations, roof design and overall ridge heights - an attempt to limit and reduce visual impacts from the B Road below the site.

This proposed storage building will be 7.5m to ridge on land that is in the vicinity of 98-99m AOD. This is 1.5m higher than the chalets approved on this site but occupies a position that was formally approved for the higher hub house under consent 12/00902/FUL, albeit that was consented on land slightly lower down than now proposed. It is also the case that the storage building will be bulkier than the two chalets approved on this site and will have a high eaves line, something the condition imposed on 15/00965/FUL was seeking to soften and resolve. Visual impacts on the local B Road were the main reason for that condition but the concerns that there were over localised impact were outweighed by the economic benefits of the tourism development. That scheme was supported by a Business Plan and met the Policies in the LDP, the visual impacts being less than that currently proposed and being able to be resolved further by condition.

This scheme has no such justification, the localised impacts being greater than that envisaged by the approved chalets and there being no obvious demonstrated benefits to allow the visual impacts to be accepted and outweighed. Even with new planting to the roadside bank, the scheme would need to be justified as necessary for mitigation then to be considered as an acceptable method of reducing visual impacts. Despite the proposal not having an adverse impact from the A72 when viewed across the valley, I find that the increased localised visual impacts caused by an unjustified and unsubstantiated scheme are still contrary to LDP Policy on development within the countryside and within a Special Landscape Area.

For reasons fully explained in previous applications without a Business Plan, there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The issues have been well rehearsed in other applications about how an 8.5 acre holding with a range of existing buildings could produce a need for another building on the site. As no Business Plan has again been submitted with this application, none of the previous reasons for refusal relating to compliance with the justification requirement of the relevant LDP Policy have been met by this proposal and it continues to remain in breach of the Policy.

A number of the previous applications have been refused partly on road access grounds as the proposals have not demonstrated what level of traffic is likely to be generated by the floorspace and descriptions proposed. This application is no different and the Roads Planning Service have noted that, without traffic information being submitted, they cannot be satisfied that the proposal can be safely accommodated by the road leading to the site or the junction, even if improved as per the approved design.

The Local Review Body had previously commented that there was a conflict in relationship between the consented holiday developments and the scale and proximity of the agricultural and other proposals on land adjoining. This application increases the potential for conflict due to it occupying part of the holiday chalets site. If approved and implemented, the storage building would replace two holiday chalets at the main entrance to the site and sit alongside others in very close proximity. This point is also raised by Economic Development in their response to the current application. I do not consider that this is a valid reason to oppose the planning application as the holiday consents have not been commenced. However, I do believe that the conflict would have needed to have been reconciled if this application was being approved, by means of a condition effectively preventing the development of the holiday chalets and sheds consents until a revised "masterplan" was submitted to show how the proposed development could be accommodated and comfortably co-exist with the remaining part of the holiday proposals. The fact that the matter could be handled by an appropriate planning condition determines that it is not grounds for refusal of the scheme for this particular reason.

Likewise, the matters raised by Environmental Health and Archaeology could have been addressed by a planning condition."

The assessment above pertains to this application as well as the other two submitted in this northerly row between the B Road and the proposed holiday chalet access road. The Landscape Architect has also commented on the visual impacts of cumulative development of buildings that are higher and wider than the previous holiday chalets, resulting in an even greater impact from the B Road. This cumulative impact should also be reflected in the reasons for refusal.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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 PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01464/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural storage building with welfare accommodation

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 72	Elevations	Refused
196 73	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

Landscape Architect:

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 a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on land to the south of the B7062.

Implications of the Proposal for the Landscape including any Mitigation

This application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to the north of the field. 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 will not provide adequate screening for the shed.

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.'

Despite my concerns there is a precedent for development in this location.

As long as a robust screen planting scheme, that would help to integrate the development into the immediate landscape, is a condition of any approval, I would not be minded to object to this development.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I can support the principle of this application. However, please see my consultation with respect to the consented development in this area. There are potential archaeological implications that can be mitigated. I recommend that Condition 9 of the existing consent covering this application site be carried forward.

Economic Development:

Economic Development cannot support the application for the erection of agricultural building and welfare accommodation in field no 0328, Kirkburn, Cardrona:

This is due to the close proximity of the proposed location of the agricultural building and welfare accommodation to the existing approved application for holiday lodges and laundry building 15/00831/FUL (superseded by 16/00892/FUL). It is the opinion of Economic Development that siting agricultural buildings so close to holiday lodges would detract from a quality visitor experience.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality

Noise

Nuisance

This is an Application to erect an agricultural building including a workshop. This has the potential to impact on adjacent occupiers.

Recommendation

No Objection 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 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 amenity of nearby properties.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP8 Archaeology

Policy EP5 Special Landscape Areas

Policy ED7 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 17th January 2017

The landscape impact reasons for refusal of previous applications at this landholding have been thoroughly rehearsed, connected with the need for development to be sympathetic to the landscape designation which the Tweed Valley now lies within. All decisions have taken cognisance of the potential screening effects of the trees to the south of the landholding, on both sides of the road, recognising that the holiday developments (being on lower land) would be satisfactorily screened, augmented by new planting. None of the other applications have respected the issues of landscape impact both from the A72 above the general tree line and from the B road itself next to the site. Two of the applications (15/00468/AGN and 15/00671/FUL) were potentially on excavated land and had ridge heights that were closer to being of limited impact above the tree line but these were ultimately still rejected as the requested amendments to ridge and ground heights were not agreed to.

What sets this application apart from the other non-holiday proposals is that it is proposed to occupy part of the site previously granted for holiday chalets (12/00902/FUL and 15/00965/FUL). These applications still demonstrated, through cross sectional and landscaping information, that any projection of the buildings above the general tree top heights was highly unlikely. Whilst there is one noted roadside tree of 110.43mAOD tree top height, the others vary from around the 105 - 108 m AOD height with one further west at 109m. There is no doubt that the average tree top height of screening afforded by the trees is nearer the 107m height and that the general impact of the holiday chalets was contained by the screening, albeit a condition was imposed to soften the abrupt nature of the roadside elevations, roof design and overall ridge heights - an attempt to limit and reduce visual impacts from the B Road below the site.

This proposed storage building will be 7.5m to ridge on land that is in the vicinity of 98-99m AOD. This is 1.5m higher than the chalets approved on this site but occupies a position that was formally approved for the higher hub house under consent 12/00902/FUL, albeit that was consented on land slightly lower down than now proposed. It is also the case that the storage building will be bulkier than the two chalets approved on this site and will have a high eaves line, something the condition imposed on 15/00965/FUL was seeking to soften and resolve. Visual impacts on the local B Road were the main reason for that condition but the concerns that there were over localised impact were outweighed by the economic benefits of the tourism

development. That scheme was supported by a Business Plan and met the Policies in the LDP, the visual impacts being less than that currently proposed and being able to be resolved further by condition.

This scheme has no such justification, the localised impacts being greater than that envisaged by the approved chalets and there being no obvious demonstrated benefits to allow the visual impacts to be accepted and outweighed. Even with new planting to the roadside bank, the scheme would need to be justified as necessary for mitigation then to be considered as an acceptable method of reducing visual impacts. Despite the proposal not having an adverse impact from the A72 when viewed across the valley, I find that the increased localised visual impacts caused by an unjustified and unsubstantiated scheme are still contrary to LDP Policy on development within the countryside and within a Special Landscape Area.

For reasons fully explained in previous applications without a Business Plan, there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The issues have been well rehearsed in other applications about how an 8.5 acre holding with a range of existing buildings could produce a need for another building on the site. As no Business Plan has again been submitted with this application, none of the previous reasons for refusal relating to compliance with the justification requirement of the relevant LDP Policy have been met by this proposal and it continues to remain in breach of the Policy.

A number of the previous applications have been refused partly on road access grounds as the proposals have not demonstrated what level of traffic is likely to be generated by the floorspace and descriptions proposed. This application is no different and the Roads Planning Service have noted that, without traffic information being submitted, they cannot be satisfied that the proposal can be safely accommodated by the road leading to the site or the junction, even if improved as per the approved design.

The Local Review Body had previously commented that there was a conflict in relationship between the consented holiday developments and the scale and proximity of the agricultural and other proposals on land adjoining. This application increases the potential for conflict due to it occupying part of the holiday chalets site. If approved and implemented, the storage building would replace two holiday chalets at the main entrance to the site and sit alongside others in very close proximity. This point is also raised by Economic Development in their response to the current application. I do not consider that this is a valid reason to oppose the planning application as the holiday consents have not been commenced. However, I do believe that the conflict would have needed to have been reconciled if this application was being approved, by means of a condition effectively preventing the development of the holiday chalets and sheds consents until a revised "masterplan" was submitted to show how the proposed development could be accommodated and comfortably co-exist with the remaining part of the holiday proposals. The fact that the matter could be handled by an appropriate planning condition determines that it is not grounds for refusal of the scheme for this particular reason.

Likewise, the matters raised by Environmental Health and Archaeology could have been addressed by a planning condition.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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 PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00010/RREF

Planning Application Reference: 16/01464/FUL

Development Proposal: Erection of agricultural storage building with welfare accommodation

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of an agricultural storage building with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	19673
General Arrangement	19672

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, has a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the main yard at the applicant's land holding at Kirkburn.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. Members accepted the conclusion of the appointed officer that due to the location of the proposed building and the screening to the north of the landholding, in this instance, the wider visual impacts on the landscape from the A72 were not so significant as to warrant refusal of the application. However, they were concerned that there would be localised

visual impacts due to the bulk and scale of the building and that these would be harmful.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, the Review Body had no evidence before them about the need and suitability of this development on the small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision.

The Local Review Body expressed concern that there would be a potential conflict in relationship between the consented holiday development and the scale and proximity of the agricultural and other proposals on land adjoining. Members were concerned about how the proposal would relate to all of those, how compatible they would be with one another and whether there would be conflict between the uses on such a limited area of land. Whilst uncomfortable with the potential conflict they accepted the appointed officer’s conclusion that it did not form a reason to oppose the application in this instance.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the planning authority.

The Review Body noted the applicant’s comments about upgrading the access bellmouth and the assertion that the development would lessen the traffic generated at the site. However, they were not convinced and Members concluded that the application was deficient in term of the traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) and, in their view, it had not been possible to undertake a full assessment of the road safety implications of the development.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R Smith
Chairman of the Local Review Body

Date...24 April 2017

REGULATORY SERVICES



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

Date: 2 Feb 2017

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

Ext: 6663

Ref: 17/00027/FUL

**Subject: Erection of agricultural building with welfare accommodation
Land West of Former William Cree Memorial Church,
Kirkburn, Cardrona**

A number of applications for various agricultural proposals have been considered, all of which utilise the same access point onto the public road. Several of these proposals lacked information on traffic movements and were subsequently refused permission, in part due to the lack of this information.

A fresh batch of planning applications, including this one, has now been lodged along the northern boundary of the site, all of which are for agricultural buildings. Again these submissions do not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

AJS

REGULATORY SERVICES

To: Chief Planning Officer
Fao: Craig Miller
From: Planning Implementation

Date: 16/01/2017

Contact: Mark Douglas, Principal Officer
(Built Heritage & Design)

☎ x6563

Ref: 17/00027/FUL

Subject: *ERECTION OF AGRICULTURAL BUILDING
W OF FORMER WILLIAM CREE MEMORIAL CHAPEL
(as shown on location plan dwg no 197 73B)*

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 proposed development lies close to the former William Cree Memorial Chapel at Kirkburn. This building dated 1921 was added to the statutory list in 1971 at category B. Works have now been carried out to convert the former chapel to residential use.

The issue that I will consider is whether the proposed adjacent development will have an adverse impact on the setting of the former chapel. The former chapel is a single storey stone structure built in an "arts and crafts" style. The building is on the site of former cottages and was originally planned as a small community hall before being converted to a memorial chapel. The "setting" of the chapel was presumably intended to reflect the open countryside around it being a memorial to the then owner of the Kailzie estate and a memorial window was installed in the gable end (this has since been removed).

This application is one of a series of applications lodged for agricultural building on this site; there are two others (shown on dwgs nos. 197 73A and 73C). The proposals submitted for this particular application show the shed to be in the middle of the two other applications proposed in terms of distance from the former chapel.

ASSESSMENT OF PROPOSALS

The application site is at a lower level than the former chapel and the proposed new building is two stories tall with a ridge height of c7.5m and the cladding colours and materials are relatively subdued. No planting or screening proposals are shown either on the actual application site or the adjacent land which is in the ownership of the applicant and has already got an earlier consent for chalets etc; some planting in the area as a buffer would be useful. I am content that the new building will not have an adverse impact on the setting of the category B listed former church; it does not lie on the axis of the church which faces towards the SW.

RECOMMENDATION / RECOMMENDED CONDITIONS.

No objection.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 12th January 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00026/FUL;
17/00027/FUL;
17/00028/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd February 2017, 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 2nd February 2017, 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 agricultural building with welfare accommodation

Site: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles Peebles Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

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 a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on land to the south of the B7062. Each site is located next to the previous one, immediately to the east of an application for an identical agricultural building.

Implications of the Proposal for the Landscape including any Mitigation

Each application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to the north of the field. 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. None of the applications include a visual assessment of the visual impact of the development(s) on receptors using the B7062, nor do they show how the proposal(s) might be mitigated by planting.

I suggest that the existing trees along the north boundary will not provide adequate screening for the shed.

Condition 11 of the approval for 8no holiday lodges and hub house part of which is located on the same ground as these applications state:

'Notwithstanding the details indicated on the approved drawings, no development shall be commenced until revised plans have been submitted to, and approved by, the Planning Authority relating to a revised design of all chalets and the hub house, reducing the eaves heights and also reducing the ridge heights. There should be no ridge height increase. Once approved, no development shall proceed except in strict accordance with the approved details.

Reason: To minimise the visual impact of the proposed development and to safeguard the visual amenity of the area and the quality of the locally designated Special Landscape Area.'

This condition applied to chalets with a ridge height of 6m whereas this application (and the three adjacent applications) has a ridge height of 7.5m. This is a further 1.5m increase on ridge heights that were requested to be reduced. It is likely that this building (and other adjacent ones) will be visible to road users and while a single agricultural building in this location might be acceptable, with a robust buffer planting scheme, the cumulative impact of all these large agricultural buildings would be unacceptable.

The difficulty of screening taller buildings than those previously consented means that each proposal, on its own or together with the others, could have a highly negative cumulative visual impact on the local area.

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.'*

There is a precedent for development in this location.

Nonetheless, the number of proposed building(s) and the heights relative to the lodge development previously approved means that, on landscape and visual grounds and for the reason stated above, I could not support this application.

Siobhan McDermott
LANDSCAPE ARCHITECT

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 12th January 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00027/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd February 2017, 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 2nd February 2017, 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 agricultural building with welfare accommodation

Site: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles Peebles Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

Economic Development has no comment to make on this application.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 12th January 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00027/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd February 2017, 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 2nd February 2017, 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 agricultural building with welfare accommodation

Site: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles Peebles Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

The proposal in question is unlikely to pose adverse setting impacts to Our Lady's Church. Other recommendations for this site remain valid.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00027/FUL
Uniform Ref	17/00078/PLANCO
Proposal	Erection of agricultural building with welfare accommodation
Address	Land West Of Former William Cree Memorial Church Kirkburn Cardrona Peebles Peebles Scottish Borders
Date	27/1/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

*Noise
Nuisance
Water Supply*

This development proposes to use a private drainage system.
These can impact on public health if not properly installed and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informative.

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.*

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.

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

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

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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.

From:F&B Cases Panel
Sent:Thu, 2 Feb 2017 22:35:54 +0000
To:DCConsultees
Subject:AHSS comments

Thank you for your consultation on the following planing applications. The AHSS Forth & Borders Group does not wish to comment on the following proposals:

17/00026/FUL

17/00027/FUL

17/00028/FUL

17/00024/LBC

17/00092/FUL

17/00093/FUL

17/00094/FUL

Thank you also for your re-consultation on 16/01160/LBC. We do not have any further comments on the proposals, as the amended proposals appear to address our major concerns.

Alastair Disley, on behalf of the Forth & Borders Cases Panel, AHSS.

Local Review Body – List of Policies

Local Review Reference: 17/00013/RREF

Planning Application Reference: 17/00027/FUL

Development Proposal: Erection of agricultural storage building with welfare accommodation

Location: Land West Of Former William Cree Memorial, Church Kirkburn, Cardrona, Peebles

Applicant: Cleek Poultry Ltd

Scottish Borders 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,

Local Review Body – List of Policies

- 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 ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

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,

Local Review Body – List of Policies

- 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.

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.

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:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and 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.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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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)

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 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:

THE SITE IS A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

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 SITE IN QUESTION HAS BEEN GRANTED PLANNING PERMISSION FOR HOLIDAY LODGES OF A SIMILAR SIZE AND SCALE AND MASSING.

THE OWNER WISHES TO MAINTAIN THE DESIGNATION OF HIS LAND AS A SMALLHOLDING. THE PURPOSE OF THESE BUILDINGS (THIS APPLICATION IS FOR ONE OF EIGHT SIMILAR BUILDINGS) IS TO CREATE 'NEST' WORKSPACE FOR OTHER AGRICULTURAL USERS SUCH AS SELF EMPLOYED FORESTERS, MARKET GARDENERS, AGRICULTURAL ENGINEERS AND SUCH LIKE. ALL OF THESE WOULD BE SYNONYMOUS WITH THE SMALL-HOLDING USE.

ACCESS IS BY WAY OF AN EXISTING BELLMOUTH WHICH HAS CONSENT TO BE UPGRADED AND WHICH WOULD HAVE SERVED THE HOLIDAY DEVELOPMENT. THE INTENSITY OF USE IS LIKELY TO BE CONSIDERABLY LESS THAN IF THE HOLIDAY DEVELOPMENT WAS BROUGHT INTO USE.

THE UPHOLDING OF THE GRANTING OF THIS CONSENT WOULD ENABLE THE APPLICANT TO CREATE A MARKET RENTAL INCOME TO SUPPORT THE ACTIVITIES AT KIRKBURN WITHOUT DIVERSITY INTO HOLIDAY ACCOMMODATION.

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.

REFUSAL NOTICE 17/00027/FUL
 DRG 196 73C
 DRG 196 72

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] Date

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00028/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on 10th January 2017 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of agricultural storage building with welfare accommodation

**At : Land West Of Former William Cree Memorial Church Kirkburn Cardrona Peebles Peebles
Scottish Borders**

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

Dated 6th March 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 17/00028/EUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 73C	Location Plan	Refused
196 72	Elevations	Refused

REASON FOR REFUSAL

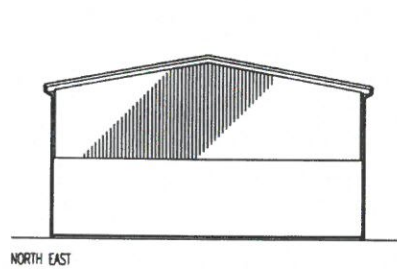
- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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

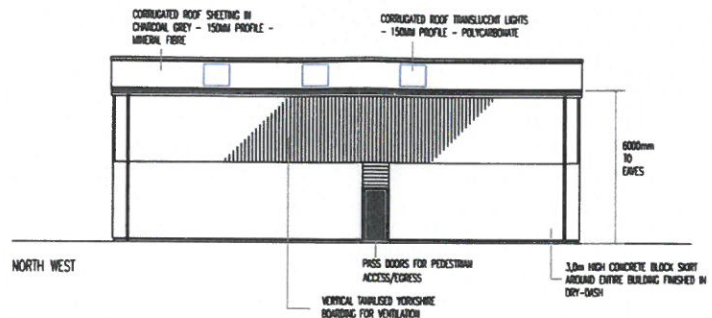
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the 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.

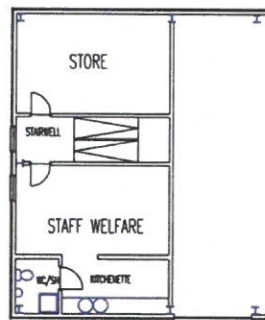
Scottish Borders Council
 Town & Country Planning (Scotland) Act
REFUSED
 - 6 MAR 2017
 Planning & Economic
 Development Department



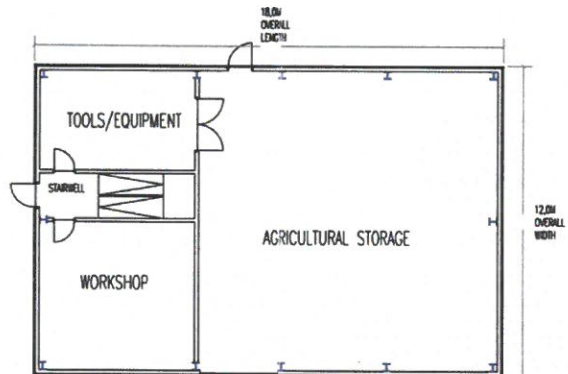
NORTH EAST



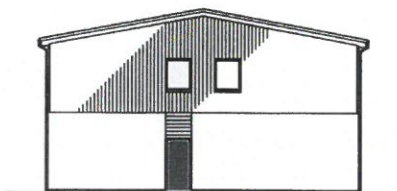
NORTH WEST



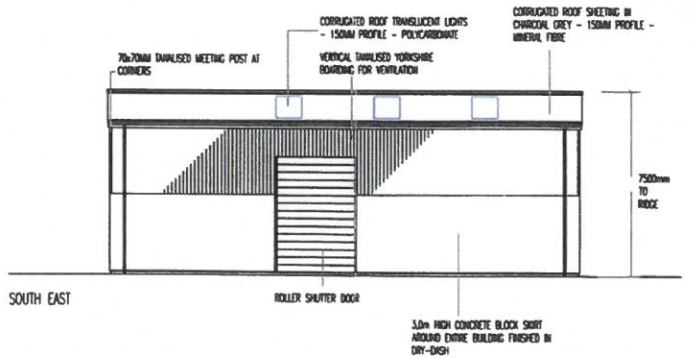
GENERAL ARRANGEMENT
mezzanine level



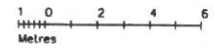
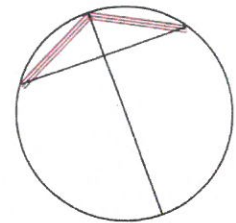
GENERAL ARRANGEMENT
ground floor



SOUTH WEST



SOUTH EAST



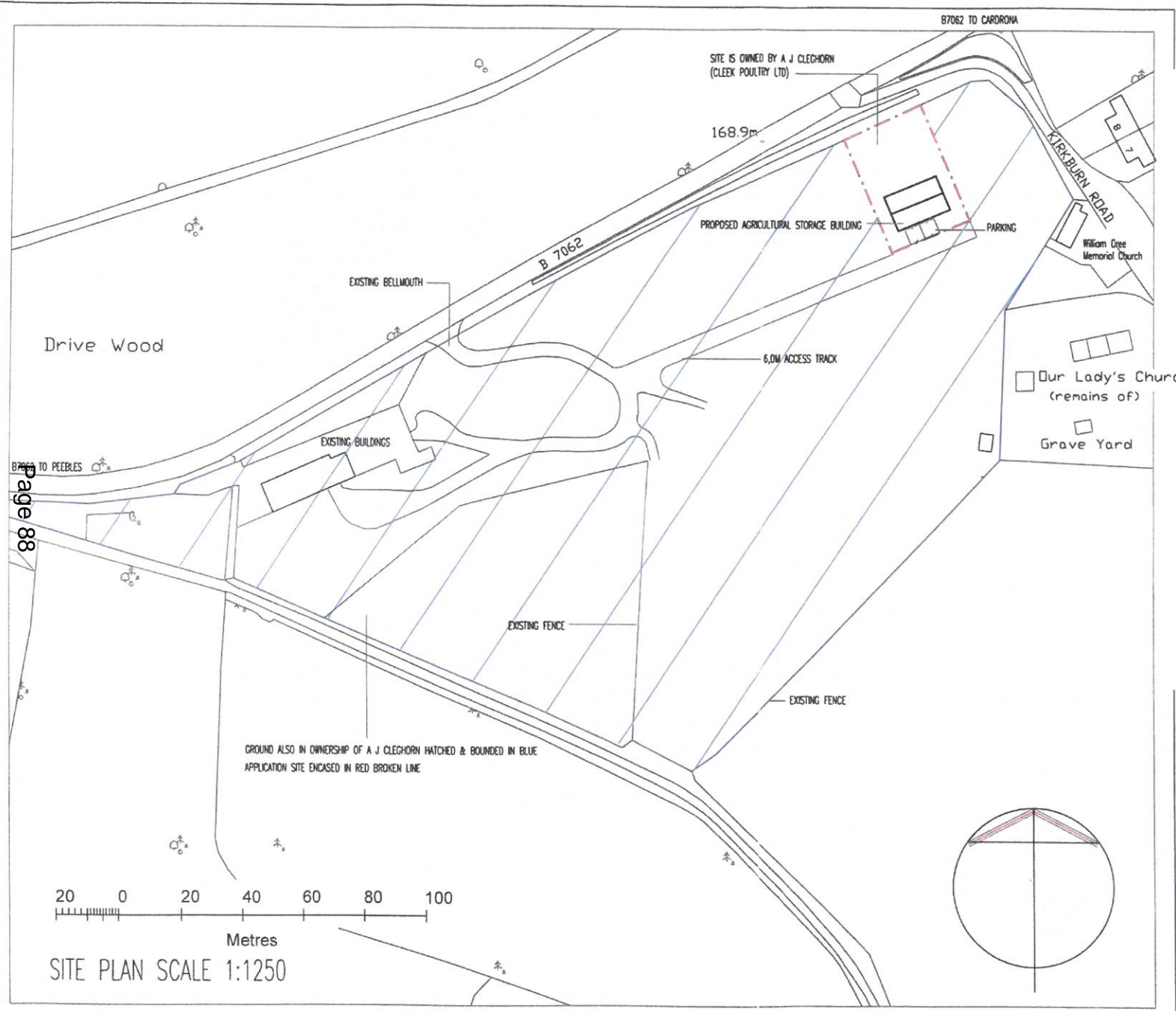
REVISIONS	
A	
B	
C	
D	
E	
F	

PRINTING NOTE AS PAPER AT 10:1

SCALE 1:200	NOV 2016
drg 196 72 REVISION --	GENERAL ARRANGEMENT

PROPOSED AGRICULTURAL STORAGE SHED WITH WELFARE ACCOMMODATION
 KIRKBURN, CARDRONA, PEEBLES, EH45 9HU
 Cleek Poultry Ltd

ALL DRAWINGS ON THIS SHEET
 AT 1:200



Scottish Borders Council
 Town & Country Planning (Scotland) Act
REFUSED
 - 6 MAR 2017
 Planning & Economic
 Development Department

AMENDMENTS	
A	
B	
C	
D	
E	
F	

PRINTING NOTE A3 PAPER SCALE 20:1

SCALE 1:1250 DECEMBER 2016

drg 196 73C
 REVISION -- SITE PLAN

PROPOSED AGRICULTURAL STORAGE SHED WITH
 WELFARE ACCOMMODATION
 KIRKBUURN, CARDRONA, PEEBLES, EH45 9HU
 Cleek Poultry Ltd

Page 88

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00028/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of agricultural storage building with welfare accommodation
LOCATION: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 73C	Location Plan	Refused
196 72	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

A number of applications for various agricultural proposals have been considered, all of which utilise the same access point onto the public road. Several of these proposals lacked information on traffic movements and were subsequently refused permission, in part due to the lack of this information.

A fresh batch of planning applications, including this one, has now been lodged along the northern boundary of the site, all of which are for agricultural buildings. Again these submissions do not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Nuisance

Water Supply

This development proposes to use a private drainage system.
These can impact on public health if not properly installed and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informative.

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.

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.

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

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

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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.

Archaeology Officer:

The proposal in question is unlikely to pose adverse setting impacts to Our Lady's Church. Other recommendations for this site remain valid.

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 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 a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on land to the south of the B7062. Each site is located next to the previous one, immediately to the east of an application for an identical agricultural building.

Implications of the Proposal for the Landscape including any Mitigation

Each application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to

the north of the field. 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. None of the applications include a visual assessment of the visual impact of the development(s) on receptors using the

B7062, nor do they show how the proposal(s) might be mitigated by planting.

I suggest that the existing trees along the north boundary will not provide adequate screening for the shed.

Condition 11 of the approval for 8no holiday lodges and hub house part of which is located on the same ground as these applications state:

'Notwithstanding the details indicated on the approved drawings, no development shall be commenced until revised plans have been submitted to, and approved by, the Planning Authority relating to a revised design of all chalets and the hub house, reducing the eaves heights and also reducing the ridge heights. There should be no ridge height increase. Once approved, no development shall proceed except in strict accordance with the approved details.

Reason: To minimise the visual impact of the proposed development and to safeguard the visual amenity of the area and the quality of the locally designated Special Landscape Area'.

This condition applied to chalets with a ridge height of 6m whereas this application (and the three adjacent

applications) has a ridge height of 7.5m. This is a further 1.5m increase on ridge heights that were requested to be reduced. It is likely that this building (and other adjacent ones) will be visible to road users

and while a single agricultural building in this location might be acceptable, with a robust buffer planting

scheme, the cumulative impact of all these large agricultural buildings would be unacceptable.

The difficulty of screening taller buildings than those previously consented means that each proposal, on its own or together with the others, could have a highly negative cumulative visual impact on the local area.

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.'

There is a precedent for development in this location. Nonetheless, the number of proposed building(s) and the heights relative to the lodge development previously approved means that, on landscape and visual grounds and for the reason stated above, I could not support this application.

Economic Development: No comments.

Heritage and Design:

BACKGROUND

The proposed development lies close to the former William Cree Memorial Chapel at Kirkburn. This building dated 1921 was added to the statutory list in 1971 at category B. Works have now been carried out to convert the former chapel to residential use.

The issue that I will consider is whether the proposed adjacent development will have an adverse impact on the setting of the former chapel. The former chapel is a single storey stone structure built in an "arts and crafts" style. The building is on the site of former cottages and was originally planned as a small community hall before being converted to a memorial chapel. The "setting" of the chapel was presumably intended to reflect the open countryside around it being a memorial to the then owner of the Kailzie estate and a memorial window was installed in the gable end (this has since been removed).

This application is one of a series of applications lodged for agricultural building on this site; there are two others (shown on dwgs nos. 197 73A and 73B). The proposal for this particular application shows the shed to be the nearest of these applications proposed in terms of distance from the former chapel.

ASSESSMENT OF PROPOSALS

The application site is at a lower level than the former chapel and the proposed new building is two stories tall with a ridge height of c7.5m and the cladding colours and materials are relatively subdued. No planting or screening proposals are shown either on the actual application site or the adjacent land which is in the ownership of the applicant and has already got an earlier consent for chalets etc; some planting in the area as a buffer would be useful. I am content that the new building will not have a significantly adverse impact on the setting of the category B listed former church; it does not lie on the axis of the church which faces towards the SW.

RECOMMENDATION / RECOMMENDED CONDITIONS.

No objection, but note that this particular location of the shed is the nearest of a series of three parallel applications lodged and whilst I consider the others to have no adverse impact on the setting of the former chapel, I have tempered my comment for this application to be no significant adverse impact.

AHSS: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards
Policy EP8 Archaeology
Policy EP5 Special Landscape Areas
Policy ED7 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 2nd March 2017

This application is now one of seven submitted for identical storage buildings on a plot by plot basis around the holiday chalet site. I consider that the issues debated under the first of these applications (16/01464/FUL) remain valid and the handling report is stated below:

"The landscape impact reasons for refusal of previous applications at this landholding have been thoroughly rehearsed, connected with the need for development to be sympathetic to the landscape designation which the Tweed Valley now lies within. All decisions have taken cognisance of the potential screening effects of the trees to the south of the landholding, on both sides of the road, recognising that the holiday developments (being on lower land) would be satisfactorily screened, augmented by new planting. None of the other applications have respected the issues of landscape impact both from the A72 above the general tree line and from the B road itself next to the site. Two of the applications (15/00468/AGN and 15/00671/FUL) were potentially on excavated land and had ridge heights that were closer to being of limited impact above the tree line but these were ultimately still rejected as the requested amendments to ridge and ground heights were not agreed to.

What sets this application apart from the other non-holiday proposals is that it is proposed to occupy part of the site previously granted for holiday chalets (12/00902/FUL and 15/00965/FUL). These applications still demonstrated, through cross sectional and landscaping information, that any projection of the buildings above the general tree top heights was highly unlikely. Whilst there is one noted roadside tree of 110.43mAOD tree top height, the others vary from around the 105 - 108 m AOD height with one further west at 109m. There is no doubt that the average tree top height of screening afforded by the trees is nearer the 107m height and that the general impact of the holiday chalets was contained by the screening, albeit a condition was imposed to soften the abrupt nature of the roadside elevations, roof design and overall ridge heights - an attempt to limit and reduce visual impacts from the B Road below the site.

This proposed storage building will be 7.5m to ridge on land that is in the vicinity of 98-99m AOD. This is 1.5m higher than the chalets approved on this site but occupies a position that was formally approved for the higher hub house under consent 12/00902/FUL, albeit that was consented on land slightly lower down than now proposed. It is also the case that the storage building will be bulkier than the two chalets approved on this site and will have a high eaves line, something the condition imposed on 15/00965/FUL was seeking to soften and resolve. Visual impacts on the local B Road were the main reason for that condition but the concerns that there were over localised impact were outweighed by the economic benefits of the tourism development. That scheme was supported by a Business Plan and met the Policies in the LDP, the visual impacts being less than that currently proposed and being able to be resolved further by condition.

This scheme has no such justification, the localised impacts being greater than that envisaged by the approved chalets and there being no obvious demonstrated benefits to allow the visual impacts to be accepted and outweighed. Even with new planting to the roadside bank, the scheme would need to be justified as necessary for mitigation then to be considered as an acceptable method of reducing visual impacts. Despite the proposal not having an adverse impact from the A72 when viewed across the valley, I find that the increased localised visual impacts caused by an unjustified and unsubstantiated scheme are still contrary to LDP Policy on development within the countryside and within a Special Landscape Area.

For reasons fully explained in previous applications without a Business Plan, there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The issues have been well rehearsed in other applications about how an 8.5 acre holding with a range of existing buildings could produce a need for another building on the site. As no Business Plan has again been submitted with this application, none of the previous reasons for refusal relating to compliance with the justification requirement of the relevant LDP Policy have been met by this proposal and it continues to remain in breach of the Policy.

A number of the previous applications have been refused partly on road access grounds as the proposals have not demonstrated what level of traffic is likely to be generated by the floorspace and descriptions proposed. This application is no different and the Roads Planning Service have noted that, without traffic

information being submitted, they cannot be satisfied that the proposal can be safely accommodated by the road leading to the site or the junction, even if improved as per the approved design.

The Local Review Body had previously commented that there was a conflict in relationship between the consented holiday developments and the scale and proximity of the agricultural and other proposals on land adjoining. This application increases the potential for conflict due to it occupying part of the holiday chalets site. If approved and implemented, the storage building would replace two holiday chalets at the main entrance to the site and sit alongside others in very close proximity. This point is also raised by Economic Development in their response to the current application. I do not consider that this is a valid reason to oppose the planning application as the holiday consents have not been commenced. However, I do believe that the conflict would have needed to have been reconciled if this application was being approved, by means of a condition effectively preventing the development of the holiday chalets and sheds consents until a revised "masterplan" was submitted to show how the proposed development could be accommodated and comfortably co-exist with the remaining part of the holiday proposals. The fact that the matter could be handled by an appropriate planning condition determines that it is not grounds for refusal of the scheme for this particular reason.

Likewise, the matters raised by Environmental Health and Archaeology could have been addressed by a planning condition."

The assessment above pertains to this application as well as the other two submitted in this northerly row between the B Road and the proposed holiday chalet access road. The Landscape Architect has also commented on the visual impacts of cumulative development of buildings that are higher and wider than the previous holiday chalets, resulting in an even greater impact from the B Road. This cumulative impact should also be reflected in the reasons for refusal.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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 PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01464/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural storage building with welfare accommodation

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 72	Elevations	Refused
196 73	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

Landscape Architect:

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 a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on land to the south of the B7062.

Implications of the Proposal for the Landscape including any Mitigation

This application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to the north of the field. 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 will not provide adequate screening for the shed.

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.'

Despite my concerns there is a precedent for development in this location.

As long as a robust screen planting scheme, that would help to integrate the development into the immediate landscape, is a condition of any approval, I would not be minded to object to this development.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I can support the principle of this application. However, please see my consultation with respect to the consented development in this area. There are potential archaeological implications that can be mitigated. I recommend that Condition 9 of the existing consent covering this application site be carried forward.

Economic Development:

Economic Development cannot support the application for the erection of agricultural building and welfare accommodation in field no 0328, Kirkburn, Cardrona:

This is due to the close proximity of the proposed location of the agricultural building and welfare accommodation to the existing approved application for holiday lodges and laundry building 15/00831/FUL (superseded by 16/00892/FUL). It is the opinion of Economic Development that siting agricultural buildings so close to holiday lodges would detract from a quality visitor experience.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality

Noise

Nuisance

This is an Application to erect an agricultural building including a workshop. This has the potential to impact on adjacent occupiers.

Recommendation

No Objection 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 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 amenity of nearby properties.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP8 Archaeology

Policy EP5 Special Landscape Areas

Policy ED7 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 17th January 2017

The landscape impact reasons for refusal of previous applications at this landholding have been thoroughly rehearsed, connected with the need for development to be sympathetic to the landscape designation which the Tweed Valley now lies within. All decisions have taken cognisance of the potential screening effects of the trees to the south of the landholding, on both sides of the road, recognising that the holiday developments (being on lower land) would be satisfactorily screened, augmented by new planting. None of the other applications have respected the issues of landscape impact both from the A72 above the general tree line and from the B road itself next to the site. Two of the applications (15/00468/AGN and 15/00671/FUL) were potentially on excavated land and had ridge heights that were closer to being of limited impact above the tree line but these were ultimately still rejected as the requested amendments to ridge and ground heights were not agreed to.

What sets this application apart from the other non-holiday proposals is that it is proposed to occupy part of the site previously granted for holiday chalets (12/00902/FUL and 15/00965/FUL). These applications still demonstrated, through cross sectional and landscaping information, that any projection of the buildings above the general tree top heights was highly unlikely. Whilst there is one noted roadside tree of 110.43mAOD tree top height, the others vary from around the 105 - 108 m AOD height with one further west at 109m. There is no doubt that the average tree top height of screening afforded by the trees is nearer the 107m height and that the general impact of the holiday chalets was contained by the screening, albeit a condition was imposed to soften the abrupt nature of the roadside elevations, roof design and overall ridge heights - an attempt to limit and reduce visual impacts from the B Road below the site.

This proposed storage building will be 7.5m to ridge on land that is in the vicinity of 98-99m AOD. This is 1.5m higher than the chalets approved on this site but occupies a position that was formally approved for the higher hub house under consent 12/00902/FUL, albeit that was consented on land slightly lower down than now proposed. It is also the case that the storage building will be bulkier than the two chalets approved on this site and will have a high eaves line, something the condition imposed on 15/00965/FUL was seeking to soften and resolve. Visual impacts on the local B Road were the main reason for that condition but the concerns that there were over localised impact were outweighed by the economic benefits of the tourism

development. That scheme was supported by a Business Plan and met the Policies in the LDP, the visual impacts being less than that currently proposed and being able to be resolved further by condition.

This scheme has no such justification, the localised impacts being greater than that envisaged by the approved chalets and there being no obvious demonstrated benefits to allow the visual impacts to be accepted and outweighed. Even with new planting to the roadside bank, the scheme would need to be justified as necessary for mitigation then to be considered as an acceptable method of reducing visual impacts. Despite the proposal not having an adverse impact from the A72 when viewed across the valley, I find that the increased localised visual impacts caused by an unjustified and unsubstantiated scheme are still contrary to LDP Policy on development within the countryside and within a Special Landscape Area.

For reasons fully explained in previous applications without a Business Plan, there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The issues have been well rehearsed in other applications about how an 8.5 acre holding with a range of existing buildings could produce a need for another building on the site. As no Business Plan has again been submitted with this application, none of the previous reasons for refusal relating to compliance with the justification requirement of the relevant LDP Policy have been met by this proposal and it continues to remain in breach of the Policy.

A number of the previous applications have been refused partly on road access grounds as the proposals have not demonstrated what level of traffic is likely to be generated by the floorspace and descriptions proposed. This application is no different and the Roads Planning Service have noted that, without traffic information being submitted, they cannot be satisfied that the proposal can be safely accommodated by the road leading to the site or the junction, even if improved as per the approved design.

The Local Review Body had previously commented that there was a conflict in relationship between the consented holiday developments and the scale and proximity of the agricultural and other proposals on land adjoining. This application increases the potential for conflict due to it occupying part of the holiday chalets site. If approved and implemented, the storage building would replace two holiday chalets at the main entrance to the site and sit alongside others in very close proximity. This point is also raised by Economic Development in their response to the current application. I do not consider that this is a valid reason to oppose the planning application as the holiday consents have not been commenced. However, I do believe that the conflict would have needed to have been reconciled if this application was being approved, by means of a condition effectively preventing the development of the holiday chalets and sheds consents until a revised "masterplan" was submitted to show how the proposed development could be accommodated and comfortably co-exist with the remaining part of the holiday proposals. The fact that the matter could be handled by an appropriate planning condition determines that it is not grounds for refusal of the scheme for this particular reason.

Likewise, the matters raised by Environmental Health and Archaeology could have been addressed by a planning condition.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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 PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.

- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 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
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00010/RREF

Planning Application Reference: 16/01464/FUL

Development Proposal: Erection of agricultural storage building with welfare accommodation

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of an agricultural storage building with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	19673
General Arrangement	19672

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, has a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the main yard at the applicant's land holding at Kirkburn.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. Members accepted the conclusion of the appointed officer that due to the location of the proposed building and the screening to the north of the landholding, in this instance, the wider visual impacts on the landscape from the A72 were not so significant as to warrant refusal of the application. However, they were concerned that there would be localised

visual impacts due to the bulk and scale of the building and that these would be harmful.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, the Review Body had no evidence before them about the need and suitability of this development on the small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision.

The Local Review Body expressed concern that there would be a potential conflict in relationship between the consented holiday development and the scale and proximity of the agricultural and other proposals on land adjoining. Members were concerned about how the proposal would relate to all of those, how compatible they would be with one another and whether there would be conflict between the uses on such a limited area of land. Whilst uncomfortable with the potential conflict they accepted the appointed officer's conclusion that it did not form a reason to oppose the application in this instance.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the planning authority.

The Review Body noted the applicant's comments about upgrading the access bellmouth and the assertion that the development would lessen the traffic generated at the site. However, they were not convinced and Members concluded that the application was deficient in term of the traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) and, in their view, it had not been possible to undertake a full assessment of the road safety implications of the development.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R Smith
Chairman of the Local Review Body

Date...24 April 2017

REGULATORY SERVICES



To: Development Management Service
FAO Craig Miller

Date: 2 Feb 2017

From: Roads Planning Service
Contact: Paul Grigor

Ext: 6663

Ref: 17/00028/FUL

**Subject: Erection of agricultural building with welfare accommodation
Land West of Former William Cree Memorial Church,
Kirkburn, Cardrona**

A number of applications for various agricultural proposals have been considered, all of which utilise the same access point onto the public road. Several of these proposals lacked information on traffic movements and were subsequently refused permission, in part due to the lack of this information.

A fresh batch of planning applications, including this one, has now been lodged along the northern boundary of the site, all of which are for agricultural buildings. Again these submissions do not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

AJS

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 12th January 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00028/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd February 2017, 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 2nd February 2017, 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 agricultural building with welfare accommodation

Site: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles Peebles Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

The proposal in question is unlikely to pose adverse setting impacts to Our Lady's Church. Other recommendations for this site remain valid.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 12th January 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00026/FUL;
17/00027/FUL;
17/00028/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd February 2017, 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 2nd February 2017, 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 agricultural building with welfare accommodation
Site: Land West Of Former William Cree Memorial Church Kirkburn Cardrona
Peebles Peebles Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

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 a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on land to the south of the B7062. Each site is located next to the previous one, immediately to the east of an application for an identical agricultural building.

Implications of the Proposal for the Landscape including any Mitigation

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

Each application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to the north of the field. 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. None of the applications include a visual assessment of the visual impact of the development(s) on receptors using the B7062, nor do they show how the proposal(s) might be mitigated by planting.

I suggest that the existing trees along the north boundary will not provide adequate screening for the shed.

Condition 11 of the approval for 8no holiday lodges and hub house part of which is located on the same ground as these applications state:

'Notwithstanding the details indicated on the approved drawings, no development shall be commenced until revised plans have been submitted to, and approved by, the Planning Authority relating to a revised design of all chalets and the hub house, reducing the eaves heights and also reducing the ridge heights. There should be no ridge height increase. Once approved, no development shall proceed except in strict accordance with the approved details.

Reason: To minimise the visual impact of the proposed development and to safeguard the visual amenity of the area and the quality of the locally designated Special Landscape Area'.

This condition applied to chalets with a ridge height of 6m whereas this application (and the three adjacent applications) has a ridge height of 7.5m. This is a further 1.5m increase on ridge heights that were requested to be reduced. It is likely that this building (and other adjacent ones) will be visible to road users and while a single agricultural building in this location might be acceptable, with a robust buffer planting scheme, the cumulative impact of all these large agricultural buildings would be unacceptable.

The difficulty of screening taller buildings than those previously consented means that each proposal, on its own or together with the others, could have a highly negative cumulative visual impact on the local area.

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.'*

There is a precedent for development in this location.

Nonetheless, the number of proposed building(s) and the heights relative to the lodge development previously approved means that, on landscape and visual grounds and for the reason stated above, I could not support this application.

Siobhan McDermott
LANDSCAPE ARCHITECT

REGULATORY SERVICES

To: Chief Planning Officer
Fao: Craig Miller
From: Planning Implementation

Date: 16/01/2017

Contact: Mark Douglas, Principal Officer
(Built Heritage & Design)

☎ x6563

Ref: 17/00028/FUL

Subject: *ERECTION OF AGRICULTURAL BUILDING
W OF FORMER WILLIAM CREE MEMORIAL CHAPEL
(as shown on location plan dwg no 197 73C)*

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 proposed development lies close to the former William Cree Memorial Chapel at Kirkburn. This building dated 1921 was added to the statutory list in 1971 at category B. Works have now been carried out to convert the former chapel to residential use.

The issue that I will consider is whether the proposed adjacent development will have an adverse impact on the setting of the former chapel. The former chapel is a single storey stone structure built in an "arts and crafts" style. The building is on the site of former cottages and was originally planned as a small community hall before being converted to a memorial chapel. The "setting" of the chapel was presumably intended to reflect the open countryside around it being a memorial to the then owner of the Kailzie estate and a memorial window was installed in the gable end (this has since been removed).

This application is one of a series of applications lodged for agricultural building on this site; there are two others (shown on dwgs nos. 197 73A and 73B). The proposal for this particular application shows the shed to be the nearest of these applications proposed in terms of distance from the former chapel.

ASSESSMENT OF PROPOSALS

The application site is at a lower level than the former chapel and the proposed new building is two stories tall with a ridge height of c7.5m and the cladding colours and materials are relatively subdued. No planting or screening proposals are shown either on the actual application site or the adjacent land which is in the ownership of the applicant and has already got an earlier consent for chalets etc; some planting in the area as a buffer would be useful. I am content that the new building will not have a significantly adverse impact on the setting of the category B listed former church; it does not lie on the axis of the church which faces towards the SW.

RECOMMENDATION / RECOMMENDED CONDITIONS.

No objection, but note that this particular location of the shed is the nearest of a series of three parallel applications lodged and whilst I consider the other two to have no adverse impact on the

setting of the former chapel, I have tempered my comment for this application to be no significant adverse impact.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00028/FUL
Uniform Ref	17/00081/PLANCO
Proposal	Erection of agricultural building with welfare accommodation
Address	Land West Of Former William Cree Memorial Church Kirkburn Cardrona Peebles Peebles Scottish Borders
Date	27/1/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Noise
Nuisance
Water Supply

This development proposes to use a private drainage system.
These can impact on public health if not properly installed and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informative.

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.*

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.

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

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

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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.

From:F&B Cases Panel
Sent:Thu, 2 Feb 2017 22:35:54 +0000
To:DCConsultees
Subject:AHSS comments

Thank you for your consultation on the following planing applications. The AHSS Forth & Borders Group does not wish to comment on the following proposals:

17/00026/FUL

17/00027/FUL

17/00028/FUL

17/00024/LBC

17/00092/FUL

17/00093/FUL

17/00094/FUL

Thank you also for your re-consultation on 16/01160/LBC. We do not have any further comments on the proposals, as the amended proposals appear to address our major concerns.

Alastair Disley, on behalf of the Forth & Borders Cases Panel, AHSS.

Local Review Body – List of Policies

Local Review Reference: 17/00014/RREF

Planning Application Reference: 17/00028/FUL

Development Proposal: Erection of agricultural storage building with welfare accommodation

Location: Land West Of Former William Cree Memorial, Church Kirkburn, Cardrona, Peebles

Applicant: Cleek Poultry Ltd

SCOTTISH BORDERS 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,

Local Review Body – List of Policies

- 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 ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

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,

Local Review Body – List of Policies

- 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.

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.

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:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and 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.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@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 100048119-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ericht Planning & Property Consultants		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Kate	Building Name:	The Office - Gifford House
Last Name: *	Jenkins	Building Number:	<input type="text"/>
Telephone Number: *	07795 974 083	Address 1 (Street): *	Bonnington Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Peebles
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH45 9HF
Email Address: *	kate@kjenkins.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Unit 1"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Sunnyside"/>
Company/Organisation	<input type="text" value="GS Chapman Ltd"/>	Address 2:	<input type="text" value="Macbiehill"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="West Linton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH46 7AZ"/>
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="652715"/>	Easting	<input type="text" value="321707"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of vehicle body repair workshop and associated parking

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Supporting Statement to Notice of Review and all other supporting documentation

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)

An email from the Community Council is included (obtained since determination). It supports the proposal. This should be accepted as part of the local review as it is reasonable for the Appellant to have assumed that the Community Council had been consulted at application stage. The Applicant's communications with a particular member of the Community Council indicate that the Community Council was not consulted at application stage. This information should have been before the Appointed Officer.

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)

Supporting Statement to Notice of Review Letter from GS Chapman Ltd to Mrs Bell Letter from Hamish Dykes of South Slipperfield Farm to GS Chapman Ltd Letter from A Laird, Blyth Farms to GS Chapman Ltd Email from Community Council Decision Notice 16/01174/PPP Original Application Documents: Floor Plan and Elevation of Workshop Indicative Site Plan Location Plan Original Planning Supporting Statement 16/01174/PPP Abbreviated Accounts 14_15 and 15_16

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/01174/PPP

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

21/09/2016

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

17/01/2017

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)

It will be necessary for elected members to understand the locational context of the proposal in terms of lack of general visibility, lack of impact on residential amenity and in the context of 'industrial-scale' poultry buildings. This can only reasonably be done by way of site inspection.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Kate Jenkins

Declaration Date: 11/04/2017

Supporting Statement to Notice of Review

in relation to Scottish Borders Council's refusal of planning permission for:

**Erection of vehicle body repair workshop and associated parking
on land north west of Dunrig, Spylaw, Lamancha, West Linton (16/01174/PPP)**

on behalf of GS Chapman Ltd. (the Appellant)

11th April, 2017

EXECUTIVE SUMMARY

The fundamental aim of this appeal is to ensure the continuance of a highly successful established local business, GS Chapman Ltd, which is unable to locate a suitable site within or adjacent to a Tweeddale settlement, and which will potentially be without premises or a suitable site upon which to locate at expiry of a lease in April, 2018. The business provides existing employment (1 full time, 1 part time and contract labour) and would, if relocated as proposed, provide additional rural employment for 2 individuals.

This Notice of Local Review is submitted on behalf of GS Chapman Ltd against the decision of Scottish Borders Council to refuse planning permission, on 17th January, 2017, for the erection of a vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw, Lamancha. The application reference was 16/01174/PPP. The application area is 0.153 ha.

Notwithstanding the PPP nature of the application, indicative architectural drawings were prepared including Site Plan, Elevations and Floor Plan in order to provide the Planning Authority with as much information as possible at PPP stage. The siting of the building, access, vehicle parking arrangements and proposed landscaping were indicated.

It must be noted, at the outset, that the application was NOT for a general motor repair garage, but for a 'body repair workshop', housed in a shed which will resemble an agricultural building within the landscape. The significance of this is referred to herein.

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

- The proposal would more reasonably be accommodated within the Development Boundary of a settlement;
- The Applicant has not demonstrated any overriding economic and / or operational need for the proposed location;
- The operation of the business, including the (purported) storage of general vehicles at the site would be unsympathetic to the rural character of the site;
- The operation of the business, including the (purported) storage of general vehicles at the site would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

This Statement summarises important context and background, drawing upon information from the original application. Formal grounds for the Local Review are then

set out, followed by detailed justification of the necessity and acceptability of the proposal under the three Grounds.

Members are urged to agree to hold a **site visit** in order to understand the lack of visibility of the proposed building within the wider landscape, despite its elevated location on account of local topography. The limited visibility would be reduced even further once landscaping proposals, acceptable to the Planning Authority, are implemented.

Note on information within this Statement

Firstly, this Appeal is based upon information associated with Application 16/01174/PPP which was refused by the Planning Authority.

Secondly, two letters from local landowners are now included. This information is not 'new information', merely an expansion on existing information provided within the refused application. The Appellant made it clear in the Application that he was aware that no other land was available for his proposal on farms or estates around West Linton, based upon his local knowledge, which must not be under-estimated given a lifetime living and working in the local area.

Thirdly, the now-included email from the Community Council has been provided as 'new information' on the basis that this information should have been before the appointed Officer at determination, but it appears for reasons unknown, that the Community Council may not, in fact, have been consulted on the Application. The support for the proposal by the Community Council is clear. This information must be taken into account as the Community Council should have been consulted and the response should have been a consideration in the determination of the application.

1.0 INTRODUCTION – CONTEXT AND BACKGROUND

- 1.1 This appeal is submitted by Ericht Planning & Property Consultants on behalf of GS Chapman Ltd, a business wholly dedicated to vehicle **body** (not mechanical) repairs. The Appellant wishes to challenge the refusal, by Scottish Borders Council, of planning permission for the erection of a vehicle body repair workshop on land to the north west of Dunrig (applicant's residence), Spylaw, Lamancha.
- 1.2 In 2015, planning application (15/01410/PPP) was submitted by GS Chapman Ltd for the erection of a vehicle repair workshop and associated parking. The Planning Officer noted a significant number of shortcomings with the application, which was then refused in January, 2016. A subsequent application (16/01174/PPP) addressing shortfalls in information was submitted by Ericht Planning & Property Consultants in September, 2016. It is the decision on this 2016 application which is the subject of Local Review.
- 1.3 Original drawings are provided again as separate documents for this local review but, for ease, please refer to the following plans below:
- Fig 1: General Location Plan;
 - Fig 2: Application Location Plan;
 - Fig 3: Indicative Site Plan showing landscaping –to be strengthened as required by SBC.

Fig 1: Location Plan – General

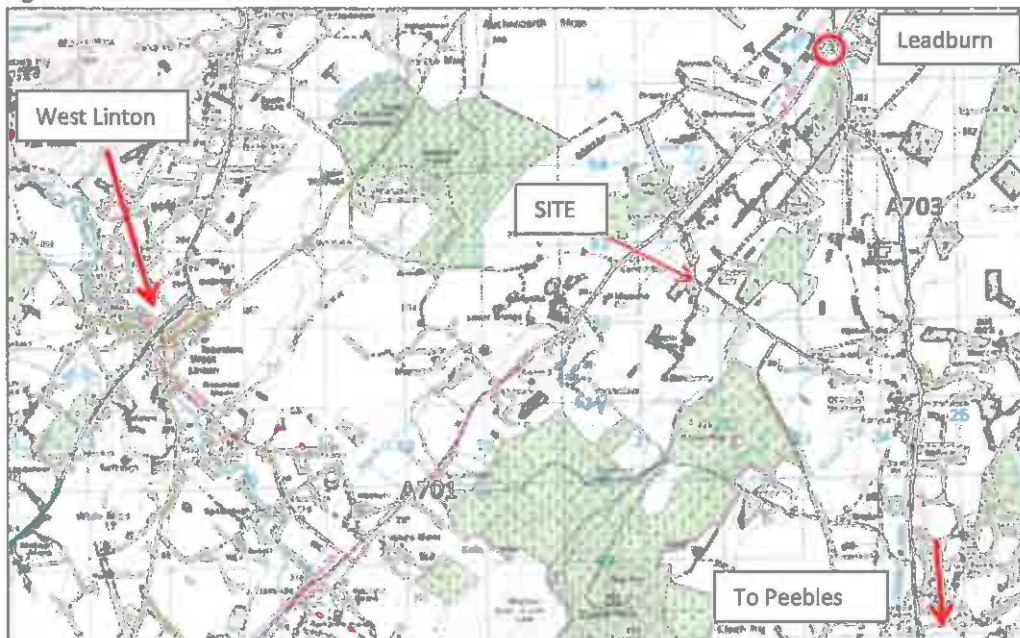
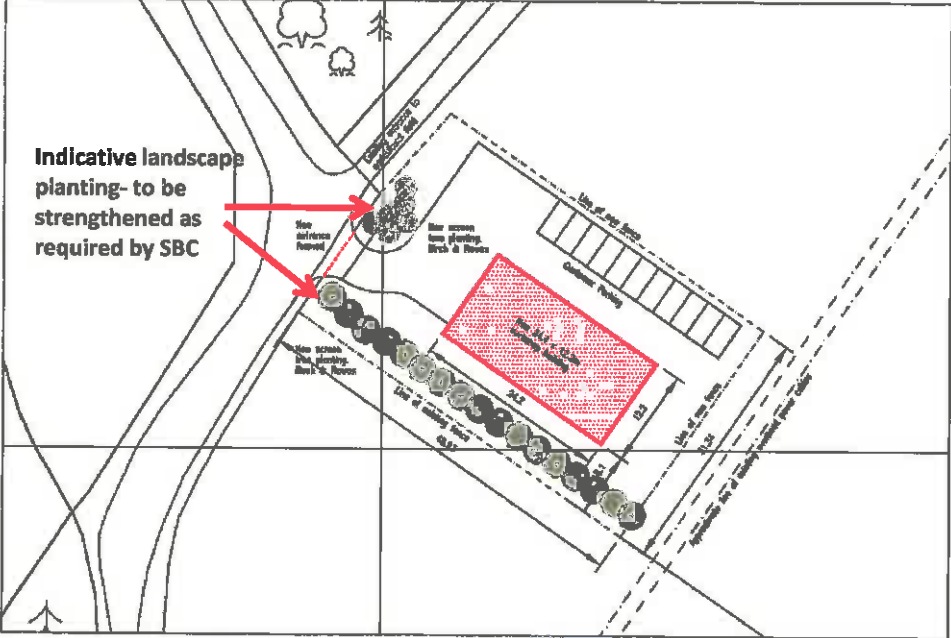


Fig 2: Application Location Plan



Fig 3: Application Indicative Site Plan



- 1.4 Access to the subjects is to be taken from the minor D17/1 road which links the A701 to the A703 via Shiplaw.

Fig 4: View to the entrance to the subjects (from the north)



Fig 5: View towards the entrance to the subjects (from the west)



Proposed Site

- 1.5 The proposed site is at Spylaw, a 10ha (25 acre) former farm, owned by the Applicant, which lies a short distance of 5km from the business' current premises at Sunnyside., Lamancha. The proposed building would measure (l) 24.4m x (b) 12.2m x (h) 4.4m (298 sqm footprint) and be a purpose-built steel framed building which, externally, would appear as an agricultural building with green-painted box profile insulated cladding. The building would have two sectional roller shutter doors on the north-east and north-west elevations. Reference should be made to original application plans.

Existing Premises

- 1.6 The existing premises at Sunnyside occupied by the business are not sustainable for a wide range of reasons.
- **There is uncertainty over the future of the business' tenancy at Sunnyside beyond April, 2018. There is an absence of security for this important local business.**
 - The building is not fit for purpose. The structure is unsound and in need of major refurbishment, including defective roof and water penetration through blockwork walls. The concrete floor is breaking up in places.
 - Tenure does not allow the tenant to carry out alterations or improvements, only like for like repairs.
 - There is no draught proofing or insulation. Working conditions are challenging and inappropriate for attracting employment.
 - In the winter months internal temperature regularly drops below zero degrees and the water supply freezes. The gable (door) end of the building faces directly into the prevailing wind and is very exposed.
 - The east side of the building floods a few times a year. In the winter this is dangerous.
 - There is no damp proof membrane under the floor. When frost thaws the floor becomes soaking wet.
 - The business relies on a space heater which is ineffective given the level of air movement due to the poor condition of cladding and lack of insulation. The use of energy is therefore extremely inefficient and costly.
 - The three phase electricity supply is inadequate for the needs of the business and as a result it often fails completely under load demands made by equipment.
 - The impact of the uncontrollable internal environment upon spraying operations is that they become inefficient in cold temperatures. It is simply impossible to regulate the temperature in a building with various significantly perforated panels.

- ⇒ At below 5 degrees, the air compressor ceases to work. Given the elevated position and the poor quality of the building, in the winter months it is not unusual for the internal temperature to drop to/below this level.

1.7 In summary, Members of the Local Review Body are requested to note the following key points regarding the proposal. These points are justified, in considerable detail, under section 4.0 "Case for the Appellant".

- ⇒ The Planning Officer has accepted that a site within or close to West Linton (specifically) is necessary for the business to relocate onto within the next 12 months. The business has a firmly established Client base in the area;
- ⇒ The business will likely be "homeless" at the end of its lease in April, 2018;
- The single allocated industrial site within West Linton is not available and has not been available since its allocation in the 1990s due to an "unwilling owner". Extensive enquiries have been made.
- There are no suitable brownfield sites in or around West Linton and landowners who have been approached are unwilling to sell land for the premises;
- Previous (unrelated) applications (e.g. 15/01260/FUL) show that the Planning Authority is not willing to site industrial use on the edge (just outside) of West Linton;
- The proposal will not have detrimental landscape impact;
- The proposal is sited in an area EXTENSIVELY populated with large (100m + long) poultry units. The single agricultural type shed will only measure 24.4m x 12m;
- The Roads Planning Service raised no objections to the proposal;
- It is acknowledged by the Case Officer that there would be no detrimental impact upon residential amenity;
- There is no objection from Environmental Health;
- There were no public objections;
- There was no comment from the Landscape Officer;
- No mechanical repairs are, or will be, carried out, so there are, and will be, no mechanical-related fluids such as engine oil, coolants or hydraulic fluids stored or utilised on site;
- No vehicle tyres are supplied or fitted so there is, and will be, no requirement to store or dispose of tyres;
- ⇒ No vehicle sales or exhibiting of vehicles for sale are, or will be, carried out;
- ⇒ There is no involvement with end-of-life vehicles so there is, and will be, no scrap cars on site at any time;

GS Chapman Vehicle Body Repairs – The Business

- 1.8 The business was founded in April, 2008 and is now a limited company with 2 Directors: Graeme and Deborah Chapman. Full time employment is provided for Graeme Chapman and part-time administrative employment is provided for Mrs Chapman. The business also engages additional self-employed individuals for approximately 20 hours/ week for body repair work and has employed local school leavers on full-time apprenticeship schemes in conjunction with Stevenson College, Edinburgh. The business now needs to employ an additional full time skilled worker, but is unable to do so due to physical working conditions of the existing premises and the lack of security offered by the limited unexpired term of the lease.
- 1.9 Abbreviated accounts for 2014/15 and 2015/16 were provided with the original application in order to demonstrate business' viability.
- 1.10 GS Chapman are fully booked for several months and have had to turn away over one month's worth of work in 2017 alone due to unsuitable premises, lack of space and manpower.
- 1.11 The business encompasses repairs to all types of **vehicle bodywork**, including spray-painting, panel beating, fabricating, welding, structural repairs and minor cosmetic repairs. Work is carried out across a broad range of vehicles including agricultural, plant vehicles, cars, commercial vehicles, leisure vehicles and motorcycles. Customers include farms, local businesses, (including local garages) insurance companies and trade. The primary market is the **north western Borders, with the focus on West Linton and district**, but also stretching into Peebles and surrounding area. Over the past two years the percentage of customers bringing business from West Linton has risen from 39% to 43%. Much smaller percentages are split between Broughton, Biggar, Peebles, Eddleston and multiple other areas.
- 1.12 GS Chapman's main "competitors" are located in Innerleithen (Harrisons Accident Repair centre) and Penicuik (A.F. Noble & Son). The Manor Garage at West Linton carries out a very limited amount of body work. The business is located in the heart of its customer base and must remain so.
- 1.13 The business needs to be close to its customer base to enable it to offer a collection and delivery service and to carry out on-site vehicle inspections, where required. If the business is unable to continue in the West Linton area then it is likely to lose everything that it has built up over the past eight years.

GS Chapman Vehicle Body Repairs – Current Premises

- 1.14 The workshop is within a basic former 1960s agricultural steel-framed building at Sunnyside Farm, Macbiehill which houses a range of businesses including Class 4 and Class 5 uses. It was originally constructed for grain storage and comprises 19 bays, 4 of which are occupied by the vehicle body repair business. The premises are not fit for purpose. Occupation is under a 5 year lease which ends in April, 2018. The premises house the main workshop area, a professional spray booth and welfare facilities.

Equipment and Operations

- 1.15 Operational hours are 0830 – 1730 Monday – Friday; 0830 – 1230 Saturday and Sunday (closed). Operational equipment was detailed in the original application.

2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

2.1 The application was refused by Scottish Borders Council on 17th January, 2017 on the basis set out below.

- (1) The proposal does not comply in principle with Adopted Local Development Plan Policy ED7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.*
- (2) Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.*

3.0 GROUNDS FOR LOCAL REVIEW

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

GROUND 1

The proposal cannot be accommodated within an appropriate development boundary and the Applicant has demonstrated an economic and operational need for the proposed location at Spylaw.

GROUND 2

The operation of the business would not be (a) unsympathetic to the rural character of the site and surrounding area or (b) have an unacceptable detrimental landscape and visual impact upon the appearance of the site and its environs.

GROUND 3

The proposal has raised no concerns with the Council's Roads Planning Service or Environmental Health. The proposal has received support from the Community Council and no objections from members of the public. The proposal is strongly **supported** by the Council's Economic Development Section and no comment was provided by the Landscape Section.

4.0 CASE FOR THE APPELLANT

4.1 It is fully acknowledged that adopted Local Development Plan policy (ED7) relating to business development in the countryside includes the following requirements:

- a) The development must be used for a use which is appropriate by its nature to the rural character of the area; or
- b) The development is to be used for a business or employment generating use 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 accommodated in the Development Boundary of a settlement.
- c) The development must respect the amenity and character of the surrounding area;
- d) The development must have no significant impact on surrounding uses, particularly housing;
- e) The developer will be required to provide evidence that no appropriate existing building or brownfield site is available;
- f) The development must take account of accessibility considerations;
- g) The development must take into account siting and design criteria as set out in policy.

4.2 It is robustly asserted by the Appellant, and supported by detailed narrative within this Statement, under 3 Grounds of Appeal, that the proposal is able to meet all these criteria (a) – (g) in the specific context of the site. It is, however, also recognised, that class 5 'industrial' uses would more commonly be located within a settlement boundary.

4.3 In the event that Members have their own doubts about the satisfaction of any particular criterion, this application certainly warrants the granting of an **exceptional approval** for many reasons:

- The Planning Officer has accepted that a site within or close to West Linton (specifically) is necessary for the business to relocate onto within the next 12 months. The business has a firmly established Client base in the area;
- The single allocated industrial site within West Linton is not available and has not been available since its allocation in the 1990s due to an "unwilling owner". Extensive enquiries have been made;
- There are no suitable brownfield sites in or around West Linton and landowners who have been approached are unwilling to sell land for the premises;

- Previous applications (e.g. 15/01260/FUL) show that the Planning Authority is not willing to site industrial use on the edge (just outside) of West Linton;
- The proposal will not have detrimental landscape impact;
- The proposal is sited in an area EXTENSIVELY populated with large (100m + long) poultry units. The single agricultural type shed will only measure 24.4m x 12m;
- The Roads Planning Service raised no objections to the proposal;
- It is acknowledged by the Case Officer that there would be no detrimental impact upon residential amenity;
- There is no objection from Environmental Health;
- There were no public objections;
- There was no comment from the Landscape Officer;
- No mechanical repairs are, or will be, carried out, so there are, and will be, no mechanical-related fluids such as engine oil, coolants or hydraulic fluids stored or utilised on site;
- No vehicle tyres are supplied or fitted so there is, and will be, no requirement to store or dispose of tyres;
- No vehicle sales or exhibiting of vehicles for sale are, or will be, carried out;
- There is no involvement with end-of-life vehicles so there is, and will be, no scrap cars on site at any time;

GROUND 1: THE PROPOSAL CANNOT BE ACCOMMODATED WITHIN AN APPROPRIATE DEVELOPMENT BOUNDARY AND THE APPLICANT HAS DEMONSTRATED AN ECONOMIC AND OPERATIONAL NEED FOR THE PROPOSED LOCATION.

- 4.4 This first Ground of Appeal deals specifically with points (b) and (e) of the LDP policy set out above at 4.1 – *“The development is to be used for a business or employment generating use 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 accommodated in the Development Boundary of a settlement ” and “The developer will be required to provide evidence that no appropriate existing building or brownfield site is available.”*
- 4.5 Scottish Planning Policy (SPP), 2014 makes certain requirements of the planning system including: (parag. 93)
- *“Promote business and industrial development that increases economic activity while safeguarding and enhancing natural and built environments.*
 - *Allocate sites that meet the diverse needs of the different sectors and sizes of businesses... in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities”*
 - *Give due weight to net economic benefit of proposed development.”*
- 4.6 Further, parag. 75 states that the planning system should:
- *In all rural areas, promote a pattern of development that is appropriate to the character of the particular rural area...*
 - *Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.”*
- 4.7 It would appear that the Council has not allocated deliverable industrial land within the settlement of West Linton. It is also considered that the Case Officer has failed to take into account the specific and altered “character of the local area”. Please refer to Fig 6 (page 23) and parags 4.42 – 4.45.
- 4.8 At consultation, the Council’s Economic Development Section’s responded in a **supportive manner, recognising:**
- The “*extremely scarce*” nature of “*available sites within Tweeddale*”;
 - The lack of availability of the single site at Deanfoot Road, despite its ‘industrial’ allocation;
 - ☞ The efforts made by the Appellant in trying to identify a suitable site in or near to an appropriate settlement;

- The increased work capacity that could be accommodated within the single purpose built shed being proposed;
- The potential job creation opportunities in the rural area that could arise for one additional skilled and one unskilled worker as well as retention of existing labour;
- The Applicant's strong desire to work with Business Gateway and engage in support offered by the Local Growth Advisory Service;
- The severe shortcomings of the existing premises in terms of tenure and quality;
- The lack of space, inability to attract staff due to quality of workplace and hence the limitations in capacity.

- 4.9 In the acknowledged absence of an available site within West Linton, the Planning Officer suggests that a site *"in close proximity to the settlement"* should be found. The Appellant notes that policy PMD4 'Development Outwith Development Boundaries' notes that *"proposals for development outwith development boundaries, and not allocated on proposals maps will normally be refused."* The policy notes that exceptional approvals may be granted where the proposal is a job generating development in the countryside with an economic justification under the above-noted rural business policy ED7.
- 4.10 It is, however, noted by the Appellant that in October, 2015, John Swan Garage Services made an application for a motor vehicle repair garage 200m outside the settlement boundary of West Linton, along Deanfoot Road. The application was refused. This site was deemed to be unacceptable as locating an 'employment use' outside the settlement boundary and out with an existing or allocated site would be contrary to policy. In this case the Community Council stated *"The natural site for the business is land zoned for employment to the west, an area that has been discussed over the years, in which it is difficult, if not impossible, for local businesses to obtain plots"*
- 4.11 It is noted that the Planning Officer, in her report, also suggests finding a "brownfield site" within West Linton. In short, no such appropriate exists.
- 4.12 The Appellant has expanded upon existing information (see two enclosed letters) confirming the non-availability of sites in or around West Linton. This is not 'new information', but greater detail on the already-made statement within the original application that no such sites were available. Several landowners were approached and confirmed verbally that they did not have land available, but only two were willing to issue a letter. Given that siting the premises on land just outside the development boundary would be contrary to Local Development Plan policy, it is unreasonable to

have expected the applicant to have been aware that the Officer would seek an in depth appraisal at application stage of sites on which the location of the proposal would be contrary to policy, particularly in light of the above mentioned 2015 garage application in an edge-of-settlement location on Deanfoot Road.

4.13 The current application by Bordermix at Dolphinton (17/00087/FUL) similarly demonstrates a lack of industrial land in and around West Linton. The Applicant in that case has been able to obtain written confirmation from several substantial local landowners in the West Linton area to confirm that they do not have any agricultural, or other, land available for industrial development.

4.14 The Planning Officer states, in her report:

“I consider it material that Economic Development anticipates that the Applicant is liable to have experienced difficulties in attempting to secure an existing or allocated industrial site in the wider area, including West Linton.”

“I therefore accept that the Applicant does have a need to identify new premises in the West Linton area, due to shortage of suitable and available existing and allocated industrial sites”

4.15 Unfortunately the Officer’s realistic approach ends when the Officer considers it to be “a leap of faith” to suggest that this means that the proposed site at Spylaw is acceptable. The Officer does not, however, provide any positive suggestion whatsoever, of where the Appellant *might* site his business, after clearly acknowledging there to be no available land in or around West Linton and district.

4.16 The Officer, rather unpalatably, suggests that the siting of the proposal is an attempt to “minimise costs by developing land they own”. In reality, the proposal stems directly out of the lack of identification, by the Council, of effective and available “employment land” in West Linton. **The single site that is allocated is not available.** The Appellant having lived and worked locally during his entire life would be fully aware if there was a suitable site available in or on the edge of West Linton.

4.17 It is noted that the Planning Authority has been willing to support local businesses at Sunnyside, including several class 4 and 5 uses. Sections 2.1 – 2.3 of the Supporting Statement which accompanied the original application 16/01174/PPP details significant and relevant planning history relating to the applicant’s current premises at Sunnyside.

Here, *numerous* applications were granted in 2006 -2008 permitting multiple changes of use from the agricultural building to class 4 business uses and class 5 industrial uses.

- 4.18 It is thus clear that Class 5 use has been accepted by the Planning Authority in the locality, within 5km of the proposed site. Despite this, the Officer states that *“it is not material that the Applicant’s business currently operates from a rural site elsewhere”*. Whether the Officer considers it to be material or not, it is fact that (a) the Planning Authority has permitted the Appellant’s use previously, (b) a successful business has been built up over an 9 year period, and (c) that this employment-generating business now has nowhere to go and its future is at stake.
- 4.19 The Applicant would have been willing to consider suitable sites in Peebles or West Linton, but there appear to be none. The Applicant has made several verbal enquiries, and a formal written enquiry, in 2015 and 2016 to the owners of the single allocated industrial site on Deanfoot Road, West Linton (letter enclosed). No positive response was received to verbal enquiries and no response *at all* was received to the written enquiry, most recently in summer 2016. Whilst allocated for industrial use **since the 1990s, this site is not available**, in practice. The Applicant’s agent made direct enquiries with Estate Agents, including CKD Galbraith, and monitored commercial property websites, for suitable available sites/ buildings within the northern Scottish Borders. No suitable premises or land have been located in Peebles, Broughton, West Linton (or Penicuik).
- 4.20 In 2008, when the Appellant was setting up business, he did consider South Parks in Peebles. The Appellant states that the marketing particulars specifically stated “no motor trade” business. It is for this reason that the business located at its current rural premises. It is acknowledged that development land is available at South Parks at present. Aside from being away from the established customer base, the land is for sale at a price significantly in excess of what a small local business can afford.

GROUND 2: The operation of the business would not be (a) unsympathetic to the rural character of the site and surrounding area or (b) have an unacceptable detrimental landscape and visual impact upon the appearance of the site and its environs.

- 4.21 This second Ground of Appeal deals with the points in the 'rural development' policy (ED7) set out 4.1 above relating to the need for the proposal to be appropriate to, and respecting, the rural character and amenity of the area and also being appropriately sited and designed (i.e. points (a), (c), (d) and (g).
- 4.22 Policy PMD2 'Quality Standards' is also relevant under this Ground. This policy (under the heading 'Placemaking and Design') requires proposals to be of a scale and massing appropriate to its surroundings, be finished externally in suitable materials, be compatible with, and respect the character of, the area and have appropriate boundary treatment.
- 4.23 Both these policy requirements are met, as detailed in the remainder of this section.
- 4.24 The Planning Officer believes that "*the proposal is both in the short-term and in the long-terms, unacceptably injurious to the amenities of this rural site and the surrounding area*". No details are given, by the Officer, as the nature of scale of these purported "injurious aspects". Nor does it appear that the Officer deemed it necessary to consult with the Council's Landscape Section. No comments were consequently made by the Landscape Section. The proposal is for an agricultural style shed in a rural location with one existing dwelling (owned by G. Chapman) nearby. It is also noted that only one roadside dwelling lies between the A701 and the proposed site. The limited proposed activities have been clearly set out and the Appellant feels that the Officer has 'stereotyped' his business unreasonably.
- 4.25 The site can be screened/ assimilated into the rural environment by landscaping and tree planting based on a scheme controlled by the Council at the next stage of the planning process. The photographs provided with the original application show that the site will be barely visible from anywhere. The parking area is behind the shed and is wholly screened from the road. The Appellant and his Agent fail completely to understand the nature of the purported "injurious qualities", particularly in the context of the immediate area and the significant number of huge poultry sheds, (regardless of their place in the Use Class Order- which does, not of course affect their visual impact). This point is examined further at section 4.42 – 4.45.

- 4.26 The Officer's report states that "in planning terms there would be no meaningful distinction to be made between a vehicle body repair workshop and a mechanical repair workshop". While this is true in terms of the Use Class Order (both Class 5), given that one of the Officer's reasons for refusal specifically relates to the "operation of the business" and related impact upon the character of the area it asserted that there is significant difference in planning terms (in the widest sense) between the two uses.
- 4.27 The throughput of customer's vehicles for a body workshop is far lower than a mechanical repair garage would necessitate. Body work jobs generally take longer. There will be no mechanical vehicle repairs or car sales – only bodywork repairs. The proposed premises will appear as an agricultural building. The landscape scheme will be presented to, and approved by, the Planning Authority at 'detailed' stage. The Applicant is willing and able, in terms of extent of ownership, to provide more extensive tree/hedge planting, as desired.
- 4.28 A series of photographs was taken, as part of the original application, towards the site from the Shiplaw to Lamancha minor public road and also *from* the site outwards. These are again set out within Appendix 1 to this document, together with a map index of photograph positions. It is clear that the site has limited visibility other than from immediately adjacent positions. The planning Officer appears to disagree with this assertion, but has provided no basis for doing so. In short, the photographs appear to have been disregarded.
- 4.29 The Officer expresses the view that the site is "open and elevated in views from much of the surrounding landscape". In reality, approaching from the north, one cannot even see the site owing to the road gradient/ topography until one is upon it. This is clearly demonstrated in Fig 1 above and other photographs provided at Appendix 1. From the Shiplaw road, (to the west and south), again the site is barely visible, as demonstrated by the aforementioned photographs.
- 4.30 Despite the elevated position, the rolling topography is such that the building would be visible from a very limited number of locations on the Shiplaw to Lamancha Road. It is clear from the photographs at Appendix 1 how the land falls away from the site. It is unlikely that the building would be visible from the A701 or A703 on account of topography. The photographs taken *from* the site looking towards more distant views provide an indication of sightlines towards the site. Given the small scale of the building, particularly relative to nearby multiple poultry houses, it would not feature in distant views from distant surrounding high ground such as the Lammermuir or Pentland Hills.

- 4.31 The Officer acknowledges that the building may resemble an agricultural building but appears to have concerns about *“all vehicle movements and yard activities”*. Vehicle movements will comprise one or two cars arriving/ leaving per day, a weekly delivery and employees’ cars. The Appellant is unclear as to the envisaged *“yard activities”*. Cars are worked upon indoors in a necessarily controlled environment.
- 4.32 The Officer is of the view that the site would not be well screened, saying that the indicative planting proposals would be insubstantial and would not constitute an appropriate level of screening. The Officer was, however, fully aware that the Appellant is entirely willing to present a scheme of landscaping to the Planning Authority for approval at the next stage in the planning process, even stating *“it would be possible to improve markedly the proposed landscaping treatment of the site through the establishment of new woodland shelter belts (indeed the Applicant is agreeable to enhancing its landscape proposals if required”*
- 4.33 With regard to concerns over future use for the building it is important to understand that the building will essentially be an agricultural portal framed shed which is internally fitted-out for the Appellant’s bespoke purpose. It could thus readily revert to agricultural use.
- 4.34 The Appellant wishes to comment upon the Officer’s concern that a planning condition (which could be placed upon a permission to regulate use of the premises to ensure that they are used by the Applicant’s business for the intended use – to prevent use by general industry) might be *“liable to be characterised as unnecessary and unreasonable”* in planning terms and may therefore be liable to challenge in time, if not immediately.
- 4.35 There are two aspects to this statement: (a) the potential use of a personal permission (permission limited to Appellant only) and (b) the potential use of an appropriately worded planning condition. Both are possible (and acceptable) routes to secure the necessary regulation.
- 4.36 If the Planning Authority is of the view that wider/ general class 5 industrial use is inappropriate for the site for sound planning reasons, it should be perfectly possible to word a robust and appropriate planning condition. There is also the option of using a legal agreement to regulate the use of land, which is, again, acceptable to the Appellant. It is important that this specific case is assessed on its own merits, not a theoretical concern about what may, or may not, happen in the future with regard to an entirely different business.

- 4.37 The Officer states that *“There might be potential to require, by conditions, that the Applicant does not engage in potentially related operation and activities which it has categorically advised it does not seek to pursue, specifically the operation of an ancillary scrapyard or old tyre storage areas, or ancillary vehicle sales”*. It is confirmed that this restriction would be entirely acceptable to the Appellant. Again the Officer expresses concern that such conditions may be challenged in the long term. Again, the Appellant requests that the appeal be treated on its own merits and not upon a theoretical future concerns.
- 4.38 The Officer is of the view that *“loss”* of such site would not be mitigated by substantial landscaping. Looking at the *“loss”* in perspective, this amounts to 0.15ha of Grade 3:2 agricultural land; most certainly not ‘prime agricultural land’, on a site that can barely be seen from anywhere.
- 4.39 Importantly, neither the A701 nor the A703 are visible when standing on the site. The ridge height of the proposed building, as shown on the indicative elevation drawing, is 4.4m and eaves height is 3.1m.
- 4.40 Landscaping and screen planting will further limit the visibility of the building to people travelling between the A701 and A703 on the minor D class road. The access/ parking area will also intentionally be screened to vehicles travelling from the A703 direction.
- 4.41 Parked cars would not be visible to users of the public road, in accordance with the layout shown on the indicative Site Plan;
- **No car sales occur or will occur** in association with this bodywork repair business. This has been made clear within the previous, 2015, application and the application which is subject of this appeal.
 - The Applicant is from an agricultural background and has a strong desire to keep Spylaw appearing as an agricultural unit. It is confirmed that neither high fencing nor large roadside signs will be sought or required. Traditional boundary treatments will be used, including dry stone dykes and agricultural fencing. Boundary treatment and landscaping can be controlled by the Planning Authority at the next stage in the planning process.
- 4.42 The numerous **‘industrial-scale’ poultry sheds** in the immediate locality around the appeal site fall under *“agricultural use”* (not industrial use), but the reality (and a material consideration) is that **their scale and appearance is far more ‘industrial’ in nature and scale than the proposed relatively modest building**. The distribution of

many of the numerous poultry sheds in the locality can be seen from the aerial photograph below. Clearly, the proposed building (location shown) is of a much smaller scale than these buildings.

Fig 6: Proposed site within a landscape of 'industrial scale' poultry houses all over 100m in length



- 4.43 By way of recent example, an extract from the Officer's Report (same Case Officer) regarding one of the latest additional poultry sheds 16/00997/FUL (identified on the aerial photograph below) reads:

***"LANDSCAPE:** This proposal would be an addition to a number of similar single sheds now positioned in the area in a fairly dispersed arrangement with a larger massing of them immediately south at the Millennium Farm. Although this shed and associated works might be visible for a short section from the A703 its addition should not have a severe impact on landscape and visual amenity due to the existing dispersed layout of sheds, the nature of the surrounding landform and the proposals for mitigation..."*

- 4.44 Despite one of the latest poultry shed proposals (a **2,800 sqm** shed now under construction) being visible from the A703, just south of Leadburn, it was deemed to be acceptable, yet a an agricultural type shed of **293 sqm** (almost one tenth of the size) is deemed to have significant visual impact from a D class minor road, in a location where it can barely be seen from anywhere. The reasonableness and consistency of this view is questioned.
- 4.45 **The Appellant appreciates the Use Class differentiation between Class 5 industrial use and agricultural use, but feels it is valid and necessary to make the point shown in the aerial photograph**
- ❖ The poultry sheds are typically (well) in excess of **100m** in length (typically 100m -150m) and 20m wide.
 - ❖ The proposed 'agricultural-type' shed measures 24.4m x 12.2m x 4.4m.

Fig 7: Poultry House 1km south of the appeal site on the same D17/1 road. (Typical in scale to the multiple others marked on aerial photograph)



- 4.46 **With regard to other landscape changes, it is noted that the windfarm at Cloich has recently been approved. The turbines will be clearly visible from Spylaw and will alter the landscape in this location.**

GROUND 3. The proposal has raised no concerns with the Council's Roads Planning Service or Environmental Health. The proposal has received support from the Community Council. The proposal is strongly **supported** by the Council's Economic Development Section.

- 4.47 This third Ground of Appeals deals with, firstly, the point in LDP policy on rural development (set out parag 4.1 above) relating to the need for the proposal to have had regard to "accessibility considerations" and also considers other important consultation responses.
- 4.48 At consultation, in response to application 16/01174/PPP, the Roads Planning Officer reiterated his support offered in response to the previous application (15/01410/PPP), stating:
- The business currently operates in a rural location, therefore it is almost a like for like replacement in terms of location;
 - The fit-for-purpose building will be located on land where the Applicant currently resides, which potentially reduces commuting traffic;
 - The traffic generation associated with this type of **business is generally less than a general mechanical repair garage**;
 - The single track public road serving the site benefits from a number of passing places and the proposed site lies a short distance from the A701; (**only 550m**)
 - The proposed access to the site is located at a point where traffic speeds are low and good visibility can be achieved in all directions;
 - The access (into the premises) must be constructed to the specification stated.
- 4.49 The Applicant has taken accessibility considerations into account. The distance of the proposed site from the A701 is only c. 550m, as compared to the distance from the existing site at Sunnyside to the A701 of 1,200m.
- 4.50 The Planning Officer's concerns regarding customers and delivery vehicles being routed "into the countryside to access a remote rural site" are unjustified. The proposed location of the business is closer to the A701 than the existing premises. Importantly, Roads Planning Service has offered support for the proposal.
- 4.51 In terms of vehicle movements, figures have been obtained from the business' accountant, based upon invoicing. These confirm that on average there is one customer vehicle movement per day associated with the body repair workshop. Supplier vehicle

movements are occasional only, thus the number of vehicle movements generated by the business on a daily basis is insignificant.

- 4.52 Both Roads Planning Service and Economic Development are of the view that the operation of the business from the appeal site would compare more favorably than the operation from the current base.
- 4.53 The Council's Environmental Health Section did not object to the proposal, having been satisfied by the information provided by the Appellant within the original application.
- 4.54 There has been no comment whatsoever from the Council's own Landscape Section, despite the Case Officer's view that visual impact is an issue, which seems surprising.
- 4.55 The Case Officer has confirmed that with respect to water supply, drainage, site levels and planting, these could all be required at the detailed application stage.

APPENDIX 1 – Photograph Locations and Photographs

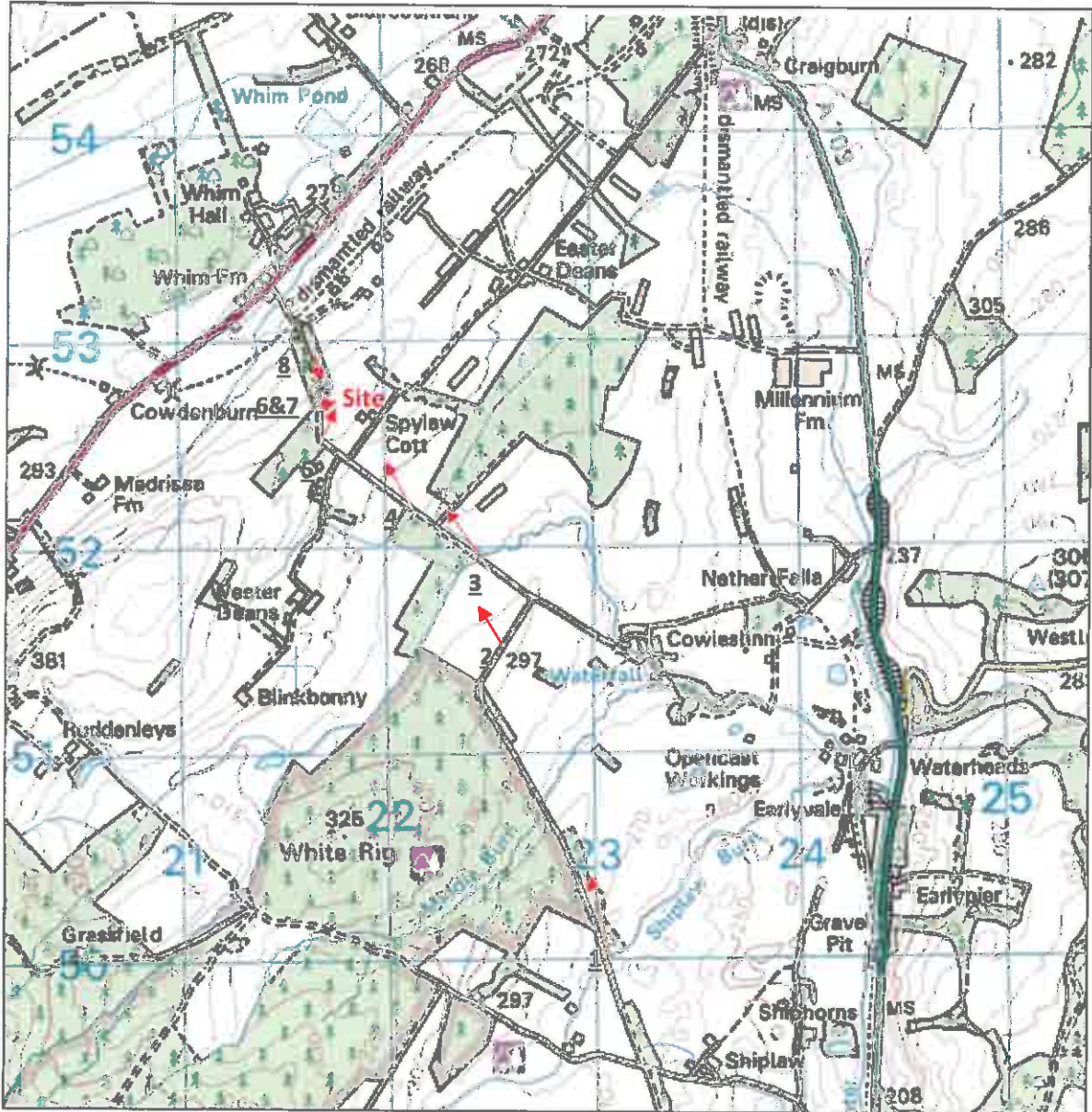


Fig 1: Location 1 - Travelling north (site not visible)



Fig 2: Location 2 - Travelling north east (site not visible)



Fig 3: Location 3 - Travelling north-west past poultry shed (Dunrig – Applicant’s dwelling is visible)



Fig 4: Location 4 - Travelling north-west towards Spylaw (site not visible)



Fig 5: Location 5 - Travelling north (site would be visible)



Fig 6: Location 6 - Travelling north (site would be visible)



Fig 7: Location 7 – Adjacent to site. (site visible with Dunrig (dwelling) in the background)



Fig 8: Location 7 – Travelling north towards access point (site visible)



Fig 9: Location 8 - Travelling south (some, but limited, visibility of building)



Fig 10: On site. View north-east. A701 not visible



Fig 11: On site. View south east. A703 not visible



Fig 12: On site. View west to minor public road

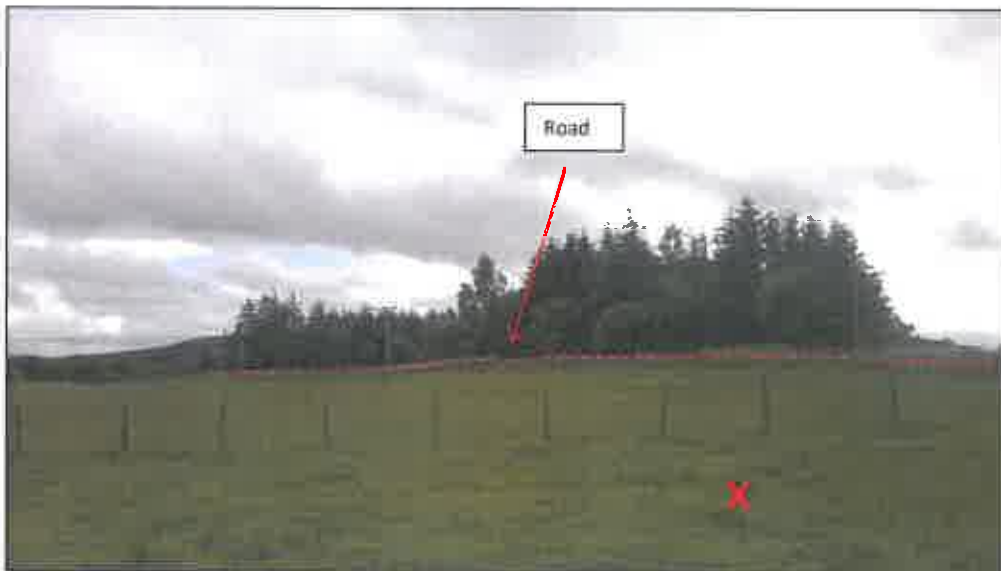


Fig 13: On site. View north



GS Chapman Ltd

Vehicle Body Repairs _____



Unit 1
Sunnyside
Macbiehill
West Linton
EH46 7AZ

Tel: 07718 923 541

Registration No. SC419049

22.07.16

Dear Mrs Bell,

Further to our previous telephone conversation several weeks ago, I am writing to you to ask if you have given any further consideration as to whether any of the land on Deanfoot Road, West Linton, belonging to yourself, would be made available for purchase in the immediate future? As discussed previously, I would be interested in exploring the possibility of purchasing a portion of this land with a view to erecting a vehicle body repair garage for my existing business.

Many thanks for your time and hope to hear from you.

Yours sincerely

Graeme Chapman

**FIRM OF JOHN DYKES
SOUTH SLIPPERFIELD FARM
WEST LINTON
PEEBLESHIRE
EH46 7AA**

13-03-2017

To whom it may concern.

GS Chapman Vehicle Body Repairs

Dear Sir/Madame

I have been asked to confirm that Graham Chapman has approached me as a local landowner in search of available land for him to buy.

I have known Graham for many years now and have been aware of and used his business since its inception. In order for him to be able to continue developing and investing in his successful business I fully understand the need for him to be operating in securely owned premises.

I do own land near to West Linton but we are not currently planning to make any available for sale.

I know the land that Graham owns and that this is where he'd like to develop his business. In my opinion this would be equally as suitable as where he currently operates and would provide the long-term security of 100% ownership. Businesses such as this are extremely important for the community infrastructure by providing employment and population in the rural areas.

I hope you will look upon his current application favourably.

Yours Sincerely



Hamish Dykes.





BLYTH FARMS

28th March 2017

Dear Graham,

We have discussed the possibility of selling you a plot of land for the expansion of your business. Although we would like to support you in this venture, which we think will be an asset to the community, we are not currently in the position to be selling land.

We would like to wish you every success in sourcing a location for your thriving business and we are disappointed to not be able to aid you in the venture at this time.

Yours faithfully,



Alister Laird

From: [REDACTED]
Sent date: 21/02/2017 - 18:29
To: graemechapman [REDACTED]
Subject: Re: Planning application

Hello

As far as I'm aware we hadn't been consulted about your application. It was noted at our meeting last week that we haven't been getting consulted about all applications in our area and we intend to have that situation sorted as quickly as possible.

It was also mentioned by one of our members that your application had been refused. The discussion that followed confirmed that we are keen to support developments in our area that contribute to employment and a range of community facilities. It was noted that if you were appealing the decision then we would support that appeal.

Hope this helps.

Iain

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/01174/PPP

To : GS Chapman Vehicle Body Repairs per Erich Planning & Property Consultants Per Kate Jenkins 57 Northgate Peebles EH45 8BU

With reference to your application validated on **21st September 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of vehicle body repair workshop and associated parking

At : Land North West Of Dunrig Spylaw Farm Lamancha West Linton Scottish Borders

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

**Dated 17th January 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01174/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposal does not comply in principle with Adopted Local Development Plan Policy ED7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

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.

PLANNING SUPPORTING STATEMENT

**Erection of vehicle repair workshop and associated parking | Land West of Dunrig, Spylaw
Farm Lamancha West Linton Scottish Borders EH46 7BG**

on behalf of

Graeme Chapman, GS Chapman Ltd

16 September, 2016

1.0 APPLICATION AND BACKGROUND INFORMATION

- 1.1 This application in principle (PPP) is submitted by Ericht Planning & Property Consultants on behalf of Graeme Chapman, GS Chapman Ltd. The application is for planning permission in principle for the erection of a vehicle body repair workshop (not a mechanical repair garage), landscaping and associated parking on land owned by the Applicant at Spylaw, Lamancha. The application area is 1,533 sqm (0.1533 ha).
- 1.2 Notwithstanding the PPP nature of the application, indicative drawings have been prepared by Richard Allen, Architect, including: Site Plan, Elevations and Floor Plan in order to provide the Planning Authority with as much information as possible at PPP stage. The siting of the building, access, vehicle parking arrangements and proposed landscaping are indicated.

GS Chapman Vehicle Body Repairs – The Business

- 1.3 The business was founded in April, 2008 and is now a limited company with 2 Directors: Graeme and Deborah Chapman. Full time employment is provided for Graeme Chapman and part-time employment is provided for Mrs Chapman (administrative work). The business also engages additional self-employed individuals for approximately 20 hours/week for body repair work and has employed local school leavers on full-time apprenticeship schemes in conjunction with Stevenson College, Edinburgh. The business now needs to employ an additional full time skilled worker, but is unable to do so due to physical working conditions of the existing premises and the lack of security offered by the limited unexpired term of the lease.
- 1.4 The business encompasses repairs to all types of vehicle bodywork, including spray-painting, panel beating, fabricating, welding, structural repairs and minor cosmetic repairs. Work is carried out across a broad range of vehicles including agricultural, plant vehicles, cars, commercial vehicles, leisure vehicles and motorcycles. Customers include farms, local businesses, (including local garages) insurance companies and trade. The primary market is the north western Borders, with the focus on West Linton and district, but also stretching into Peebles and surrounding area.

1.5 It is important to note that:

- No mechanical repairs are, or will be, carried out;
- No vehicle sales or exhibiting vehicles for sale are, or will be, carried out;
- As a consequence of no mechanical repairs being carried out, there are, and will be, no separate mechanical-related fluids such as engine oil, coolants or hydraulic fluids stored or utilised on site;
- No vehicle tyres are supplied or fitted so there is, and will be, no requirement to store or dispose of tyres;
- There is no involvement with end-of-life vehicles so there is, and will be, no scrap cars on site at any time.

GS Chapman Vehicle Body Repairs – Current Premises

1.6 The workshop is within a basic former 1960s agricultural building at Sunnyside Farm, Macbiehill which houses a range of businesses including Class 4 and Class 5 uses. It was originally constructed for grain storage and comprises 19 bays, 4 of which are occupied by the vehicle body repair business. The premises are not fit for purpose. Occupation is under a 5 year lease which ends in April, 2018. The premises house the main workshop area, a professional spray booth and welfare facilities.

1.7 The large single span building is constructed in steel frame. It appears “*industrial*” in character in accordance with the Officer’s report in 08/01167/FUL (partial change of use from Class 4 to vehicle mechanical repair – Applicant John Swan).

Equipment and Operations

1.8 Operational hours are 0830 – 1730 Monday – Friday; 0830 – 1230 Saturday and Sunday (closed). Operational equipment includes:

- Fully compliant, purpose-built automotive spray booth which incorporates filtered extraction plant for the removal of airborne paint material. The equipment provides a controlled environment for the paint spraying of a body repair job. It is used once a day for an average of 1-2 hours at a time. The noise level generated is low. The equipment cannot readily be heard from the outside of the building.
- A rotary screw air compressor;
- A 2-post vehicle lift;
- A selection of electric and pneumatic hand tools.

1.9 Whilst the application is in principle, in order to provide full understanding, the following information has been supplied by the Applicant.

- Paint goods (primarily waterbased) to be stored in a purpose-built paint store.
- The paint store will also house the waste paint recycling unit for the cleaning of sprayguns etc.
- ☒ Waste material uplift contracts will be implemented.

2.0 PLANNING HISTORY

Current Premises – Sunnyside

- 2.1 In the first instance, brief consideration is given to various applications which relate to the current building. The Applicant occupies 4 (end) bays of a 19 bay building.
- 2.2 Planning information about the entire 19-bay building: Formal change of use of a disused agricultural building (to Class 4 Business) was granted in May, 2001 and in May 2006 (01/00373/COU and 06/00603/FUL).
- 2.3 Within the building, there have been numerous individual applications which have been consented for change of use from Class 4 Business to Class 5 Industrial, as set out below. Class 5 Industrial use has thus been accepted at Sunnyside under 3 separate applications.
- ☒ A 2008 application (08/00242/FUL) was made for the partial change of use from Class 4 to vehicle body repair workshop (Class 5). This was granted on 17th April, 2008. (Applicant: Graeme S Chapman);
 - A 2008 application (08/01167/FUL) was approved for partial change of use from Class 4 to vehicle mechanical repair workshop Class 5. (Applicant John Swan);
 - A 2008 application (08/01331/FUL) was approved for partial change of use from Class 4 to Class 5 use.

Proposed Site – Spylaw

- 2.4 A planning application was submitted by GS Chapman Ltd for the erection of a vehicle repair workshop and associated parking in November, 2015. It was refused on 19th January, 2016.
- 2.5 The application was refused on the following basis:

- (1) *The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development*

Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.

- (2) *Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.*

3.0 **PLANNING POLICY CONTEXT**

- 3.1 Relevant local planning policy is contained within the Scottish Borders Local Development Plan – policy ED7 ‘Business Tourism and Leisure in the Countryside’ and policy PMD2 – ‘Quality Standards’.

Policy ED7 Business, Tourism and Leisure in the Countryside

- 3.2 Policy relating to business development in the countryside includes the following requirements in respect of the proposal:

- The development must be used for a use which is appropriate by its nature to the rural character of the area; or
- The development is to be used for a business or employment generating use 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 accommodated in the Development Boundary of a settlement.
 - The development must respect the amenity and character of the surrounding area;
 - The development must have no significant impact on surrounding uses, particularly housing;
 - The developer will be required to provide evidence that no appropriate existing building or brownfield site is available;
- The development must take account of accessibility considerations;
- The development must take into account siting and design criteria as set out in policy.

4.0 ASSESSMENT OF PROPOSAL

4.1 The purpose of this section is to address shortfalls in information within the previous application and to demonstrate that the proposal meets with the provisions and intentions of Scottish Borders Local Development Plan policy. For completeness, the shortfalls/ issues with the previous application 15/01410/PPP were noted, by the Planning Officer, to be:

- No details are provided in support of re-location to the site, beyond a concern to remain centrally located relative to customers;
- No business case has been provided to substantiate the business' viability in financial and/ or functional terms;
- No Planning Statement has been provided to account for how the proposal would meet with planning policy;
- No Planning Statement has been provided to justify the proposal being the subject of an 'exceptional approval'. No reasons have been provided to override the need to determine the application in accordance with the requirements of policy;
- The Supporting Statement provided does not engage with planning policy/ planning implications;
- No account has been given of the detail of any site selection considerations that have informed the business' identification of the application site as being most appropriate for it to be re-accommodated in planning terms;
- No account has been provided of efforts to secure premises more acceptable in planning terms, within a settlement;
- Insufficient justification has been provided as to why the site needs to be operated from the location proposed;
- In the absence of a detailed design statement, there is concern that the building could have unacceptable landscape and visual impacts, particularly given the elevated nature of the site;
- There is concern over the visual impact of parked cars awaiting service or collection or potentially being stored for ancillary car sales;
- There is concern over the need for the business to be visible because of "vehicles for sale";
- There is concern that there would be no ability to ensure that the existing (leased) premises will revert to agricultural use – so there would be a net rise in industrial-use buildings in the local area;
- The Officer does not support the Roads Officer's comments and refers to the need to travel along "long sections of narrower country roads";
- Concern is expressed about potential to control the future use of the building in the event that the proposed use does not prevail.

Proposed Site

- 4.2 The proposed site is at Spylaw, a 10ha (25 acre) former farm, owned by the Applicant, which lies a distance of 5km from the current premises at Sunnyside. The proposed building would measure (i) 24.4m x (b) 12.2m x (h) 4.4m (298 sqm footprint) and be a purpose-built steel framed building which, externally, would appear as an agricultural building with green-painted box profile insulated cladding. The building would have two sectional roller shutter doors on the north-east and north-west elevations. Reference should be made to plans included.
- 4.3 It is likely that solar panels will be erected on the roof to enable the business to increase its energy efficiency.
- 4.4 Access would be taken off the Eddleston – Shiplaw road at the same location which was supported by the Roads Planning Officer in respect of the 2015 application 15/01410/PPP.

Existing Premises

- 4.5 The condition of existing premises occupied by the business is not sustainable for a wide range of reasons: A letter confirming this, in respect of the vehicle lift, has been provided as part of the application documents by R.A. Cox (Garage Equipment).
- The building is not fit for purpose. The structure is unsound and in need of major refurbishment, including in terms of defective roof and water penetration through blockwork walls. The concrete floor is breaking up in places.
 - Tenure does not allow the tenant to carry out alterations or improvements, only like for like repairs. In addition, the unexpired term of the lease is only approximately 1.5 years.
 - There is no draught proofing or insulation and working conditions are extremely challenging and inappropriate.
 - In the winter months internal temperature regularly drops below zero degrees and the water supply freezes. The gable (door) end of the building faces directly into the prevailing wind and is very exposed.
 - The east side of the building floods a few times a year. When this freezes in the winter it can be dangerous.
 - There is no damp proof membrane under the floor. When frost thaws the floor becomes soaking wet.
 - The business relies on a space heater which is ineffective given the level of air movement due to the poor condition of cladding and lack of insulation. The use of energy is therefore extremely inefficient and costly.

- ⊗ The three phase electricity supply is inadequate for the needs of the business and as a result it often fails completely under load demands made by equipment.
 - The impact of the uncontrollable internal environment upon spraying operations is that they become inefficient in cold temperatures. It is simply impossible to regulate the temperature in a building with various significantly perforated panels.
 - ⊗ At below 5 degrees, the air compressor ceases to work. Given the elevated position and the poor quality of the building, in the winter months it is not unusual for the internal temperature to drop to/below this level.
- 4.6 In addition, crucially there is uncertainty over the future for Sunnyside and an associated absence of security for this important local business.
- Economic Need, Lack of Alternative Sites and Viability**
- 4.7 There is an economic and operational need for a new site for this successful Scottish Borders-based business due to the deficiencies of the existing premises and the lack of security of tenure. The business has a firmly established Client base within the northern Borders and needs to remain *within the locality* in which it has secured its Client base – the bulk of the work comes from West Linton and District.
- 4.8 The business needs to be close to its customer base to enable it to offer a collection and delivery service and to carry out on-site vehicle inspections, where required. If the business is unable to continue in the West Linton area then it is likely to lose everything that it has built up over the past eight years. The Planning Authority has been willing to support local businesses at Sunnyside, including several class 5 uses.
- 4.9 Roadworthy cars and other vehicles are a fundamental part of modern rural life and the business provides an important service within the local area – which has been proved during the whole life of the business with high demand for its services.
- 4.10 There is a lack of suitable alternative sites with appropriate allocation within settlement boundaries in the northern Borders, as outlined below. The proposed site is owned by the Applicant, is well sited in terms of customer base and will not have a detrimental impact on residential amenity or the landscape. Further detail is provided in later sections.
- 4.11 The Applicant would have been willing to consider suitable sites in Peebles or West Linton, but there appear to be none. The Applicant has made several verbal enquiries, and a formal written enquiry, in 2015 and 2016 to the owners of the single allocated

- industrial site on Deanfoot Road, West Linton. No positive response was received to verbal enquiries and no response *at all* was received to the written enquiry, most recently. Whilst allocated, this site does not appear to be available, in practice. The Applicant's agent has also made direct enquiries with Estate Agents, including CKD Galbraith, and monitored commercial property websites, including Eric Young & Co, for suitable available sites/ buildings within the northern Scottish Borders. No suitable premises or land has been located in Peebles, Broughton, West Linton (or Penicuik).
- 4.12 In terms of the previous application, the Economic Development Officer stated that the Department would normally support the protection and creation of jobs, but felt that the Applicant needed to provide justification in terms of the development plan (which is done herein). **The Officer indicated that use should be restricted to the specific proposed use. It is confirmed that this would be acceptable to the Applicant either by way of planning condition or section 75 legal agreement.**
- 4.13 Abbreviated accounts for 2014/15 and 2015/16 are provided with the application in order to demonstrate business' viability. These are for the information of the Planning Authority and not for publication. The previous Officer's Report and, specifically, the comments of the Economic Development Officer within 15/01410/PPP, indicated that provision of such is required. If further accounting information is required by the Planning Authority this could also be available on a confidential basis.
- 4.14 A full time skilled worker is now needed due to business expansion but the working environment is unreasonable and wholly inappropriate within the current premises. The proposed development would secure the employment of existing employees and one additional person.
- Siting within the Landscape**
- 4.15 The proposal is appropriate by its nature to the rural character of the area. The operations of the business have been clearly set out. Specifically there will be no mechanical vehicle repairs or car sales – only bodywork repairs. The proposed premises will appear as an agricultural building and will be landscaped as proposed within the indicative site plan or as within a scheme to be agreed at 'detailed' stage. Increased tree planting can be provided, if desired by the Council.
- 4.16 A series of photographs have been taken towards the site from the Shiplaw to Lamancha minor public road and also *from* the site. These are set out within Appendix 2, following a map index of photograph positions (Appendix 1). It is clear that the site has limited

- visibility in the locality other than from immediately adjacent positions. Importantly, neither the A701 nor the A703 are visible from standing on the site. The ridge height of the proposed building, as shown on the indicative elevation drawing, is 4.4m and eaves height is 3.1m.
- 4.17 Despite the elevated position, the rolling topography is such that the building would be visible from a very limited number of locations on the Shiplaw to Lamanca Road. It is clear from the photographs how the land falls away from the site. It is unlikely that the building would be visible from the A701 or A703 on account of topography. The photographs taken *from* the site looking towards more distant views provide an indication of sightlines towards the site. Given the small scale of the building, particularly relative to nearby multiple poultry houses, it would not feature in distant views from distant surrounding high ground such as the Lammermuir or Pentland Hills.
- 4.18 The previous Officer's Report suggested that the site will be "*potentially visible from the wider area*". The proposed site offers far lower visibility than the existing site, and unlike the existing site it is specifically not visible from the A701 or any other road apart from the minor public road between Eddleston and Lamanca. The nearest dwelling is at Spylaw – the Applicant's house.
- 4.19 The indicative landscaping has been shown specifically to limit the visibility of the building to people travelling between the A701 and A703 on the minor road. The access/parking area is also partly screened to vehicles travelling from the A703 direction.
- 4.20 Whilst it is acknowledged that the numerous 'industrial-scale' poultry sheds in the local area fall under "agricultural use" (not industrial use), their scale and appearance is far more 'industrial' in nature than the proposed relatively modest building. The distribution of some of the poultry sheds in the locality can be seen from the aerial photograph overleaf. Clearly, the proposed building is of a much smaller scale than these buildings.

Fig 1: Proposed site within a landscape of 'industrial scale' poultry houses



- 4.21 It is also noted that the windfarm at Cloich has recently been approved. The turbines will be clearly visible from Spylaw and will alter the landscape in this location.
- 4.22 The development will respect the amenity and character of the surrounding area and will not have a detrimental impact on surrounding uses. It appears agricultural in scale and nature and the parking area is specifically set to the east site of the building. Whilst the site is in an elevated position, it is not visible from any dwellings. There would be an opportunity to assess the specific design and landscape treatments as the subject of an AMC application.
- 4.23 The Officer acknowledges in his 15/01410/PPP report that *“there would be potential for the workshop building to have the general form and appearance of an agricultural building...”* The Officer then expressed concerns that the building and its operation would *“not be sympathetic to the rural character of the site or its wider landscape setting”*. His reason for this view appears to stem from his view that there would be *“an incongruous appearance of a substantial number of parked non-agricultural vehicles awaiting service or collection, or potentially being stored for ancillary car sales.”* The Officer also refers to a need to be visible to *“display of vehicles for sale”*.

- 4.24 In response to this concern:
- Parked cars would not be visible to users of the public road, in accordance with the layout shown on the indicative Site Plan;
 - No car sales occur or will occur in association with this bodywork repair business. This has been made clear within both the previous and the current application.
 - The Applicant is from an agricultural background and has a strong desire to keep Spylaw appearing as an agricultural unit. It is confirmed that neither high fencing nor large roadside signs will be sought or required. Traditional boundary treatments will be used, including dry stone dykes and agricultural fencing.
- 4.25 In relation to the business' planning consent 08/00242/FUL (Partial change of use from business Class 4 to vehicle body repair workshop –class 5) the Officer stated that *“The building is a significant distance away from the nearest residential property and is not located within a residential area of a town. In this instance there would be no adverse impact on the residential amenity of dwellings.....”* The proposed site, likewise, is located a significant distance from the nearest residential property, other than Spylaw (the Applicant's dwelling). It is noted that the elevation and high visibility of the (existing) Sunnyside site did not appear to be an issue.
- 4.26 The Officer seems to have been particularly concerned, in his assessment of 15/01410/FUL about the possibility of the site being used for any class 5 industrial use. As the Economic Development Officer suggested, it is asserted that the use could be limited to the specific use consented (body work repair garage). This could be done by way of planning condition. This is often done, for example, to restrict Class 2 use in a town centre location to a specific use such as an Estate Agent e.g 13/00137/FUL.
- 4.27 The Applicant would be willing to enter into a section 75 legal agreement to link the premises with the dwelling at Spylaw as a single planning unit if required to do so.

Roads and Accessibility Considerations

- 4.28 The Applicant has taken accessibility considerations into account. The distance of the proposed site from the A701 is only c. 550m, as compared to the distance from the existing site at Sunnyside to the A701 of 1,200m.
- 4.29 In terms of vehicle movements, figures have been obtained from the business' accountant, based upon invoicing. These confirm that on average there is one customer vehicle movement per day associated with the body repair workshop. Supplier vehicle

movements are occasional only, thus the number of vehicle movements generated by the business on a daily basis is insignificant.

4.30 The Applicant notes that the Roads Planning Officer offered his support for the previous application (15/01410/PPP) subject to the business being tied to the existing dwelling (the Applicant's home) and only used as a vehicle body shop business. Specifically, the Officer stated:

- The business currently operates in a rural location, therefore it is almost a like for like replacement in terms of location;
- The fit-for-purpose building will be located on land where the Applicant currently resides, which potentially reduces commuting traffic;
- The traffic generation associated with this type of business is generally less than a general mechanical repair garage;
- The single track public road serving the site benefits from a number of passing places and the proposed site lies a short distance from the A701; (only 500m)
- The proposed access to the site is located at a point where traffic speeds are low and good visibility can be achieved in all directions;
- The access must be constructed to the specification stated.

4.31 Whilst the case Officer was unwilling to support the proposal as presented within 15/01410/FUL, he did state, in conclusion that, *"It is reasonably recognised that Roads has not specifically advised of any concern that the local road network could not acceptably accommodate operation of the proposed business from the application site."*

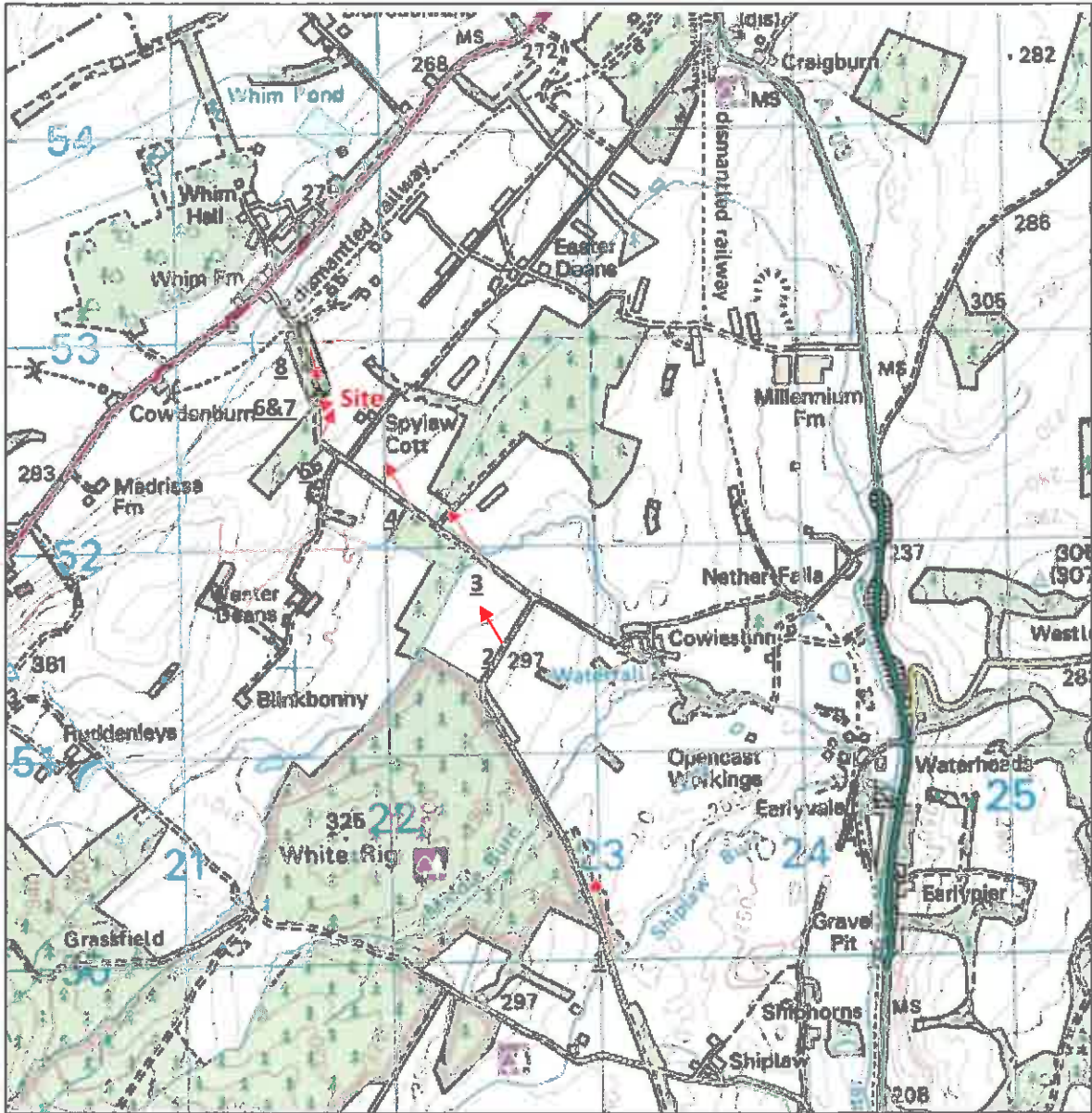
Environmental Health

4.32 The Council's Environmental Health Officer did not object to the proposal, but requested further information be provided by the Applicant relating to operational hours and equipment number and type to be used. The Applicant responded with further information as noted herein (parag 1.8).

Security

4.33 The proximity of the workshop to the Applicant's house would provide good security which is important given that the business is in charge of customers' vehicles. The size of the premises would allow the business to largely house customers' cars which were being worked on within the building during hours of closure.

APPENDIX 1 – Photograph Locations



APPENDIX 2 – Site Visibility from Shiplaw to Lamancha public road

Fig 1: Location 1 - Travelling north (site not visible)



Fig 2: Location 2 - Travelling north east (site not visible)



Fig 3: Location 3 - Travelling north-west past poultry shed (Dunrig – Applicant’s dwelling is visible)



Fig 4: Location 4 - Travelling north-west towards Spylaw (site not visible)



Fig 5: Location 5 - Travelling north (site would be visible)



Fig 6: Location 6 - Travelling north (site would be visible)



Fig 7: Location 7 – Adjacent to site. (site visible with Dunrig in the background)



Fig 8: Location 7 - Travelling north towards access point (site visible)



Fig 9: Location 8 - Travelling south (some visibility of building)



Fig 10: On site. View north-east. A701 not visible



Fig 11: On site. View south east. A703 not visible



Fig 12: On site. View west to minor public road

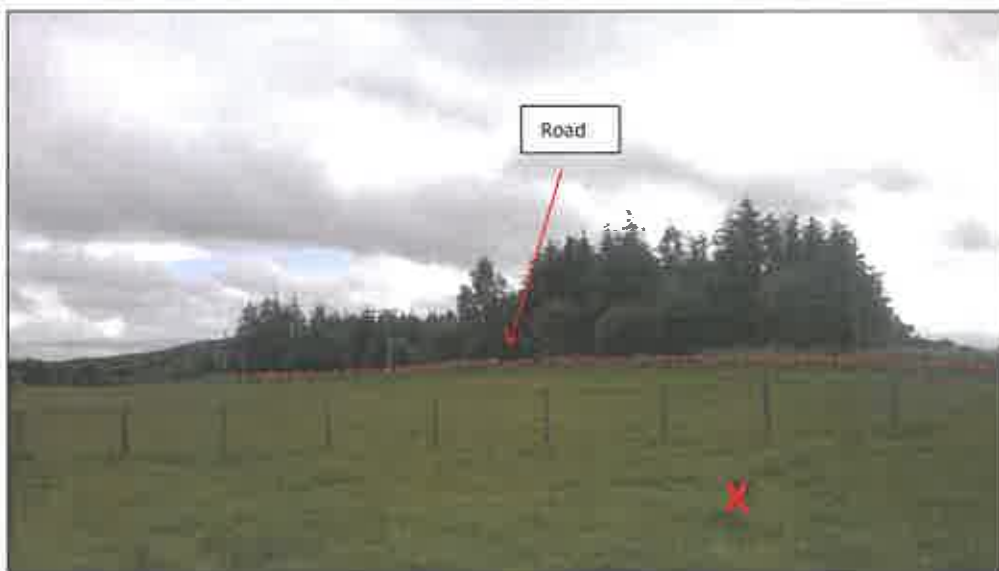
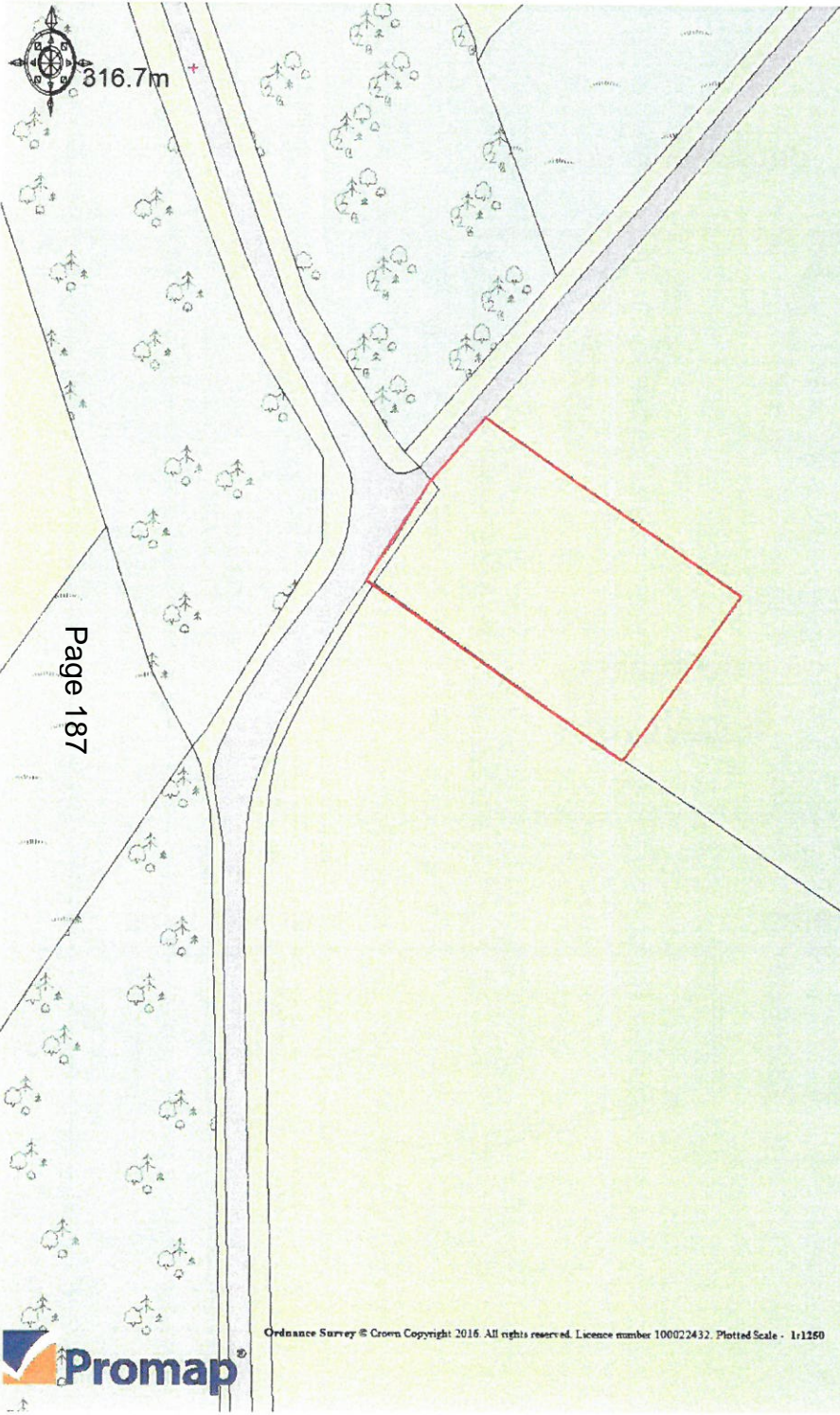


Fig 13: Location 9. On site. View north





16/01174/PPP

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

REFUSED

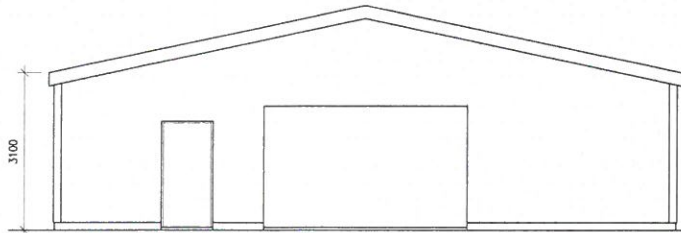
subject to the
requirements of the
associated Decision
Notice

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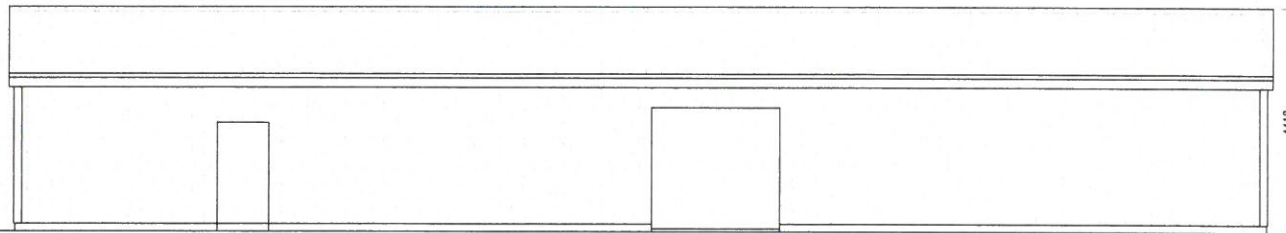
Spylaw

Dunrig

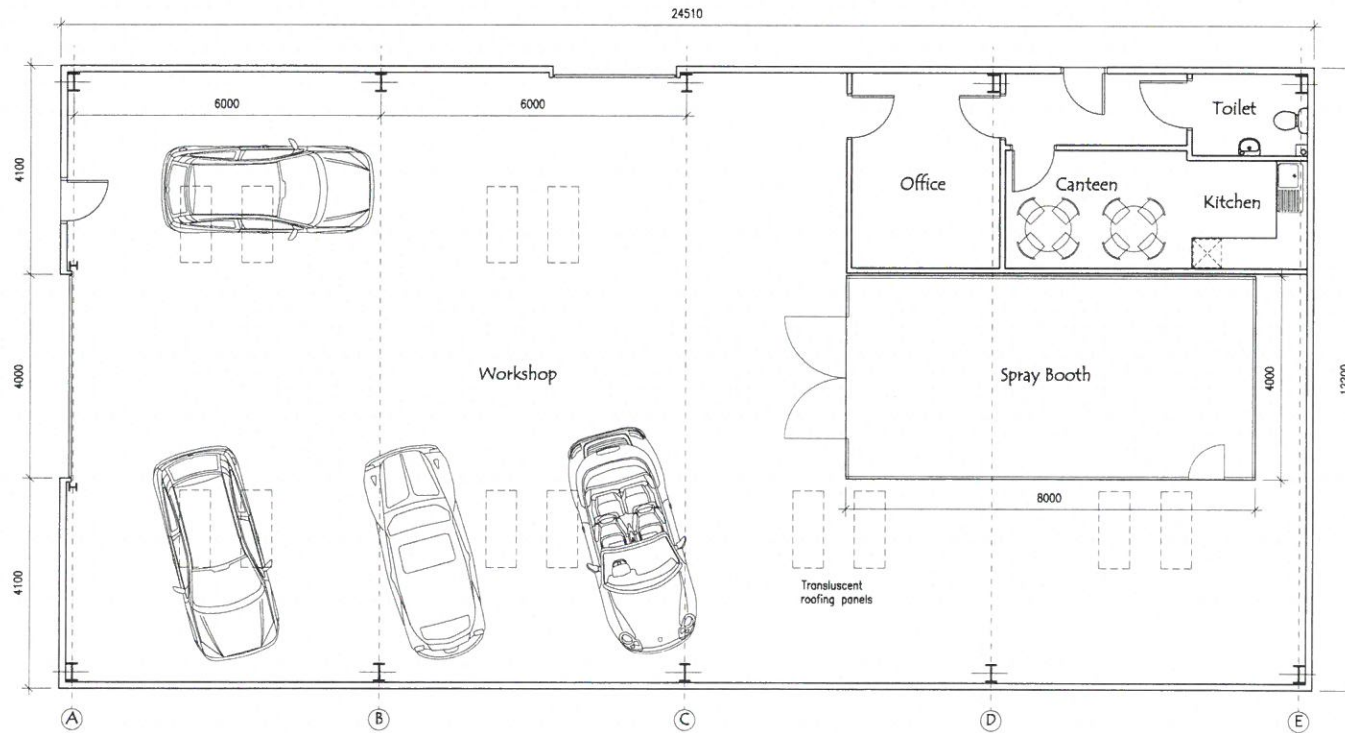




Front Elevation



Side Elevation



Floor Plan of Workshop

Proposed New Vehicle Repair Workshop	
Land at Spylaw, Lamancha, West Linton	
Sketch Plans & Elevations of New Workshop	
1:100	A3 Apr 2016
2016/13/102	

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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 : 16/01174/PPP
APPLICANT : GS Chapman Vehicle Body Repairs
AGENT : Ericht Planning & Property Consultants
DEVELOPMENT : Erection of vehicle body repair workshop and associated parking
LOCATION: Land North West Of Dunrig Spylaw Farm Lamancha
 West Linton
 Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: maintains in full the advice given at the time of the determination of Planning Application 15/01410/PPP.

Environmental Health Section: no comments.

Community Council: has been consulted, but has not responded.

Economic Development Section: provides advice on the Applicant's business, its current site, and the proposed site, and essentially confirming the advice of the Applicant with respect to the business' requirement to move out of its current premises to address certain constraints and alleviate uncertainties. With respect to the identification of the application site, it is advised that the Applicant has tried to find an alternative site, specifically it is advised with respect to unanswered or unsuccessful enquiries made with respect to sites at Deanfoot Road, West Linton, and South Park, Peebles. It summaries the Applicant's own support for the application site on the grounds that the latter would be relatively better than the site of the existing premises. Economic Development advises that the additional capacity that a new site would allow, combined with the added value services the Applicant proposes to operate, could generate significant growth for the business and realise employment opportunities in a rural area (for one skilled and one unskilled worker). Economic Development recognises that from a planning viewpoint, adherence to Policy ED7 is required. It considers that the Applicant has attempted to find an alternative site within a settlement but has been unable to find such a site; and supports the results of this investigation, as available sites within the Tweeddale area are extremely scarce. Economic Development considers that under Policy ED7, item (c), the proposal meets this criterion and that the proposal would support the local agricultural sector,

where there is a predominance of off-road and 4x4 vehicles. Businesses of this nature do support the local rural economy and are dotted around rural areas, therefore it is considered that the application should not be refused purely on the basis that it is a new facility, if it meets all other criteria.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability
Policy PMD2: Quality Standards
Policy ED7: Business, Tourism and Leisure Development in the Countryside
Policy HD3: Residential Amenity
Policy EP13: Trees, Woodlands and Hedgerows
Policy EP16: Air Quality
Policy IS7: Parking Provision and Standards
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Recommendation by - Stuart Herkes (Planning Officer) on 16th January 2017

BACKGROUND

Notwithstanding that it relates to a slightly larger site, this application is essentially for the same proposal that was the subject of Planning Application 15/01410/PPP, however additional supporting information and clarification with respect to the context in which the proposal is being brought forward, has now been provided in support of the Applicant's case. This includes a planning statement (prepared by Ericht Planning and Property Consultants), financial information, and letters from the Applicants' accountant and a garage equipment installer. Although the application is for planning permission in principle, a detailed site plan drawing and detailed elevations and floor plan drawings of the proposed premises have been provided. I have reviewed all of this information, and my review informs my assessment set out below.

Notwithstanding the adoption of a new statutory development plan in the interim (and the consequent need for the proposal to be re-assessed relative to this new planning policy context), I consider that the assessment of the proposal as set out in the Report of Handling on Planning Application 15/01410/PPP remains valid in terms of the identification and assessment of the impacts of the siting and operation of the proposal upon the environment and amenity of the site and surrounding countryside. The current report should therefore be read in association with this previous Report of Handling. This current report is primarily intended to address the requirements that the proposal be assessed against current planning policy and that appropriate account be taken of the new and additional information that has been provided in support of the proposal on this occasion. There has also been a need to take account of new advice from consultees, specifically Economic Development.

PLANNING HISTORY

The previous application was refused last year on the grounds that the proposal did not comply in principle with the Council's business in the countryside policies, specifically in that: (a) the proposal would more reasonably be accommodated within the Development Boundary rather than in the particular countryside location identified; (b) the Applicant had not demonstrated any overriding economic and/or operational need for the particular countryside location identified; and (c) the operation of the business would not be sympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact.

The current application has sought to respond directly to these reasons for refusal.

PLANNING POLICY CONTEXT

Since the refusal of Planning Application 15/01410/PPP, the Scottish Borders Council Local Development Plan 2016 has succeeded the Consolidated Local Plan as the statutory development plan. Notwithstanding this, Local Development Plan Policy ED7 (Business, Tourism and Leisure Development in the Countryside)

has not substantially affected the Council's approach to business development in the countryside that had been enshrined within Policy D1 of the Consolidated Local Plan.

Policy ED7 requires that a development that is to be used for other business or employment generating uses should only be supported where the Council is satisfied that there is an economic and/or operational need for the particular countryside location and that the development cannot reasonably be accommodated within the Development Boundary of a settlement. As with Policy D1, beyond the assessment of the actual principle of a proposal, Policy ED7 requires assessment in relation to additional criteria which are applicable to the assessment of the impacts of the specific proposal. This includes impacts upon the amenity and character of the surrounding area.

PLANNING PRINCIPLE

With respect to the assessment of the principle of the proposal, it is required by Policy ED7 that, in order to be supportive, the Council should be satisfied that there is an economic and/or operational need for the proposal to be located in the particular countryside location identified, and that the business could not more reasonably be accommodated within the Development Boundary.

The position remains essentially as it was at the time of the determination of the previous planning application. The site is an isolated, greenfield, agricultural site, which lies out with the Development Boundary and which is not allocated for industrial use, or indeed for any other use. The business described, a vehicle body repair workshop, is a Class 5 industrial use, which would serve the general public. (The Applicant, I note, is at pains to stress that the operation would not be a vehicular repair garage, but in planning terms, there would be no meaningful distinction to be made between a vehicle body repair workshop and mechanical repair workshop. The one set of operations is no more inherently better suited to a rural location than the other, and both are Class 5 industrial uses).

A workshop for general motor vehicle repairs has no inherent requirement to be sited and operated in the countryside. Such premises would ordinarily be expected to be more reasonably accommodated within the Development Boundary, where a central and easily accessible location might be expected to facilitate their operation, avoiding any unnecessary routing of customer and delivery vehicles into the countryside to access a remote rural site.

The financial details provided by the Applicant, in conjunction with the advice of Economic Development, indicate that the Applicant operates an established vehicle body repair business with an existing customer base in the surrounding area. These do not however, establish the need for the Applicant to re-locate their business to this particular rural site. The Applicant's business is not currently operating at the site, nor within the near vicinity, and it would serve the general public rather than any established operation with an inherent need to be sited in this location. For the reasons considered at the time of the previous planning application, it is not material that the Applicant's business currently operates from a rural site elsewhere. It is understandable that the Applicant may need to re-locate their business from their current premises. However, problems at their established base of operations are not in themselves positive support for the business being located off-site, to this particular greenfield location.

Notwithstanding that the Applicant's supporting details do not describe, or at least detail, a particularly exhaustive search for alternative sites, I consider it material that Economic Development anticipates that the Applicant is liable to have experienced difficulties in attempting to secure an existing or allocated industrial site within the wider area, including at West Linton. I therefore accept that the Applicant does have a need to identify new premises in the West Linton area due to a shortage of suitable and available existing and allocated industrial sites. However, there is something of a leap from an acceptance of this point, to an acceptance that the subject application site, a remote, greenfield site which lies outwith the Development Boundary, is the most suitable site within the locality to accommodate the required new premises.

Beyond general concerns that the business should remain close to its established customer base, the decisive factor in the Applicant's selection of the application site appears to be that the operators themselves own and control the land at the site. While it is understandable that the Applicant should wish to minimise their costs by developing land they own, their ownership is not in itself justification in planning terms, for their proposed siting.

In planning terms, the expectation would be that this type of business would be more acceptably located within the Development Boundary, and if this were demonstrated not to be viable, then at least on a site in close proximity to a settlement. Further, there would also be a concern that the reuse of a brownfield site should be preferred ahead of the development of a greenfield site. Given that the premises would service the general public, it is a reasonable expectation that the business' premises should also be located on a site that is readily accessible to the majority of its customers, including provision, if at all possible, for the site to be accessed on foot from a settlement; all in the interests of minimising the need for most, if not all, customers to have to make lengthy car journeys to access the premises.

While I consider that the Applicant has a reasonable need to identify a new site for their premises within the West Linton area, I do not consider that the supporting case has demonstrated that the use of other more appropriate sites for the accommodation of the development within and around West Linton itself, has been appropriately investigated and discarded ahead of the identification of the application site. In terms of a hierarchy, the development of an isolated rural greenfield site, remote from any larger settlement, would be the least preferable situation for this type of business operation. I do not consider that the Applicant's supporting case provides sufficient justification in planning terms, for this siting, let alone for the specific site that has been identified for the proposal.

In summary, it has not been demonstrated that there is an economic and/or operational need for the proposal to be located at the site in this particular countryside location, nor that it could not be more reasonably accommodated within the Development Boundary. I therefore do not consider that the proposal complies in principle with Policy ED7. Accordingly, and unless material considerations dictate otherwise, the application should be refused on the basis that the proposal does not comply in principle with Policy ED7.

MATERIAL CONSIDERATIONS

I do not consider that the Applicant's supporting case identifies any material considerations that would outweigh the need to determine the application in strict accordance with planning policy. There is an appreciable concern to relocate an existing business and employer within the general area of its established customer base, but this does not in itself outweigh the need to require that the need for the specific rural site identified by the application be justified in planning terms (as opposed to in economic terms in isolation). It is material that this is a successful local business which is seeking to expand, requires to be re-accommodated within the local area, and faces appreciable difficulties in finding an existing or established industrial site for these purposes. However, even allowing for the possibility of an exceptional approval, I do not consider that these circumstances reasonably substantiate the selection of this particular isolated greenfield site in the countryside, particularly when the potential for more suitable sites in planning terms has not been addressed.

Landscape and visual impacts are considered in the next section below, but even allowing that it were considered that the premises indicated, could be accommodated sensitively in landscape terms, this would not in itself be a reason to make the proposal the subject of an exceptional approval. Policy ED7 requires that there should be no unacceptable impacts upon the environment and amenity of the site and surrounding area, in addition to the principle of the proposal complying with the requirements of this same policy.

The Applicant considers that operation from the application site would compare more favourably than operation from its current base, and is supported in this view by both Roads Planning and Economic Development. However, as noted at the time of the previous planning application, account is not reasonably had in planning terms to the relative merits of the two sites, since the Applicant's current premises could continue in an industrial use such that the effect of approving the current application would in fact be a proliferation of industrial sites in the countryside. The Applicant does not own its current premises and therefore there is no ability, even through a legal agreement, to allow or require that the one site be substituted for the other. In short, the merits of the site relative to those of the existing premises are not material to the assessment of the current planning proposal.

Economic Development frames its support for the proposal in part, on the basis that the business supports the rural economy, and local farms, by servicing farm vehicles. However, the business, which it is concerned with body work repairs only, would serve the general public, not just surrounding farms. The service and repair of farm vehicles, while potentially liable to develop out of a farm business, does not by necessity, have to be based on farm land itself. It might more reasonably be expected to operate from a convenient central location, where it might be more readily accessible from the wider area, including local

farms. In short, and regardless of the business' potential to serve farming customers, this is not reasonably characterised as either a farm business enterprise or a business that has any inherent need to operate from a countryside location.

I note the Applicant's concern to have the business sited near the owners' home for security reasons, but security concerns can reasonably be met in other ways (e.g. alarms, fencing, security cameras etc), and are more likely to be appropriately met off-site within an industrial unit or other secure premises. There is no inherent requirement for industrial business owners to live at or near the site of their business premises, and any concern to do so for reasons of security or convenience can in planning terms, only be considered a lifestyle choice rather than a necessity or operational requirement.

The Applicant is agreeable to the site being regulated by conditions or legal agreement to tie the site's operation to the specific proposed use and/or for the site to be linked to the property at Spylaw, the home of the business owners. I further note that Economic Development is supportive of the proposals on the condition that the premises should be regulated by a planning condition requiring that the premises should only be occupied by the Applicant's business for the identified purpose. This is intended to prevent the building from being or becoming available for use by general industry. However, I do not consider that any concern to regulate the use of the premises in this way, would achieve what Economic Development seeks. I would moreover be concerned that such a condition might in any case be liable to be characterised as unnecessary and unreasonable in planning terms, and therefore be liable to challenge in time, if not immediately. These points are considered in the next, and next again, paragraphs below.

In the context of any concern that the application might be made the subject of an exceptional approval subject to a condition restricting its use to the Applicant's business, there needs to be some consideration of how the building would, or should, be disposed of, were the Applicant's business to cease trading from the premises. Where there is no particular sense of how the building might be 'recycled' if or when it were no longer required by the Applicant, there is a risk that the building would be liable to remain unoccupied in the long-term, before becoming derelict and an eyesore. Alternatively, and assuming the premises were to be of interest to other industrial or business users, in the event of applications being made to remove or vary the conditions, it would be difficult to resist the view that restrictive planning conditions upon the building's use should be maintained beyond the point in time when the building was no longer in use by the Applicant, particularly where the only alternative was the building's dereliction.

I would be concerned that approval of the current proposal would in itself be tantamount to an acceptance of the principle that a general industrial use, critically one without any substantiated need to operate from this particular countryside location, could be sited and operated at the site. In this context, there is no meaningful distinction to be made between the Applicant's proposed class 5 use, and any alternative (or successor) class 5 or other business operation. Accordingly, I would be concerned that in this context, any condition(s) imposed to restrict the industrial use and users of the premises in the long-term, would be unreasonable and unnecessary.

While Economic Development wishes to support the application without the site being made, or becoming, generally available for uptake by other industrial and/or business uses and users, I would be concerned that this is neither practical nor possible within the particular circumstances of this proposal; especially in the long-term. If the concern is that the site should not be, or in time become, available for general industrial use, then the current application would be more reasonably refused due to the lack of reassurance and control that is offered by the context of this proposal in the long-term. Unless it is considered that the need for the proposal outweighs any long-term concerns that the premises might at some point become derelict or be made available for general industrial or business use, the application would be more reasonably refused. Ultimately however, I do not consider that the imposition of conditions to restrict the use of the site along the lines Economic Development seeks, would reasonably or necessarily address the planning concern that the proposal is both in the short-term and in the long-term, unacceptably injurious to the amenities of this rural site and the surrounding area. The imposition of conditions to regulate the use of the building would therefore neither allow the proposal to meet the requirements of Policy ED7 nor in my view, substantiate, or help substantiate, an exceptional approval.

LANDSCAPE AND VISUAL IMPACTS

I am aware that the Applicant has sought to address the basis of the second identified reason for refusal of Planning Application 15/01410/PPP that the proposal would not have any unacceptable landscape and

visual impacts. The supporting case includes photographs of the site and surrounding area and drawings of the proposed site and a description of the proposed building. Both of the latter in the context of a PPP proposal can only be taken as indicative.

I have reviewed this aspect of the Applicant's supporting case, including the photographs and drawing, but this does not address the central concerns that the site is both open and elevated in views from much of the surrounding landscape, including in views from the public road. While, as previously acknowledged at the time of the determination of the last application, it may be that the building might at a distance, resemble a modern agricultural building, I would still consider that the operation of the site, including all vehicle movements and yard activities would be detrimental to the visual amenities of the area, which currently accommodates no equivalent operation. I do not consider that the site is well-screened. The indicated tree planting proposals would be insubstantial and would not constitute an appropriate level of screening of the site.

It would be possible to improve markedly the proposed landscaping treatment of the site through the establishment of new woodland shelter belts (indeed, the Applicant is agreeable to enhancing its landscape proposals if required). Were the proposal otherwise considered to be capable of support, it would have been appropriate to have sought an enhanced landscape treatment for the site, the details of which could have been required at the detailed application stage.

The relative landscape and visual merits of the current site as opposed to the Applicant's existing premises detailed in the supporting details, are not relevant.

There might be potential to require by conditions that the Applicant does not engage in potentially related operations and activities which it has categorically advised it does not seek to pursue, specifically the operation of an ancillary scrapyard or old tyre storage areas, or ancillary vehicle sales. However, while this might control some of the more adverse landscape and visual impacts that might otherwise result, it is again questionable for the reasons considered in the previous section, how practical or reasonable it would be to seek to regulate in the long-term an industrial site and operation, whose presence is insufficiently substantiated in planning terms; and in relation to which there is a foreseeable lack of reassurance and control going forward with respect to the site's long-term future and disposal beyond its accommodation of the Applicant's business. If the imposition of such conditions were not liable to challenge in the short-term, I would be concerned that any such bespoke regulation would be rendered redundant in the long-term; particularly in the event of reuse by another industrial or business operation being considered preferable to dereliction.

The concerns previously identified with respect to the potential for unsympathetic landscape and visual impacts as a consequence of the siting and operation of the proposed development therefore remains. It is material that this is an isolated greenfield site in the countryside and while there may be mitigative measures that might be employed to minimise landscape and visual impacts, these do not address, or outweigh, the loss of such a site in the first place, particularly where that loss is not considered to be substantiated in planning terms.

OTHER CONCERNS

Roads Planning is content that subject to certain design and construction requirements being met, the application site could be made appropriately accessible. These specific requirements are set out in Roads' consultation response. In the event of approval, these details could be required at the detailed design stage. Again I note comparisons between the siting and accessibility of the Applicant's current site and the proposed site, but this comparison is not relevant to this planning decision.

Details with respect to water supply, drainage as well as site levels and planting could all be required at the detailed application stage, were the proposal to be supported.

I note Environmental Health has no comments to make at this PPP stage. It has not noted any concern to review any further details at the detailed application stage. Deficits in information identified at the time of the first application therefore appear to have been met to Environmental Health's satisfaction.

Given the distance of set back from surrounding properties, and taking account of Environmental Health's advice, it is considered that the proposal would not in principle, be liable to have any unacceptable impacts upon the residential amenity of surrounding properties.

Given that the application is for Planning Permission in Principle, the detailed drawings of the site plan and building are not appropriately included amongst those to be stamped, since they are only indicative. It is only the descriptions of the site boundary which should be included amongst the subject drawings.

CONCLUSION

I have considered the Applicant's supporting case and while it is appreciable that the Applicant both has a need to seek new accommodation for the vehicle body repair business and reasonably requires to be located in the West Linton area in order to allow it to continue to service an established customer base, it has not been demonstrated that the Applicant has appropriately considered and discarded all more appropriate alternatives in planning terms to the siting and operation of the proposal from this particular remote rural greenfield site. As such, I am not persuaded that the Applicant has demonstrated an economic and/or operational need for the development to be sited at the application site, and therefore I consider that the proposal remains contrary in principle to Policy ED7.

There are no material considerations which would dictate that the application should not be refused on the basis that the proposal does not comply in principle with Policy ED7.

The objections previously identified at the time of the determination of Planning Application 15/01410/PPP, with respect to the impact of the siting and operation of the proposal upon the visual amenities of the site and surrounding area are therefore maintained, albeit that the reasons are necessarily updated to cite the relevant policies of the current statutory development plan.

REASON FOR DECISION :

It is considered that the proposal should be refused for the following reasons:

1. The proposal does not comply in principle with Adopted Local Development Plan Policy ED7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location; and
2. Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

Recommendation: Refused

- 1 The proposal does not comply in principle with Adopted Local Development Plan Policy ED7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

“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 : 15/01410/PPP

To : G S Chapman Ltd Unit 1 Sunnyside Farm Lamancha West Linton EH46 7AZ

With reference to your application validated on **19th November 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of vehicle repair workshop and associated parking

at : Land West Of Dunrig Spylaw Farm Lamancha West Linton Scottish Borders

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

**Dated 19th January 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01410/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

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 : 15/01410/PPP

APPLICANT : G S Chapman Ltd

AGENT :

DEVELOPMENT : Erection of vehicle repair workshop and associated parking

LOCATION: Land West Of
Dunrig Spylaw Farm
Lamancha
West Linton
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations.

ROADS PLANNING SECTION: has advised as follows:

"Normally I would be against the principle of this type of business in such a rural location. However it is worth noting that this business currently operates in a rural location, therefore it is almost a like-for-like replacement in terms of location. In addition, the fit-for-purpose building will be located on land where the Applicant currently resides, which potentially reduces commuting traffic. The traffic generation associated with this type of business is generally less than a general mechanical repair garage.

Given the above, I would be seeking for an appropriately worded condition to be placed on any consent whereby the business is tied to the applicants dwelling (Dunrig) and that the proposed building can only be used in connection with a vehicle body shop business, unless otherwise approved.

The single track public road serving the site benefits from a number of passing places and the proposed site lies a short distance from the A701. The proposed access to site is located at a point where traffic speeds are low and good visibility can be achieved in all directions.

The application is for outline consent; therefore the details of the access and parking areas will be covered at detailed planning stage should this proposal be granted consent. However, I will expect the access to be constructed to the following specification; 75mm of 40mm size single course bituminous

layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

In summary, I am able to support the principle of this business at this location providing conditions on the restriction of use and details of access are placed on any consent".

ENVIRONMENTAL HEALTH (CONTAMINATED LAND): no comments.

ENVIRONMENTAL HEALTH (AMENITY AND POLLUTION): has considered this proposal with respect to noise nuisance and private water supply. It notes that it is proposed that private water and drainage systems are used for the premises and advised that the Applicants should confirm the proposed hours of operation of the business and confirm the numbers and types of equipment to be used on the premises.

ECONOMIC DEVELOPMENT: would normally support the protection and creation of jobs, but advises that the decision on whether this proposal is acceptable is guided by Council policy D1 in the 2011 Local plan and ED2 in the LDP. The Applicant therefore needs to provide justification to satisfy these policies. Should approval be supported under the policy, it is suggested that a condition be applied to ensure that only the specific use applied for is possible, and this be restricted to ensure that no other alternative business uses in class 4, 5 or 6 be allowed, unless that use also satisfies the policies mentioned above. In terms of the viability of the proposed business, it is advised that Economic Development cannot comment on this aspect without some clarity on the nature and size of the business use planned for this building. If appropriate, it is noted that the Applicant could be provided with advice from Business Gateway to assist them.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy D1 - Business, Tourism and Leisure Development in the Countryside

Policy EP5 - Air Quality

Policy G1 - Quality Standards For New Development

Policy H2 - Protection of Residential Amenity

Policy Inf4 - Parking Provisions and Standards

Policy Inf11 - Developments that Generate Travel Demand

Recommendation by - Stuart Herkes (Planning Officer) on 18th January 2016

SITE DESCRIPTION, PLANNING HISTORY AND PROPOSED DEVELOPMENT

The site is an area of open agricultural land outside of the Development Boundary, which lies adjacent to the public road. There are no existing buildings on the site or within the near vicinity. It has no planning history.

The application seeks planning permission in principle for the change of use of the site to a motor vehicle repair garage premises.

The Applicants' supporting statement advises that the proposed workshop is required to re-accommodate, and allow for the expansion of, its existing general vehicle body repair business. The latter is currently operating from premises at Sunnyside Farm, Macbiehill, and serves the general public. It is advised that these existing premises - a converted farm shed - are increasingly no longer fit-for-purpose, and in future, may no longer be available to the Applicants. It is advised that the business' re-accommodation in purpose-built premises is now urgent to secure the business' future and facilitate its growth and development.

The site is within the Applicants' own ownership, within their agricultural holding at Spylaw, which, it is advised, has not been farmed commercially since the 1970s. It is not anticipated that there would be a need for any new residential property because the Applicants would continue to reside at their home, 'Dunrig', at Spylaw, 150m to the southeast. In the event of approval, they are agreeable to the business premises site being tied to their existing home as a single planning unit.

It is advised that the business' rural location is integral to the business' operation and success, in being centrally located relative to its existing customer base (which is advised to include West Linton and Peebles) and to its intended target areas (South Lanarkshire and Midlothian). Re-location of the vehicle repair business to the site would allow it to continue to offer convenience to its existing and intended customers, who would otherwise have to travel to Edinburgh for similar services, particularly for vehicle body repair work. Since there is a concern to continue to serve an existing and established customer base, which has been developed over the past seven years, it is advised that the business' options are restricted, but beyond a concern to remain centrally located relative to their customers, no further details are given within the supporting statement in support of re-location to this particular site. It is simply advised that the site is seen to fulfil the business' concern to be re-accommodated in a way that would allow it to expand and improve its facilities while continuing to serve and grow its customer base within the local and surrounding area.

Beyond the supporting statement, no business case has been provided to substantiate the business' position in financial and/or functional terms; no planning statement been provided to account for how the proposal would meet planning policy (or justify being made the subject of an exceptional planning approval); and no account has been given of the detail of any site selection considerations that have informed the business' identification of the application site as being the most appropriate way for it to be re-accommodated in planning terms.

PLANNING PRINCIPLE

The proposed use of the site is Class 5 industrial use.

The site is agricultural land, out with the Development Boundary, which is not allocated for industrial use, or indeed for any other use.

The key policy in terms of the assessment of this proposal is Adopted Local Plan Policy D1 - Business, Tourism and Leisure Development in the Countryside. As such, there is a requirement that the Council be satisfied that there is an economic and/or operational need for this particular countryside location; that the business cannot reasonably be accommodated within the Development Boundary; and that its operation would not have any unacceptable impacts upon the amenity and/or environment of the surrounding area.

A workshop for general motor vehicle repairs has no inherent requirement to be sited and operated in the countryside. Further, the Applicants have not advised, or otherwise provided any evidence of, any operation need for this specific business to be sited and operated from the site. Accordingly, it is considered that the proposal is clearly contrary to Adopted Local Plan Policy D1 and should be refused unless material considerations dictate otherwise.

The Applicants have provided a supporting statement but it does not engage at all with planning policy or with the planning implications of their proposal. Instead, it largely describes the business' aspirations in very general terms, and only considers how these (such as they are defined) would be best served in locational and economic terms by re-location to the application site. However, all of this advice is unqualified by any detailed financial or functional business case, or indeed by any evidence of the business' concern or efforts to secure premises that would be more acceptable in planning terms than the development of a remote rural greenfield site.

It is noted that the Applicants own an agricultural holding, including the site itself, but the supporting case is clear that the car repair business is entirely separate from any farm business that the Applicants might run from their home at Spylaw. Moreover, the business' current operation from another site entirely, is a clear indication that the two concerns are entirely separate and perfectly capable of independent operation. The proposal to re-locate the car repair garage business is therefore not reasonably associated with any essential operational requirements of any agricultural business or any business with any inherent need to be located in a rural area.

In summary, the Applicant's supporting case does not provide any advice or demonstrate any case that might reasonably be seen to override the need to determine this application in accordance with the requirements of Policy D1. Accordingly, it is considered that the application should be refused as being contrary in principle to Policy D1 since there are no overriding reasons to support any contrary decision.

DESIGN AND LANDSCAPE

In the event of approval, the Applicants would require to submit a detailed design as the subject of at least one AMC application. This would be an opportunity to assess the specific design and landscape treatments required, to ensure most acceptable accommodation of this proposal in the landscape. However, there is a concern at this stage, to establish whether or not the siting and/or operation of a general vehicle repair workshop and yard, would in principle, have any unacceptable landscape and visual impacts.

There would be potential for any workshop building to have the general form and general appearance of an agricultural building, but notwithstanding this, the appearance and operation of a vehicle repair garage building in this location would not be sympathetic to the rural character of the site and its wider landscape setting, introducing the incongruous appearance of a substantial number of parked non-agricultural vehicles, awaiting service or collection, or potentially being stored for ancillary car sales.

Further, and notwithstanding the potential to introduce new, and reinforce existing, screen planting around the site, such an appearance would be out-of-keeping with the environment and amenity of what is currently a greenfield site, remote from any buildings or development. Ultimately as a premises operating in the service of the general public, it would be unlikely that the business, or at least its operation, would be discreetly accommodated in this location. In addition to advertisement and directional signage, there may be a concern to be readily visible from the public road, even perhaps for the display of vehicles for sale, all of which would be out-of-keeping with what is currently open agricultural land, adjacent to a quiet country road.

Notwithstanding the potential for the building's design and for screen planting to mitigate the impact, it is considered that the development's landscape and visual impacts would be unacceptable; particularly since the site, although gently sloping, is higher in the landscape than most of its immediate surroundings, making it potentially visible from the wider area.

ACCESS AND PARKING

The Applicants' vehicle repair business currently operates from Sunnyside Farm at Macbiehill (Unit 1). This appears to be the use that was approved by Planning Consent 08/00242/FUL (Partial change of use from business Class 4 to vehicle body repair workshop).

Notwithstanding that the Planning Authority may have previously supported and approved the operation of the Applicants' business at another rural site, the current proposal can only be assessed on its own planning merits within the prevailing planning policy context. The previous approval relates to another site entirely, and has no direct relevance to the planning assessment of the current proposal. It has not in itself established any justification in principle for the business to be re-accommodated at another rural site, including the application site.

Notwithstanding this, the Roads Planning Section is supportive (exceptionally, it recognises) of the principle of the current proposal. This is on the basis that the Applicants currently operate their existing car repair business from a rural location and that the business' re-location to another rural site within the vicinity in Roads' terms at least, might be considered a 'like-for-like' replacement. Roads Planning is content that subject to certain design and construction requirements being met, the application site could be made appropriately accessible. These specific requirements are set out in Roads' consultation response.

While it is reasonable that approval of the current planning application would not change the fact that the Applicants themselves currently operate a general vehicle repair business from a rural location, it is nonetheless also material that approval of the current application would potentially release the Applicant's existing premises for use by another industrial business. This would therefore be liable to result in a net addition of one new industrial premises within the surrounding countryside, thereby contributing to a proliferation of industrial sites within this rural locality.

Since the Applicants' business is apparently leasing its current site, there would additionally be no planning or legal mechanism to secure a 'like-for-like' replacement of the business premises (e.g. requiring the existing premises to revert to agricultural use when it is vacated). In any case, if the Applicants are operating from an established industrial site, as seems to be the case, there would be no planning need or reason to seek to control the future use of this other site. The latter would remain capable of use by a successor industrial business once the Applicants had vacated it. Contrary to Roads' conclusion then, the proposed new business premises is therefore only reasonably viewed as being an entirely new and

additional industrial premises liable to operate alongside the Applicants' existing industrial site. Any roads concerns with respect to operations from the existing site are therefore liable to prevail beyond the period of the Applicants' use of the same, and the wider impacts upon the local road network would only be increased by approval of the current proposal, as a new and additional industrial site in the countryside.

Roads' use of the term 'like-for-like' is also questionable in a context where the Applicants' current site of business operations is apparently accommodated within a converted farm building, whereas the current proposal is for a new building on a greenfield agricultural site, which currently has no road access. In these circumstances, it is unclear how the proposal, or its impacts, are reasonably characterised as being equivalent, since the proposal is liable to be more intrusive in terms of its impacts upon the environment and amenity of the surrounding area.

Ultimately, and regardless of Roads' consideration, the fact of the Applicants' existing operation at another rural site in the area does not reasonably allow the assessment of the planning merits of their current proposal to be so comprehensively set aside. Any proposed re-location of the business from the existing premises to a completely new rural site is only appropriately assessed against the full requirements of Policy D1 with respect to the justification for the proposed site. Accordingly, the above noted assessment in terms of Adopted Local Plan Policy D1, is maintained in full.

Notwithstanding Roads' own assessment with respect to the principle of this proposal, consideration does still need to be given within the assessment of the roads implications of this application, to the potential for members of the public to deliver and recover their vehicles from the site. Due to the site's remoteness, this is something that would rarely, if ever, be achievable on foot, and/or by public transport, for the majority of its customers and visitors, as might be the case were the premises to be located within the Development Boundary. This would be a proposal that would have an inherent (and likely total) reliance on private vehicular transport for customer access. Given the remoteness of the site, operation from this location would also be liable to generate trips of substantially longer duration than operation from a site within the Development Boundary. (For the avoidance of doubt, it is not material to the assessment of this current application that similar considerations are liable to be applicable to the current operation of the business. This would only have been relevant had the Applicants proposed to replace their existing business premises on its existing site, or on one in the very near vicinity of the latter).

The only benefit in access terms relating to the current proposal, would be to the Applicants themselves, and owing to their dwelling being in close proximity to their work. However, it is considered that this personal convenience would not reasonably offset the wider transport impacts of the proposal's operation since the majority of customers and visitors, not to mention delivery vehicles, would require to make long detours specifically to access this site, including along long sections of narrower country roads. Roads Planning it is noted, has positive regard to less trips needing to be made by the Applicants themselves to access their place of work, but this is not considered to outweigh the larger disbenefits that the operation of the site would have upon the local road network.

In summary, it is not agreed with Roads that the particular circumstances of the Applicants' business are such in planning terms, as to justify the setting aside of any planning (or for that matter, any Roads) considerations with respect to the principle of this proposal that would normally apply to its planning assessment. On the contrary, and taking account of the potential addition of another industrial site into the locality without this need having first been properly substantiated in planning terms, it is considered that the proposal's impacts upon the local road network would be unacceptable. However, this point is more reasonably considered to be subsumed within the reason for refusal already identified above with respect to the principle of this proposal. It is reasonably recognised that Roads has not specifically advised of any concern that the local road network could not acceptably accommodate operation of the proposed business from the application site.

ENVIRONMENT AND AMENITY

No advice is given by the Applicant as to how any new business premises building would be used (or re-used) were the business not to succeed, and no business case has been provided to describe the viability or otherwise of the existing business. Accordingly if the proposed building were built, it is uncertain if or how it might be reused. This risks the site becoming an eyesore, but it also makes it liable to be made available for general industrial site, which depending on future uses, might be liable to accommodate industrial uses with potentially even greater impacts upon the rural environment and its amenity than the current proposal. The

site at the proposed distance of remove from the Applicant's property would also be readily capable of independent use, and therefore if established, would potentially be available for a wide variety of industrial and business uses.

Even if the use or disposal of the site were to be regulated by planning condition (as Economic Development suggests) or by a legal agreement (as the Applicants anticipate), it still needs to be considered whether or not the site is an appropriate location for a general industrial site in the longer-term. Even with planning conditions or legal agreements in place, there would inevitably be pressures in the longer-term, if not sooner, to remove or vary planning conditions and legal burdens to release the site for other uses, or users, particularly if it were to be the case that the premises were no longer required to service the Applicants' own business and the property were otherwise only liable to become an eyesore if left in situ, unmaintained. In other words, there is a risk that any specific arrangement that might be made to accommodate the Applicants' particular circumstances would inevitably only deliver a longer-term issue with respect to the future use and disposal of any business premises so located, particularly given the potential for the site to be operated independently of the Applicants' dwelling, and be capable of being significantly expanded, all of which would make it susceptible to interest by businesses of types and scales beyond any that might realistically be expected to operate from the owners' dwellinghouse.

The Applicants have provided additional information in direct response to the concerns of Environmental Health with respect to potential noise nuisance concerns identified by that consultee, principally by advising as to the type of equipment and machinery that would be in operation. However, given that the application is for Planning Permission in Principle, were it to be supported, appropriate information could be considered at the time of the AMC application. The latter would also be an occasion to incorporate any mitigation measures liable to be required to ensure noise impacts could be appropriately minimised. Since the site would be at some remove from the nearest residential properties, including the Applicants' own home, which is the nearest, there would be no concerns in principle that the Applicants would be able to identify appropriate noise mitigation measures within their detailed proposal.

Had there not been an objection in principle to this proposal, it would have been appropriate to investigate the potential for the site to be served by an appropriate water supply, although again the context of a PPP proposal, there would still be potential for this to be addressed within a subsequent AMC application.

CONCLUSION

The proposal is contrary in principle to the Council's business in the countryside policy and would have unacceptable impacts upon the environment and amenity of the site and surrounding area, including landscape and visual impacts and impacts upon the local road network. It is therefore considered that it is contrary to Adopted Local Plan Policies D1 and G1, and should be refused on this basis.

REASON FOR DECISION :

It is considered that the proposal should be refused for the following reasons:

1. The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location;
2. Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

Recommendation: Refused

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

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

Cunningham Haldane & Co Ltd

CHARTERED ACCOUNTANT



The Mark of Quality

Scottish Borders Council
Planning Department
Newtown St Boswells
Melrose
TD6 0SA

Manortoun, Manor, Peebles, EH45 9JN
Registered number SC244272

Phone: 01721-740306
e-mail: Haldanes1@aol.com

23 August 2016

Dear Sir,

G S Chapman Ltd - Planning Application to erect a workshop at Dunrig, Spylaw Farm.

I write in my capacity as accountant to G S Chapman Ltd in support of the company's planning application for the erection of a vehicle repair workshop at Dunrig, Spylaw Farm, West Linton.

I have been the accountant for G S Chapman Ltd since the company was incorporated in March 2012, and prior to that was accountant for Mr Graeme Chapman, director and sole-owner of G S Chapman Ltd, from the outset of his sole trader vehicle body-repair business in 2008 prior to incorporating that business as G S Chapman Ltd in 2012. I have therefore been involved with this business from its very beginning and have watched it grow into the established and successful business that it is today.

As I have come to know Mr Graeme Chapman I find him to be a very honest and hard working family man who is committed to the success of the vehicle body-repair business he has created out of nothing. I can vouch for the high standard of workmanship and customer service provided by G S Chapman Ltd and for the company's perpetually full order book. As far as is possible to predict, I have no doubts that Mr Chapman intends to continue in this business throughout his working career and is entirely genuine in the longevity of his intention to employ the proposed workshop at Dunrig for his vehicle body-repair business with no ulterior intentions for any other planned use of this building.

I can also vouch for the short comings in the company's existing premises which are, quite frankly, not fit for purpose, and it is testament to Mr Chapman's commitment to his business that he has persevered to build a successful company from this unsatisfactory site. Notwithstanding the deficiencies of the company's existing premises which inhibit the recruitment of additional staff, prevent any further growth of the business and cause Mr Chapman to have to work in winter temperatures that most would not tolerate, it is my understanding that there are serious concerns for the security of the company's tenure at these premises pending a foreseeable change of ownership of the building.

I understand also that G S Chapman Ltd has explored and exhausted all other options to locate an affordable alternative location for the business prior to submitting the application to build a workshop at Dunrig.

To assist you in determining the merits of the company's planning application it is important to clarify the nature of G S Chapman Ltd's business in order to dismiss any misunderstanding or preconceptions of the company's trade.

The services offered by G S Chapman Ltd are distinctly different from those of a general vehicle service garage where a vehicle owner would typically go to have their car serviced and MOT'd, to have tyres & exhausts fitted or to trade-in and purchase a new vehicle. G S Chapman Ltd is not an MOT station and the company does not buy & sell motor vehicles. Neither does the company provide general vehicle servicing. Rather, it is a vehicle body-repair and paint-shop business with a particular specialisation in the renovation of vintage Land Rovers.

The volume of customer vehicles through the company's workshop averages around five vehicles per week and the number of customer vehicles parked outside the workshop at any given time is very small. The proposed new workshop would house most of these customer vehicles indoors, minimising the visual impact of the business in its proposed rural location. The company has only one business vehicle which is currently a Land Rover and is likely to remain so. Typical of the understated style in which Mr Chapman chooses to run his business, this business vehicle has no livery markings and, other than having immaculate paintwork, is indistinguishable from a regular farm vehicle. It would therefore not look out of place parked outside the proposed new workshop.

As a well established business, G S Chapman Ltd has no need, and no desire, for advertising signage. Nor does the business require directional signage as the low volume of customer throughput and personal customer service enables verbal directions to be given to all new customers. In any event, the company's web site would provide all the directions required to locate the proposed new site.

Given the close proximity of the proposed workshop to Mr Chapman's house and the facility to store customer vehicles inside the workshop, the security risks associated with the custody of customer vehicles will be minimal, thus eliminating any need for unsightly perimeter security fencing. Indeed, for the very reason of its close proximity to Mr Chapman's family home there is an increased desire on Mr Chapman's part for the proposed workshop to sit well in its rural location and to remain devoid of any commercial trappings that might detract from the agricultural appearance intended for the workshop.

I first met Graeme Chapman several years before I became his accountant when he had the unenviable role as treasurer of his local Young Farmer's group. His integrity was evident then and I have never doubted it over the years. His roots are in the countryside and with a young family of his own now growing up on the same farm that he did, I believe Graeme to be a sincere and honest guardian of our rural heritage. With the greatest of respect for the planning constraints required to maintain this rural heritage I therefore have no hesitation in supporting the planning application submitted by G S Chapman Ltd or in verifying the importance of this application to the future growth and economic viability of the company.

Yours faithfully,



Linda Haldane CA

R. A. COX (Garage Equipment)

61 BELWOOD ROAD
MILTON BRIDGE, PENICUIK
MIDLOTHIAN EH26 0QN

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Email Racoxge@aol.com

Vehicle Lift Specialists
Repairs, Services & Sales
Air Line Installations

Monday 22nd August 2016

To whom it may concern,

Since 2010, we have been carrying out bi-annual maintenance and repairs on the 2 post vehicle lift for G.S. Chapman Ltd at Unit 1, Sunnyside, Macbiehill, West Linton, EH46 7AZ.

It is of our opinion that the state of the building has been and continues to be detrimental to the life span and condition of the vehicle lift. There is a leak in the roof causing damp in the control box, and this has also caused corrosion to the base frame. There has been occasions throughout the winter when the cold has caused the lift to stick while lifting a vehicle (this is caused by thickening of the grease on the main screws, due to the extremely low temperature). The shed is also situated on a slope which makes it difficult to get the lifting arms under the vehicles. The fact the building entrance is situated in an exposed area, subject to the prevailing winds is also likely to cause dust to be blown around and get stuck to the main screws causing excessive and premature load nut wear.

It is our opinion that whilst the building is not dangerous, it is poorly suited to house and operate an electro-mechanical vehicle lift and other workshop equipment.

Yours sincerely



Andrew Cox
Partner

G.S. Chapman
Unit 1
Sunnyside
Macbiehill
West Linton
EH46 7AZ

Bank Details Sort Code 80 09 33 Account No. 00276589



Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01174/PPP
Uniform Ref	16/01900/PLANCO
Proposal	Erection of vehicle body repair workshop and associated parking
Address	Land North West Of Dunrig Spylaw Farm Lamancha West Linton Scottish Borders
Date	18 October 2016
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	No Comments

Amenity and Pollution

Assessment of Application

- Air quality*
- Noise*
- Nuisance*
- Private Water Supply*

Recommendation

No Comment

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 26th September 2016

Contact: Dorothy Amyes ☎ 01835 826743

Ref: 16/01174/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 17th October 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 17th October 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: GS Chapman Vehicle Body Repairs

Agent: Ericht Planning & Property Consultants

Nature of Proposal: Erection of vehicle body repair workshop and associated parking

Site: Land North West Of Dunrig Spylaw Farm Lamancha West Linton Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

GS Chapman Ltd is owned by husband and wife team, Graeme and Debbie Chapman and operates from an agricultural unit at Macbiehill near West Linton. The business started in 2008 with a rolling five year lease; the current lease has until April 2018 remaining.

The current site owners are elderly, causing uncertainty, and therefore all 4 of the traders operating from the units are looking for alternative sites. In addition to the instability of ownership, major work is now required on the roof with no action being taken by the owners.

The current premises are also presenting operational challenges for the business:

- The internal space is restricting the number of cars they can physically work on at a time and as their work is carried out in stages this can mean 4 or 5 'in progress' vehicles filling the workspace with no room to start a new job. The applicant has been operating a 2 to 3 month waiting list this past year; this presents a risk to the business in that customers may choose to take their custom outside of the Borders to their competitors in MidLothian.
- The business is offering two added value services to their customer base
 - underbody wax treatment
 - safeguarding treatment for the bodywork

Both of these treatments can generate between £300 - £500 per treatment, currently the business is limited in offering this service due to the lack of space and staff.

The applicant has tried to find an alternative site to relocate his business and identified industrial land near to Deanfoot Road in West Linton. The site is owned by Mrs Bell of Robinsland Farm, West Linton. The applicant believes this site was zoned as industrial around 20 years ago although no development has been forthcoming since, it is currently overgrown with trees and vegetation. The applicant has spoken with the owner and has sent a formal letter of enquiry but no response was received. Enquiries in Peebles proved unsuccessful with the units in Southpark in Peebles not accepting vehicle trades.

In terms of this planning application, the applicant has emphasised the following to support his case:

- The unit would be 1000 metres closer to the A701 than the current site
- Numerous residential properties are passed at the present site, the potential site only passes one property
- There is an existing business operating from this B road, Glenrath Farms operate further up from Spylaw Farm with daily traffic.
- The applicant is satisfied with any condition restricting use of the unit to farm ownership

The business is generating a steady income with loyal custom from the agricultural sector in Biggar, Broughton, West Linton and Peebles. Tweeddale Garage in Peebles closed their bodyshop and now solely provides mechanical services, as an ex-employee (Bodyshop Manager) of Tweeddale Garage; they are actively directing their customers to GS Chapman.

The additional capacity that a new site would deliver combined with the added value services could generate significant growth for the business and realise employment opportunities in a rural area for one skilled and one unskilled worker.

The family farm, Spylaw, has been in the ownership of the Chapmans since the late-fifties, and was farmed as a commercial enterprise by Graeme's Grandfather until his death in 1967. The farm is 25 acres in size and is no longer sustainable as a commercial unit, however it is still maintained as such by Graeme and his father, and the grazing is let out. They grow potatoes on the land, more as a hobby than a profit making enterprise. Graeme and Debbie built their house on the farm 10 years ago, and full ownership of the farmland has been transferred over to them now with Graeme's parents continuing to live in the original farmhouse.

The applicant is keen to work with Business Gateway to develop the business, we would aim to support this business through our Local Growth Advisory Service and have identified the following areas for initial support.

- Digital Marketing
- Recruitment of Modern Apprentice
- Process improvements in administration (booking & billing)

We understand, however, that the decision from a planning viewpoint means that adherence to Policy ED7 is required. We consider that the applicants have attempted to find an alternative site within a settlement but have been unable to find such a site. We support the results of this investigation, as available sites within the Tweeddale area are extremely scarce. We consider that under the policy, item (c), that it meets this criterion and does support the local agricultural sector, where there is a predominance of off road and 4x4 vehicles. Businesses of this nature do support the local rural economy and are dotted around rural areas, therefore we feel it should not be refused purely on the basis that it is a new facility, if it meets all other criteria.

To: **Development Management Service**
FAO Dorothy Amyes

Date: **28 Oct 2016**

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

Ext: **6663**

Ref: **16/01174/PPP**

**Subject: Erection of vehicle body repair workshop and assoc. parking
Land North West of Dunrig, Spylaw Farm, Lamancha**

My comments to the previous application (15/01410/PPP), which was refused, are still applicable to the current submission and I have copied them below for your information.

Normally I would be against the principle of this type of business in such a rural location. However it is worth noting that this business currently operates in a rural location, therefore it is almost a like for like replacement in terms of location. In addition, the fit for purpose building will be located on land where the applicant currently resides, which potentially reduces commuting traffic. The traffic generation associated with this type of business is generally less than a general mechanical repair garage.

Given the above, I would be seeking for an appropriately worded condition to be placed on any consent whereby the business is tied to the applicants dwelling (Dunrig) and that the proposed building can only be used in connection with a vehicle body shop business, unless otherwise approved.

The single track public road serving the site benefits from a number of passing places and the proposed site lies a short distance from the A701. The proposed access to site is located at a point where traffic speeds are low and good visibility can be achieved in all directions.

The application is for outline consent; therefore the details of the access and parking areas will be covered at detailed planning stage should this proposal be granted consent. However, I will expect the access to be constructed to the following specification; 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

In summary, I am able to support the principle of this business at this location providing conditions on the restriction of use and details of access are placed on any consent.

AJS

Local Review Body – List of Policies

Local Review Reference: 17/00015/RREF

Planning Application Reference: 16/01174/PPP

Development Proposal: Erection of vehicle body repair workshop and associated parking

Location: Land North West Of Dunrig Spylaw Farm Lamancha West Linton

Applicant: GS Chapman Vehicle Body Repairs

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

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 PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan’s policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

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

Local Review Body – List of Policies

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

Local Review Body – List of Policies

- 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 IS7 – PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS9 - WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

Waste Water Treatment Standards

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

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

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

Development will be refused if:

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

Sustainable Urban Drainage

Local Review Body – List of Policies

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

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

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
- a) 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

Local Review Body – List of Policies

tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP16: AIR QUALITY

Development proposals that, individually or cumulatively, could adversely affect the quality of air in a locality to a level that could potentially harm human health and wellbeing or the integrity of the natural environment, must be accompanied by provisions that the Council is satisfied will minimise such impacts to an acceptable degree. Where it is considered appropriate the Council may request that an Air Quality Assessment is undertaken to assist determination of an application.

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Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (As Amended)

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

Application for Approval of Matters Specified in Conditions Reference : 16/01467/AMC

To: Mr J McGrath per RM Architecture Ltd Bloomfield Heatherlie Park Selkirk TD7 5AL

With reference to your application validated on **23rd November 2016** for approval of matters specified in conditions pursuant to Planning Permission in Principle under the Town and Country Planning (Scotland) Act 1997, as amended, for the following development :-

Proposal : Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

At : Land North East Of Dundas Cottage Etrick Selkirk Scottish Borders

The Scottish Borders Council hereby **approve the submitted matters specified in conditions pursuant to planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended, subject to the conditions overleaf:-

**Dated 10th February 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01467/AMC

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
SF25181-001 A	Elevations	Approved
16-015-001 REV A	Site Plan	Approved
16-015-002	Sections	Approved
OS EXTRACT	Location Plan	Approved
"CYCLONE" GARAGE LETTER / PLAN	Other	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will satisfy the conditions of Planning Permission in Principle Ref. 15/00301/PPP, and will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

SCHEDULE OF CONDITIONS

- 1 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 2 Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 3 Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type first submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. The remaining external surfaces of the development hereby approved shall be of materials indicated on the submitted application form and approved plans, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Prior to commencement of the development, the widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1." These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.
- 5 Furthermore, the existing road gully must be relocated prior to commencement of development, to an agreed location that has first been submitted to and approved in writing with the Planning Authority. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.

- 6 The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the Captains Road.
- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed in the location indicated on drawing 16/015-001 Rev A, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
(a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
(b) No fires shall be lit within the spread of the branches of the trees;
(c) No materials or equipment shall be stored within the spread of the branches of the trees;
(d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
(e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.
- 8 Unless otherwise agreed in writing by the Planning Authority only the trees identified on drawing 16/015-001 Rev A and the corresponding Ballantynes Tree Services Survey Plan shall be removed.
Reason: The existing trees represent an important visual feature which the Planning Authority consider should be substantially maintained.
- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
i. existing and finished ground levels in relation to a fixed datum preferably ordnance
ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
iii. location and design, including materials, of walls, fences and gates
iv. soft and hard landscaping works
v. existing and proposed services such as cables, pipelines, sub-stations
vi. other artefacts and structures such as street furniture, play equipment
vii. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.

It should be noted that:

The Environmental Health Service advises:

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.

The Environmental Health Service advises:

Wood Burning Stove installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance

<http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it
<http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The further landscaping details brought forward to address the conditions of this consent should address the comments of the Council Landscape Architect.

The applicant is reminded that this permission does not convey approval for works affecting third party rights which may exist on the land or any adjoining. The applicant is therefore advised to seek the approval of any parties having an interest in any land affected by this permission

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

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

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

If 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.



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:

- 1. Can the site be viewed entirely from public land?

Yes	No
<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 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 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.

Location Plan 25181-001 Rev B 16-015-003 Rev A Appeal Statement
--

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

Checklist

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

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

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

Declaration

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

Signed		Date	<u>04/05/2017</u>
	FOR & ON BEHALF OF RUMARCHITECTURE LTD		

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



Planning Consent Ref: 16/01467/AMC
Appeal statement in support of profiled roof covering for
Proposed Dwelling House
Land North-East of Dundas Cottage, Ettrick

We write in reference to the above and wish to submit an appeal to the Local Review Body with specific reference to condition 3 of the above noted Planning Consent, which states:-

"Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to the occupation of the dwelling."

We wish to appeal this condition to allow the use of a corrugated profile roof sheet as proposed in the original planning submission drawings and documents.

It is demonstrated in Section 4.4 of SBC's Placemaking and Design Supplementary Planning Guidance that corrugated roof sheeting is a preferred choice of material for use on new buildings within the Scottish Borders. For this to be deemed acceptable it has to be demonstrated that the choice of material will reflect the local character of the buildings in the surrounding landscape. The guidance advises it is the material choice that gives each area of the Scottish Borders its unique character. It states *"In order to reinforce this character, it is essential to first identify the local materials palette that exists then establish how proposed development can reflect this in the design."*

In this regard we have found that there are a significant number of buildings with corrugated roofs, a material which is rooted in the historic character and land use of the local area. Use of this roofing material is deemed as a practical, cost effective and durable alternative to slate. This sentiment still stands today and is endorsed in the above mentioned guidance document which encourages the use of a local palette of materials in contemporary house design.

We do not feel that the Planning Authority have put forward sufficient reason as to why the originally proposed roofing was deemed to be inappropriate and have perhaps imposed this condition due to time constraints on the determination of the application brought about by several changes in Planning Case Officer. We have also observed that there were no specific objections received with regard to the use of a corrugated profile roof sheet.

We believe other aspects of the design will compliment the use of corrugated profile roofing with larch timber cladding approved as the exterior wall finish. The applicant has drawn inspiration for their material choice from winner of the 2012 Design Awards, Westerton Wood, in Aboyne courtesy of Aberdeenshire Council. Judges said the self-built residential property, which combined a red corrugated iron roof, locally sourced stone and larch cladding, set a "benchmark" for future projects in Aberdeenshire. We have appended images of this dwelling for reference. It is fully understood that we are not in Aberdeenshire, but we believe we have demonstrated that there is sufficient scope in the local built environment for the proposed roofing material to be deemed acceptable.

It is for the reasons given above that we believe the use of a corrugated roof sheet would be deemed suitable and have appended photo's of the other local buildings in the area with corrugated profile roofs for reference.

RM Architecture Ltd
7th April 2017

Appendix 1 – Images of Existing Buildings & Example of New House in Aberdeenshire



Ettrick Village Hall



Farm Steading at Ettrick

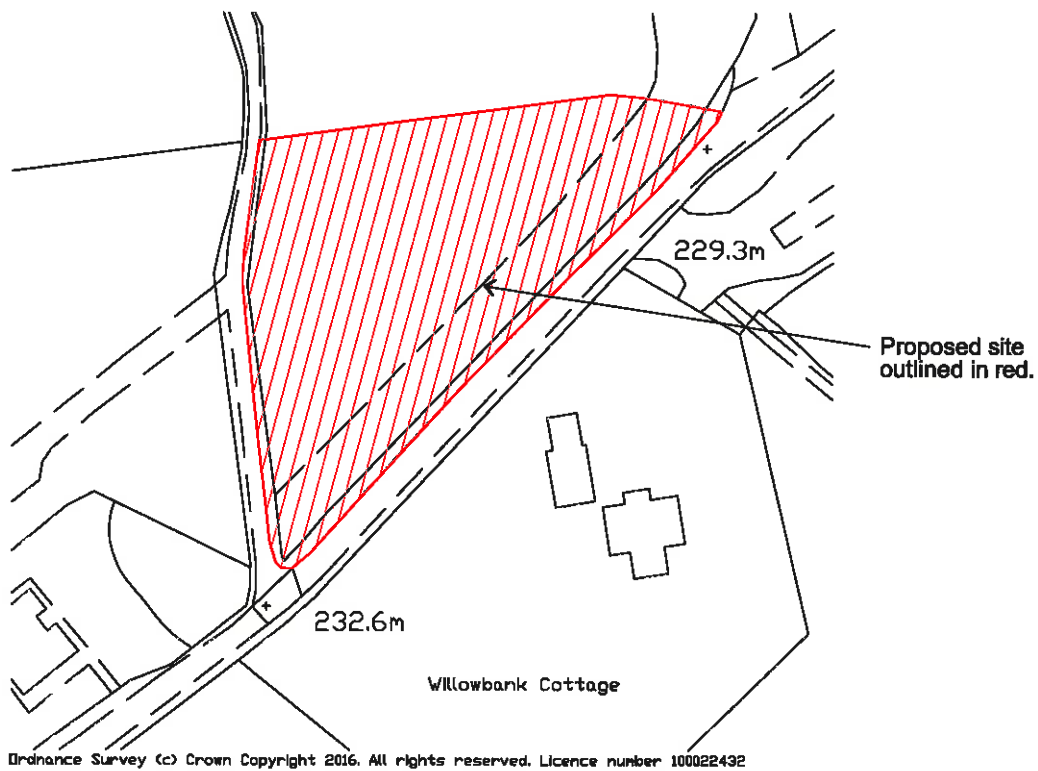


Shed to North-East of Building Group

Appendix 1 – Images of Existing Buildings & Example of New House in Aberdeenshire



New house at Westerton Wood, Aboyne



Ordnance Survey OS Sitemap

client

job title

Proposed House on land north
of Dundas Cottage, Ettrick,
nr Selkirk

drawing title

Locality Plan

scale

1:1250

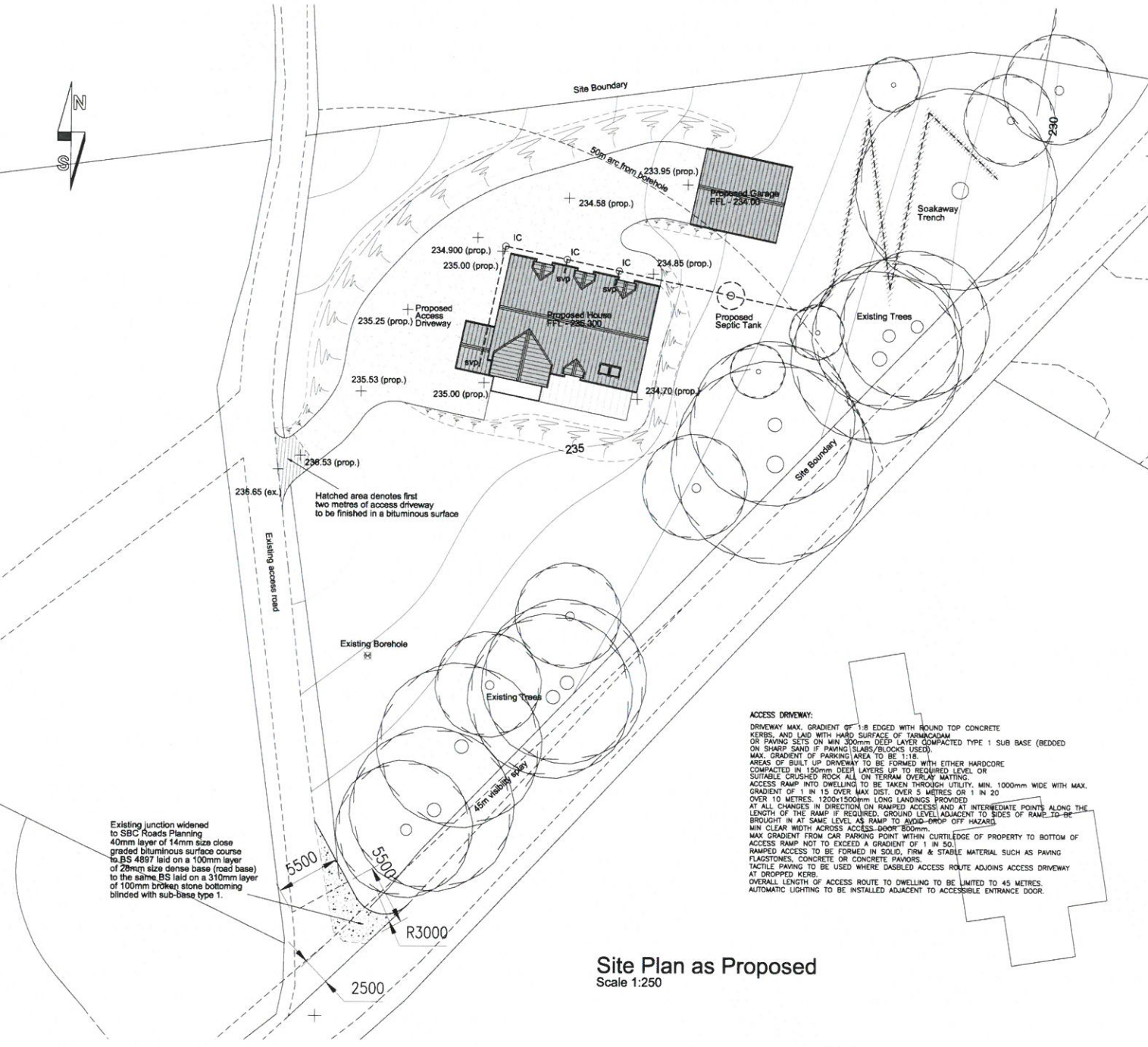
date

08.11.16

d

R

drawing no.



Septic Tank Specification
 3800 litre/12 population capacity Klargestor Alpha septic tank to be installed to the recommendations set down by the unit manufacturer.
 Tank to be sited within 25.00m of public road and more than 5.00m away from dwelling. Unit to be backfilled in pea gravel and set on a concrete base extending at least 300mm beyond the edges of the unit.

Soakaway specification
 Filter bed to be constructed from min. smooth bored 100mm dia. porous pipe on min. 150mm thick gravel bed. The formation level of the gravel bed to be within clayey sand/gravel & shattered rock subsoil level. Min 150mm thick gravel layer to be provided over the pipe and a layer of impervious material above gravel & remainder back filled. Trench to be min. 600mm wide & at least 63.00m long. Perforated pipe to be laid at a gradient of no greater than 1 in 200. Min depth of perforated pipe to be no less than 500mm below finished ground level.
 Perforated pipe to be located min 5.0m away from access road & boundary & 50.0m away from borehole.

Drainage specification
 Plot drainage to be laid in 100/150mm dia. superseive piping, all bedded and jointed as per manufacturers instructions and details. Drainage with less than 450mm cover or within 1.00m of foundations to be encased in concrete and provided with all necessary expansion/contraction joints.
 Minimum gradient of plot drainage to be no less than 1 in 80.
 Manholes to be 480mm dia. Hepworth polypropylene inspection chambers max. 930mm to invert.
 New manholes to be constructed in pre-cast concrete rings if depth from cover to invert exceeds 930mm. ring dia. to be 1050mm up to depths of 1500mm and 1200mm dia. if greater than 1500mm depth. Bottom rings to be bedded on 250mm overall thickness concrete base class S20/20 on 75mm blinding. Concrete fillets and benching to class S20/20. Step irons to B.S.S. 1247 galvanised. Medium, light or heavy duty covers depending on location set in frames on 150mm min. brickwork bedding.

Septic Tank Labelling
 Labelling to be provided in a suitable location within properties being served by the new septic tank alerting occupants that all foul water drainage from the dwelling is connected to a septic tank and recommending the required maintenance of the system.
 Label to read "The drainage system from this property discharges to a wastewater treatment plant. The owner (collectively) is legally responsible for routine maintenance and to ensure that the system complies with any discharge consent issued by SEPA and that it does not present a health hazard or nuisance."

ACCESS DRIVEWAY:
 DRIVEWAY MAX. GRADIENT OF 1:8 EDGED WITH ROUND TOP CONCRETE KERBS, AND LAID WITH HARD SURFACE OF TARMACADAM OR PAVING SETS ON MIN 300mm DEEP LAYER COMPACTED TYPE 1 SUB BASE (BEDDED ON SHARP SAND IF PAVING SLABS/BLOCKS USED).
 MAX. GRADIENT OF PARKING AREA TO BE 1:18.
 AREAS OF BUILT UP DRIVEWAY TO BE FORMED WITH EITHER HARDCORE COMPACTED IN 150mm DEEP LAYERS UP TO REQUIRED LEVEL OR SUITABLE CRUSHED ROCK ALL ON TERRAM OVERLAY MATTING.
 ACCESS RAMP INTO DWELLING TO BE TAKEN THROUGH UTILITY. MIN. 1000mm WIDE WITH MAX. GRADIENT OF 1 IN 15 OVER MAX DIST. OVER 5 METRES OR 1 IN 20 OVER 10 METRES. 1200x1500mm LONG LANDINGS PROVIDED AT ALL CHANGES IN DIRECTION ON RAMPED ACCESS AND AT INTERMEDIATE POINTS ALONG THE LENGTH OF THE RAMP IF REQUIRED. GROUND LEVEL ADJACENT TO SIDES OF RAMP TO BE BROUGHT IN AT SAME LEVEL AS RAMP TO AVOID TRIP OFF HAZARDS.
 MIN CLEAR WIDTH ACROSS ACCESS-DOOR 800mm.
 MAX GRADIENT FROM CAR PARKING POINT WITHIN CURTLEDGE OF PROPERTY TO BOTTOM OF ACCESS RAMP NOT TO EXCEED A GRADIENT OF 1 IN 50.
 RAMPED ACCESS TO BE FORMED IN SOLID, FIRM & STABLE MATERIAL SUCH AS PAVING FLAGSTONES, CONCRETE OR CONCRETE PAVINGS.
 TACTILE PAVING TO BE USED WHERE DASHLED ACCESS ROUTE ADJOINS ACCESS DRIVEWAY AT DROPPED KERB.
 OVERALL LENGTH OF ACCESS ROUTE TO DWELLING TO BE LIMITED TO 45 METRES.
 AUTOMATIC LIGHTING TO BE INSTALLED ADJACENT TO ACCESSIBLE ENTRANCE DOOR.

Existing junction widened to SBC Roads Planning
 40mm layer of 14mm size close graded bituminous surface course to BS 4897 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base type 1.

Site Plan as Proposed
 Scale 1:250



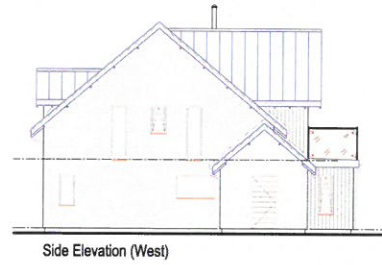
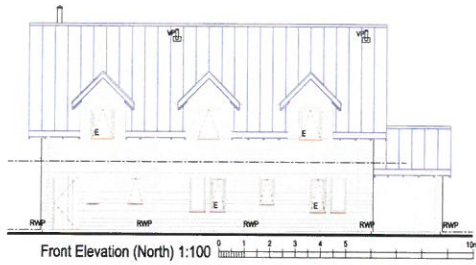
client
Mr & Mrs McGrath

job title
Proposed House at land north-east of Dundas Cottage, Ettrick.

drawing title
Site Plan as Proposed

scale	date	drawn
1:250	20/10/16	RFM

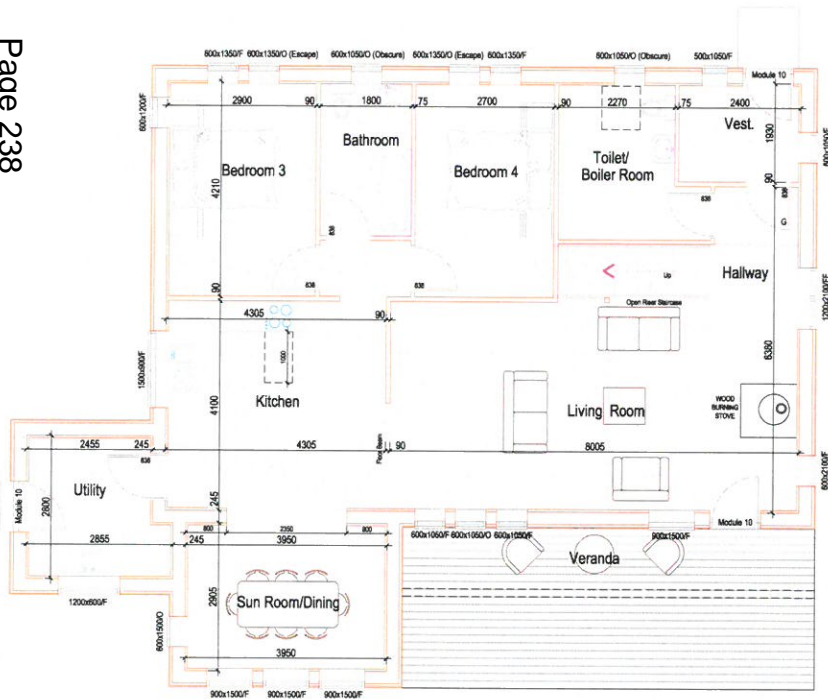
drawing no.	rev.
16-015-003	A



- EXTERNAL FINISHES:-**
1. Metal Profile Roof Cladding (Rust Finish)
 2. Timber Cladding
 3. Rendered Basecourse
 4. Grey Timber Doors
 5. Timber Fascia And Soffit



Page 238

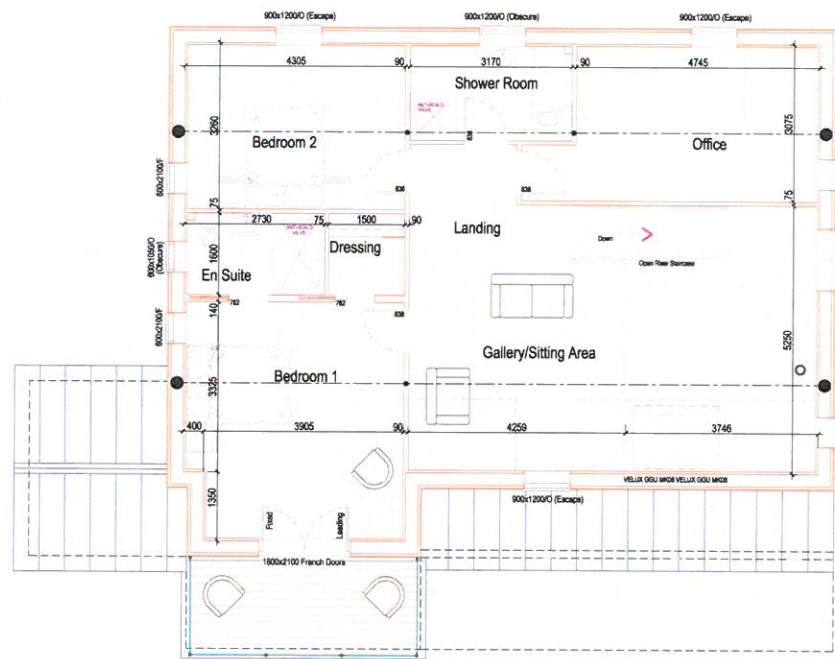


Ground Floor Plan 1:50

Underfloor Heating

Ground Floor Area (124.70m²)

Total Kit Area (234.19m²)



First Floor Plan 1:50

First Floor Area- Including Lounge Void (109.49m²) **Radiators/Towel Rails**

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B	FURTHER CLIENTS ALTS ADDED	GS	09.2016
A	CLIENTS ALTS ADDED	GS	08.2016
Rev		Date	

Client:
Mr and Mrs McGrath,
(Floor Plans and Elevations)

Site:
Proposed House At Hopehouse,
Etrick Valley,
Hawick.



SCOTFRAME TIMBER ENGINEERING LTD, WINDRAE BRANDES FARM,
SCOTTFRAME DRIVE, LOVINGHEAD, BANGORHEAD, ABERDEEN, ABERDEENSHIRE, AB31 6LJ
E-MAIL: SALES@SCOTFRAME.CO.UK
ALSO AT:
15 GARDEN LANE, WESTFIELD, CUPAR, ANGUS, DD8 3HQ
E-MAIL: SALES@SCOTFRAME.CO.UK

Tel: 01427 622442
Fax: 01427 674755
Tel: 01246 840000
Fax: 01246 840000

Scale:	Drawn:	Date:	Dwg No:	Rev:
1:50, 1:20 @ A1	G.Scott	05.2016	SF25181-001	B

SCOTTISH BORDERS COUNCIL**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER****PART III REPORT (INCORPORATING REPORT OF HANDLING)**

REF : 16/01467/AMC

APPLICANT : Mr J McGrath

AGENT : RM Architecture Ltd

DEVELOPMENT : Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

LOCATION: Land North East Of Dundas Cottage
Ettrick
Selkirk
Scottish Borders

TYPE : AMC Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
SF25181-001 A	Elevations	Approved
16-015-001 REV A	Site Plan	Approved
16-015-002	Sections	Approved
OS EXTRACT	Location Plan	Approved
"CYCLONE" GARAGE LETTER / PLAN		Other Approved

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

COMMUNITY COUNCIL:

EYCC has no objections to the application on the proviso that the Planning Officers are content that the buildings style, design, finish and orientation are in keeping with the local styles and surrounds and that any noise emanating from the site (in particular the large workshop proposed) is not intrusive. We note that the house is proposed as having a tin roof, not the usual slate tiles which would be in keeping with the surrounding buildings. We are aware of other planning applications where it has been a requirement that traditional materials were used and therefore assume that a consistent approach will be applied to this application.

ROADS PLANNING SERVICE:

The site plan includes details for widening the junction to allow two vehicles to pass in the bell-mouth area, as well as showing the necessary visibility splays. The principle of these improvements are acceptable, however I would like to make the following points;

- o The widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1."

- o The existing road gully must be relocated to an agreed location.
- o The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from.

These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling. It should be noted that all work within the public road boundary must be undertaken by a contractor, first approved by the Council.

ENVIRONMENTAL HEALTH:

The papers lodged in connection with this Application indicate that it is intended to use a private drainage system and a solid fuel appliance. These can both impact on public health if not properly installed, operated and maintained. Agree with application in principle, subject to Conditions and Informatives.

LANDSCAPE ARCHITECT:

The site has not been visited but is in a rural location in the heart of the Etrick Valley. The site is rising ground to the south of the B7009 and screened to some degree by the strip of mature shelterbelt planting that runs along the southern boundary with the road. There are a number of conditions relating to the existing trees on site and to a landscape scheme for the site, as follows:

Condition 1 - which requires the landscaping of the site to be submitted and approved in writing by the Planning Authority. As yet no landscaping scheme has been submitted. It should consider the planting of a hedge and trees along the northern and west boundaries and some additional tree and native shrub planting along the south eastern boundary to strengthen the existing screen along the road.

Condition 4 relates to the existing trees on site, requiring a detailed drawing to be submitted showing trees to be retained on site. We would expect to see plan showing accurately the location and extent of all trees on site (even those trees which it might be necessary to remove). Such a tree plan has not been submitted, and while the Site Plan as Proposed shows existing trees along the south east boundary, it does not show the full extent of these trees or locate them accurately. Once an accurate plan showing all trees has been drawn up it will be necessary to provide tree survey information for the trees along the edge of the proposed development, including condition (health/ longevity) and stem diameter, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. This will allow the Root Protection Area (RPA) of these trees to be established. The RPA of all retained trees should then be fenced off prior to commencement on site, so that no damage is incurred to the retained trees in the course of the development.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of four neighbouring dwellings. Further publicity was carried out in the form of an advert in the Southern Reporter, and on the National planning notice website. No objections were received. One representation was received from Mr & Mrs Briggs, raising concerns (but not objections) in terms of orientation, windows and materials. These issues are considered further in the report assessment below.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016
 Policy PMD4 Development Outwith Development Boundaries
 Policy HD3 Protection of Residential Amenity
 Policy EP13 Trees, Woodlands and Hedgerows
 Policy IS5 Protection of Access Routes
 Policy IS7 Parking Provision and Standards

Other
 SPGs

- New Housing in the Borders Countryside
- Placemaking and Design
- Householder Development
- Development Contributions

Recommendation by - Andrew Evans (Planning Officer) on 9th February 2017

This application seeks approval of matters specified in conditions in relation to the erection of a single detached dwelling on a site at Ettrick. The site is located at the corner of the Captains Road, and the minor road the B709. Planning permission in principle was granted under application 15/00301/PPP for the erection of a single detached dwelling.

Addressing the conditions of the PPP consent in turn:

Condition 1

The condition stated: No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- Layout, Siting and Design.

The form, scale, mass and positioning of the proposed building are all agreeable.

Representation was received regarding the orientation of the house. However given the unusual triangular shape of the site, and tree belt along the neighbouring road, I am content that the submitted orientation can be accepted. The window shape and form is also questioned. However the site is not in any conservation area and the windows do have a generally vertical emphasis. I am content with this aspect as proposed. I note the proposed timber cladding. Given the adjacent tree belt in this rural location, there is a definite context which allows for the use of timber cladding here. The materials condition will cover provision and agreement of a sample.

The proposed dwelling is considered generally acceptable in terms of policy PMD2 of the LDP and in terms of the housing design guidance set out in the adopted SPG on Placemaking and design. A condition on submission and agreement of materials samples would be appropriate to ensure compliance with the materials requirements of policy PMD2. The proposed metal roof sheeting would not be acceptable. The agent lodged additional information and photos seeking to justify the use of metal cladding to the roof of this proposed dwelling. I note the submission, however within the immediate context, dwellings use slate. The neighbouring built context features predominantly slate as roof covering. Slate will be required via planning condition. A condition will also require a black or grey finish to the flue exterior.

- Landscaping / House Position

The position of the house and garage on the plot are acceptable. In terms of the embankment to be formed behind the house, this will be softened by existing trees. Planting details are provided for to a limited degree in drawing 16-015-001A. A full scheme for landscaping and schedule for conclusion is still required. It will be ensured via condition.

- Embankment

I had some concerns about the banking behind the proposed house, in terms of height and grade. The agent has provided a supplementary section which shows that the banking in reality will be less than 2m deep, and at a moderate slope. The banking is proposed to be grassed. These arrangements will be acceptable.

Condition 2

This related to timing of applications, and discharge of conditions, and no action is required here.

Condition 3

This states that 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. With regards this condition the agent set out on the proposed application form that the proposed means of water supply is via a public connection.

- Water and Drainage

The current application now proposed a public water supply, but private drainage arrangements. Environmental Health was consulted on the application, and advises that the proposed dwelling can be supported, subject to suitable conditions being in place. Suitably worded conditions are set out following this report.

The condition suggested by the EHO in terms of ongoing maintenance of the drainage system would not pass the tests for use of planning conditions, and as such has not been imposed here.

Condition 4

Condition 4 states that before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

The application was accompanied by a tree survey from Ballantynes Tree Services. This includes a detailed tree assessment drawing. This tree RPA / protection plan was transcribed onto plan 16/015-001 Rev A. The submitted drawing 16/015-001 Rev A sets out the position of existing trees, and sets out a position for a protective fence. The drawing needs to be tied to a suitable further condition, to ensure the provision of the protective fencing, and to continue to prevent any further felling or lopping unless agreed.

Tree removals are also set out in this plan. 3 removals from the north of the plot, pose no issue. Trees 62, 65 and 67 are healthy, but removal is required for the access. The remaining removals are of trees in the main belt, south of the house and adjoining the B road, which have started to overhang or lean towards the public road. Some management of this woodland is welcome, and will in the longer terms show benefit. Suitable conditions are set out following this report to ensure only the agreed trees are removed.

Condition 5

This condition required that the right of way adjacent to the western boundary of the site should remain open and free from obstruction before, during and after any construction works. The proposals do not conflict with this requirement.

Condition 6

This condition requires that the detailed design of the alterations to the existing junction and proposed access details from the minor single track road shall be submitted at detailed planning stage. Thereafter, the agreed scheme will be implemented prior to works commencing on site. The Roads Planning Service was consulted on the application, and advises that the site plan includes details for widening the junction to allow two vehicles to pass in the bell-mouth area, as well as showing the necessary visibility splays. The principle of these improvements are acceptable, to the RPS, however there are a number of matters still to be clarified. These will be subject to planning condition.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will satisfy the conditions of Planning Permission in Principle Ref. 15/00301/PPP, and will accord with the relevant provisions of the

Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

Recommendation: Approved - conditions & informatives

- 1 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 2 Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 3 Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type first submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. The remaining external surfaces of the development hereby approved shall be of materials indicated on the submitted application form and approved plans, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Prior to commencement of the development, the widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1." These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.
- 5 Furthermore, the existing road gully must be relocated prior to commencement of development, to an agreed location that has first been submitted to and approved in writing with the Planning Authority. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.
- 6 The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the Captains Road.
- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed in the location indicated on drawing 16/015-001 Rev A, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 8 Unless otherwise agreed in writing by the Planning Authority only the trees identified on drawing 16/015-001 Rev A and the corresponding Ballantynes Tree Services Survey Plan shall be removed. Reason: The existing trees represent an important visual feature which the Planning Authority consider should be substantially maintained.
- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing. Reason: To ensure that the proposed landscaping is carried out as approved.

Informatives

It should be noted that:

- 1 The Environmental Health Service advises:

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.

- 2 The Environmental Health Service advises:

Wood Burning Stove installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

- 3 The further landscaping details brought forward to address the conditions of this consent should address the comments of the Council Landscape Architect.

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

Tree Survey Report

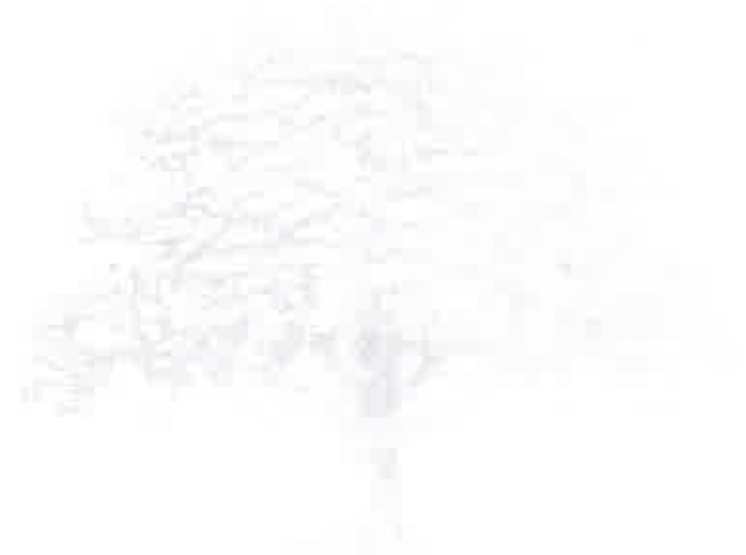
Ettrick Plot

Client – Mr J McGrath
Agent – RM Architecture

Ballantynes' Project Number - 15696

Date	Issue record	Originator	Details
05.01.2017	Issue One	Alex Ballantyne	Issue in support of planning application

Land north-east of Dundas Cottage
Ettrick, Scottish Borders





1. INTRODUCTION

1.1 Appointment and report purpose

- 1.1.1 Ballantynes Tree Services have been appointed by Mr J McGrath in order to undertake a pre-development tree survey at the plot located to the north east of Dundas Cottage in Ettrick (with the proposed development shown in Figure 1). In accordance with BS 5837:2012, this tree survey will include all trees having a stem diameter of at least 75 mm where measured 1.5 m above ground level.
- 1.1.2 Following the collection of data via a site inspection, this report has been developed in order to provide Mr J McGrath with further information regarding constraints to development imposed by the existing trees. This information may be utilised in support of the planning submission, providing Scottish Borders Council with detail as to the present condition of trees located on the site.
- 1.1.3 This report is intended to address the comments of the Landscape Architect on behalf of the planning department at Scottish Borders Council (correspondence on 30th November, planning application reference 15 / 00301 / PPP).
- 1.1.4 This report has been developed via a visual inspection from ground level only. If further assessment of any trees should be required in order to support the proposed development, this is to be undertaken at the earliest opportunity by a suitably competent person.

1.2 Competence of surveyor

- 1.2.1 The author of this report, Alex Ballantyne, has 10 years' experience as an arborist working in the Scottish Borders. He has extensive knowledge of the tree types that commonly grow in this area, as well as being knowledgeable as to the expectations of the local authority with regard to the retention or removal of trees in the area.

1.3 Terms of reference

- 1.3.1 This report has been developed in reference to BS 5837:2012 'Trees in relation to Design, Demolition and Construction', which provides the current best practice guidance for the surveying of trees prior to commencement of construction works.
- 1.3.2 The data collected at the site (see Section 3) follows that set out by BS 5837:2012, with the findings of this report summarised in a Tree Constraints Plan, as recommended by Clause 5.2 of this British Standard.

1.4 Statutory Obligations

- 1.4.1 Where trees are covered by Tree Protection Orders (TPOs) or are located within a conservation area, any works to trees are subject to consent from the Planning Authority. This may be sought with respect to works to the relevant trees only, or as part of the wider planning application for a development.
- 1.4.2 Where trees provide a roosting site for bats or a habitat for nesting birds, the Habitats Regulations 1994 (including Scottish amendments) require that these be either preserved or additional mitigating measures be considered. Prior to the removal of trees, these should be examined for any signs of bird nesting or bat roosting that may be protected by these regulations.
- 1.4.3 At present, there are no known TPOs, conservation areas or protected wildlife habitats relevant to the trees at this location.



Figure 1 – Proposed site arrangement

2. TREE SURVEY

2.1 Site overview

- 2.1.1 The site green field rural plot of approximately 3,200 m² (0.8 acres), located to the north of the B709 near to Dundas Cottage in Ettrick. The site is triangular in shape, and contains an existing shelterbelt of mature trees along the southern site boundary, adjacent to the B709.
- 2.1.2 Access will be provided at the north-west corner of the site via the minor road that runs down the western boundary of the site (which connects to the B709). A number of trees are currently proposed to be removed from this area in order facilitate this access route.
- 2.1.3 The trees on this site are generally considered to be unremarkable, with no individual trees having significant arboricultural or historical value.

2.2 Survey methodology

- 2.2.1 This survey records all trees on the site with a stem diameter of at least 75 mm (measured at 1.5 m above ground level) and all trees having an estimated stem diameter of at least 75 mm with are located within less than 12 times the stem diameter of the site boundary, in accordance with Clause 4.2.4 of BS 5837:2012.
- 2.2.2 The site contains approximately 75 trees having a stem with a diameter greater than 75 mm. These are primarily located within 3 distinct groups, being the shelterbelt of trees on the southern boundary of the site and two smaller clusters – one at the north west and one at the south west corner of the site.
- 2.2.3 BS 5837:2012 allows groups of trees to be considered as a whole. However, for the purposes of determining a suitable root protection area for the clusters, a number of the larger individual trees within the clusters (those having a stem diameter of at least 300 mm) will be identified on the Tree Survey Plan. There is one tree not located within one of the clusters, with this being situated at the approximate midpoint on the western site boundary.
- 2.2.4 For individual trees, the extent of the crown spread is measured at four cardinal points. For woodlands and tree groups, the overall extent of the canopy is measured.

2.3 Tree data

- 2.3.1 The tree data collected is in accordance with that recommended by Clause 4.4.2.5 of BS 5837:2012, as summarised by the following paragraphs.

Height

- 2.3.2 The height of each tree has been estimated via a visual inspection. This has been undertaken by estimating the height to the nearest 5 ft, then converting to metres.

Crown spread and clearance

- 2.3.3 The crown spread for individual trees is measure along four cardinal points. For groups of trees, the typical canopy spread from the edge of the tree line at each side has been measured approximately. Only one individual tree requires is crown spread measured (No. 68 in Section 3.2). The remained of the trees are all part of groups.

Stem count and diameter

- 2.3.4 Primarily, each tree has a single stem, although the two willow trees have multiple stems and one of the scots pine trees has two stems.
- 2.3.5 The diameter of each stem is measured in accordance with Figure C.1 of BS 5837:2012, generally at a height of 1.5 m above ground level. The diameter of the stem has been rounded to the nearest 50 mm (though BS 5837:2012 recommends these be to the nearest 10 mm)..

Root Protection Area

- 2.3.6 The root protection area (RPA) is the area of ground around the tree which is anticipated to contain the bulk of the roots of the tree. The size of this area is estimated in relation to the diameter of the stem of the tree.
- 2.3.7 For single stem trees, the RPA may be read directly from Table 1. Where the tree consists of a number of stems, the combined stem diameter for use with Table 1 is calculated via either Equation 1, where 2 to 5 stems are present, or Equation 2 where more than 5 stems are present.

Equation 1 – Combined stem diameter calculation (2-5 stems)

$$\sqrt{(\text{stem diameter } 1)^2 + (\text{stem diameter } 2)^2 \dots + (\text{stem diameter } 5)^2}$$

Equation 2 – Combined stem diameter calculation (6+ stems)

$$\sqrt{(\text{mean stem diameter})^2 \times \text{number of stems}}$$

Table 1 – Calculation of the Root Protection Area (from Annex D of BS 5837:2012)

Table D.1 Root protection areas

Single stem diameter mm	Radius of nominal circle m	RPA m ²	Single stem diameter mm	Radius of nominal circle m	RPA m ²
75	0.90	3	675	8.10	206
100	1.20	5	700	8.40	222
125	1.50	7	725	8.70	238
150	1.80	10	750	9.00	255
175	2.10	14	775	9.30	272
200	2.40	18	800	9.60	290
225	2.70	23	825	9.90	308
250	3.00	28	850	10.20	327
275	3.30	34	875	10.50	346
300	3.60	41	900	10.80	366
325	3.90	48	925	11.10	387
350	4.20	55	950	11.40	408
375	4.50	64	975	11.70	430
400	4.80	72	1 000	12.00	452
425	5.10	81	1 025	12.30	475
450	5.40	92	1 050	12.60	499
475	5.70	102	1 075	12.90	519
500	6.00	113	1 100	13.20	547
525	6.30	124	1 125	13.50	573
550	6.60	137	1 150	13.80	598
575	6.90	150	1 175	14.10	625
600	7.20	163	1 200	14.40	652
625	7.50	177	1 225	14.70	679
650	7.80	191	1 250+	15.00	707

NOTE These figures are derived from the calculations described in 4.6.



Life stage and remaining life-span

2.3.8 The life stage of the tree is categorised by visual inspection, in accordance with the stages as set out in Table 2 below. The remaining life span of the tree is judged utilising both the age and physiological condition of the tree, and is stated as one of the following: <10 years, 10+ years, 20+ years or 40+ years.

Table 2 – Life stage key

Life stage	Description
Young (Y)	Young trees anticipated to have been planted within the last 3 years
Semi-mature (SM)	Recently planted trees yet to achieve mature status, usually up to around 25% of the anticipated lifespan in age
Early mature (EM)	Trees which are almost full height, where the crown is still developing and seed bearing. Up to approximately 50% of the anticipated lifespan in age.
Mature (M)	A full height tree with a fully developed, seed bearing crown. Over 50% through the lifespan of the tree.
Over-mature (OM)	A fully grown tree with poor growth extension, die-back and small leaf sizes.

Physiological condition

2.3.9 The physiological condition of the tree relates to the vascular condition of the plant rather than the structural condition of the tree. This is assessed visually using the scale set out in Table 3 below.

Table 3 – Physiological condition key

Physiological condition	Description
Good (G)	The vascular system of the tree appears to be in a healthy condition, with strong growth of shoots and leaves.
Fair (F)	The tree shows a reasonably good level of vitality, however, this is not as good as would be expected in a healthy tree and some areas may show signs diminished vitality.
Poor (P)	The tree presents signs of life and growth within the stems and leaves, however, this is limited and the vitality of the tree is much diminished.
Dead (D)	The tree presents no signs of life or growth.

Grade categorisation

2.3.10 Utilising the data gathered with regard to the age, condition and anticipated remaining life-span of the tree, a grade may be assigned to each tree in accordance with the categories summarised in Table 4.

2.3.11 The category of tree has been recorded and is indicated on the Tree Survey Plan contained in Section 3.3. A colour coding system is utilised in accordance with BS 5837:2012 as follows:

- Grade A – Shown with green centres on the plan;
- Grade B – Shown with blue centres on the plan;
- Grade C – Shown with grey centres on the plan; and
- Grade U – Shown with red centres on the plan.

Table 4 – Summary of BS 5837:2012 Categories

Category	Sub-category	Description
A – high quality trees with a life expectancy of over 40 years	1 – Mainly arboricultural qualities	Trees that are particularly good examples of their species, especially where rare
	2 – Mainly landscape qualities	Trees, groups or woodlands of significant visual importance
	3 – Mainly cultural / conservational qualities	Trees, groups or woodlands of significant conservation, historical or commemorative value
B – moderate quality trees with a life expectancy of at least 20 years	1 – Mainly arboricultural qualities	Trees that might be included in Category A, however, are downgraded due to impaired condition or the presence of significant defects
	2 – Mainly landscape qualities	Trees growing in collectives that attract a higher rating than they would otherwise as individuals
	3 – Mainly cultural / conservational qualities	Trees with material conservation or cultural value
C – low quality trees with a life expectancy of at least 10 years, or with a stem having a diameter of less than 150 mm	1 – Mainly arboricultural qualities	Unremarkable trees of very limited merit or a significantly impaired condition
	2 – Mainly landscape qualities	Trees occurring in groups or woodlands which have little value for the landscape
	3 – Mainly cultural / conservational qualities	Trees with no material conservation or other cultural value
U – trees with a life expectancy of less than 10 years	N/A – though Category U trees having existing or potential conservation value may be assigned a sub-category	Trees with senous, irredeemable structural defects where early loss is likely due to collapse Trees that are dead, or showing signs of significant, irredeemable, irreversible overall decline Trees infected with pathogens of significance to the health or safety of adjacent trees, or low quality trees suppressing adjacent trees of a better quality



3. SUMMARY OF FINDINGS

3.1 Tree group survey data

I.D.	Trees	Description	Height range (m)	Approx. canopy spread (m)				Typical crown clearance (m)	Condition and observations	General recommendations
				NW	NE	SE	SW			
G1	1 - 60	The shelterbelt tree, predominantly formed of mixed scots pine and silver birch trees.	3 - 20	5	5	5	5	4	Trees are generally in good health though a number have areas of dead wood to be removed.	Trees with branches weighted toward the road are to have their crowns lifted. Two dying trees and three leaning trees are recommended to be removed.
G2	61 - 67	A small group of silver birch trees at the north west corner of the site	4.5 - 11	3	3	3	3	1.5	All trees are of good health, although a number will need to be removed in order to facilitate access under the proposed landscape design.	Trees to be removed only where required by the proposed access arrangement.
G3	69 - 75	A small group of silver birch and willow trees at the south west corner of the site	4.5 - 11	2.5	2.5	2.5	2.5	1	All trees are in good health, with no further recommendations at this time.	None

3.2 Individual tree survey data

I.D.	Species (common name)	Height (m)	Crown spread (m)				Crown clearance (m)	Stem count	Stem diameter (mm)	RPA radius (m)	RPA area (m ²)	Life stage	Physiological condition	Condition, observations and recommendations	Remaining life-span	Grade
			N	E	S	W										
1	Pinus Sylvestris (Scots Pine)	18	As per Group G1				4	1	550	6.6	137	M	G	Trees in good health, minor areas of dead wood. Slightly weighted towards the road. Recommended that dead wood is removed and the crowns are lifted.	20+	B2 -- Prominent landscape feature
2		21					4	1	650	7.8	191	M	G		20+	
3		18					3	1	650	7.8	191	M	G		20+	
4	Betula Pendula (Silver Birch)	20					4	1	450	5.4	92	M	G	Good health	20+	
5	Pinus Sylvestris (Scots Pine)	9					2	1	200	2.4	18	EM	G	Minor dead wood	40+	
6		17					4	1	600	7.2	163	M	G	Minor dead wood and braches weighted over the road. Dead wood to be removed and crown lifted.	20+	
7	Betula Pendula (Silver Birch)	15					4	1	450	5.4	92	M	G	Good health	20+	
8	Pinus Sylvestris (Scots Pine)	14					4	1	550	6.6	137	M	G	Minor dead wood and braches weighted over the road. Dead wood to be removed and crown lifted.	20+	
9	Betula Pendula (Silver Birch)	14					4.5	1	350	4.2	55	M	G	Good health	20+	
10		11					4	1	400	4.8	72	M	G		20+	
11		9					3	1	200	2.4	18	EM	G		40+	
12		12					4	1	350	4.2	55	EM	G		40+	
13	Pinus Sylvestris (Scots Pine)	7.5					3	1	200	2.4	18	EM	G	40+		

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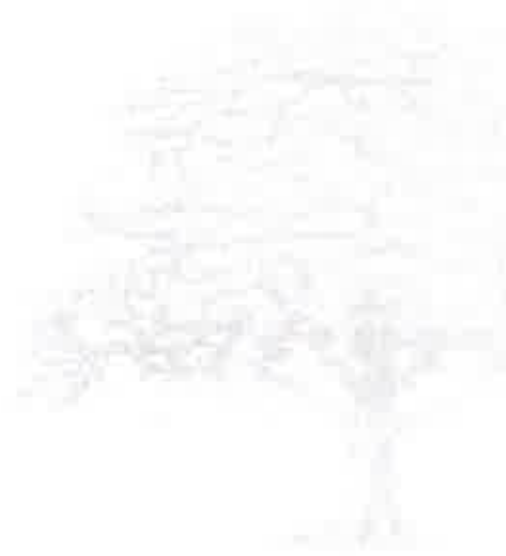
14	Betula Pendula (Silver Birch)	12	As per Group G1	5	1	400	4.8	72	M	G	Good health	20+	B2 – Prominent Landscape feature
15		12		5	1	350	4.2	55	M	G		20+	
16	Pinus Sylvestris (Scots Pine)	4.5		2.5	1	150	1.8	10	EM	G		40+	
17		9		3	1	250	3.0	28	EM	G	40+		
18		7.5		3	1	250	3.0	28	EM	G	Weighted towards road. Crown to be lifted.	20+	
19	Betula Pendula (Silver Birch)	7.5		3.5	1	300	3.6	41	M	G	Good health	20+	
20		11		4	1	400	4.8	72	M	G		20+	
21	Quercus robur (Common Oak)	3		1	1	150	1.8	10	EM	G		40+	
22	Betula Pendula (Silver Birch)	6		2.5	1	150	1.8	10	EM	G	40+		
23	Pinus Sylvestris (Scots Pine)	14		4	2	800	9.6	290	M	G	Dead wood and weighted towards road. Dead wood to be removed and crown lifted.	20+	
24		15		4	1	550	6.6	137	M	G	Minor dead wood, though may be left as is.	20+	
25		4.5		1.5	1	200	2.4	18	EM	G	Good health	40+	
26	Betula Pendula (Silver Birch)	11		4	1	400	4.8	72	M	G		20+	
27	Pinus Sylvestris (Scots Pine)	6		2	1	150	1.8	10	EM	G		40+	
28	Betula Pendula (Silver Birch)	12		4	1	300	3.6	41	M	G	20+		
29	Pinus Sylvestris (Scots Pine)	6		2	1	150	1.8	10	EM	G	40+		
30		7.5		2.5	1	250	3.0	28	EM	G	40+		
31	Betula Pendula (Silver Birch)	17		4.5	1	400	4.8	72	M	G	20+		
32	Pinus Sylvestris (Scots Pine)	4.5		1.5	1	150	1.8	10	EM	G	40+		
33		7.5		3	1	200	2.4	18	EM	G	40+		
34		17		5	1	600	7.2	163	M	G	Dead wood and weighted towards road. Dead wood to be removed and crown lifted.	20+	
35		20		5	1	500	6.0	113	M	G		20+	
36	Betula Pendula (Silver Birch)	14		4	1	300	3.6	41	M	P	Top of tree is dead. Tree to be removed	<10 years	
37	Pinus Sylvestris (Scots Pine)	14		4	1	550	6.6	137	M	G	Dead wood and weighted towards road. Dead wood to be removed and crown lifted.	20+	
38	Betula Pendula (Silver Birch)	15		4.5	1	400	4.8	72	M	G	Good health	20+	



39	Pinus Sylvestris (Scots Pine)	4.5	As per Group G1	1	1	100	1.2	5	EM	G	Good health	40+	B2 – Prominent Landscape feature		
40		12		4	1	600	7.2	163	M	F	Slight lean towards proposed building with a heavily weighted root. Tree to be removed.	20+			
41	Betula Pendula (Silver Birch)	11		4	1	300	3.6	41	M	G	Good health	20+			
42	Pinus Sylvestris (Scots Pine)	18		4	1	800	9.6	290	M	G	Minor dead wood, though may be left as is.	20+			
43	Betula Pendula (Silver Birch)	15		4	1	450	5.4	92	M	F	Heavily leaning towards road. Tree to be removed.	20+			
44	Pinus Sylvestris (Scots Pine)	14		4	1	400	4.8	72	M	F	Tree dying back and to be removed.	<10 years			
45		20		4.5	1	650	7.8	191	M	G	Dead wood and weighted towards road. Dead wood to be removed and crown lifted.	20+			
46	Sorbus aucuparia (Rowan)	3		1	1	100	1.2	5	EM	G	Good health	40+			
47	Betula Pendula (Silver Birch)	12		3	1	350	4.2	55	M	G		20+			
48	Pinus Sylvestris (Scots Pine)	15		4	1	600	7.2	163	M	G	Leaning to the road side and heavy loading on roots. The weight on the road side is to be reduced.	20+			
49	Betula Pendula (Silver Birch)	9		3	1	200	2.4	18	M	F	Leaning to the road side and to be removed.	20+			
50		7.5		3.5	1	300	3.6	41	M	F		20+			
51		6		2	1	150	1.8	10	M	G	Good health	40+			
52		4.5		1.5	1	150	1.8	10	M	G		40+			
53		3		1	1	150	1.8	10	M	G		40+			
54		14		5	1	300	3.6	41	M	G		20+			
55		9		3	1	250	3.0	28	M	G		20+			
56		Pinus Sylvestris (Scots Pine)		15	5	1	550	6.0	137	M		G		Dead wood to be removed.	20+
57	Betula Pendula (Silver Birch)	4.5		2	1	200	2.4	18	M	G	Minor dead wood, though may be left as is.	40+			
58		11		4	1	250	3.0	28	M	G		20+			
59		7.5		3	1	200	2.4	18	M	G		20+			
60		6		2.5	1	200	2.4	18	M	G		40+			
61		4.5		1.5	1	150	1.8	10	EM	G		40+			
62		6		As per Group G2	1.5	1	250	3.0	28	EM	G	Good health, though to be removed to provide access.		40+	C2
63		4.5			1	1	200	2.4	18	EM	G	Good health		40+	

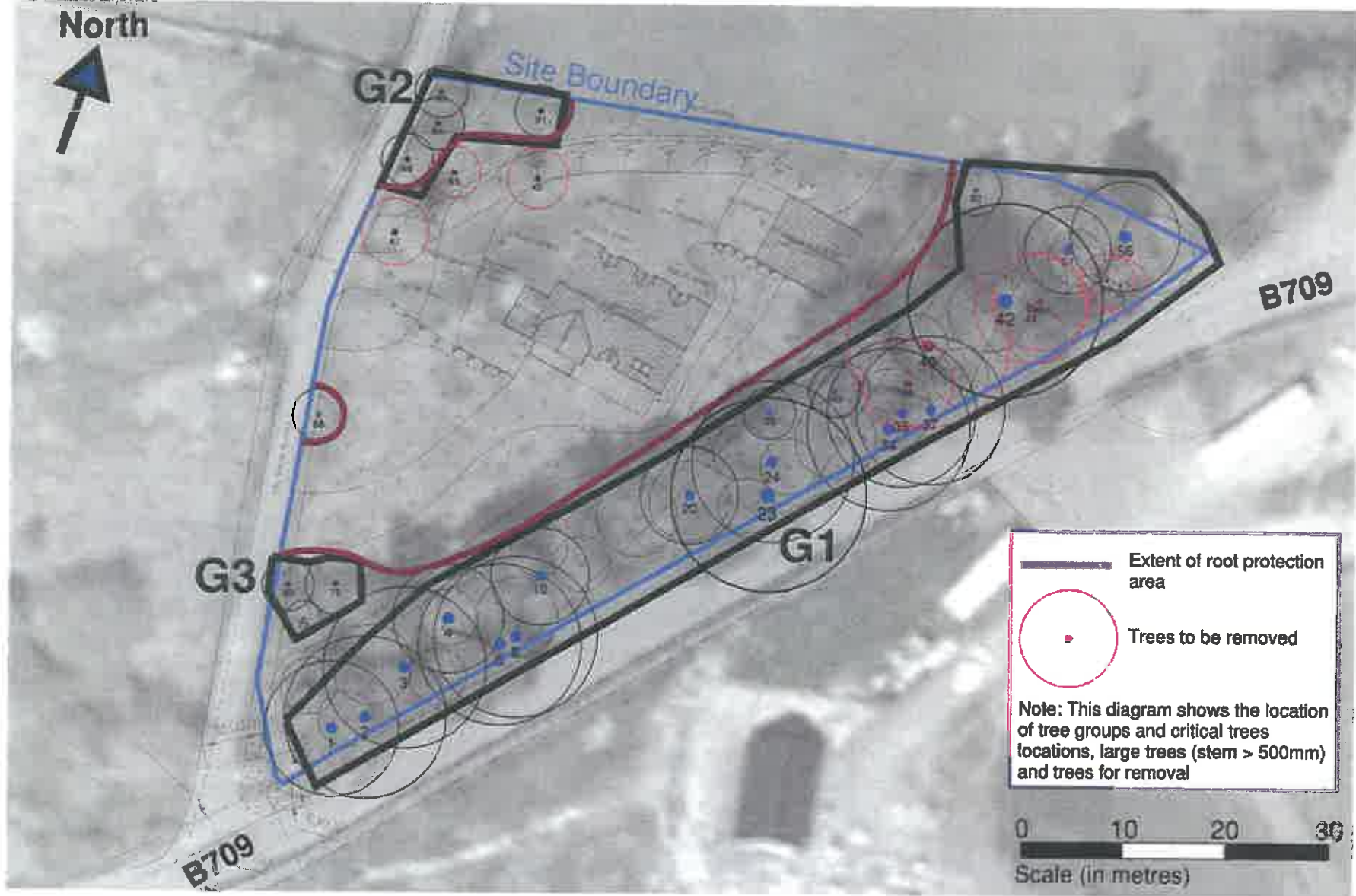


64	Betula Pendula (Silver Birch)	7.5				1.5	1	200	2.4	18	EM	G	Good health	40+		
65		6				1	1	150	1.8	10	EM	G	Good health, though to be removed to provide access	40+		
66		9				1	1	350	4.2	55	EM	G	Good health	40+		
67		11				1.5	1	300	3.6	41	EM	G	Good health, though to be removed to provide access	40+		
68	Fraxinus excelsior (Ash)	4.5	2.5	1.5	2	2	2	1	150	1.8	10	EM	G	Good health	40+	B2
69	Betula Pendula (Silver Birch)	9	As per Group G3			1	1	200	2.4	18	EM	G	Good health	40+	C2	
70		11				1	1	300	3.6	41	EM	G		40+		
71		9				1	1	250	3.0	28	EM	G		40+		
72		6				1	1	150	1.8	10	EM	G		40+		
73		4.5				1	1	150	1.8	10	EM	G		40+		
74		Salix family (Willow)				6	1.5	4	250	3.0	28	EM		G		40+
75	6		1.5	5	250	3.0	28	EM	G	40+						





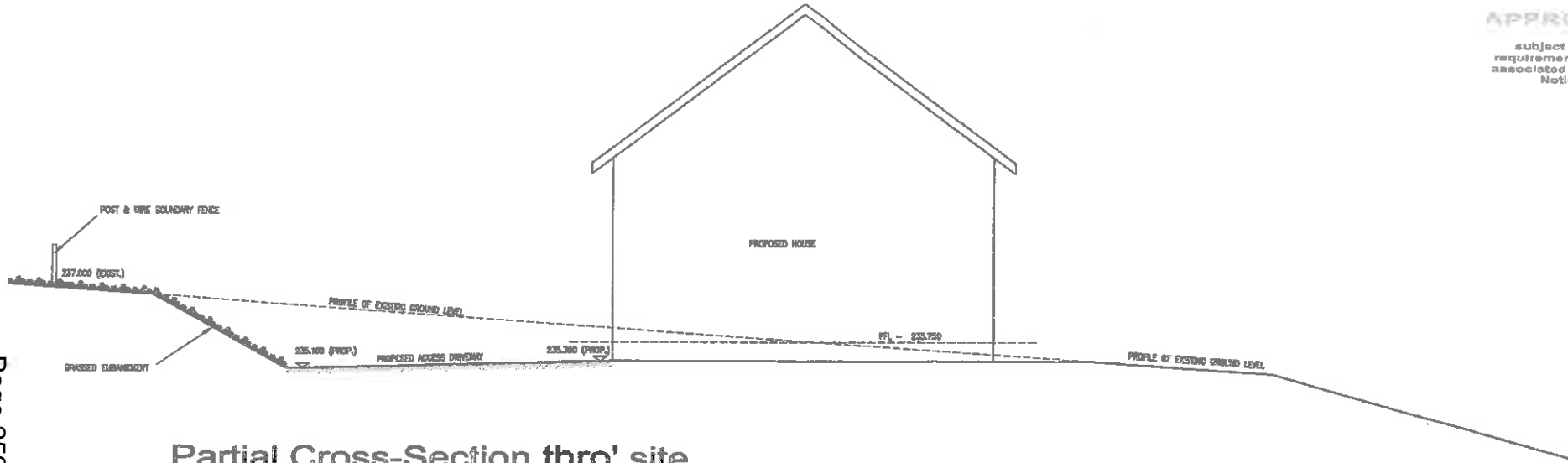
North



Scottish Borders Council
Town And Country
Planning (Scotland) Act
1987

APPROVED

subject to the
requirements of the
associated Decision
Notice



Partial Cross-Section thro' site
Scale 1:100

Page 256

rmarchitecture ltd
Bloomfield, Heatherik Park, Selkirk, TD7 5AL
tel: 01750 21709
email: rmarchitecture@gmail.com

Client:
Mr & Mrs McGrath
Project:
Proposed House at land north-east
of Dundas Cottage
Ettrick
Title:
Partial Section thro' site

Scale: 1:100 Date: Jan 2017 Dwg No: 16-015/002 Revision: -

16/01467/AMC

Mr J McGrath
McGrath Engineering
Flat 2
Websters Cottage
5 Bridge Street
Kendal
LA9 7DD

Monday, 27 June 2016

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1987

APPROVED

subject to the
requirements of the
associated Decision
Notice

Dear John

May I firstly take this opportunity to thank you for your enquiry and interest in our products.

I now have the pleasure of providing you with a full quotation to supply a bespoke steel building designed exactly to your own dimensions and specification.

At Cyclone Steel Buildings we pride ourselves in being highly competitive without any loss of quality or service to our customers. Our business has achieved **ISO 9001:2008 quality assurance standards** ensuring you that when dealing with us you will receive the highest quality advice, service and products. We are the **FIRST** cold rolled steel building supplier in the UK to achieve **CE accreditation** to EN1090 for Design Protocol and Factory Production Control Procedures.

I genuinely hope that this quote meets with your approval, however please contact me should you wish to change or clarify anything. In order for me to process your order I require completed '*Customer Order Confirmation*' and '*Delivery Information*' forms.

Assuring you of my best attention at all times.

Yours Sincerely

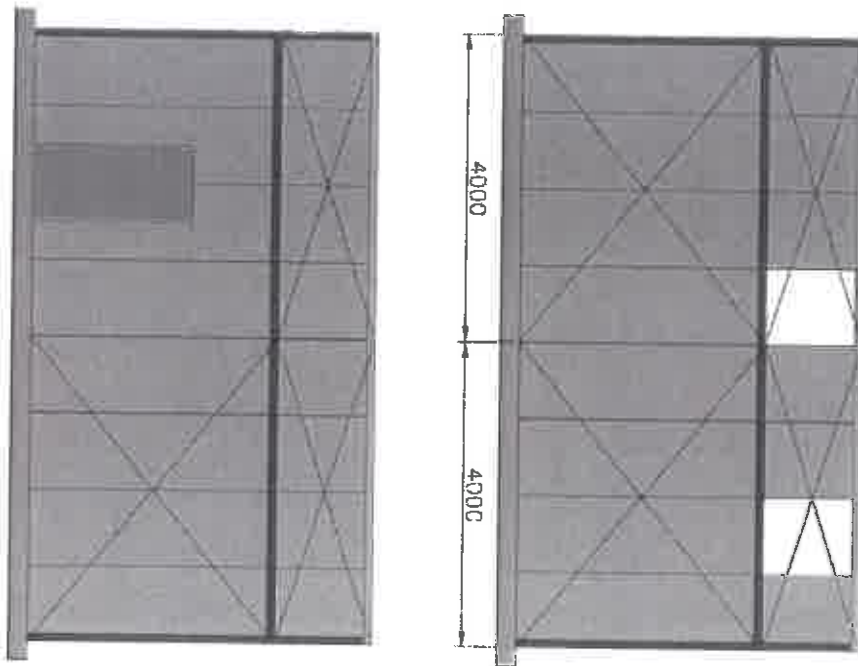
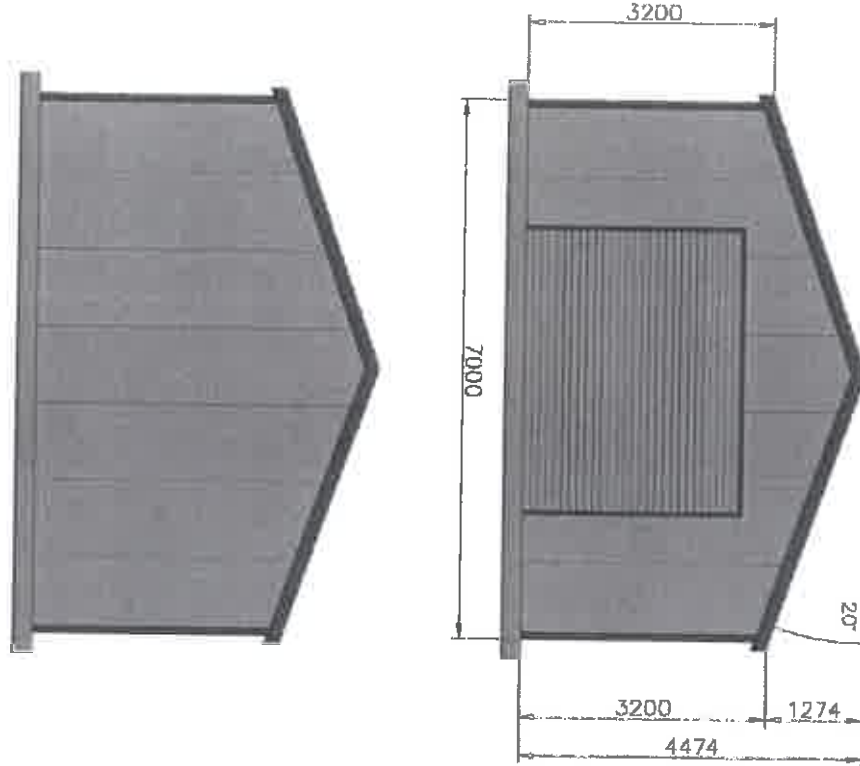
Peter Murray

Peter Murray
Operations Manager

Registered Office: Burnside Business Court, North Road, Inverkeithing KY11 1NZ
Tel. 0800 917 2466 www.cyclonesteelbuildings.com. VAT No. GB 502 6904 68
Part of Newgate Technology ISO 9001: 2008



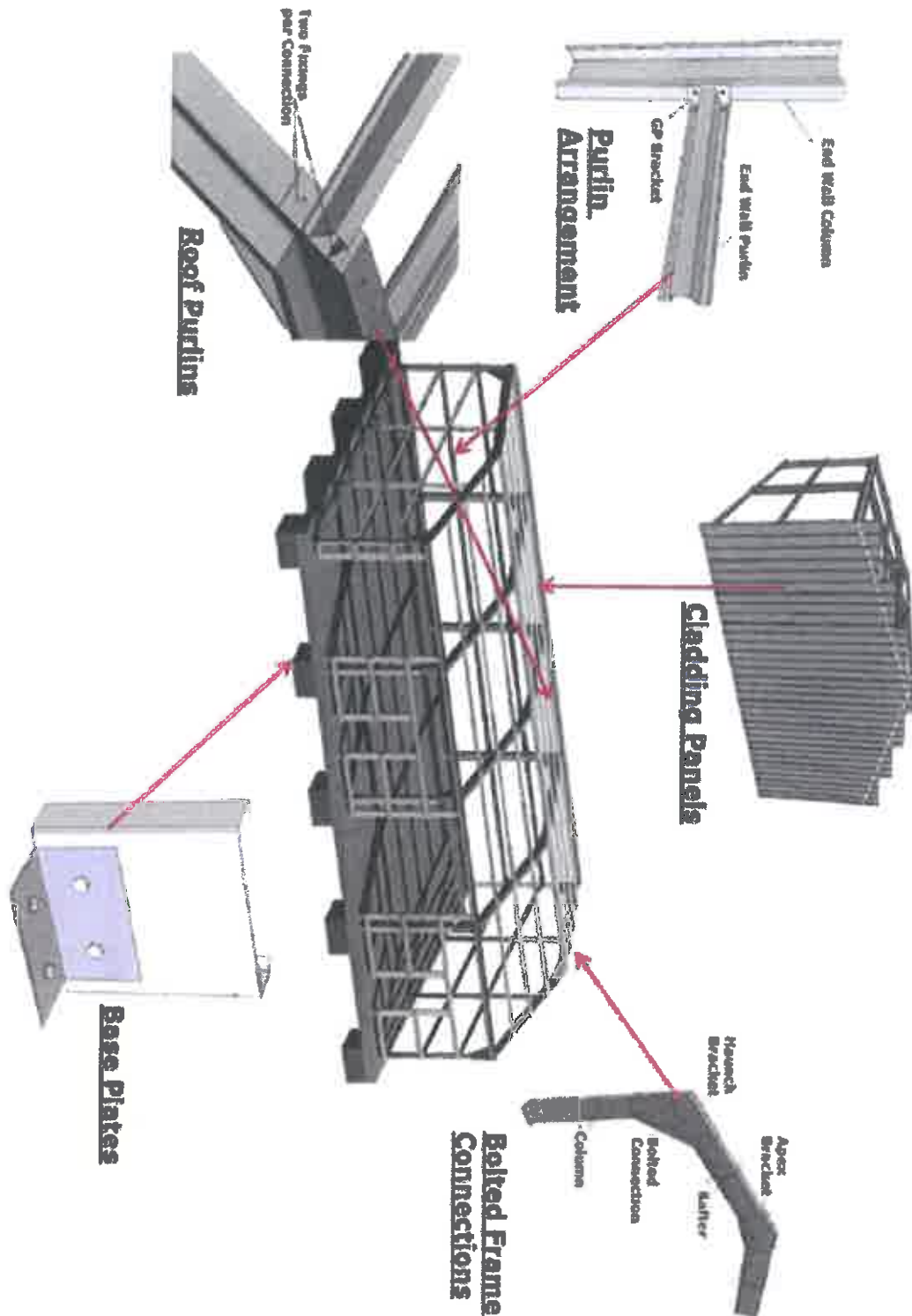
Representational Drawings & Illustrations



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Cyclone Steel Buildings – Methodology



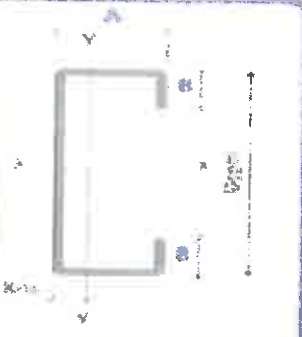
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Cold Rolled 'CEE' Sections

Cee profile dimensions		
Section Depth	Eccs	
	A	B
140, 170	62	13
200	70	15
240	74	17
300	95	19

Dimensions in mm



This type of steel is both high tensile and very durable. This means the combination of cold-rolled steel and portal frame method allows relatively small steel sections to span long distances. This **reduces the cost** of materials and due to the reduction in weight lifting equipment is generally not required, resulting in shorter construction times, reduced erection costs and higher quality

Cold rolled steel purlins' profile can be stacked into very compact loads. This allows a large building to be transported in a relatively compact package, significantly reducing transportation costs. Cold Rolled Steel Sections are pre-cut to sizes with fixing points predetermined by our steel building design, effectively providing your steel building in kit form.

Our buildings are fully galvanized as standard ensuring durability without extra costs. The end result is a superior steel building, engineered to British Standards and designed by state of the art software which allows our customers flexibility to have a building to suit specific requirements.

Single Skin Wall and Roof Panels

The single skin wall systems consist of coated steel sheets rolled to five different profiles and offers rapid coverage and swift completion of a waterproof building envelope to give a high-performance building. Standard external weather-sheets are available in 0.5 and 0.7mm thicknesses. The roof sheets are also available with "Dripstop" anti-condensation membrane on reverse. The system includes a comprehensive range of fixings, sealants, guttering, flashings and rooflights.



Gutters and downpipes are available in a variety of materials in matching or contrasting finishes. All our rooflights are designed to meet your project requirements for light transmission, durability, non-fragility rating, fire resistance and thermal performance.

Profiles have a predicted service life of 40 years and are manufactured in a process **certified to ISO 9001:2008**. The steel is hot-dip galvanized to BS EN 10346:2009 in a range of 33 different colours. Please see our Colour selector brochure or website for more details.

The box profile single skin sheet is economic sheeting in a robust profile that offers high strength and we can manufacture to very long lengths.

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1224-CPR-0615



Composite / Insulated Panels

AS35 insulated panels consist of a core of polyisocyanurate (PIR) insulation sandwiched between a heavily profiled external weather sheet and an internal shallow profiled liner. The PIR insulation bonds to the steel sheets during the manufacturing process, together the insulation and steel form strong, rigid panels with good thermal performance.

Table 07: U-values of AS35 panels

Panel thickness	U-value* (W/m ² K)
40	0.50
60	0.35
70	0.30
80	0.26
90	0.23
105	0.20
115	0.18
120	0.17
137	0.15

PIR insulation is used in the AS35 panels because it has a low thermal conductivity: for a given U-value panels with PIR cores will be thinner than those with mineral wool or EPS cores. PIR can withstand higher temperatures than PUR and will limit the spread of flame.

AS35 panels have a cover width of 1m and are available in thicknesses of 40, 60, 80 and 100mm. The standard external weather sheet is 0.5mm thick and the internal liner 0.4mm thick. The steel is hot-dip galvanised to BS EN 10327:2004 then finished with one of a number of high-quality coatings.



Table 08: Fire resistance results to LPS 1181:2005

LPCB ref. no	Panel	Thickness (mm)	Fire resistance (minutes) integrity (BS 476-22:1987)	Fire resistance (minutes) insulation (BS 476-22:1987)	Grade	Core
635a/04	AS35/1000 Roof panels	40, 60, 70, 80, 90, 105, 115 & 120	N/A	N/A	EXT-B	HCFC-free PIR
635a/04	AS35/1000 Wall panels	40, 60, 70, 80, 90, 105, 115 & 120	N/A	N/A	EXT-B	HCFC-free PIR
635a/05	AS35/1000 Firefighter Wall panels	60, 70, 80, 90, 105, 115, & 120	120	15	EXT-A15	HCFC-free PIR
635a/05	AS35/1000 Firefighter Plus Wall panels	105, 115 & 120	120	30	EXT-A30	HCFC-free PIR

Gutters and downpipes are available in a variety of materials in matching or contrasting finishes. Complete gutter systems and accessories can be manufactured to specification and the AS35 system includes a comprehensive range of matching rooflights, guttering, flashings and sealants.

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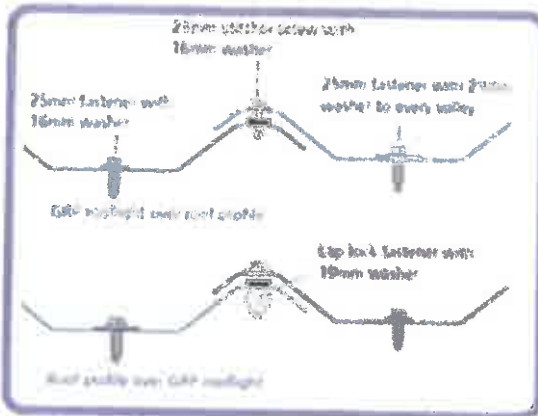


CYCLONE

STEEL buildings

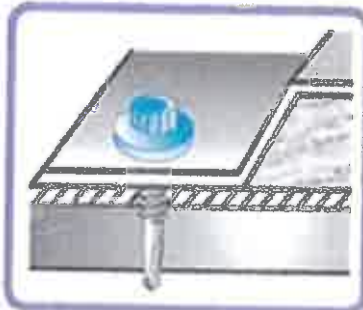
Brackets and Base Fixings

Our frames are fully bolted together: All brackets and base fixings are fully galvanised and predrilled, ready for assembly. This feature makes installation simpler, reduces the potential for human error and is consequently less labour-intensive to install. All framing components are bolted.



Fixings

Fixings for roof profiles provide restraint against wind uplift forces; those for wall profiles provide restraint and support. Whilst profiles may be fixed through valleys or crowns, we recommend valley fixing: accurate fixing is easier to achieve, loads on the fixings are smaller, the fixings are less likely to distort the profile, and better compression of the sealant is achieved at end laps.



Colortite Screws

The integration of the durable Drillitite SD Stainless steel fasteners with the Colortite nylon moulded head produces a fastener with exceptional resistance to weather and corrosion.



Rooflights

Rooflights can be supplied to meet project requirements for light transmission, durability, non-fragility rating, fire resistance and thermal performance. In an insulated building the rooflights are double or triple skinned and do not compromise security.



PA Doors

Our secure steel doors are designed to integrate perfectly with our steel cladding systems. There are two door types; a fire rated emergency escape steel door and a **twelve point locking security** steel door, each insulated to BS EN 1634-1:2000:

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Roller & Sectional Doors

There are endless options when it comes to our doors but the most popular options are the four listed below;

- 1) Domestic Roller Doors
- 2) Light Industrial Roller Doors
- 3) Industrial Roller Doors (Class 5)
- 4) Insulated Sectional Doors

All doors above can be electrically or manually operated.



Our **Roller Doors** are plastisol coated to the colour of your choice extending the life of your roller door.

Roller Doors offer huge benefits over the traditional 'up and over doors'; they minimise the impact on the internal space and reduces wear on guides and moving parts. Please do not hesitate to ask us about our roller door options as these can make the difference between a building being 'fit for purpose' or not.

Our Hörmann **Sectional Doors** can be supplied in two thicknesses, 60mm and 80mm, these offer an insulated option where temperature control is important.

Sectional doors with a 60-mm-thick PU-foamed section are especially robust, offering excellent thermal insulation.

With the 80-mm-thick sectional doors with thermal break, you benefit from a very high thermal insulation. Its excellent insulation value (up to 0.48 W/m²K) is achieved thanks to the thermal break between the exterior and interior of the steel section. This also minimises the formation of condensation water on the inside of the door.

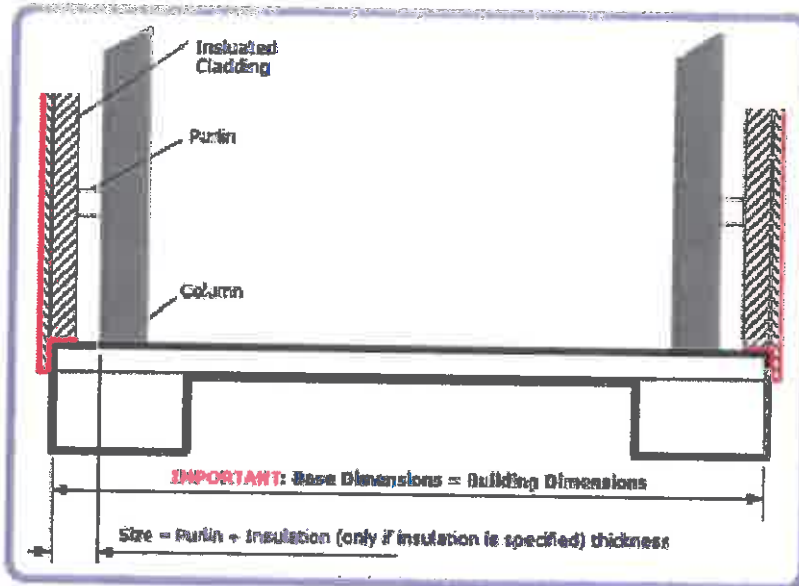


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Base/Foundation Information

Our buildings should be erected onto a prepared slab to ensure your buildings upward and downward forces are accommodated.

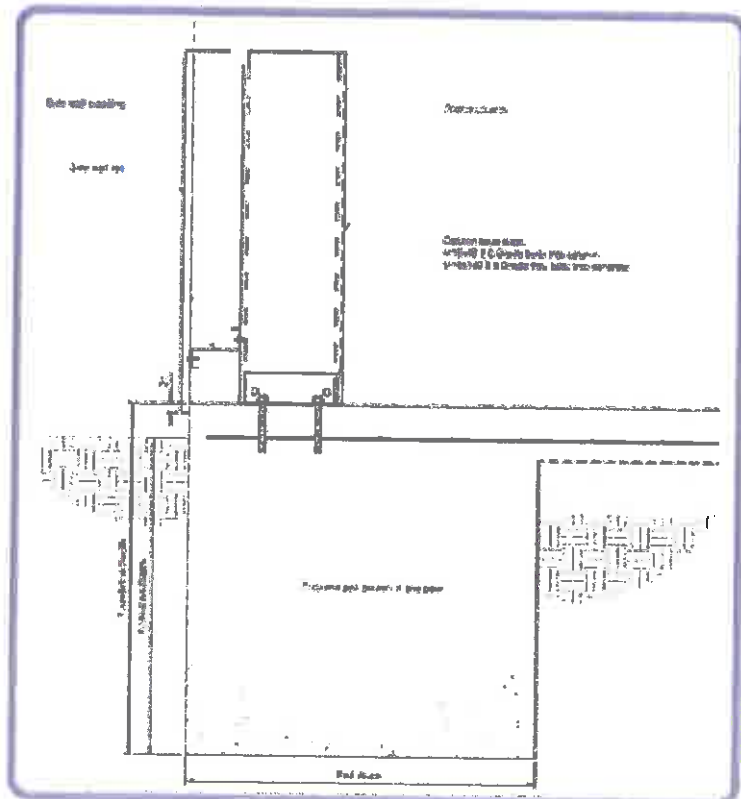


To ensure a water seal we recommend creating a base that is raised off ground level by a minimum of 50mm to allow our cladding to overhang the base and promote water to run away from the structure. Our buildings can be erected on to oversized bases/yards however this does introduce the need for an alternative method of creating a seal around the perimeter of the

building, please call us to discuss the options available.

The image to the right shows a single skin arrangement where the whole panel overhangs the base and creates the rain water run-off.

It is essential that a detailed conversation about how your proposed building will be mounted takes place prior to ordering the structure. If the building is not erected onto a pre prepared base we will need to introduce additional materials to promote a weather seal if this is important.



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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission in Principle

Reference : 15/00301/PPP

To : John Wilson Russell 57 Falcon Avenue Edinburgh EH10 4AN

With reference to your application validated on **19th March 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and garage

at : Land North East Of Dundas Cottage Etrick Scottish Borders

The Scottish Borders Council hereby **grant planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, subject to the following directions:

- That an application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a) The expiration of three years from the date of this permission, or
 - b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

**Dated 14th May 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Service Director Regulatory Services

Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Information Online

APPLICATION REFERENCE : 15/00301/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved

REASON FOR DECISION

The application can be considered to be an exception to Policy G8 on development outwith defined settlement boundaries as the proposal has recently had planning permission being considered to be an appropriate infill opportunity and there were no particularly compelling reasons why the site was then excluded from the settlement boundary.

SCHEDULE OF CONDITIONS

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 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 affect 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.
- 4 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.
- 5 The right of way adjacent to the western boundary of the site should remain open and free from obstruction before, during and after any construction works.
Reason: To preserve continued public access rights.
- 6 The detailed design of the alterations to the existing junction and proposed access details from the minor single track road shall be submitted at detailed planning stage. Thereafter, the agreed scheme will be implemented prior to works commencing on site.
Reason: to ensure that traffic including construction traffic associated with the development have a satisfactory access/egress in the interests of road safety

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Private Water Supply

The applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The location of the source by way of an 8 digit reference number.
2. Details of other properties on the supply (if the supply is an existing one)
3. Estimated volume of water that the supply will provide (details of flow test)
4. Evidence that this supply will not have a detrimental effect on supplies in the area
5. Details of any emergency tanks
6. Details of treatment to be installed on the system.
7. Details of any laboratory tests carried out to ensure the water is wholesome

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

It is reported that there may be a public water supply pipe through the site which you should be aware of upon development.

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, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

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

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

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

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00301/PPP

APPLICANT : John Wilson Russell

AGENT :

DEVELOPMENT : Erection of dwellinghouse and garage

LOCATION: Land North East Of Dundas Cottage
Ettrick
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultation Responses

Education

No contributions are sought

Roads Planning

Concerns were raised through the earliest application over access to the plot. The existing single track unclassified road which meets with the B709 to the west of the plot is substandard in terms of width, geometry and visibility. An outline proposal was put forward to either alter the existing junction or create a new access onto the B709. This department was keen for the existing junction to be altered as this would provide a road safety benefit from all the users of this junction. Where possible the Council discourages new accesses onto classified roads outwith a recognised settlement.

In order to gain my support for the current proposal, I will require a condition to be attached to any consent which requires the detailed design of the alterations to the existing junction and proposed access details from the minor single track road to be submitted at detailed planning stage. Thereafter the agreed scheme will need to be implemented prior to works commencing on site, to ensure construction traffic associated with the development have a satisfactory access/egress.

Environmental Health

Agree in principle but require condition relating to private water supply.

Community Council

EYCC has no substantive objections, but would like to see the same conditions applied as were applied previously, namely

- * no trees tampered with without authority consent
- * water supply, surface and foul drainage to be approved. Also, water crossing site
- * right of way at western boundary to remain free and open

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G8 - Development outwith Development Boundaries
 Policy NE4 - Trees, Woodlands and Hedgerows
 Policy H2 - Protection of Residential Amenity
 Policy Inf2 - Protection of Access Routes
 Policy Inf4 - Parking Provisions and Standards

New Housing in the Borders Countryside SPG

Recommendation by - Dorothy Amyes (Planning Officer) on 13th May 2015

Outline planning permission was originally granted on this and an adjoining plot in August 2007. The consents expired in August 2010. It was felt that despite the presence of mature trees along the roadside, the area of land represented an infill opportunity within a building group at Hopehouse. There have been new houses and plots approved across on the southern side of the road from the site. In 2012 the planning consent for this site was renewed (12/000777/PPP) . This expired on the 14 March 2015 and the current application is for a renewal of this consent.

It is worth noting the assessment of the application in 2012 as the policy and settlement boundary has not changed since that date:

'Subsequently, Hopehouse has been elevated from a building group to a settlement within the Consolidated Local Plan with a settlement boundary. Although the consent will still have been valid at the time of preparation of the settlement boundary for the Local Plan, the boundary was drawn along the road excluding the site from within the boundary. Upon enquiry with the Local Plan Team, there were no compelling reasons why the boundary excluded the site. It could only be concluded that the boundary was drawn upon a physical and visual assessment of the boundaries, influenced by the road, the trees and rising levels.

Nevertheless, cognisance should have been given to the presence of the valid outline planning permission for the site when the boundary was being drawn, even though it is accepted that the aim was to form more suitable development opportunities within the group. It is clear that the consent still existed at the time the boundary was being assessed and re-drawn. Although there are no obvious criteria that could be used to justify an exception to Policy G8 on development outwith settlement boundaries, given the history and lack of specific reasons why the site was excluded, refusal of the application would be difficult to justify. As the main wording of the Policy says applications would 'normally' be refused, there is sufficient reason in this particular instance to support this renewal, especially as the Policy for anchor point development elsewhere in this sparsely populated valley is encouraging of housing development.'

The draft Local development Plan has retained the same boundary for Hopehouse as the Consolidated Local Plan, again with a valid planning consent on the application site. For this reason, it is considered that refusal of this application would be difficult to justify.

The conditions on the previous consent should also be applied to this consent. An additional condition relating to the access and access improvements is also required.

There are no developer contributions liable for the development.

REASON FOR DECISION :

The application can be considered to be an exception to Policy G8 on development outwith defined settlement boundaries as the proposal has recently had planning permission being considered to be an appropriate infill opportunity and there were no particularly compelling reasons why the site was then excluded from the settlement boundary.

Recommendation: Approved - conditions & informatives

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 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 affect 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.
- 4 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.
- 5 The right of way adjacent to the western boundary of the site should remain open and free from obstruction before, during and after any construction works.
Reason: To preserve continued public access rights.
- 6 The detailed design of the alterations to the existing junction and proposed access details from the minor single track road shall be submitted at detailed planning stage. Thereafter, the agreed scheme will be implemented prior to works commencing on site.

Reason: to ensure that traffic including construction traffic associated with the development have a satisfactory access/egress in the interests of road safety

Informatives

It should be noted that:

- 1 Private Water Supply

The applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The location of the source by way of an 8 digit reference number.
2. Details of other properties on the supply (if the supply is an existing one)
3. Estimated volume of water that the supply will provide (details of flow test)
4. Evidence that this supply will not have a detrimental effect on supplies in the area
5. Details of any emergency tanks
6. Details of treatment to be installed on the system.
7. Details of any laboratory tests carried out to ensure the water is wholesome

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

It is reported that there may be a public water supply pipe through the site which you should be aware of upon development.

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

From:BARBARA HARRISON
Sent:Mon, 23 Jan 2017 12:00:16 +0000
To:Planning & Regulatory Services;Evans, Andrew
Subject:Fw: Planning Application 16/01467/AMC

Dear PRS and Andy Evans

I sent this response below to Dorothy Aymes in early January. The closing date for that planning application was 28th December, but I realised that SBC was closed, so I made sure that our comments were submitted to be there for the first day or re-opening after the New Year. I did not know that Dorothy had retired (which I have only found out today by ringing SBC). Can you please reassure me that our comments were picked up and have been included?

Also, the reason that I rang today was to request a short extension for our comments on planning application 16/01574/FUL. I took my eye off the ball in relation to the deadline which I believe would have been last Friday 20th January. Could we please have a few extra days and I'll get any comments to you by this Thursday 26th January at the latest?

Finally, when I phoned this morning initially I was put through to Dorothy's extension and got her answer 'machine' - so had no idea until I phoned Customer Services that she had left. Perhaps the telephone list and answer message could be updated now that she has left SBC?

Many thanks and I look forward to your reply.

Barbara Harrison
Secretary
Etrick & Yarrow Community Council

----- Forwarded Message -----

From: BARBARA HARRISON [REDACTED]
To: Dorothy Aymes <dames@scolborders.gov.uk>
Sent: Tuesday, 3 January 2017, 9:02
Subject: Planning Application 16/01467/AMC

Hi Dorothy

Happy New Year. Here is the view of EYCC in relation to planning application 16/01467/AMC:

EYCC has no objections to the application on the proviso that the Planning Officers are content that the buildings style, design, finish and orientation are in keeping with the local styles and surrounds and that any noise emanating from the site (in particular the

large workshop proposed) is not intrusive. We note that the house is proposed as having a tin roof, not the usual slate tiles which would be in keeping with the surrounding buildings. We are aware of other planning applications where it has been a requirement that traditional materials were used and therefore assume that a consistent approach will be applied to this application.

I trust that this can be included, even though we missed the 28th December deadline.

Kind regards

Barbara

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01467/AMC
Uniform Ref	16/02359/PLANCO
Proposal	Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)
Address	Land North East Of Dundas Cottage Ettrick Selkirk Scottish Borders
Date	7/12/16
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

*Air quality
Nuisance
Private Water Supply*

The papers lodged in connection with this Application indicate that it is intended to use a private drainage system and a solid fuel appliance. These can both impact on public health if not properly installed, operated and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informatives.
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Conditions

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

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

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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

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.

Informatives

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.

Solid Fuel Use

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 30th November 2016

Contact: Dorothy Amyes ☎ 01835 826743

Ref: 16/01467/AMC

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 21st December 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 21st December 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 J McGrath

Agent: RM Architecture Ltd

Nature of Proposal: Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

Site: Land North East Of Dundas Cottage Ettrick Selkirk Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

The site has not been visited but is in a rural location in the heart of the Ettrick Valley. The site is rising ground to the south of the B7009 and screened to some degree by the strip of mature shelterbelt planting that runs along the southern boundary with the road. There are a number of conditions relating to the existing trees on site and to a landscape scheme for the site, as follows:

Condition 1 - which requires the landscaping of the site to be submitted and approved in writing by the Planning Authority. As yet no landscaping scheme has been submitted. It should consider the planting of a hedge and trees along the northern and west boundaries and some additional tree and native shrub planting along the south eastern boundary to strengthen the existing screen along the road.

Condition 4 relates to the existing trees on site, requiring a detailed drawing to be submitted showing trees to be retained on site. We would expect to see plan showing accurately the location and extent of all trees on site (even those trees which it might be necessary to remove). Such a tree plan has not been submitted, and while the Site Plan as Proposed shows existing trees along the south east boundary, it does not show the full extent of these trees or locate them accurately. Once an accurate plan showing all trees has been drawn up it will be necessary to provide tree survey information for the trees along the edge of the proposed development, including condition (health/ longevity) and stem diameter, in accordance with **BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations**. This will allow the Root Protection

Area (RPA) of these trees to be established. The RPA of all retained trees should then be fenced off prior to commencement on site, so that no damage is incurred to the retained trees in the course of the development.

Once the above information is submitted we would be in a position to agree that conditions 1 and 4 have been adequately addressed.

Siobhan McDermott
LANDSCAPE ARCHITECT

REGULATORY SERVICES



To: Development Management Service
FAO Craig Miller

Date: 11 Jan 2017

From: Roads Planning Service
Contact: Paul Grigor

Ext: 6663

Ref: 16/01467/AMC

**Subject: Erection of dwellhouse and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)
Land North East of Dundas Cottage, Ettrick, Selkirk**

The site plan includes details for widening the junction to allow two vehicles to pass in the bellmouth area, as well as showing the necessary visibility splays. The principle of these improvements are acceptable, however I would like to make the following points;

- The widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (roadbase) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1."
- The existing road gully must be relocated to an agreed location.
- The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from.

These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling.

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

AJS

**THE CHIEF PLANNING OFFICER
REGULATORY SERVICES
COUNCIL HEADQUARTERS
NEWTOWN ST BOSWELLS
MELROSE
THE SCOTTISH BORDERS
TD6 0SA**

Dundas
Hopehouse
Ettrick Valley
TD7 5HU

10th December 2016

Dear Madam

**PLANNING APPLICATION 16/01467/AMC
ERECTION OF DWELLING HOUSE and DETACHED GARAGE**

With regard to your letter of 30th November 2016 advising of the above planning application, while we have no objection to the overall proposed footprint or siting of the main house or access, we note that the orientation is such that the back face is presented to the public view from the main thoroughfare – the B706 -- and likewise from Captain's Road. This, we suggest, is odd on the eye and makes the property stand out as a curiosity amongst the collection of traditional existing buildings of Dundas and Wardlaw Farm surrounding it.

Separately to this point, but also intrinsic, is the design of the windows on all four elevations. While the house itself, with the dormer windows and the pitch of the tin roof is traditional and fits in with the original buildings in the community and as such is to be welcomed, the windows in shape and form are quite out of keeping and again catch the eye as an oddity and bold statement, nestled amongst the Whinstone and slate buildings and outbuildings of Hopehouse.

The collection of mis-matched shapes and sizes, particularly in the back elevation (the main public view) again, draws attention to the house, for all the wrong reasons and lets the overall good design down, we believe. Sash and case windows with built-in Astragals where appropriate, dictated by the rules of proportion and traditional design, would go a long way to enhancing the lines and whole presentation of the main house.

Keeping with tradition for the community, we would finally suggest that a matt black finish to the roof would be a very attractive feature and help the building meld into its natural surroundings amongst the mature trees and neighbouring properties.


As a resident of Hopehouse, it is our belief that a newbuild which fits in to its surroundings of mainly traditional buildings and ages gracefully over time, would be welcome and an asset to our community .

We trust you will give full consideration to these points in your decision making process.

Yours faithfully



Maart Briggs



Graeme Briggs

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Local Review Body – List of Policies

Local Review Reference: 17/00017RCOND

Planning Application Reference: 16/01467/AMC

Development Proposal: Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

Location: Land North East Of Dundas Cottage Etrick Selkirk

Applicant: Mr J McGrath

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

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.

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 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,

Local Review Body – List of Policies

- 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,

Local Review Body – List of Policies

- 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 IS5: PROTECTION OF ACCESS ROUTES

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

POLICY IS7 – PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY PMD4: DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

Local Review Body – List of Policies

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006
- Circular 9/1998 - The Use of Planning Conditions