

Public Document Pack



LOCAL REVIEW BODY MONDAY, 16 OCTOBER 2017

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 16 OCTOBER 2017 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

5 October 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Continuation: Hearing in respect of application for installation of chimney flue at 5 High Street, Innerleithen. 17/00257/FUL. 17/00028/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Email from applicant	(Pages 1 - 2)
	(b) Statement from Planning Officer	(Pages 3 - 8)
	(c) Statement from Environmental Health Officer	(Pages 9 - 14)
	<p>(d) Review papers</p> <p>Copies of papers re-circulated as follows:-</p> <p>Notice of Review - page 15 Decision Notice - page 59 Officer's Report - page 61 Papers referred to in report – page 65 Consultation - page 73 List of Policies - page 75</p>	(Pages 15 - 80)
5.	<p>Consider request for review of refusal of planning consent in respect of alterations to existing bellmouth and formation of new access on land NW of Kirkburn Parish Church, Cardrona. 17/00384/FUL. 17/00032/RREF.</p> <p>Copies of the following papers attached:-</p>	

	(a) Notice of Review Including:- Officer's Report – page 86 Decision Notice – page 90	(Pages 81 - 94)	
	(b) Papers referred to in report	(Pages 95 - 116)	
	(c) Consultations	(Pages 117 - 120)	
	(d) Objections	(Pages 121 - 130)	
	(e) Additional representations	(Pages 131 - 134)	
	(f) List of Policies	(Pages 135 - 140)	
6.	Consider request for review of refusal of planning consent in respect of formation of hardstanding, steps, retaining wall and new footpath on land NW of Kirkburn Parish Church, Cardrona. 17/00647/FUL. 17/00033/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review Including:- Officer's Report – page 147 Decision Notice – page 151	(Pages 141 - 154)	
	(b) Consultations	(Pages 155 - 158)	
	(c) Objections	(Pages 159 - 162)	
	(d) Additional representations	(Pages 163 - 166)	
	(e) List of Policies	(Pages 167 - 170)	
7.	Consider request for review of refusal of planning consent in respect of erection of agricultural building and formation of new access track on land S of 3 Kirkburn Cottages, Cardrona. 17/00806/FUL. 17/00034/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review Including:- Officer's Report – page 176 Decision Notice – page 183	(Pages 171 - 186)	
	(b) Papers referred to in report	(Pages 187 - 198)	
	(c) Consultations	(Pages 199 - 208)	
	(d) Objections	(Pages 209 - 216)	

	(e) Additional representations	(Pages 217 - 220)	
	(f) List of Policies	(Pages 221 - 224)	
8.	Consider request for review of refusal of planning consent in respect of variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting at Jordonlaw Granary, Westruther. 17/00380/FUL. 17/00035/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review	(Pages 225 - 244)	
	Including:- Decision Notice 17/00380/FUL – page 238 Decision Notice 10/00156/FUL – page 240		
	(b) Officer's Report	(Pages 245 - 250)	
	(c) Papers referred to in report	(Pages 251 - 260)	
	(d) Consultation	(Pages 261 - 262)	
	(e) Support Comments	(Pages 263 - 268)	
	(f) Objection	(Pages 269 - 270)	
	(g) Additional representations and response	(Pages 271 - 278)	
	(h) List of Policies	(Pages 279 - 282)	
9.	Consider request for review of refusal of planning consent in respect of erection of dwellinghouse on land NE of and incorporating J. Rutherford Workshop, Rhymers Mill, Mill Road, Earlston. 17/00479/FUL. 17/00037/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review	(Pages 283 - 310)	
	Including:- Decision Notice – page 297		
	(b) Officer's Report	(Pages 311 - 318)	
	(c) Consultations	(Pages 319 - 334)	
	(d) List of Policies	(Pages 335 - 340)	
10.	Any Other Items Previously Circulated		
11.	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

localreview

Subject: FW: Local Review Body appeal 17/00028/RREF

From: David Gordon [<mailto:david@davidjanearchitects.co.uk>]
Sent: 13 September 2017 15:55
To: localreview
Subject: RE: Local Review Body appeal 17/00028/RREF

Hi Fiona
Thank you for your email.

As we discussed, the manufacturer of the ABCAT filter is based in The Netherlands, and is therefore unable to attend the hearing.

We can therefore only refer the review body to the submitted PRODUCT INFORMATION and all the technical information from ABCAT that has been previously submitted as part of the planning application and appeal documents.

I can only re-iterate that the design and purpose of the ABCAT filter is to exactly address the concerns raised by Environmental Health.

Without having any specialist knowledge of the ABCAT myself it would be of no advantage to the review board for me to attend the hearing.

If the review board or Environmental Health had any specific questions or technical queries, prior to or after the meeting, I'm sure the manufacturer of the ABCAT would be happy to respond.

I would only note that the decision of Environmental Health to object to the proposed flue is based purely on opinion and without any definitive facts.

We have provided a solution that is designed to specifically address the concerns they have in terms of nuisance and air quality backed up by extensive testing.

If there was some way of attaching a condition to any approval that if it was subsequently found that, for any reason, the filter was not performing as designed, and the flue was causing a nuisance, we would be happy to accept this and remove the flue and stove.

regards .

David Gordon



5 High Street . Innerleithen . EH44 6HA
T 01896 833131 M 07789 016514
david@davidjanearchitects.co.uk

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PLANNING APPLICATION

**5 High Street Innerleithen Scottish Borders EH44
6HA - 17/00257/FUL 17/00028/RREF**

PROPOSED DEVELOPMENT:
flue

Replacement windows and installation of chimney

APPLICANT:

Mr & Mrs David & Jane Gordon

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**HEARING STATEMENT BY MR CRAIG MILLER – PRINCIPAL PLANNING
OFFICER**

The Local Review Body will be considering the following three matters at the Hearing into the review of this application. It is understood that they are also seeking a statement from the Environmental Health Officer on two of these matters. It would be my intention, therefore, to concentrate on the remaining matter in relation to the implications of increasing the length of the flue.

- **The technical elements regarding the use of a chimney flue, specifically in relation to the proposed use of an ABCAT flue gas filter.**

The applicant had submitted this information with the planning application, outlining a gas oxidizing catalytic converter to reduce nuisance from wood stoves and boilers. Output information and particulate tests before and after the converter were also supplied. Environmental Health objected to the proposal and it was concluded that Local Development Plan Policy EP16 Air Quality could not be complied with. Despite the mitigation proposals, Environmental Health maintained that the flue height was too low in relation to surrounding windows belonging to residential property.

- **Nuisance issues associated with the proposed chimney flue**

Based upon the guidance from the Environmental Health, the installation and flue would be likely to convey smoke and air pollution issues to nearby residential windows, even allowing for the fact that the premises seeking the flue are commercial shop/office premises which would only be likely to be seeking heating during office hours. However, if there is a demonstrable problem with lack of flue height and proximity of residential windows, then any restrictions in operating hours as initially suggested by the applicant are unsatisfactory and masking a more fundamental problem. It would also be difficult to effectively enforce.

- **Consider the implications of the increase in length of the flue.**

The flue, as proposed, caused no significant aesthetic issues as it was grey coloured and of modest height emerging from the hipped roof of the office and terminating just above the office ridge. Whilst visible from the northern end of Leithen Crescent, the flue would be a maximum of two metres in length and its grey colour and minimal projection above the ridge of the office roof meant that there were no Conservation Area reasons to oppose it. Impacts from the junction of

Leithen Crescent and the High Street were minimised by the modest height and existing buildings.

The taller the flue in this location, the greater the impact from Leithen Crescent, the High Street junction and on the visual amenity of the Conservation Area and nearby properties. I did feel that even raising the flue a further metre in height would increase the impacts to the extent that any subsequent application may be unlikely to be supported, even if Environmental Health had accepted an additional metre. My understanding, however, was that they were objecting unless the flue terminated above the height of the nearest affected residential windows at second floor level on the rear of the High Street. This would mean the flue would need to be raised at least another 3.5 metres which would appear isolated, intrusive and ill-related to the modest building and roof to which it would be attached. The scale of such a flue would dominate the buildings and surroundings and may also require a form of stayed attachment. It would also increase visibility from the High Street junction and be dominant as one approaches that junction from Leithen Crescent. It would also be in direct line of sight south from the rear of properties on the High Street.

Unlike another extended flue case in Innerleithen to the rear of the St Ronan's Hotel, a significant increase in the flue height in this location would be far more prominent in the Conservation Area and impact on the public realm in a more obvious, significant and adverse way. Such a solution to meet air quality issues would be likely to create insurmountable aesthetic and visual amenity impacts in this location.

The historical photograph provided by the applicant indicates a traditional gable chimney structure which did not appear to exceed the top of the first floor windows on the High Street. Whilst this historical evidence does not alter my opinion about the aesthetic and intrusive impact of any proposed flue to reach top of second floor window height, it will be re-considered as a factor should any planning application be resubmitted with a lower flue height, assuming the air quality issues are resolved to permit this.

List of Supporting Documents

- Scottish Borders Local Development Plan
- Handling Report site photographs
- Applicant Historic Photograph

Craig Miller
Principal Planning Officer
25 September 2017



29/10/2015 14:37





11/04/2017 11:26



11/04/2017 11:27

LOCAL REVIEW BODY
HEARING STATEMENT OF APPOINTED OFFICER
17/00257/FUL
Replacement windows and installation of chimney flue 5 High Street Innerleithen EH44 6HA

ISSUES TO BE CONSIDERED:

- 1) The potential impacts on local amenity
- 2) An examination of the technical aspects of the flue gas treatment proposals

RESPONSE:

1) *The potential impacts on local amenity*

Planning Application 17/00257/FUL was recommended for refusal on the grounds that the discharge height is insufficient to guarantee adequate dispersal of flue gases arising from the use of a wood burning stove.

The combustion of wood generates pungent odour components, the presence of which can be experienced some time after that appliance has been extinguished. The Applicant's statement that the stove will only be used during working hours does not guarantee that there will be no impact on the amenity of other occupiers. No information has been given as to the hours of occupancy of the potentially affected properties.

Experience gained on similar sites elsewhere in the Borders has shown that complaints are likely when stove gases are allowed to discharge below the heights at which openable windows are situated.

The effects of local low-level air turbulence can lead to smoke and odour problems occurring regardless of the principal wind direction.

As a minimum, it is recommended that flues terminate at least one meter above eaves height unless there are skylights/roof windows above.

Discharge of gases above ridge height is the preferred option.

Whilst there is little pollution control Guidance specific to small stoves, an indication of safe separation distances may be drawn from the Screening Tool approved by the Scottish Government for the assessment of biomass boilers. This requires consideration of all buildings and structures situated within a radius of 5 times the discharge height of the flue.

In the case of this Application there are occupied buildings within only two times the proposed flue height.

The Applicants have sought to justify their flue height by producing a photograph showing the historical presence on site of a chimney stack.

This has no relevance to the modern situation.

Many once common practises have been stopped e.g. the widespread use of low grade and inexpensive high sulphur coal in the two main Borders towns – now prohibited under Smoke Control legislation.

If Planning Consent were to be sought for this chimney stack today, my Department would recommend refusal on the same grounds as for the flue.

The Applicants have submitted documents confirming that the stove and flue will be installed in accordance with the HETAS approval scheme. This is not disputed.

The HETAS scheme however is only concerned with fire safety issues and ensuring that the stove will have a proper air & flue gas flows.

On the HETAS website reference is made to Guidance produced by the British Flue & Chimney Manufacturers Association –

<https://www.hetas.co.uk/wp-content/mediauploads/BFCMA-General-Guidance-10-12-12.pdf>

Page 9 of the Guidance “Chimney Heights & Termination” (copy attached) gives a minimum chimney height of 4.5m from the top of the appliance stating –

“The reason for this is to clear pressure zones created by wind hitting the roof and nearby structures, like trees, which may interfere with the up draught required by the appliance or fire.”

The Guidance makes no mention of preventing pollution or amenity impacts on other nearby occupiers.

2) An examination of the requirements of the flue gas treatment proposals

The Applicants have submitted technical documentation in support of their Appeal –

ABCAT Product Information
ABCAT Background and application
ABCAT SP test results summary

The documentation acknowledges that wood burning produces particulate matter (PM) and oxides of nitrogen (NOx).

When assessing the impact of all wood burning appliances, the Scottish Air Quality Regulations lay a duty on the Council to assess particulate matter below 10 micron particle size (PM10).

The Council is also required to assess Oxides of Nitrogen (NOx).

ABCAT Product Information – Performance and Properties

This documents states -

“Various tests have shown that the ABCAT mainly cracks the smallest particulate fraction, namely PM2.5.”

The unit therefore fails to address 75% of the range of fine particles which have been shown to impact on human health and which the Council have a duty to assess

No information is provided in respect of any reduction in emissions of NOx.

ABCAT SP test results summary

This document acknowledges that the unit may have difficulty in processing hydrocarbon emissions & methane gas and indicates that further research is required on the matter which will -

“hopefully provide answers.”

I would argue that this statement offers no assurance that the unit will prevent odour or other impacts on the amenity of other occupiers.

Conclusions

Stoves can be beneficial to the householder, in providing a backup in the event of failures of other means of heating. They can also add to the ambience of a room.

There is however a trade-off involved due to the potential to emit harmful and annoying flue gasses. This will not be an issue in most areas unless there is a concentration of such units. It will also not be an issue where the flue can discharge at a high level to prevent fumes gaining access to other premises.

When considering an Application to install a stove, the Council must be therefore be satisfied that the discharge point for the flue will allow adequate dispersal and dilution of the emissions.

I would submit that in this case the Applicants have failed to do so.

The technical information provided does not demonstrate that the proposed abatement technology will properly address all the pollutants of concern.

This installation is intended for use in a principal Borders settlement which is served by adequate and reliable supplies of mains gas and electricity. It is not required for standby heating but is a fashion/lifestyle choice on the part of the Applicant.

I therefore ask the Review Body to uphold the initial Decision.

SUPPORTING DOCUMENTS:

Location Plan, 13011-101-B
ABCAT Product Information

ABCAT Background and application

ABCAT Residuals of wood burning

ABCAT SP test results summary

ABCAT test with Wohler SN 500 analyser

British Flue & Chimney Manufacturers Association –

<https://www.hetas.co.uk/wp-content/mediauploads/BFCMA-General-Guidance-10-12-12.pdf>

David A, Brown

Environmental Health Officer

2nd October 2017

Chimney Pots and Terminals

There are many types of chimney pots and terminals, in different styles and shapes to suit almost any taste and application. However, it is important to ensure the chosen pot or terminal does not restrict the exit of the products of combustion. The area of the outlet must be at least the same as the flue area. If the terminal has a hood the area of the outlet should be twice the flue area. Beware of terminals which are primarily designed for ventilating a chimney where the fireplace has been closed off.

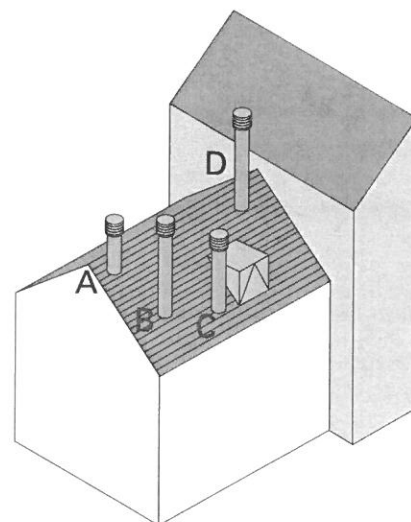
An open termination is normally recommended for wood burning and multi-fuel appliances. However rain caps or anti-downdraught terminals may be used. Rain caps and anti-downdraught terminals are available in two versions, with anti-bird mesh and without mesh. Where a terminal with mesh is used, there is a risk of soot build up, and therefore regular cleaning is required to avoid blockage.

If there is a "down draught" from the chimney (i.e. smoke blown back into the room) it is best to check that there is nothing wrong with the chimney arrangement, before fitting a special terminal. The problem is often caused by factors such as lack of ventilation in the room, poor throating above the open fire or insufficient chimney height.

Chimney Heights and Termination

The minimum chimney height recommended for minimum performance of wood burning and multi fuel appliances is 4.5 m from the top of the appliance to the top of the chimney. It is best to position the chimney, so that it goes straight up as near to the roof ridge as possible. The diagram below, taken from Document J, shows the minimum flue discharge heights and positions for all wood burning and multi fuel applications. In some cases, particularly when chimneys are towards the bottom of a sloping roof or at the eaves, it may be necessary to increase the chimney height above these minimum mandatory requirements. The reason for this is to clear pressure zones created by wind hitting the roof and nearby structures, like trees, which may interfere with the up draught required by the appliance or fire. The maximum freestanding stack height above the roof for a traditional masonry chimney is 5.4 times the narrowest horizontal part of the chimney. In the case of stainless steel system chimneys, the manufacturer's installation instructions should be consulted; however in most cases it will be around 1.5 metres. This measurement is taken from the last point where the chimney stack passes through or past the edge of the roof up to the chimney capping or termination. Tall chimneys may need bracing, always consult the manufacturer for advice.

Point where flue passes through weather surface (Notes 1,2)		Clearances to flue outlet
A	At or within 600mm of the ridge	At least 600mm above the ridge
B	Elsewhere on the roof (whether pitched or flat)	At least 2300mm horizontally from the nearest point on the weather surface and: a) at least 1000mm above the highest point of intersection of the chimney and the weather surface; or b) at least as high as the ridge
C	Below (on a pitched roof) or within 2300mm horizontally to an openable rooflight, dormer window or other opening (Note 3)	At least 1000mm above the top of the opening
D	Within 2300mm of an adjoining or adjacent building, whether or not beyond the boundary (Note 3)	At least 600mm above any part of the adjacent building within 2300mm





NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone

Contact Telephone 2

Fax No

E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

No

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.

FIRST APPLICATION

1. In earlier conversations with the Environmental Health officer it was clear that from the start he has a bias against wood burning stoves and "possible" nuisances caused wherever the installation was. His original consultation response dated 30/9/15 to object to the proposals was made without any visit to the site.

2. We provided photographic evidence that, until recently when the property was used as a butchers shop, it had an existing chimney in exactly the position of the proposed flue. This was removed when the shop ceased to be used as a butchers.

3. We provided written confirmation from a registered HETAS engineer that the proposed installation complied with: HETAS Approved Document J, Outlets from flues, Section 2.11, Diagram 17. Flue outlet positions for solid fuel appliances.

Other than the above referred to documents, we are not aware of any other technical guidelines for the siting of a stove flue.

SECOND APPLICATION

1. To the address the reasons for refusal we proposed the use of an ABCAT flue gas filter which reduces flue emissions.

We believe insufficient consideration was given to the ABCAT technical information provided with the second application. Given the complexity of the information and test data we would have expected some queries or correspondence from the Environmental Health officer being consulted on the application. No queries or correspondence were received.

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.

These are the documents submitted with the applications:

FIRST APPLICATION
 Location Plan, 13011-E-101, 13011-SITE, 13011-101, 13011-101-A
 15_01079_FUL-AGENT_SUBMISSION-2731029.jpg
 15_01079_FUL-AGENT_EMAIL-2731028.pdf

SECOND APPLICATION
 Location Plan, 13011-101-B
 ABCAT Product Information
 ABCAT Background and application
 ABCAT Remains with and without ABCAT
 ABCAT Residuals of wood burning
 ABCAT SP test results summary
 ABCAT test with Wohler SM 500 analyzer

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.

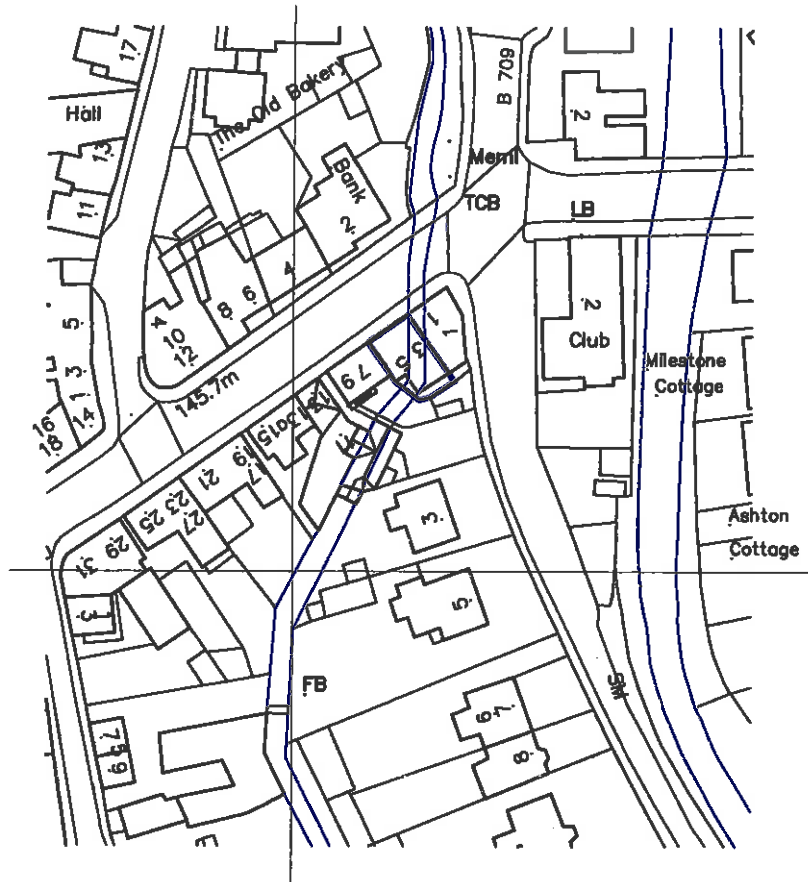
Declaration

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 13/07/17

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





project
**Replacement Windows &
 Metal Flue at 5 High Street
 Innerleithen EH44 6HA**

client
Mr & Mrs Gordon

drawing title
Location Plan

drawing number
13011-LOC

scale date
1:1250 @A4 Aug 15



**5 High Street
 Innerleithen
 EH446HA**

tel **01896 833131**
 mob **07789 016514**

david@davidjanearchitects.co.uk
 www.davidjanearchitects.co.uk

Background and application of the ABCAT flue gas oxidizing catalytic converter for the reduction of flue gas nuisances from wood stoves and -boilers

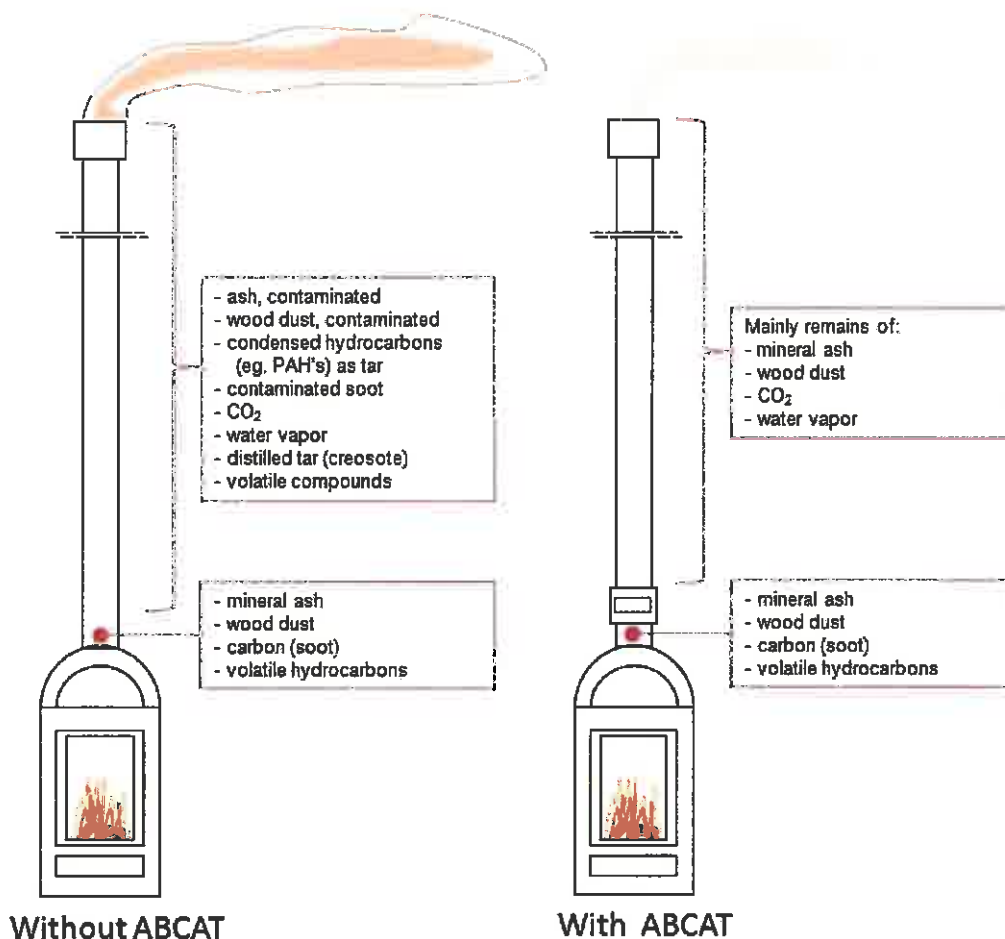
Firing wood is in various ways a good alternative to heating with fossil fuel. However, wood is chemically a highly complex fuel. Basically it comes down to the fact that the use of wood in woodstoves, even the best and most expensive stoves, is always paired with the emission of odorous substances, soot, particulate matter and many other components. This is where our innovative technique helps out. Most cars on the road have a catalytic converter and/or diesel particulate filter build into their exhaust system to reduce the inevitable emission of carbon monoxide (CO) and particulate matter (mainly soot particles) from their internal combustion engines. Ecolink Solutions now applies the catalytic converter technology to the "exhaust" of wood fired stoves with the ABCAT (AfterBurningCATalist).

The ABCAT flue gas catalytic converter, which is developed and patented by Ecolink Solutions, looks different from a particulate filter for cars and trucks. There is no real filter of a ceramic catalyst with many small openings. Furthermore, unlike many diesel particulate filters, there is no need for extra fuel injection of special chemicals to keep the ABCAT clean and active. The catalytic converter Ecolink Solutions has developed comprises of a simple construction with a module which fits into the stovepipe in a drawer-like fashion. Subsequently the module can be manually rotated into a full bypass position if necessary. The module contains metals, among which several precious metals. The fumes flow almost undisturbed through the modules and while doing so they are treated by the catalytic converter, which burns harmful compounds through catalytic oxidation. Additionally a significant part of the ash-, wood dust- and soot particles -all are particulate matter- is caught by the ABCAT. In the process of "catalytic afterburning", soot particles and many odorous particulates are also converted into odor- and colorless water vapor and carbon dioxide (CO₂). The non-combustible parts which stay behind in the module - consisting mostly of mineral ashes and for example iron oxides- need to be removed from the ABCAT regularly by flushing them out with water or by means of vibration (shaking by hand). For this reason the ABCAT can only be installed in a easily accessible location.

The draught in the stovepipe is hardly influenced when installing the ABCAT. The resistance of the ABCAT, also called pressure loss, is approx. 2 Pa (0,02 mbar). The minimal natural draught of a properly constructed, hot chimney easily reaches 20 Pa so that the pressure loss of the ABCAT is easily over-won. The ABCAT has a permanent build-in safety bypass in case the modules provide too much resistance due to a blockage with soot for example. So, when needed, the flue gas can always pass the ABCAT and exit the chimney.

The emission of polluting flue gas is highest during startup of a fire in a cold stove with a cold stovepipe. The particulate filters in cars and trucks only start working optimally when they reach a sufficient temperature. The ABCAT works from start by filtering particulate matter and already at low temperatures carbon monoxide (CO) is converted. Soot- and odorous particles are converted later, starting when the catalytic ABCAT reaches a temperature of approx. 350°C. The ABCAT works best at temperatures between 300°C and 800°C.

The figure below shows a comparison of problematic components which can be present in a stovepipe with and without ABCAT flue gas filter.



The ABCAT does not need electricity of any other connection. When the catalytic converter needs to be replaced after several heating seasons it suffices to renew the ABCAT-module only. The stovepipe can be kept in place.

The ABCAT is available for wood fired stoves and -boilers in the range from 4 kW to 999 kW using square, rectangular or round stovepipes in diameters ranging from 100 to over 300 mm. The layout of the ABCAT can also be adapted to the wishes of the user to mainly convert and reduce odorous substances and/or particulate matter and/or components such as carbon monoxide (CO). The ABCAT can also be applied in a woodstove or -boiler with an heat exchanger when it is built in before the heat exchanger. Applying the ABCAT here generally does require some adaptations to the construction of the stove or boiler however.

The ABCAT is entirely constructed using steel, stainless steel and precious metals. The ABCAT is resistant to temperature shocks and mechanical shocks. It is robust, durable and of course recyclable. The ABCAT is produced in the Netherlands and patented. There is a 2 year warranty on the construction of the ABCAT.



Product specifications ABCAT (AfterBurner CATalyst)

Specifications summary ABCAT flue gas filter	
Application	Wood burning stoves
Applied "filter technique"	Full metal palladium catalyst
Operation based on	Catalytic oxidation and mechanical filtration
Treatment/reduction of	Hydrocarbons, CO, particulate matter
Installation	Directly after the stove as first flue gas pipe element
Position of installation	Horizontally, vertically and any position in between
Operational temperature catalyst-module	From 100°C. Optimal >350°C
Maximum operational temperature	800°C
Approved fuel	Untreated wood with max. 20% moisture
Particulate emission reduction (mainly PM2.5)	Up to 95%
PAHC's emission reduction	Up to 90%
CO emission reduction	Up to 65%
HC's emission reduction	Up to 90%
Pressure-loss at 1,5m/s (clean ABCAT)	Bypass 0-1 Pa, operational 2-5 Pa
Material	(Stainless) steel, painted
Warranty	2 years on construction

General

The ABCAT has been developed to reduce the emission from wood burning stoves' and boilers' chimneys. Most attention has gone into reducing the odor of woodsmoke. The ABCAT is installed directly after the wood burning device by replacing the first stove-pipe element by the ABCAT. The ABCAT contains a precious metal catalyst and is entirely constructed from steel. The ABCAT is generally available for all going stove-pipe diameters and stoves with different capacities. The ABCAT is very robust and operating and maintaining the system is very easy.

Operation

The filter in the ABCAT consists of a palladium and/or platinum catalytic converter. The catalytic material is fixed in a round module which is placed in the stovepipe like a sort of open valve. Most of the woodsmoke passes through this catalyst. The catalytic converter cracks incompletely burned components like hydrocarbons, which color and odor the woodsmoke. Besides cracking the catalyst also functions as a filter which captures a part of the particulate matter (fly-ash). A catalytic converter needs temperature (approx 300-350°C) and oxygen from the woodsmoke. At this temperature compounds are cracked and burnt without combustion (catalytic oxidation). Therefore the ABCAT needs to be installed directly on or after the wood stove.

The ABCAT is delivered with a bi-metal insert thermometer with a range up to 500 °C and an analogue scale. With this thermometer the temperature of the flue gases can be measured and the state of the ABCAT can be estimated.



Picture 1: ABCAT operational (left) and in by-pass position (right)

Properties and performance

Shortly after lighting the fire, when the temperature of the ABCAT rises, at first the least stable components of the woodsmoke, like CO, will be cracked. When the ABCAT reaches a temperature of around 350°C and becomes fully active, more stable components will be cracked. These include tar-forming, long-chain hydrocarbon components like PAH's which have a strong odor and can be very harmful to health and environment.

After cracking the components, the separate parts are burned without ignition (flame-less) with oxygen. The oxygen needed comes from the remaining oxygen in the woodsmoke. In an optimal situation – a so called total-oxidation – the ABCAT produces color- and odorless watervapor and carbon-dioxide (CO₂) as a result of this after-burning. The carbon-dioxide can be absorbed by growing trees and stays in the so called short-CO₂-cycle without negatively contributing to the greenhouse effect.

Next to a catalytic function the ABCAT also has a filtering function as a result from its construction. This filters out solid particles from the woodsmoke. This means a part of the fly-ash will also be filtered from the woodsmoke when the ABCAT is still warming up. When the ABCAT reaches its operational temperature, a big part of this filtered fly-ash will be oxidized (burnt). However, a part of this fly-ash can not be burnt and in time will cover the active surface of the catalyst. Therefore the ABCAT needs to be cleaned by shaking or rinsing with water regularly.

Various tests have shown that the ABCAT mainly cracks the smallest particulate fraction, namely PM2.5. This fraction of particulate matter is most problematic for our health since it can get deep into our lungs and penetrate lung tissue.

Particulate matter: consists of liquid and solid particles. Liquid particles are very fine dispersed droplets (aerosols) of gaseous components which, as a result of cooling, condensate into a liquid phase. This goes for, for example, hydrocarbons like polycyclic hydrocarbons (PAH's). Solid particles can be made up of wood dust, soot (carbon) and inert mineral inorganic ashes (noncombustible ashes). From the complete combustion of 1kg air dry (20% moisture) beech approx. 10 grams of ashes remain. A part of this ash stays behind in the stove as so called bottom-ash and a part leaves the stove through the chimney as so called fly-ash. During the cooling of woodsmoke as it travels up the chimney, more and more gaseous components – watervapor, benzene, PAH's – condensate and attach to the solid fly-ash particles. Through this process the particles will grow in size as the travel up the chimney and cool down. The longer (or the higher) the chimney or the poorer the insulation thereof, the more the woodsmoke will cool down and the bigger these particles can become. That is, if these particles do not stick to the inner wall of the chimney as tar and in combination with water form the highly acidic creosoot (which is also called tar-distillate). One of the important building blocks of tar are harmful PAH's.

The particulate matter concentration directly above the stove is therefore different from the concentration at the end of the chimney. The concentration of particulate matter at the end of the chimney will be higher. It is also particulate matter that colors the woodsmoke and contributes to its odor. The particulate matter emitted by wood burning appliances mainly consists of non-combusted organic components and to a smaller amount of inert mineral (inorganic) ashes.

The ABCAT treats the woodsmoke directly after the stoves' combustion chamber. Solid, organic components such as soot and components which can further on in the chimney condensate and form particulate matter are cracked and catalytically oxidized close to the source. Inert solid (noncombustible) particles to which gaseous components can stick during condensation are partly filtered by the ABCAT. The ABCAT can, depending on the type and quantity of fuel in the stove and the temperature of the ABCAT, reduce the emission of organic and inorganic components in woodsmoke with up to 90%.

Odor: Woodsmoke consists of 70-80 volume% of nitrogen, 10-20% residual oxygen, then a small percentage carbon-dioxide, water-vapor (from the not completely dry wood and as a result of combustion), inert gases, carbon, tar-droplets, ash, sulfur dioxide, nitrogen oxide, etc. The components in woodsmoke that can have a strong smell and can be harmful only account for 1-2% of the woodsmoke-volume. These components belong to the groups listed below. Within these groups, approx. 500 different components can be identified.

- Multiple, mostly polycyclic, hydrocarbons
- Aldehydes, for example ethanol, propanal, formaldehyde and others
- Organic acids including formic acid, acetic, propionic (propanoic) and others
- Condensed aromatics
- Styrene (ethyl benzene)
- Phenol (hydroxybenzene)
- Other compounds: guaiacol, ethyl guaiacol, furfuryl alcohol

Since the ABCAT can catalytically oxidize (burn) a large part of the components mentioned above, the odor of the woodsmoke which can be detected from the top of the chimney onwards is strongly reduced. When the ABCAT functions optimally the odor will be as good as neutralized. There are, however, big differences in properties of different types of wood, stove design, operation of the stove, weather conditions, etc which all have a great influence on the odor of the woodsmoke. To be able to reduce the odor effectively, everything before the ABCAT needs to be in order. The ABCAT is no wonder product which solves all problems without the user paying proper attention to all other important factors of responsible wood burning, which enables the user to burn anything in the stove under poor weather conditions or which solves a wrongful operation of any stove.

Tests and approval

In the development and testing of the catalytic converter used in the ABCAT, several research institutes have contributed.

Furthermore many companies have played a part in the creation of the ABCAT. The ABCAT should be effective in reducing wood burning-emissions but also has to fulfill strict demands regarding safety and reliability. Much attention has gone into getting the system as air-tight as possible, reducing the pressure loss (flow-resistance), increasing user-friendliness and improving the mechanical and thermal load. For the latter the ABCAT even has to be able to withstand a chimney fire (being exposed to very high temperature) without critical damage to the construction. At this moment Germany is the only European country which has this obligatory strict testing. A system without approval may not be applied.

The pressure loss or flow-resistance of the ABCAT in operation is approx. 2 – 5 Pascal (0,02 – 0,05 mBar) at a flow of 0,5 – 1 m/s. This flow could occur with stoves that are used at full power and with an optimal chimney construction. The minimal draft required for a good combustion (and sufficient supply of oxygen into the stove) is approx. 10 Pa. With this amount the flow-resistance of the ABCAT is easily over won. When in tests the ABCAT was fully blocked to simulate a hypothetical worst-case scenario, the flow resistance was approx. 11 Pa at 0,5 m/s. As mentioned, this is a hypothetical situation, however it is one of the requirements for the German approval to ensure maximum safety. A well designed, warm chimney produces a draft of approx. 20 Pa.

Versions

The standard ABCAT comes in a chimney-pipe of 250 or 500 mm length. The ABCAT is available for stovepipes with a diameter of Ø150 mm. The segment containing the ABCAT can be integrated in a standard flue gas channel without additional changes.

The pipes are made from 2mm steel and have a decreased diameter on one side to fit into another stovepipe. These pipes can be connected to pipes made from thin blued steel, stainless steel, 2mm steel, etc.

The standard ABCAT is painted with heat resistant, matt-black paint (RAL9005). Alternative colors upon request are black-gloss, anthracite, cast iron or unpainted.

Together with the ABCAT a special analogue flue gas thermometer with a range up to 500°C is supplied.

As an option the ABCAT can also be equipped with an extra, build in soot filter. With this additional filter the effectiveness of the ABCAT as a particulate matter filter will be increased. The additional filter operates as a powerless electromagnetic filter using a principle known as the Seebeck-effect. Soot particles are para-magnetic, which means they can be captured in the created magnetic field where they are oxidized by the ABCAT.

Installation

To install the ABCAT, the first stovepipe-segment after the stove has to be replaced by the segment containing the ABCAT. The ABCAT segment is reversible and does not have to be installed in a specific position. Furthermore the ABCAT can be installed in any position (horizontal, vertical or anything in between).

The design and use of the stove and the position of the ABCAT have to guarantee that the flames can not reach the ABCAT. Flames can reach very high temperatures and permanently damage the ABCAT's active catalytic surface. When the catalytic converter is exposed to temperatures of over approx. 800°C, the precious metals applied can become unstable or even evaporate. When the included thermometer is placed before or after the ABCAT, the temperature of the ABCAT can be monitored.

The handle and the sealing cap should remain accessible since the ABCAT needs to be removed from the stovepipe regularly to remove the (inert) ashes which have been collected by the ABCAT-module.

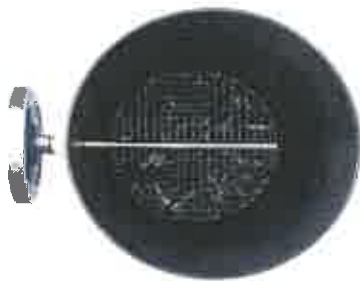


Picture 2: ABCAT in parts

Operation and maintenance

The ABCAT has a handle on the outside of the stovepipe. By turning this handle the module inside the stovepipe can be rotated into a bypass- or operation position. In bypass-position the woodsmoke can pass the ABCAT without any resistance worth mentioning. This position can be useful when the natural draft in the chimney is low (for example when the stove and chimney are still cold). This position can also be useful when opening the stove to add wood.

Another option is to rotate the ABCAT 360° to remove any ashes that have fallen down the chimney and have landed on top of the ABCAT-module.



Picture 3: Catalyst in operational position



Picture 4: Catalyst in bypass-position

Ash collects in the ABCAT and needs to be periodically removed since otherwise the effectiveness of the ABCAT will decrease. In order to clean the module, it can be removed from the stovepipe. The module can be shaken, vacuumed or rinsed with water. The ash from the module mainly consists of mineral components like potassium- and sodium-salt and iron- and silicon-oxide (sand) and is harmless to the environment. In case the ABCAT contains black remains of soot, tar or creosote it should not be flushed but instead be collected and treated as normal household waste. Concerning organic components like soot and tar, the ABCAT is self-cleaning. When these components build up in the ABCAT and the operational temperature of 350°C is reached it will also crack and oxidize (after-burn) these components.



Picture 5: Position of handle before removal for cleaning

Durability

The warranty on the construction of the ABCAT is 2 years from the date of purchase. The expected lifetime of the catalytic converter with normal and responsible use is many thousands of hours or several wood-burning seasons. Normal and responsible use means that:

- Woods are used that are suitable for burning in a wood stove (untreated wood, preferably of a low-odor-nuisance species). For various aspects of different types of wood we kindly refer to the overview 'Energy from native woods' on our website www.ecolinksolutions.com
- Air-dry wood is used with max. 20% moisture. Wood which contains mold also contains spores. This occurs when wood is stored and/or dried using a poor technique. Spores that are released from wood can be very harmful when inhaled. Moldy wood is normally also too wet to be used in a stove
- The ABCAT frequently reaches a temperature of 350°C
- The ABCAT is not exposed to temperatures of over 800°C
- An ABCAT that is still hot is not exposed to water or any other cooling liquid or gas. This could cause so called 'inner-crystal-corrosion' in the catalyst metal leading to a loss of precious metals.
- The ABCAT is not cleaned with any acid, salt or strongly basic liquid. Cleaning can be done in cold or hot water to which optionally dish soap is added. Chlorine or soda containing additives may not be used.

Individual parts can also be replaced.

De functionality of a used catalyst can be tested by us. In this process the catalyst will be cleaned, the starting temperature of the catalytic oxidation will be determined with a test gas and the reactivity (exothermic reaction) of the catalyst will be monitored. A report will be given in writing or by telephone and the module will be returned.

The residuals of wood burning; particulate matter, odorous- and gaseous components.

Besides carbon, hydrogen and oxygen wood also contains nitrogen (0,1 to 0,2%), potassium (beech for example approx. 0,2%), sulfur (0,015%), chlorine (0,005%) and trace elements. The majority of the trace elements are metals; arsenic, cadmium, chrome, copper, mercury, lead, and zinc. These metals are taken up from the bottom (ground and groundwater) and stored in the wood. The majority of these so called inorganic components, like potassium and metals, do not burn or evaporate and can be found in the fly ash and the bottom ash.

In the table below, properties and the average composition of several fossil- and renewable fuel are shown.

Fuel	Calorific value MJ/kg (100% Dry matter)	Volatile components in weight%	Ash in weight%	Elements in weight%						
				C	H	O	N	S	Cl	K
FOSSIL										
Natural gas	38 (31,5/m ³)									
Propane/ butane (LPG)	45,2									
Oil	41,5									
Peat	14,5									
Coal*	31,8	38,8	6,3	79,4	5,1	6,7	1,5	1	<0,2	0,09
Lignite*	31,8	55	7,6	68,4	5,5	15,4	1,8	1,3	?	0,03
BIOGENE										
Willow	18,4**	80,3	2,2	47,1	6,1	43,2	0,54	0,05	0,006	0,26
Spruce fir (pine wood)	18,8	82,9	0,6	49,7	6,3	42,3	0,13	0,02	0,01	0,13
Beech	18,4	84	0,5	47,9	6,2	44,7	0,22	0,02	0,007	0,15
Oak	18,2	80,2	0,4	?	?	?	0,18	?	0,005	?
Wheats traw	17,2	77	5,7	40,9	5,8	40,9	0,48	0,08	0,19	1
Corn straw	17,7	76,8	6,7	45,7	5,3	41,7	0,65	0,12	0,35	?
Hay	17,4	75,4	5,7	45,5	6,1	39,2	1,14	0,16	0,31	1,5
ENERGY-CROPS										
Forage grass	14,5									
Miscanthus	14,5									

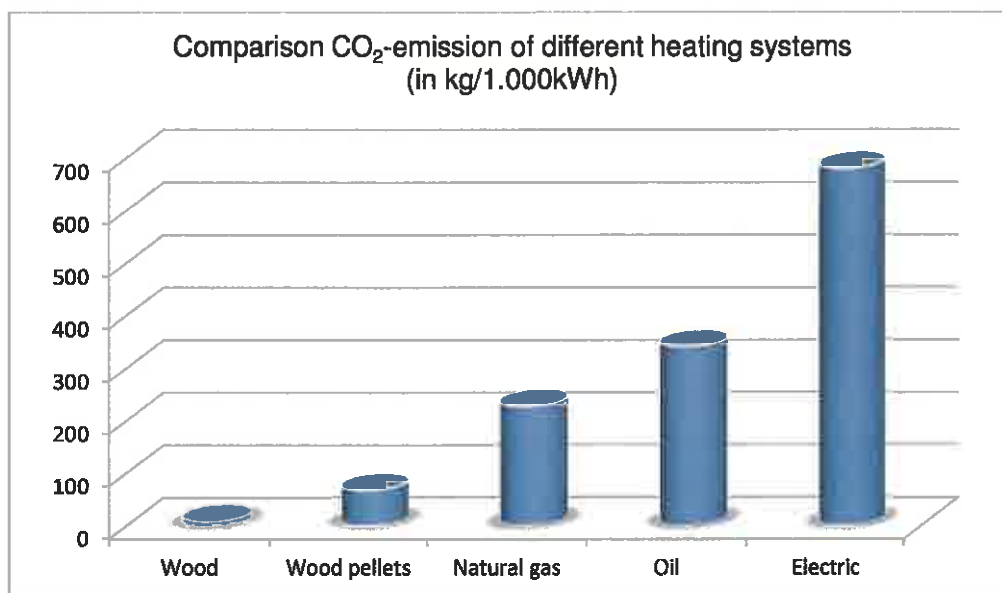
* Properties strongly depend on location of extraction

** The differences between woods are large in MJ/m³

When burning wood residuals are created or released. De emission of these residuals from stovepipes can cause health problems, environmental damage and nuisance. Wood smoke consists for 70 – 80 vol% of nitrogen. Second is 10 – 20 vol% unused oxygen, then several percent carbon dioxide, water vapor (originating from the not 100% dry wood), unburned gasses, carbon, tar droplets, ash, sulfur dioxide, nitrogen oxide, etc.

The emission of the greenhouse gas CO₂ by the burning of wood and wood pellets in heating systems is very favorable compared to other types of heating. In the graph below the CO₂ emission of various forms of heating is compared. The comparison is based on 2006 data and includes for example the harvesting of wood, the possible use of fertilizer, the losses in production (mainly thermal losses in electricity production), etc.

Graph: Comparison CO₂ emission of different heating systems (in kg/1.000kWh)



The CO₂ which is released when burning wood has been absorbed by the growing tree over a period of approx. 10 to 100 years. When burning fossil fuel, CO₂ is released which was stored in fossil layers in the earth by plants and trees over a period of millions of years. This fossil CO₂ is released rapidly and added to the atmosphere and has a negative impact on the earth's thermal management. When burning wood, most CO₂ released into the atmosphere is almost directly consumed by growing trees and is not added to the atmosphere. This is called the short CO₂ cycle since there is a balance in CO₂ release and CO₂ absorption in the short term. When burning fossil fuel on the other hand, the present vegetation on earth is not capable of consuming the overload of fossil CO₂, which will take millions of years again to be consumed and stored in the form it was released from in the first place.

Still, burning wood is not completely CO₂-neutral. Because of the use of fossil fuel in the planting of the trees, the harvesting and processing of the wood and the transportation there is a slight addition of fossil CO₂ adding to a total of approx. 9 kg per 1.000 kilowatt-hour (kWh) of thermal wood-energy. The fossil CO₂ addition resulting from the use of fossil fuel in the production and transportation of wood pellets was approx. 68 kg per 1.000 kWh. The reason for this higher amount of CO₂ added is that the process to get from wood to pellets is very energy-consuming. Since wood pellets nowadays are imported from for example Canada to Europe, the emission of fossil CO₂ will possibly be slightly higher.

The flue gas from a wood burning device is composed of, amongst others, the following:

- Fly-ash composed of incombustible, inert dustparticles
- Heavy metals including copper, lead, zinc and cadmium
- Sulfur, chlorine and potassium compounds (SO₂, HCl, KCl)
- Dioxins and furans
- Nitrogen compounds (NO, NO₂, HCN, NH₃, N₂O)
- Hydrocarbons: Aliphatics, cyclical (mostly benzene) and polycyclical aromatic hydrocarbons (PAH's), formaldehydes, alcohol, ketones, esters and others
- Carbon and soot
- Unburned wood dust
- Oxygen, carbon dioxide (CO₂), carbon monoxide (CO) and water



Picture: Approx. 5 grams of mineral ash remain after the burn of approx. 500 grams air-dry beech (20% moisture)

The components of wood smoke that can have an intense odor come from the groups below. Within these groups there are approx. 500 different chemical compounds.

- Multiple, mostly polycyclic, hydrocarbons
- Aldehydes, for example ethanol, propanal, formaldehyde and others
- Organic acids including formic acid, acetic, propionic (propanoic) and others
- Condensed aromatics
- Styrene (ethyl benzene)
- Phenol (hydroxybenzene)
- Other compounds: guaiacol, ethyl guaiacol, furfuryl alcohol



Picture: A statue at the entrance of the chimney sweep academy (Schornsteinfegerschule) in Dülmen, Germany

A number of the compounds described above condense in the stovepipe, during the cooling down, on fly-ash consisting of mineral compounds and wood dust. This means that various volatile compounds change into the solid compound tar. Wood dust, mineral ash, soot and tar jointly form the particulate matter which is emitted when burning wood.

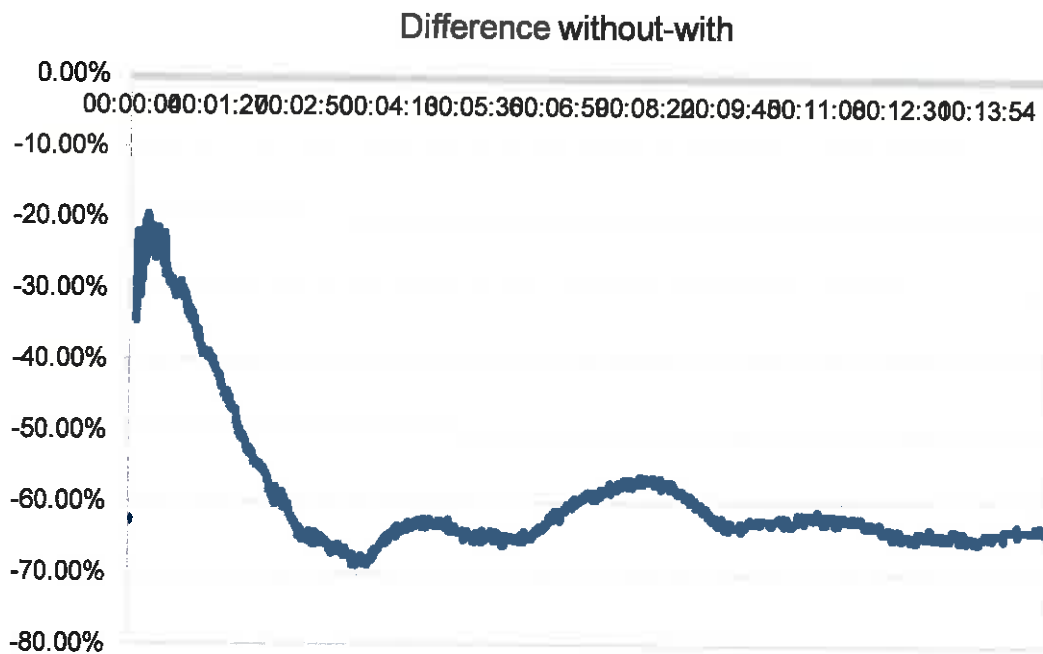


Picture: A quantity of ash (mineral, iron containing ash) which was filtered from the flue gas by the ABCAT modules after the burn of approx. 20 kg air-dry beech. This ash, if not filtered by the ABCAT, would have been emitted into the atmosphere.

Particulate matter as well as many other components of wood smoke are potentially dangerous for the public health and the environment. Odorous components do not have to be harmful but can be the cause for complaints about nuisance. Wood smoke which is perceived as very unpleasant can be an indicator of poor burning conditions and the presence of many harmful components. There is, however, no necessary correlation between the two. An almost complete burn of woods of tropical origin can result in a very strong odor. Since these odors are unfamiliar and exotic to people in the west, they are qualified as unpleasant easily, while there do not necessarily have to be many harmful components in the wood smoke. Complaints often result from the odor and the psychological association with health risk and harmfulness. The emission of particulate matter will, as far as it is not visible as colored smoke or perceived as odor, on the contrary not be the cause for people to complain while particulate matter is certainly a threat to the public health.



ABCAT test with WÖHLER SM 500 SUSPENDED PARTICULATE ANALYZER



Tijd	AVG without mst(mg/m3)	AVG with mst(mg/m3)	Difference without-with
00:00:01			-59.20% gem red gehele stook
00:00:02			-61.12% gem -1° min
00:00:03			-58.44% gem -1° 2 min
00:00:04			-62.80% gem -1e 3 min
00:00:05			-62.29% gem -1° 5 min
00:00:06			
00:00:07			
00:00:08			
00:00:09			
00:00:10			
00:00:11	294	218	-34.63%
00:00:12	250	205	-22.15%
00:00:13	273	208	-31.25%
00:00:14	245	200	-22.50%
00:00:15	269	205	-31.19%
00:00:16	244	200	-22.00%
00:00:17	261	202	-28.96%
00:00:18	243	199	-21.86%
00:00:19	257	203	-26.60%
00:00:20	241	199	-20.65%
00:00:21	254	202	-25.54%
00:00:22	240	201	-19.60%
00:00:23	253	203	-24.43%
00:00:24	241	199	-20.90%
00:00:25	253	202	-25.00%

Part.Reduction

00:00:26	242	198	-22.18%
00:00:27	252	203	-23.93%
00:00:28	242	199	-21.40%
00:00:29	255	202	-25.78%
00:00:30	244	200	-21.75%
00:00:31	252	202	-24.50%
00:00:32	243	200	-21.50%
00:00:33	253	202	-25.00%
00:00:34	248	200	-23.54%
00:00:35	253	202	-25.25%
00:00:36	246	199	-23.62%
00:00:37	254	200	-26.75%
00:00:38	248	202	-22.32%
00:00:39	256	199	-28.18%
00:00:40	256	202	-26.73%
00:00:41	256	199	-28.39%
00:00:42	257	201	-28.07%
00:00:43	256	198	-29.26%
00:00:44	257	200	-28.50%
00:00:45	257	198	-29.58%
00:00:46	257	200	-28.71%
00:00:47	257	198	-30.02%
00:00:48	259	199	-29.90%
00:00:49	258	197	-31.19%
00:00:50	258	198	-30.30%
00:00:51	259	199	-30.37%
00:00:52	259	198	-31.03%
00:00:53	259	199	-29.90%
00:00:54	259	200	-29.03%
00:00:55	260	198	-31.06%
00:00:56	260	200	-29.97%
00:00:57	260	198	-31.53%
00:00:58	260	199	-30.43%
00:00:59	260	198	-31.28%
00:01:00	265	199	-33.39%
00:01:01	261	197	-32.01%
00:01:02	266	199	-33.89%
00:01:03	262	197	-32.74%
00:01:04	266	198	-34.57%
00:01:05	262	197	-33.22%
00:01:06	267	198	-34.37%
00:01:07	264	196	-34.21%
00:01:08	269	198	-35.83%
00:01:09	266	196	-35.46%
00:01:10	270	197	-37.06%
00:01:11	267	196	-35.74%
00:01:12	271	197	-37.33%
00:01:13	271	196	-38.27%
00:01:14	272	197	-38.05%
00:01:15	272	195	-39.25%
00:01:16	272	196	-38.54%
00:01:17	272	196	-39.01%
00:01:18	273	196	-38.79%
00:01:19	273	197	-38.81%
00:01:20	273	196	-39.52%

Part.Reduction

00:01:21	273	197	-38.81%
00:01:22	274	195	-40.02%
00:01:23	274	196	-39.54%
00:01:24	274	195	-40.26%
00:01:25	274	196	-39.78%
00:01:26	274	194	-40.98%
00:01:27	274	194	-40.74%
00:01:28	274	193	-41.71%
00:01:29	273	193	-41.70%
00:01:30	273	192	-42.19%
00:01:31	273	192	-41.93%
00:01:32	272	190	-42.91%
00:01:33	272	190	-43.41%
00:01:34	272	189	-43.90%
00:01:35	272	188	-44.16%
00:01:36	272	187	-44.93%
00:01:37	271	187	-44.66%
00:01:38	271	186	-45.70%
00:01:39	270	187	-44.39%
00:01:40	270	185	-45.68%
00:01:41	270	186	-45.15%
00:01:42	270	184	-46.73%
00:01:43	269	184	-46.20%
00:01:44	269	183	-46.99%
00:01:45	269	183	-46.99%
00:01:46	268	182	-47.25%
00:01:47	267	182	-46.97%
00:01:48	270	180	-49.45%
00:01:49	269	180	-48.89%
00:01:50	269	179	-50.28%
00:01:51	268	179	-49.72%
00:01:52	268	178	-50.84%
00:01:53	267	178	-50.28%
00:01:54	267	177	-50.56%
00:01:55	267	176	-51.42%
00:01:56	266	176	-51.14%
00:01:57	266	175	-52.00%
00:01:58	266	174	-52.29%
00:01:59	266	174	-52.88%
00:02:00	265	174	-52.30%
00:02:01	265	173	-53.19%
00:02:02	264	173	-52.61%
00:02:03	264	172	-53.20%
00:02:04	264	171	-53.79%
00:02:05	263	170	-54.40%
00:02:06	263	170	-54.11%
00:02:07	262	169	-54.72%
00:02:08	262	169	-54.72%
00:02:09	262	169	-54.73%
00:02:10	261	169	-54.44%
00:02:11	261	168	-55.06%
00:02:12	261	168	-55.06%
00:02:13	260	167	-55.39%
00:02:14	259	167	-55.09%
00:02:15	259	166	-55.71%

Part.Reduction

00:02:16	259	166	-55.72%
00:02:17	258	165	-56.05%
00:02:18	258	165	-56.36%
00:02:19	260	164	-58.23%
00:02:20	258	164	-57.33%
00:02:21	259	163	-58.90%
00:02:22	258	163	-57.98%
00:02:23	259	162	-59.57%
00:02:24	257	162	-58.33%
00:02:25	259	161	-60.23%
00:02:26	256	162	-57.70%
00:02:27	258	161	-59.94%
00:02:28	256	161	-58.37%
00:02:29	257	161	-59.96%
00:02:30	255	161	-58.40%
00:02:31	256	160	-59.67%
00:02:32	254	160	-58.42%
00:02:33	256	159	-60.69%
00:02:34	254	159	-59.10%
00:02:35	255	159	-60.38%
00:02:36	253	158	-59.79%
00:02:37	254	158	-60.76%
00:02:38	252	157	-60.17%
00:02:39	254	157	-61.46%
00:02:40	253	156	-61.83%
00:02:41	254	157	-61.81%
00:02:42	253	155	-62.55%
00:02:43	253	156	-62.21%
00:02:44	252	155	-62.58%
00:02:45	252	155	-62.58%
00:02:46	252	154	-63.31%
00:02:47	252	154	-63.31%
00:02:48	253	154	-64.64%
00:02:49	251	154	-63.34%
00:02:50	252	153	-64.35%
00:02:51	251	153	-63.73%
00:02:52	252	152	-65.10%
00:02:53	250	152	-64.11%
00:02:54	251	152	-64.80%
00:02:55	249	152	-64.18%
00:02:56	250	151	-64.87%
00:02:57	249	151	-64.57%
00:02:58	249	151	-65.27%
00:02:59	247	151	-63.94%
00:03:00	248	150	-65.33%
00:03:01	246	150	-64.00%
00:03:02	248	149	-65.74%
00:03:03	246	149	-64.40%
00:03:04	247	149	-65.81%
00:03:05	245	149	-64.09%
00:03:06	246	149	-65.13%
00:03:07	244	148	-64.53%
00:03:08	245	148	-65.58%
00:03:09	243	148	-64.56%
00:03:10	244	147	-65.61%

Part.Reduction

00:03:11	242	147	-64.63%
00:03:12	243	147	-65.31%
00:03:13	242	146	-65.03%
00:03:14	242	146	-65.75%
00:03:15	241	146	-65.10%
00:03:16	242	146	-65.79%
00:03:17	240	145	-65.52%
00:03:18	241	145	-66.21%
00:03:19	241	145	-66.59%
00:03:20	240	145	-65.90%
00:03:21	240	144	-67.05%
00:03:22	240	144	-65.94%
00:03:23	239	143	-66.74%
00:03:24	239	144	-66.01%
00:03:25	239	143	-66.40%
00:03:26	238	143	-66.05%
00:03:27	238	143	-66.82%
00:03:28	238	143	-65.70%
00:03:29	238	142	-66.86%
00:03:30	237	142	-66.51%
00:03:31	237	142	-66.90%
00:03:32	237	142	-66.55%
00:03:33	236	141	-67.38%
00:03:34	236	142	-66.24%
00:03:35	236	141	-67.42%
00:03:36	235	141	-67.06%
00:03:37	235	141	-67.06%
00:03:38	235	140	-67.10%
00:03:39	234	140	-67.54%
00:03:40	234	140	-67.14%
00:03:41	235	139	-68.66%
00:03:42	233	139	-67.22%
00:03:43	234	139	-68.35%
00:03:44	233	139	-68.03%
00:03:45	234	138	-68.80%
00:03:46	233	138	-68.07%
00:03:47	234	139	-68.39%
00:03:48	232	138	-67.71%
00:03:49	233	138	-68.07%
00:03:50	231	138	-67.39%
00:03:51	232	138	-68.12%
00:03:52	232	137	-68.57%
00:03:53	231	138	-67.80%
00:03:54	231	137	-68.61%
00:03:55	231	137	-68.25%
00:03:56	231	137	-68.66%
00:03:57	230	137	-67.88%
00:03:58	230	137	-67.93%
00:03:59	229	137	-67.56%
00:04:00	229	136	-67.97%
00:04:01	228	137	-66.83%
00:04:02	228	136	-67.65%
00:04:03	228	137	-66.46%
00:04:04	227	136	-66.95%
00:04:05	227	136	-66.54%

Part.Reduction

00:04:06	226	135	-66.63%
00:04:07	226	136	-66.22%
00:04:08	225	135	-65.89%
00:04:09	225	135	-65.89%
00:04:10	224	135	-65.52%
00:04:11	224	135	-65.15%
00:04:12	223	135	-65.59%
00:04:13	223	135	-64.81%
00:04:14	222	134	-65.67%
00:04:15	222	135	-64.44%
00:04:16	222	134	-65.30%
00:04:17	221	134	-64.55%
00:04:18	220	134	-64.18%
00:04:19	220	134	-64.18%
00:04:20	220	134	-64.21%
00:04:21	219	134	-63.84%
00:04:22	219	134	-63.84%
00:04:23	218	133	-63.50%
00:04:24	219	133	-64.66%
00:04:25	217	133	-63.16%
00:04:26	218	133	-63.91%
00:04:27	218	133	-63.94%
00:04:28	217	132	-63.98%
00:04:29	217	132	-64.02%
00:04:30	216	132	-63.22%
00:04:31	216	132	-63.26%
00:04:32	215	132	-63.29%
00:04:33	215	131	-63.71%
00:04:34	214	131	-62.94%
00:04:35	214	131	-63.78%
00:04:36	213	131	-62.60%
00:04:37	213	131	-63.01%
00:04:38	213	130	-63.43%
00:04:39	213	130	-63.46%
00:04:40	212	130	-62.66%
00:04:41	212	130	-63.11%
00:04:42	211	130	-62.72%
00:04:43	211	129	-63.14%
00:04:44	211	129	-63.18%
00:04:45	210	129	-62.37%
00:04:46	210	129	-62.40%
00:04:47	209	128	-62.86%
00:04:48	209	128	-62.47%
00:04:49	209	128	-63.28%
00:04:50	208	128	-62.92%
00:04:51	208	128	-62.11%
00:04:52	208	128	-62.53%
00:04:53	208	127	-63.39%
00:04:54	207	127	-62.57%
00:04:55	207	127	-62.60%
00:04:56	206	127	-62.63%
00:04:57	206	127	-62.24%
00:04:58	206	126	-62.66%
00:04:59	206	126	-63.10%
00:05:00	206	126	-63.10%

Part.Reduction

00:05:01	205	125	-63.16%
00:05:02	205	126	-63.13%
00:05:03	204	125	-62.77%
00:05:04	204	125	-63.20%
00:05:05	203	125	-62.40%
00:05:06	203	124	-63.27%
00:05:07	202	124	-62.47%
00:05:08	203	125	-62.83%
00:05:09	202	124	-62.50%
00:05:10	202	124	-62.90%
00:05:11	201	123	-62.97%
00:05:12	202	123	-63.38%
00:05:13	201	123	-62.57%
00:05:14	201	123	-63.01%
00:05:15	200	123	-62.20%
00:05:16	201	122	-63.90%
00:05:17	200	122	-63.49%
00:05:18	200	122	-63.52%
00:05:19	200	122	-63.97%
00:05:20	199	122	-63.11%
00:05:21	199	122	-63.15%
00:05:22	199	121	-64.05%
00:05:23	198	121	-63.64%
00:05:24	198	121	-64.09%
00:05:25	198	120	-64.13%
00:05:26	198	120	-64.13%
00:05:27	197	120	-64.17%
00:05:28	197	120	-64.21%
00:05:29	196	120	-63.79%
00:05:30	197	119	-65.13%
00:05:31	196	119	-64.71%
00:05:32	196	119	-64.29%
00:05:33	195	119	-63.87%
00:05:34	195	119	-64.33%
00:05:35	195	118	-64.79%
00:05:36	195	118	-64.83%
00:05:37	194	118	-64.41%
00:05:38	194	118	-64.41%
00:05:39	195	118	-65.30%
00:05:40	194	117	-65.38%
00:05:41	194	117	-65.38%
00:05:42	193	117	-64.06%
00:05:43	193	117	-64.53%
00:05:44	192	117	-64.57%
00:05:45	193	117	-64.53%
00:05:46	192	117	-64.14%
00:05:47	192	116	-65.52%
00:05:48	191	117	-63.71%
00:05:49	192	116	-65.09%
00:05:50	191	116	-64.66%
00:05:51	191	116	-65.13%
00:05:52	190	116	-64.27%
00:05:53	191	116	-64.70%
00:05:54	190	115	-64.31%
00:05:55	190	115	-64.74%

Part.Reduction

00:05:56	189	115	-63.87%
00:05:57	190	115	-64.78%
00:05:58	189	115	-63.91%
00:05:59	189	114	-65.31%
00:06:00	189	115	-64.39%
00:06:01	189	114	-64.87%
00:06:02	188	114	-63.99%
00:06:03	188	114	-64.91%
00:06:04	188	114	-64.47%
00:06:05	188	114	-65.40%
00:06:06	188	114	-64.47%
00:06:07	188	113	-65.88%
00:06:08	187	113	-65.00%
00:06:09	188	113	-65.93%
00:06:10	187	113	-64.56%
00:06:11	187	113	-65.04%
00:06:12	187	113	-64.56%
00:06:13	186	113	-65.09%
00:06:14	186	113	-64.64%
00:06:15	186	112	-65.13%
00:06:16	186	112	-65.13%
00:06:17	185	112	-64.69%
00:06:18	185	112	-65.18%
00:06:19	185	112	-64.73%
00:06:20	185	112	-65.22%
00:06:21	185	112	-65.22%
00:06:22	184	112	-64.78%
00:06:23	184	111	-65.27%
00:06:24	184	111	-65.27%
00:06:25	183	111	-64.37%
00:06:26	184	111	-64.82%
00:06:27	183	111	-64.86%
00:06:28	183	111	-65.36%
00:06:29	182	111	-63.96%
00:06:30	183	111	-64.91%
00:06:31	182	110	-64.50%
00:06:32	182	110	-64.95%
00:06:33	182	110	-64.50%
00:06:34	182	110	-64.50%
00:06:35	181	110	-64.55%
00:06:36	182	110	-65.00%
00:06:37	181	110	-64.09%
00:06:38	181	110	-64.55%
00:06:39	180	110	-64.13%
00:06:40	180	110	-63.64%
00:06:41	180	110	-64.13%
00:06:42	180	110	-64.13%
00:06:43	179	110	-63.22%
00:06:44	180	110	-63.68%
00:06:45	179	109	-63.26%
00:06:46	179	109	-63.72%
00:06:47	179	109	-63.26%
00:06:48	179	109	-63.26%
00:06:49	178	109	-62.80%
00:06:50	179	109	-63.26%

Part.Reduction

00:06:51	178	109	-62.84%
00:06:52	178	109	-62.80%
00:06:53	177	109	-61.89%
00:06:54	177	109	-62.39%
00:06:55	177	109	-62.39%
00:06:56	177	109	-62.39%
00:06:57	176	109	-61.47%
00:06:58	177	109	-61.93%
00:06:59	176	109	-61.01%
00:07:00	176	109	-61.96%
00:07:01	176	109	-61.50%
00:07:02	176	108	-62.00%
00:07:03	175	109	-61.04%
00:07:04	176	108	-62.50%
00:07:05	175	108	-61.08%
00:07:06	175	108	-61.08%
00:07:07	175	108	-61.08%
00:07:08	174	108	-60.62%
00:07:09	175	108	-61.08%
00:07:10	174	108	-60.62%
00:07:11	174	108	-60.15%
00:07:12	173	108	-60.19%
00:07:13	174	108	-60.65%
00:07:14	173	108	-60.19%
00:07:15	173	108	-60.68%
00:07:16	173	108	-59.72%
00:07:17	172	108	-59.75%
00:07:18	172	108	-59.29%
00:07:19	172	107	-60.25%
00:07:20	172	107	-59.78%
00:07:21	172	107	-59.78%
00:07:22	171	107	-59.32%
00:07:23	172	107	-59.78%
00:07:24	171	107	-59.32%
00:07:25	171	107	-59.32%
00:07:26	170	107	-58.88%
00:07:27	171	107	-59.35%
00:07:28	170	107	-58.88%
00:07:29	170	107	-58.88%
00:07:30	170	107	-58.41%
00:07:31	170	107	-58.41%
00:07:32	170	107	-58.41%
00:07:33	170	107	-58.91%
00:07:34	169	107	-58.44%
00:07:35	169	106	-59.43%
00:07:36	169	107	-58.44%
00:07:37	169	106	-59.43%
00:07:38	169	106	-58.46%
00:07:39	169	106	-59.43%
00:07:40	168	106	-58.49%
00:07:41	169	106	-58.96%
00:07:42	168	106	-58.99%
00:07:43	168	106	-58.99%
00:07:44	168	106	-58.02%
00:07:45	168	106	-58.52%

Part.Reduction

00:07:46	168	106	-58.52%
00:07:47	168	106	-58.52%
00:07:48	167	106	-58.04%
00:07:49	167	106	-58.04%
00:07:50	167	106	-58.04%
00:07:51	167	106	-58.04%
00:07:52	167	106	-57.08%
00:07:53	167	105	-58.54%
00:07:54	167	106	-57.57%
00:07:55	167	106	-57.57%
00:07:56	166	105	-57.59%
00:07:57	167	105	-58.07%
00:07:58	166	105	-57.59%
00:07:59	166	105	-58.10%
00:08:00	166	105	-57.12%
00:08:01	166	105	-57.62%
00:08:02	166	105	-57.62%
00:08:03	165	105	-57.14%
00:08:04	166	105	-57.62%
00:08:05	165	105	-57.14%
00:08:06	165	105	-56.67%
00:08:07	165	105	-56.67%
00:08:08	165	105	-57.17%
00:08:09	165	104	-57.67%
00:08:10	164	105	-56.69%
00:08:11	164	104	-56.71%
00:08:12	164	105	-56.69%
00:08:13	164	104	-56.71%
00:08:14	164	104	-57.69%
00:08:15	163	104	-56.73%
00:08:16	163	104	-57.23%
00:08:17	163	104	-57.23%
00:08:18	163	104	-57.23%
00:08:19	163	104	-56.75%
00:08:20	163	104	-56.75%
00:08:21	162	104	-56.27%
00:08:22	163	103	-57.26%
00:08:23	162	103	-56.29%
00:08:24	162	103	-57.28%
00:08:25	161	103	-56.31%
00:08:26	161	103	-56.31%
00:08:27	161	103	-56.31%
00:08:28	161	103	-56.82%
00:08:29	161	102	-56.84%
00:08:30	161	102	-56.84%
00:08:31	160	102	-56.86%
00:08:32	160	102	-56.86%
00:08:33	160	102	-56.37%
00:08:34	160	102	-56.37%
00:08:35	160	102	-56.89%
00:08:36	160	101	-57.40%
00:08:37	159	101	-56.91%
00:08:38	159	101	-56.91%
00:08:39	159	101	-56.93%
00:08:40	159	101	-56.91%

Part.Reduction

00:08:41	158	101	-56.44%
00:08:42	159	100	-57.97%
00:08:43	158	100	-56.98%
00:08:44	158	100	-56.98%
00:08:45	158	100	-57.50%
00:08:46	158	100	-56.98%
00:08:47	158	100	-57.50%
00:08:48	157	100	-57.53%
00:08:49	157	100	-57.02%
00:08:50	157	99	-58.05%
00:08:51	157	99	-58.08%
00:08:52	156	99	-57.05%
00:08:53	156	99	-57.58%
00:08:54	156	99	-57.58%
00:08:55	156	99	-58.11%
00:08:56	156	98	-58.14%
00:08:57	155	98	-58.16%
00:08:58	156	98	-58.67%
00:08:59	155	98	-58.70%
00:09:00	155	98	-58.19%
00:09:01	155	98	-58.19%
00:09:02	154	97	-58.22%
00:09:03	154	97	-58.76%
00:09:04	154	97	-58.76%
00:09:05	154	97	-59.31%
00:09:06	154	97	-58.79%
00:09:07	154	97	-58.79%
00:09:08	153	96	-58.82%
00:09:09	154	96	-59.90%
00:09:10	153	96	-58.85%
00:09:11	153	96	-59.41%
00:09:12	153	96	-59.41%
00:09:13	153	96	-59.41%
00:09:14	152	95	-59.44%
00:09:15	152	95	-60.56%
00:09:16	152	95	-60.00%
00:09:17	152	95	-60.00%
00:09:18	152	95	-60.04%
00:09:19	152	95	-60.04%
00:09:20	152	95	-60.04%
00:09:21	152	94	-60.60%
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Part.Reduction

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Part.Reduction

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Part.Reduction

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Part.Reduction

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Part.Reduction

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Part.Reduction

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00:14:58	119	72	-63.82%
00:14:59	119	72	-64.58%
00:15:00	119	72	-64.58%
00:15:01	119	72	-64.58%



single storey building
 1½ storey building
 2½ storey building

project
**Stove installation at
 5 High Street
 Innerleithen EH44 6HA**
 client
Mr & Mrs Gordon

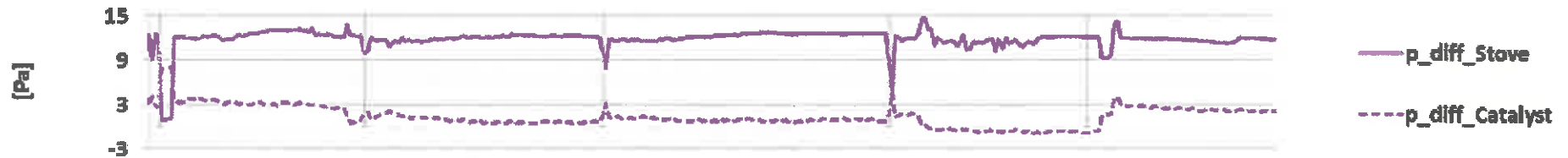
drawing title
Site Plan
 drawing number
13011-SITE
 scale date
1:200 @A4 Jan 16



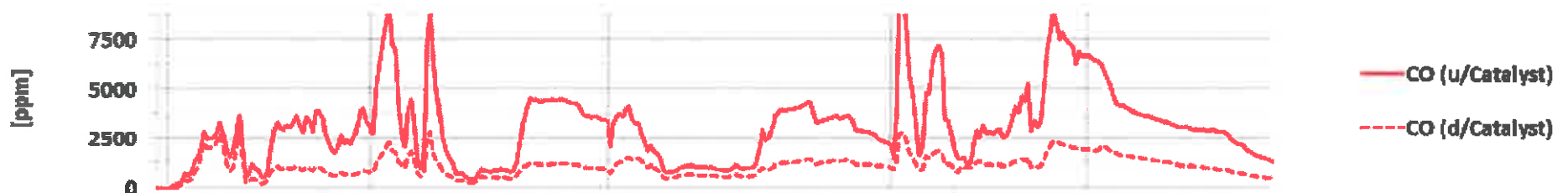
5 High Street
 Innerleithen
 EH446HA
 tel 01896 833131
 mob 07789 016514
 david@davidjanearchitects.co.uk
 www.davidjanearchitects.co.uk

Preliminary test results SP Technical Research Institute of Sweden (Winter 2016)

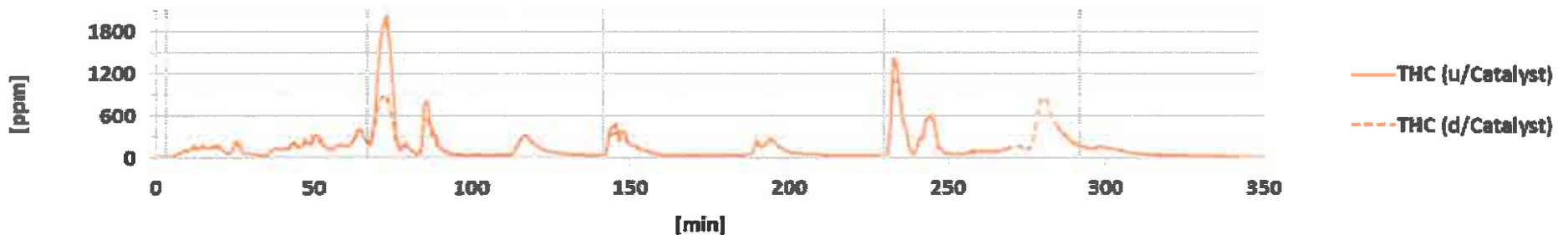
Tests performed with approx. 1.4 liter Palladium catalyst which fully covers the flue gas channel (all wood smoke goes through the catalyst)



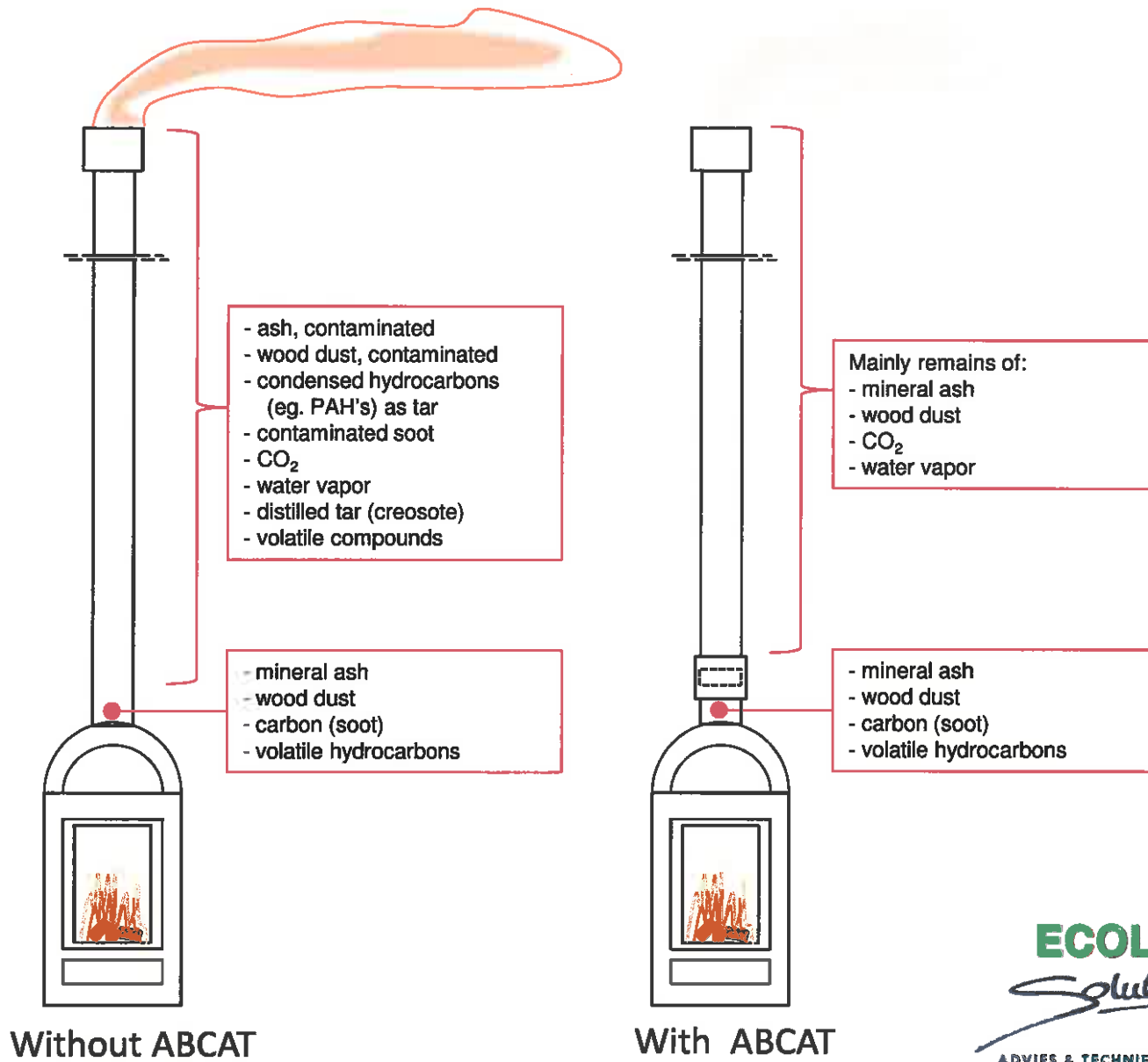
What can be seen is that the flow resistance of the catalyst is low and moves around 0-2Pa.



The reduction effect on CO was greater than expected with an average reduction of 66% over 4 burn cycles (resp. 57, 68, 67, 70%)

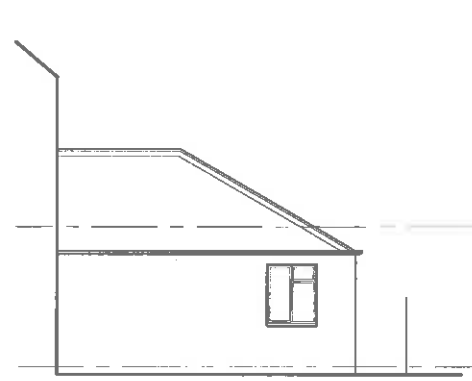


The reduction of hydrocarbons was less than expected, although the emission-peaks were nicely dampened. A possible explanation is the presence of methane in the flue gas. This particular gas is difficult for the catalyst to crack, is also detected as PAH and possibly blocks the catalyst surface for other hydrocarbons. Follow up research will be done which will hopefully provide answers. Additionally particulate measurements will also be done.

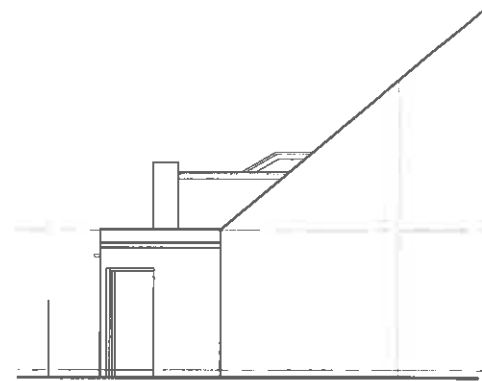




SOUTH ELEVATION

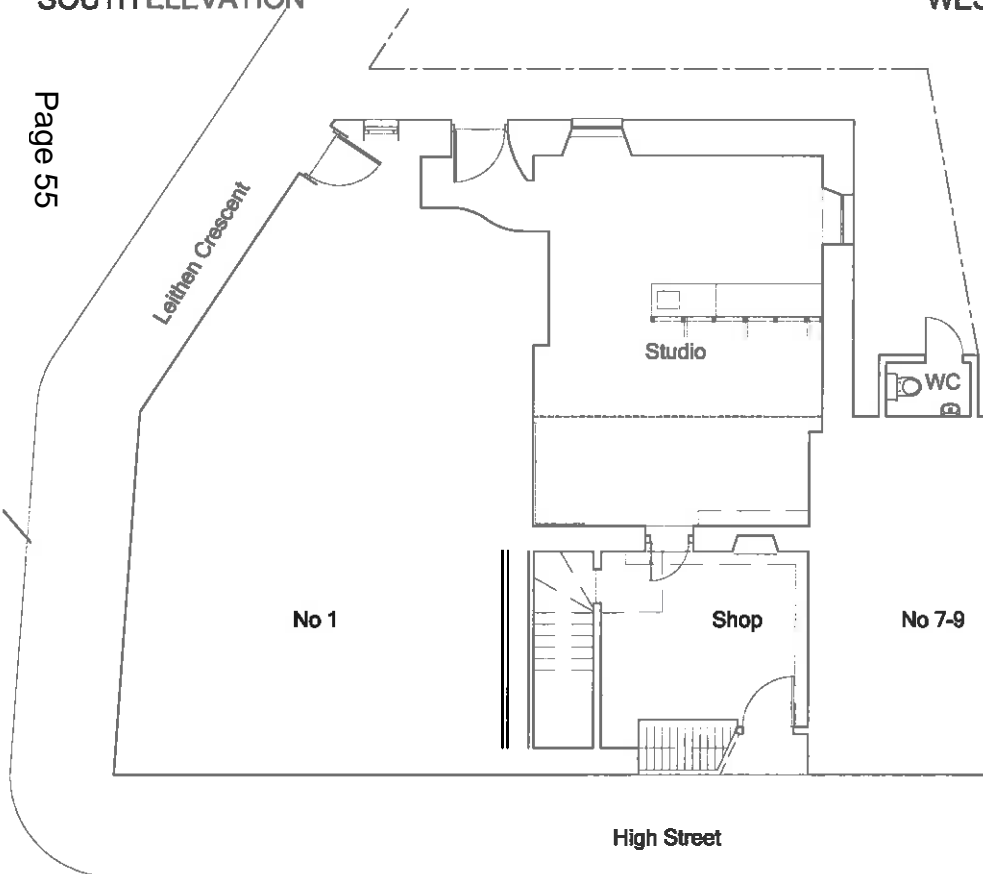


WEST ELEVATION

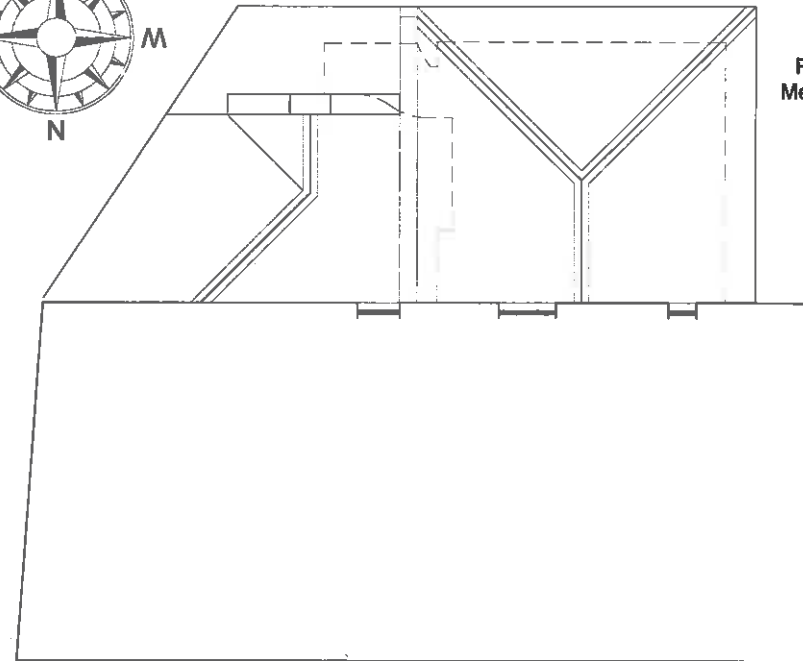
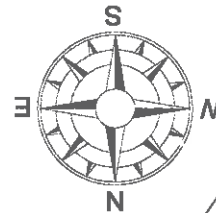


EAST ELEVATION

Page 55



GROUND FLOOR PLAN



ROOF PLAN

project
**Replacement Windows &
 Metal Flue at 5 High Street
 Innerleithen EH44 6HA**

client
Mr & Mrs Gordon

drawing title
**Existing Plans
 & Elevations**

drawing number
13011-E-101

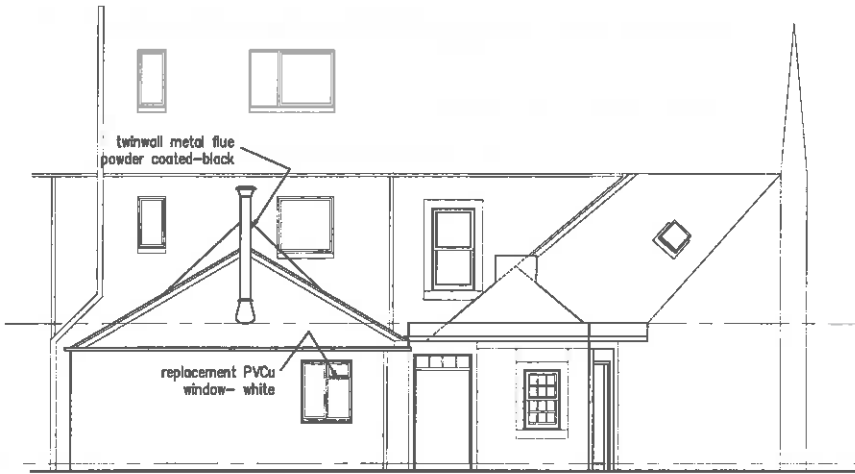
scale
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Sep 15



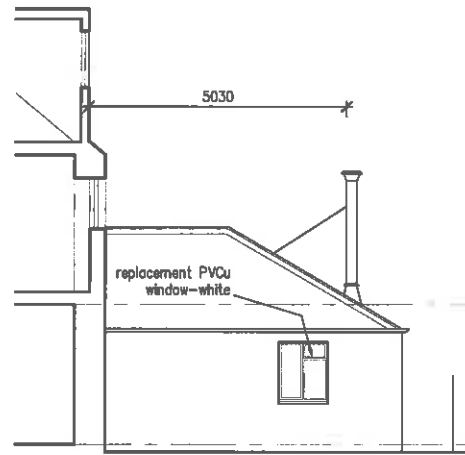
5 High Street
 Innerleithen
 EH44 6HA

tel 01896 833131
 mob 07789 016514

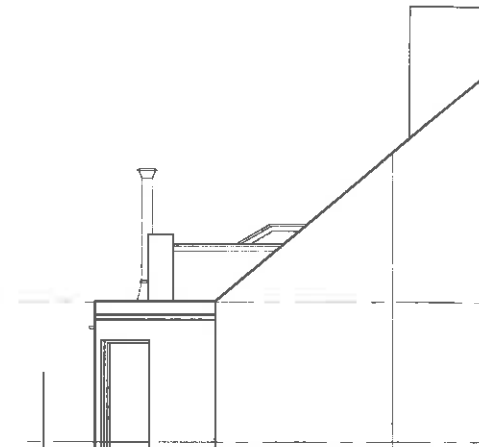
david@davidjanearchitects.co.uk
 www.davidjanearchitects.co.uk



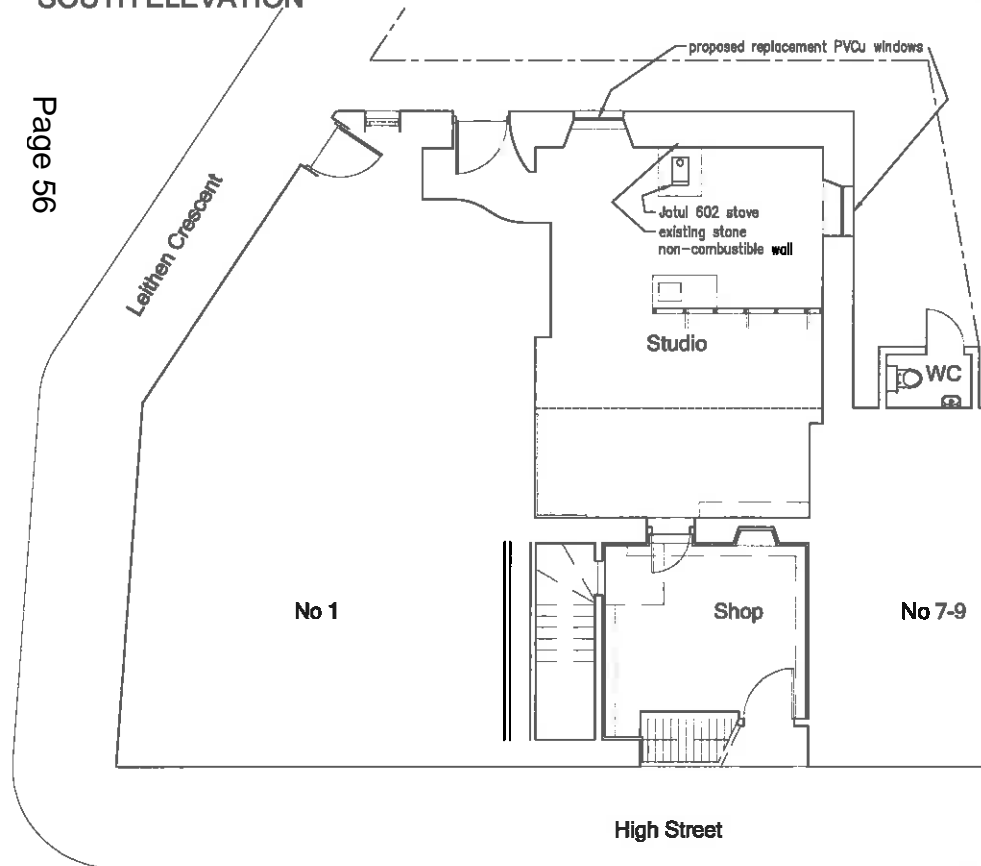
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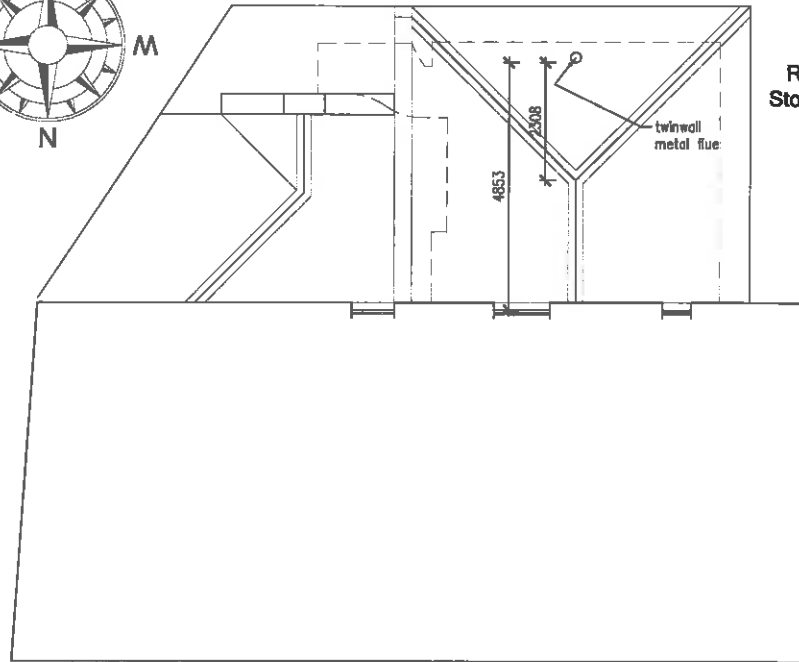
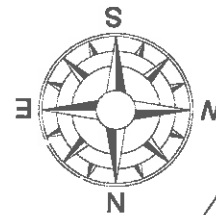
WEST ELEVATION



EAST ELEVATION



GROUND FLOOR PLAN



ROOF PLAN

A-flue height raised 11/01/16
Revisions

project
Replacement Windows & Stove Flue at 5 High Street Innerleithen EH44 6HA

client
Mr & Mrs Gordon

drawing title
Proposed Plans & Elevations

drawing number
13011-101-A

scale
1:100 @A3

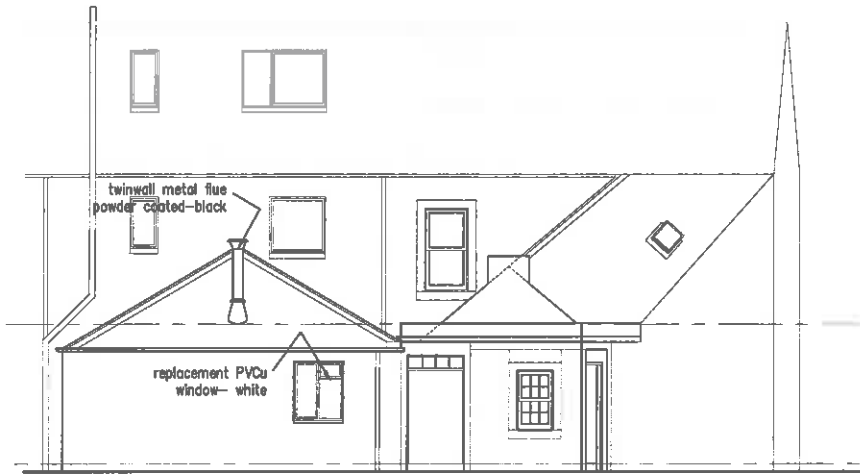
date
Sept 15



5 High Street
Innerleithen
EH446HA

tel 01896 833131
mob 07789 016514

david@davidjanearchitects.co.uk
www.davidjanearchitects.co.uk

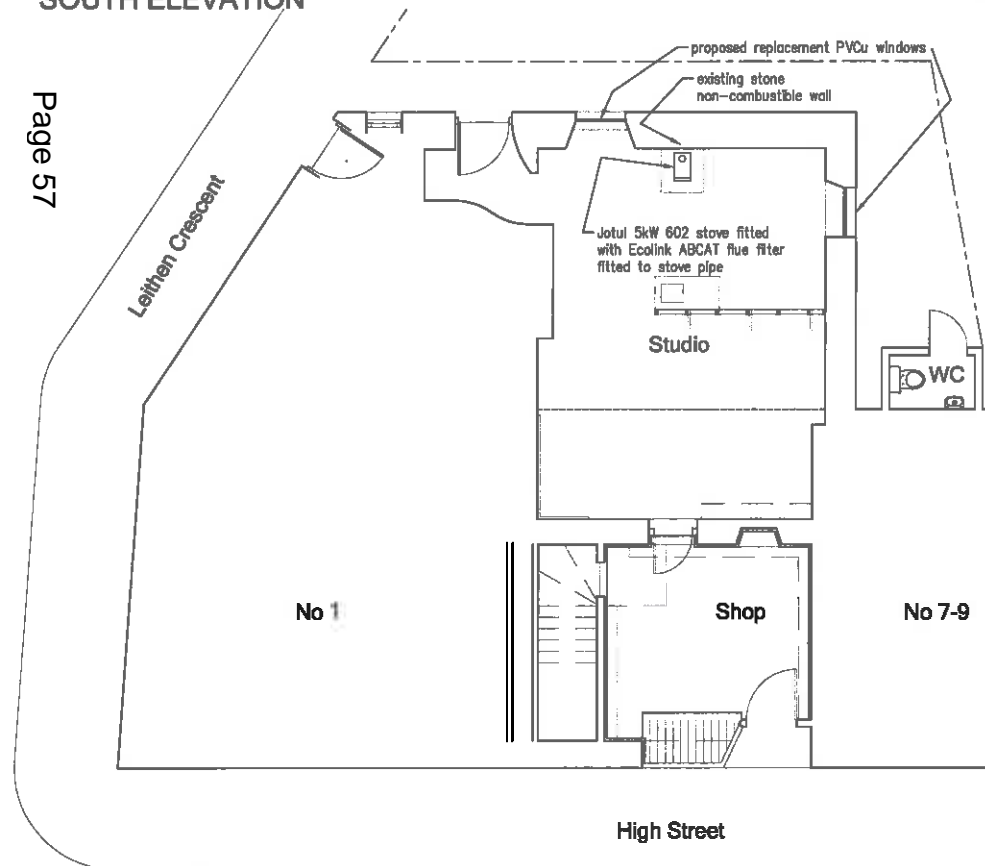


SOUTH ELEVATION

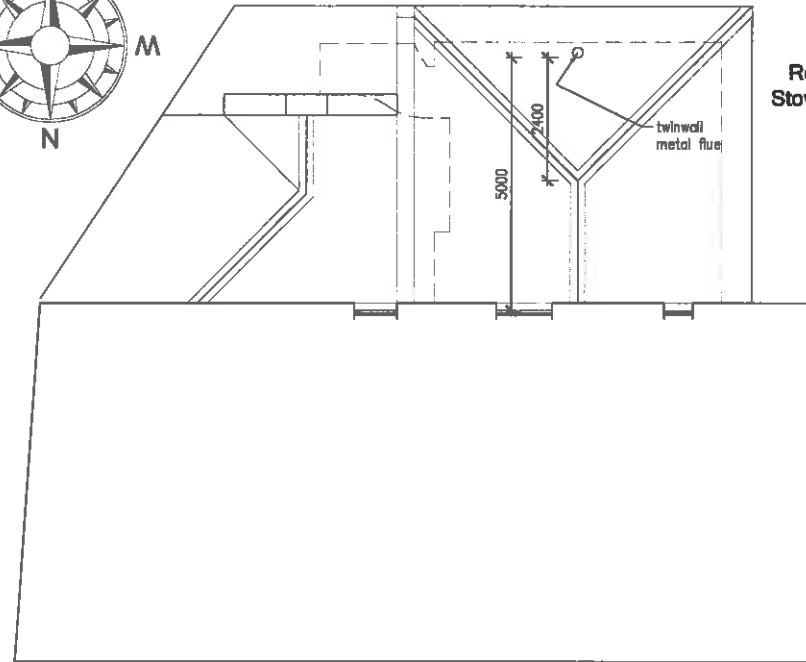
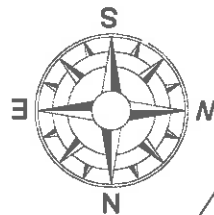


WEST ELEVATION

EAST ELEVATION



GROUND FLOOR PLAN

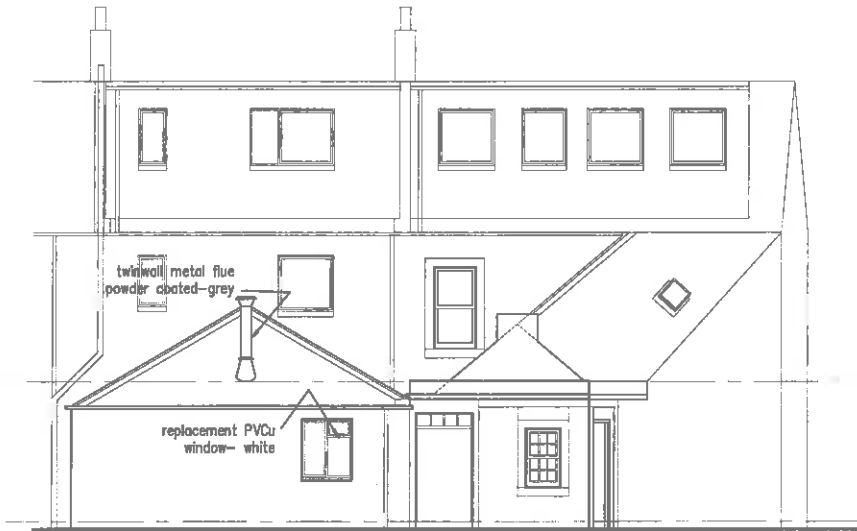


ROOF PLAN

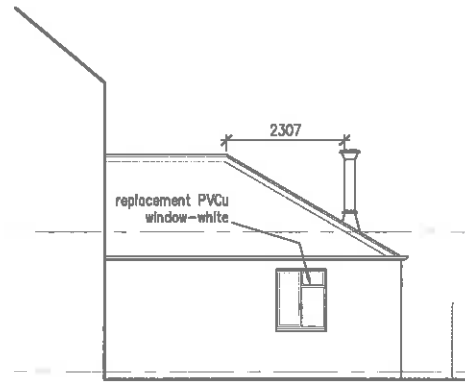
project
Replacement Windows & Stove Flue at 5 High Street Innerleithen EH44 6HA
 client
Mr & Mrs Gordon
 drawing title
Proposed Plans & Elevations
 drawing number
13011-101-B
 scale
1:100 @A3 date
Sept 15



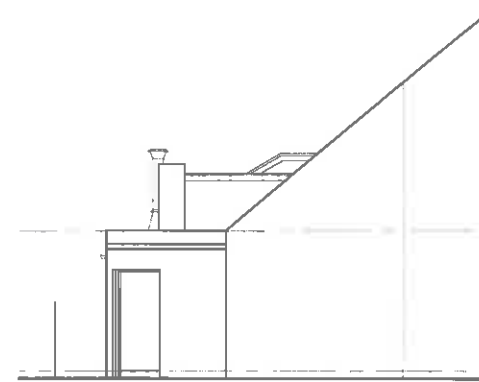
5 High Street
 Innerleithen
 EH446HA
 tel 01896 833131
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 david@davidjanearchitects.co.uk
 www.davidjanearchitects.co.uk



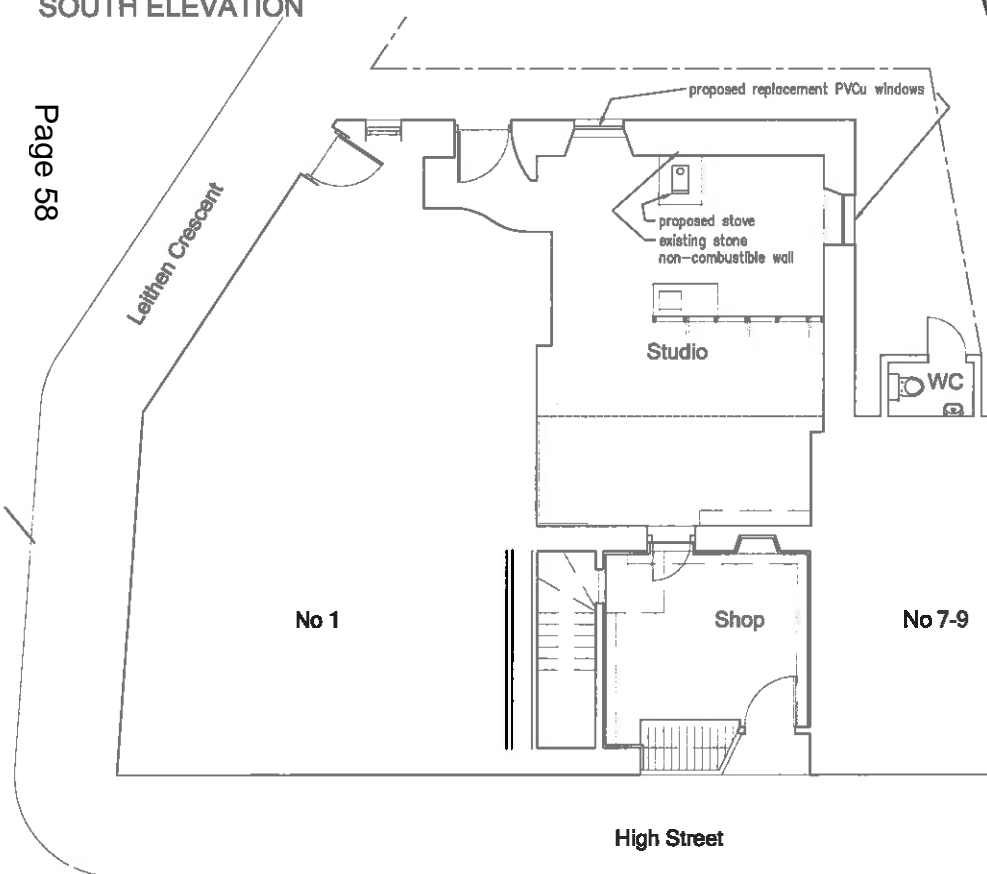
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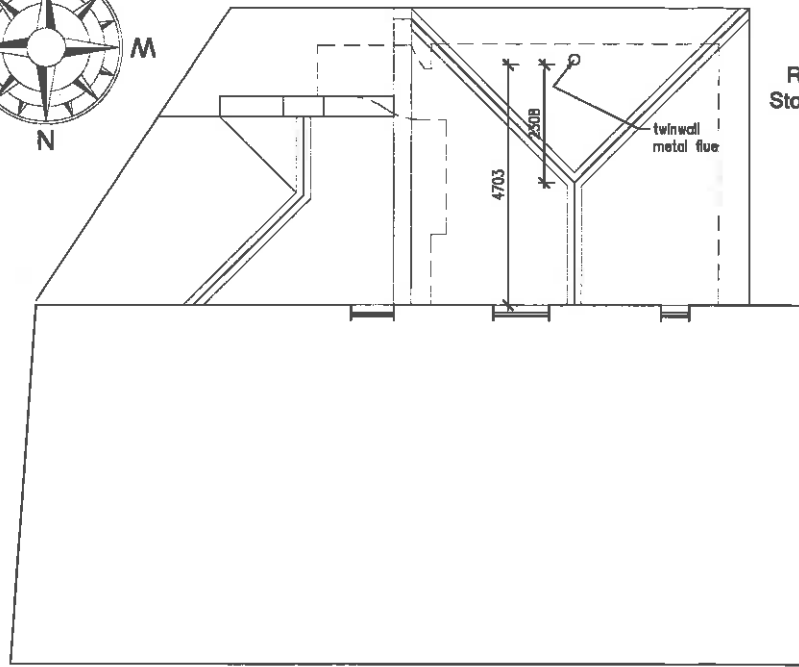
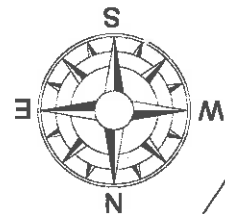
WEST ELEVATION



EAST ELEVATION



GROUND FLOOR PLAN



ROOF PLAN

Page 58

project
Replacement Windows &
Stove Flue at 5 High Street
Innerleithen EH44 6HA

client
Mr & Mrs Gordon

drawing title
Proposed Plans
& Elevations

drawing number
13011-101

scale
1:100 @A3
date
Sept 15



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www.davidjanearchitects.co.uk

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00257/FUL

To : Mr & Mrs David & Jane Gordon per David Jane Architects 5 High Street Innerleithen Scottish Borders EH44 6HA

With reference to your application validated on **21st February 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Replacement windows and installation of chimney flue

At : 5 High Street Innerleithen Scottish Borders EH44 6HA

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

**Dated 14th April 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00257/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
13011-101-B	Elevations	Refused
ECOLINK SOLUTIONS	Sections	Refused
EMISSIONS GRAPHS	Specifications	Refused
13011-LOC	Location Plan	Refused
ABCAT TEST	Report	Refused
ABCAT BACKGROUND	Report	Refused
PRODUCT SPECIFICATIONS	Specifications	Refused
RESIDUALS OF WOOD BURNING	Specifications	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Please note that the replacement windows may still be proceeded with under planning permission reference 15/01079/FUL.

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.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00257/FUL

APPLICANT : Mr & Mrs David & Jane Gordon

AGENT : David Jane Architects

DEVELOPMENT : Replacement windows and installation of chimney flue

LOCATION: 5 High Street
Innerleithen
Scottish Borders
EH44 6HA

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
13011-101-B	Elevations	Refused
ECOLINK SOLUTIONS	Sections	Refused
EMISSIONS GRAPHS	Specifications	Refused
13011-LOC	Location Plan	Refused
ABCAT TEST	Report	Refused
ABCAT BACKGROUND	Report	Refused
PRODUCT SPECIFICATIONS	Specifications	Refused
RESIDUALS OF WOOD BURNING	Specifications	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Environmental Health:

The indicated flue height is insufficient to allow fumes to disperse properly and will affect the amenity of other occupiers.

Recommendation
Object.

Innerleithen and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards
Policy HD3 Protection of Residential Amenity
Policy EP9 Conservation Areas

Recommendation by - Craig Miller (Lead Planning Officer) on 13th April 2017

Much of the earlier application (15/01079/FUL) Handling Report provides useful background to this resubmission, as follows:

"These works relate to a shop/office property which fronts onto the High Street in Innerleithen, restricted to the rear part of the building adjoining the R Smail Printing Works along Leithen Crescent. The proposals relate to the erection of a grey powder coated metal flue serving a proposed internal stove and replacement of two windows with uPVC units.

The windows are in compliance with Development Plan Policy and Supplementary Planning Guidance on replacement windows within a Conservation Area. Neither current window unit is traditional sash and one is totally concealed to public view on the west facing wall of the office building. Replacement with white uPVC casement units would not be of any consequence to the character of this part of the building or the Conservation Area and consent can be granted for them.

The flue proposal causes no significant aesthetic issues as the proposal is for a grey coloured modest flue emerging from the hipped roof of the office and terminating just above office ridge. Whilst visible from Leithen Crescent, the flue would be a maximum of two metres in length and its grey colour and minimal projection above the ridge of the office roof means that there is no Conservation Area reason to oppose it.

However, the flue serves a solid fuel appliance inside the office and the response from Environmental Health has been one of objection, despite several additional submissions from the applicant. The EHO, who quite often will merely request an Applicant Informative, believes that this proposal is likely to give rise to insurmountable smoke complaint due to the level of venting and the location of neighbours' residential window openings. The applicant has attempted to display that the impacts would not be as severe by proposing a raising of the flue by one further metre, stating that residential properties are not downwind of the prevailing wind and providing a HETAS guarantee of safe installation of such a stove and flue. These subsequent submissions and a meeting with Environmental Health have not dissuaded them from a sustained objection. Had there been support for a one metre raising of the flue, then the revised plans would have needed to be the subject of a new planning application and a fresh assessment of the impact on the Conservation Area and visual amenity carried out. The taller the flue, the greater the impact from Leithen Crescent and the greater the impact on the amenity of the Conservation Area.

As any additional raising of the flue is likely to be opposed on visual amenity grounds and as one metre is not sufficient to allow removal of the EHO objection, this element of the application cannot be supported. Based upon the guidance from the EHO, it would be likely to convey smoke and air pollution issues to nearby windows, even allowing for the fact that the premises seeking the flue are commercial shop/office premises which would only be likely to be seeking heating during office hours. However, if there is a demonstrable problem with lack of flue height and proximity of residential windows, then restrictions in operating hours are an unsatisfactory patch over a more fundamental problem."

The windows remain acceptable but they received planning permission under 15/01079/FUL. An informative will be attached to this decision to advise that the windows can be proceeded with under that consent. The position with the flue remains the same. Environmental Health have considered the new submission but remain opposed to the application as the indicated flue height is insufficient to allow fumes to disperse properly and will affect the amenity of other occupiers.

The applicant had submitted additional information outlining a gas oxidizing catalytic converter to reduce nuisance from wood stoves and boilers through flues. Output information and particulate tests before and after the converter were also supplied. The advice from Environmental Health is still one of objection and, therefore, it has to be concluded that Local Development Plan Policy EP16 Air Quality cannot be complied with. Despite the mitigation proposals, Environmental Health maintain that the flue height is too low in relation to surrounding windows belonging to residential property.

Unlike the St Ronan's Hotel case, a significant increase in the flue pipe height in this location would be far more prominent in the Conservation Area and impact on the public realm in a more significant and adverse way. Such a solution to meet air quality issues would be likely to create insurmountable aesthetic and visual amenity impacts in this location.

The application, therefore, should be refused as being contrary to LDP Policy EP16.

REASON FOR DECISION :

The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers.

Recommendation: Refused with informatives

- 1 The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers.

Informatives

It should be noted that:

- 1 Please note that the replacement windows may still be proceeded with under planning permission reference 15/01079/FUL.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01079/FUL

**To : Mr & Mrs David & Jane Gordon per David Jane Architects Bank House Innerleithen Scottish
Borders EH44 6HA**

With reference to your application validated on **10th September 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Replacement windows

at : 5 High Street Innerleithen Scottish Borders EH44 6HA

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

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

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

**Dated 22nd February 2016
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01079/FUL**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
13011-LOC	Location Plan	Approved
13011-101	Elevations	Approved
13011-E-101	Existing Elevations	Approved

REASON FOR DECISION

The application, with appropriate condition, complies with Development Plan Policies on replacement windows and impacts on residential amenity in that the window replacements are of acceptable design and the flue proposal can be prohibited by condition.

SCHEDULE OF CONDITIONS

- 1 The consent is only for the replacement windows and not for the proposed flue.
Reason: The application has failed to adequately demonstrate that the erection of the proposed flue would not have significant detrimental impacts on nearby residential amenity through transmission of smoke nuisance.

FOR THE INFORMATION OF THE APPLICANT

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

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
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01079/FUL

APPLICANT : Mr & Mrs David & Jane Gordon

AGENT : David Jane Architects

DEVELOPMENT : Replacement windows

LOCATION: 5 High Street
Innerleithen
Scottish Borders
EH44 6HA

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
13011-LOC	Location Plan	Approved
13011-101	Elevations	Approved
13011-E-101	Existing Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Environmental Health:

Assessment of Application

Air quality

Nuisance

This is an application to install replacement windows and a flue.

The documents lodged in connection with the Application indicate the provision of a solid fuel appliance.

These have the potential to cause smoke and odour problems if not properly installed and maintained.

The plans indicate that the flue will discharge below the level of windows in adjacent premises.

Recommendation

Delete as appropriate - Object.

Objection maintained after successive meetings and submissions made by applicant.

Innerleithen and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development
Policy H2 Protection of Residential Amenity
Policy BE4 Conservation Areas
Policy D4 Renewable Energy

"Replacement Windows and Doors" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 2nd November 2015

These works relate to a shop/office property which fronts onto the High Street in Innerleithen, restricted to the rear part of the building adjoining the R Smail Printing Works along Leithen Crescent. The proposals relate to the erection of a grey powder coated metal flue serving a proposed internal stove and replacement of two windows with uPVC units.

The windows are in compliance with Development Plan Policy and Supplementary Planning Guidance on replacement windows within a Conservation Area. Neither current window unit is traditional sash and one is totally concealed to public view on the west facing wall of the office building. Replacement with white uPVC casement units would not be of any consequence to the character of this part of the building or the Conservation Area and consent can be granted for them.

The flue proposal causes no significant aesthetic issues as the proposal is for a grey coloured modest flue emerging from the hipped roof of the office and terminating just above office ridge. Whilst visible from Leithen Crescent, the flue would be a maximum of two metres in length and its grey colour and minimal projection above the ridge of the office roof means that there is no Conservation Area reason to oppose it.

However, the flue serves a solid fuel appliance inside the office and the response from Environmental Health has been one of objection, despite several additional submissions from the applicant. The EHO, who quite often will merely request an Applicant Informative, believes that this proposal is likely to give rise to insurmountable smoke complaint due to the level of venting and the location of neighbours' residential window openings. The applicant has attempted to display that the impacts would not be as severe by proposing a raising of the flue by one further metre, stating that residential properties are not downwind of the prevailing wind and providing a HETAS guarantee of safe installation of such a stove and flue. These subsequent submissions and a meeting with Environmental Health have not dissuaded them from a sustained objection. Had there been support for a one metre raising of the flue, then the revised plans would have needed to be the subject of a new planning application and a fresh assessment of the impact on the Conservation Area and visual amenity carried out. The taller the flue, the greater the impact from Leithen Crescent and the greater the impact on the amenity of the Conservation Area.

As any additional raising of the flue is likely to be opposed on visual amenity grounds and as one metre is not sufficient to allow removal of the EHO objection, this element of the application cannot be supported. Based upon the guidance from the EHO, it would be likely to convey smoke and air pollution issues to nearby windows, even allowing for the fact that the premises seeking the flue are commercial shop/office premises which would only be likely to be seeking heating during office hours. However, if there is a demonstrable problem with lack of flue height and proximity of residential windows, then restrictions in operating hours are an unsatisfactory patch over a more fundamental problem.

Policies H2 and D4 do require works to protect residential amenity. Whilst H2 is more in relation to visual and audible issues of amenity, D4 certainly requires micro-renewables to respect and protect residential amenity. Given that Environmental Health sustain their objection on the basis of an apparently irresolvable air pollution likelihood, Local Plan Policy D4 would not be complied with. The revised plan was tabled in draft form but also not accepted - so the original application drawings should be used for a decision on this application. As there is another element of the proposals that is acceptable (the replacement windows), the application should not be refused as this would deny an important and acceptable element of the proposals. The application will be approved with a condition denying the external flue on the grounds of protection of residential amenity.

REASON FOR DECISION :

The application, with appropriate condition, complies with Development Plan Policies on replacement windows and impacts on residential amenity in that the window replacements are of acceptable design and the flue proposal can be prohibited by condition.

Recommendation: Approved subject to conditions

- 1 The consent is only for the replacement windows and not for the proposed flue.
Reason: The application has failed to adequately demonstrate that the erection of the proposed flue would not have significant detrimental impacts on nearby residential amenity through transmission of smoke nuisance.

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

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00257/FUL
Uniform Ref	17/00499/PLANCO
Proposal	Replacement windows and installation of chimney flue
Address	5 High Street Innerleithen Scottish Borders EH44 6HA
Date	17/3/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Air quality

Nuisance

This Application includes a proposal to install a flue.

The indicated flue height is insufficient to allow fumes to disperse properly and will affect the amenity of other occupiers.

Recommendation

Object.

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Local Review Body – List of Policies

Local Review Reference: 17/00028/RREF

Planning Application Reference: 17/00257/FUL

Development Proposal: Replacement windows and installation of chimney flue,

Location: 5 High Street, Innerleithen

Applicant: David & Jane Gordon

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

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 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,

Local Review Body – List of Policies

- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

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

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

Local Review Body – List of Policies

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 ED9: RENEWABLE ENERGY DEVELOPMENT

RENEWABLE ENERGY DEVELOPMENTS

The council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations.

The assessment of applications for renewable energy developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it.

SUPPLEMENTARY GUIDANCE

The council will produce statutory Supplementary Guidance on wind energy and renewable energy. This shall be submitted to Ministers within 12 months of adoption of the plan. The guidance will accord with Scottish Planning Policy (2014), and will set out the detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out at paragraph 169. The guidance on wind energy will contain the onshore spatial framework as required by Scottish Planning Policy (2014), identifying areas where wind farms will not be acceptable, areas of significant protection, and areas with potential for wind farm development, and indicating the minimum scale of onshore wind development that the framework applies to.

The council will produce statutory Supplementary Guidance to update the landscape and visual guidance for single and groups of 2 or 3 wind turbines in Berwickshire so that it accords with Scottish Planning Policy (2014).

The assessment of wind energy proposals will include the following considerations:

Local Review Body – List of Policies

- the onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;
- landscape and visual impacts, to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (July 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas the cumulative impact of existing and consented development may limit the capacity for further development;
- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);
- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments and listed buildings, and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;
- effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;
- opportunities for energy storage;
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets, and the effect on greenhouse emissions;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

Developers must demonstrate that they have considered options for minimising the operational impact of wind turbine proposals, including ancillary development such as tracks.

CONSIDERATION OF OTHER RENEWABLE ENERGY DEVELOPMENTS

Small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of bio fuels, short crop rotation coppice, “biomass” or small scale hydro-power will be assessed against the relevant environmental protection and promotion policies, and other relevant policies in the local development plan.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy IS10 Waste Management Facilities.

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

Local Review Body – List of Policies

appropriate the Council may request that an Air Quality Assessment is undertaken to assist determination of an application.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

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NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

SEE ATTACHED STATEMENT

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

Yes No

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

THE OFFICER MADE NO REQUEST FOR FURTHER INFORMATION DURING THE APPLICATION PROCESS.

THE OFFICER IS AWARE THAT THE APPLICANT IS NOT COMPUTER LITERATE, AND THE PROCESS OF NOT COMMUNICATING WITH THE APPLICANT BY LETTER (OR PHONE) AND OTHERWISE ASSUMING THAT THE PLANNING PORTAL CAN BE USED IS AGAINST THE RIGHTS OF A PERSON CHOOSING TO AVOID THE WORLD WIDE WEB.

THE APPLICANT HAS PAID PLANNING FEES AND THE COUNCIL SHOULD RECOGNISE THAT IF AN APPLICANT CHOOSES NOT TO USE THE PLANNING PORTAL, THIS SHOULD NOT JEOPARDISE AN APPLICATION FOR CONSENT.

IF FURTHER INFORMATION WERE REQUIRED, THIS SHOULD HAVE BEEN REQUESTED BY LETTER.

List of documents and evidence

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

STATEMENT OF APPEAL PART 3 REPORT FROM THE PLANNING OFFICER REFUSAL NOTICE DRAWINGS 196 190 90 & 91 WITH REFUSAL STAMPS
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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

15/8/17

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

STATEMENT OF APPEAL OR REVIEW
17/00384/FUL
ALTERATIONS TO EXISTING BELLMOUTH AND FORMATION OF NEW ACCESS
KIRKBURN, CARDRONA, PEBBLES

The access-road in this application serves Nos 3,4,7 & 8 Kirkburn Cottages & also the house now formed in the former William Cree Memorial Church. Furthermore it is used by visitors to the graveyard at Kirkburn Church.

The applicant owns the ground to the south of the existing access road. He currently has planning consent for a tourism related development on part of the ground in his ownership. The sewage system for this development is to be located in North East corner of his ground, and the tail drain is to run to the Kirkburn by way of the forestry ground to the North of No 8 Kirkburn Cottages.

The existing access arrives at the B7062 at an acute angle. Indeed, a description of this access is made by the Roads Planning officer in another planning application (17/00806/FUL). The description reads :

“The junction between the minor public road and the B7062 is tortuous in its alignment and single track in nature. Left-turns into the junction and right-turns out are near impossible to make without multiple manoeuvres.”

The applicant owns the ground over which it is possible to improve the existing access and create a safe solution for access and egress. Whilst it is appreciated that further information would be required in-order to formalise the construction of this road, a valued appraisal was made of levels and landscape features and existing trees in the production of this planning application. The levels and realignment of contours suggested on drawing 196 91 are not hypothetical – they have been calculated and considered to present an ‘in-principle’ design solution for the new bellmouth that can be constructed to an adoptable standard.

The proposed bellmouth presents the opportunity to resolve a severe safety matter otherwise not achievable, where the outcome considerably improves road safety and public amenity without cost to the Scottish Borders Council.

I therefore ask that this application is carefully considered as part of this review, and understand fully that the technical and landscaping matters can be conditioned should the consent be granted under review.

AJC for Cleek Poultry Ltd

15.8.2017

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00384/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Alterations to existing bellmouth and formation of new access
LOCATION: Land North West Of Kirkburn Parish Church
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 90	Location Plan	Refused
196 91	Block Plans	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The existing junction arrangement is not ideal and the principle of altering this access is acceptable from a road safety point of view. However, as this is the junction of the two public roads any proposal for altering this junction will require Road Construction Consent to ensure the road is designed to the appropriate standard. Furthermore, a Stopping-Up Order may be required to stop up any part of the existing road which will not be incorporated in the proposed road. Whilst the Council promote the Order, the costs associated with this must be borne by the applicant. As part of this process there is a public consultation period and any objections that are raised during that period will have to be resolved prior to the order being approved. If the Council are unable to resolve the objections, the matter will be referred to the Scottish Ministers for determination. Any approval of this proposal will require a condition to be attached to the consent stating that works are not to be commenced until the Stopping-Up Order has been approved.

Notwithstanding the above, there is insufficient information submitted in relation to the proposed alteration of the junction and road and I am unable to fully assess the impact of this proposal. I will require a detailed design to be submitted showing levels, cross sections, long section, earthwork slopes, geometry and drainage measures.

Until I receive this additional information, I am unable to support this proposal.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I do not object to this proposal. The existing consent carries with it an archaeology condition. I recommend that this is carried forward for the reasons outlined in my previous consultation responses if this proposal is consented.

Landscape Architect:

Description of the Site

The site includes the access road in to Kirkburn cottages and the other properties that form the building group, and banking to both sides of the access road. As the General Arrangement Contour Plan (Drg 196 91) show there are 3 mature trees on the bank to the south of the existing Kirkburn road. The site is wholly within the Tweed Valley Special Landscape Area (SLA) and its location at the junction of the Kirkburn Road and the B7062 makes it highly visible to local traffic, some of which may be tourist traffic using the smaller local road network to enjoy the local landscape character and to avoid the busier A72.

Nature of the Proposal

The proposal is to re-align the Kirkburn road, swinging it around to the south before coming back to the existing alignment as it turns south eastwards and to create a new access into the adjacent field.

Implications of the Proposal for the Landscape including any Mitigation

The re-aligned access road will involve the felling of the three mature trees on the southern banking and some major earthworks to achieve the desired road layout and will affect a change to the local character of the minor B7062 road. Furthermore, the formation of a new field access will mean that the proposed tree buffer planting along the north east boundary of the field, as approved as part of the consented development of holiday lodges (Planning Ref 12/00902/FUL & 15 / 00965/FUL) will not be fully achievable and would increase visibility into and out of the lodge development and could greatly reduce the ability of this buffer planting, along this sensitive boundary, to create separation of the lodge development from the residential properties.

Any benefits accrued from the road re-alignment do not, in my opinion, outweigh the loss of the three trees on the banking and the visual intrusion and loss of local landscape character that earthworks of this scale involve.

I consider the landscape and visual impact of the proposal is moderately significant and detrimental to the local character of B7062 and will have a negative impact, albeit relatively local, on the character of the SLA.

Conclusion

Given the landscape and visual impacts of the proposed development on the local character of the immediate area and the fact that there is an adequate access into the adjacent field less than 150m further west along the A7062, I do not support this proposal to re-align the road and to form a new access into the field.

Peebles and District Community Council: Response awaited.

There have also been objections received from five local residential properties on the following grounds:

The opening is unnecessary as there are already three other access points.

The access and earthworks will reduce the screening between the holiday development and Kirkburn, blurring the distinction and impacting on residential amenity.

There is precedent attached to this and a housing application, both unsuccessful. Approval would increase the likelihood of residential development.

There is no need for such road improvement, the current road operates without problem.

The earthworks and tree felling would increase impacts locally and across the valley, contrary to LDP Policy on landscape designations.

Development would adversely affect the setting of the listed building adjoining and the archaeological sites nearby, being contrary to LDP Policy.

Neighbour notification incomplete as others use the access road.

The application is not legal as the applicant does not own the road affected.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP7 Listed Buildings

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 31st May 2017

This application is a proposal to realign the existing Kirkburn building group public road junction with the B7062 road by creating a 90 degree bellmouth of 5.5m road width before curving the new road back towards the line of the existing road and then leading a slightly widened road up to the building group. This would then lead to a junction whereby an access is take up into the field that has been consented for holiday chalets and holiday sheds. These consents have not been implemented and the access must, therefore, be considered on its own merits as an alternative access into the field in question, for whatever purpose. It has clearly been designed, however, to cater for a development on the scale of the consented holiday developments. It would theoretically connect with the turning head on the approved layout 15/00965/FUL, albeit cutting through a proposed tree screen and reducing the area of existing and proposed planting at the north-eastern end of this development. There is no proposal to close off the existing access to the field from the western end. The new roadway will involve the loss of three mature trees as it enters the banking into the field and will cut into the ground with 5-6m of banking being required on the first curve of the road.

There is history with such a road proposal, connected with previous unsuccessful attempts to achieve planning permission for housing in the late 90s and early 2000s. Developments for six houses were either refused or withdrawn, part of the reasons relating to the fact that either the proposed road access was not achievable or had an elevated and overbearing impact on local landscape character at this location. Even when a reduced scheme for three houses was proposed which received some support from the Department, this was still rejected by the Committee, then on appeal.

Then, as now, the comments from Roads Planning were generally in support of anything that could improve the existing narrow and acutely angled current access and junction. However, they still have a number of questions and concerns over the current proposal, including further proof that the access could be physically achieved, needing a detailed design to be submitted showing levels, cross sections, long section, earthwork slopes, geometry and drainage measures. Furthermore, a stopping up order would need to be promoted by the Council and paid for by the developer, allowing a representation period for local residents and users of the road. Should objections be received to this (and there have been five to this current application), then they would need to be resolved, otherwise the matter would be passed to the Scottish Ministers. A further issue is that the applicant has notified the Council as perceived part owners of the land to which the application relates. This is not the case as the current roadway and the land outside the applicant's field are privately owned by another party/parties, the Council simply having rights under the Roads (Scotland) Act to maintain an adoptable road over the land. This is not ownership and the objectors have rightly pointed this out.

It is concluded that whilst the principle of what is being proposed is acceptable in terms of a potential road safety improvement, the application has not adequately demonstrated that the access can either be physically or legally achieved. It also does not address the questions of need when there is an acceptable access to the west of the field from the B7062, the possibility of through traffic if that is not stopped up to the field and the general road safety and amenity impacts of introducing holiday or agricultural traffic into the Kirkburn building group.

Even if the above could have been resolved, there are significant landscape impacts caused by the proposal which differ from the circumstances in 2003 when a roadway improvement was proposed for the three

house development. The main differences are that the Tweed Valley is now a designated Special Landscape Area and that a holiday development has been consented which relies on existing and proposed landscaping to screen it from the A72, the B7062 and the residents within the Kirkburn building group. The Landscape Architect has noted the three mature trees that would need to be felled at the roadside and the reductions in proposed planting belts as a result of the roadway proposals. She feels that this would increase visibility into and out of the lodge development and could greatly reduce the ability of this buffer planting, along this sensitive boundary, to create separation of the lodge development from the residential properties. These are also objections expressed by five separate properties within the building group adjoining. The Landscape Architect concludes by stating-

"Any benefits accrued from the road re-alignment do not, in my opinion, outweigh the loss of the three trees on the banking and the visual intrusion and loss of local landscape character that earthworks of this scale involve. I consider the landscape and visual impact of the proposal is moderately significant and detrimental to the local character of B7062 and will have a negative impact, albeit relatively local, on the character of the SLA."

As there appears to be no pressing need for this second access into the field to potentially serve the holiday development, the disadvantages of landscape and residential amenity impacts would outweigh any benefits to road safety, even if the proposals could be physically and legally achieved. The application must, therefore, be refused for these reasons which are contrary to Policies PMD2, ED7, EP5 and HD3.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7, EP5 and HD3 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed access road will be locally prominent in the landscape and will create significant earthworks, loss of mature trees and reduction of proposed planting areas intended to screen the consented holiday developments, having a significant adverse effect on the character and quality of the designated landscape and the amenity of adjoining residents. Furthermore, the application has failed to demonstrate that the development can be achieved in terms of levels, geometry, drainage and that there is any ability to secure stopping up of the existing roadway.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, ED7, EP5 and HD3 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed access road will be locally prominent in the landscape and will create significant earthworks, loss of mature trees and reduction of proposed planting areas intended to screen the consented holiday developments, having a significant adverse effect on the character and quality of the designated landscape and the amenity of adjoining residents. Furthermore, the application has failed to demonstrate that the development can be achieved in terms of levels, geometry, drainage and that there is any ability to secure stopping up of the existing roadway.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00384/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Peebles Scottish Borders

With reference to your application validated on **6th April 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


Proposal : Alterations to existing bellmouth and formation of new access

at : Land North West Of Kirkburn Parish Church Cardrona Scottish Borders

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

**Dated 7th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00384/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 90	Location Plan	Refused
196 91	Block Plans	Refused

REASON FOR REFUSAL

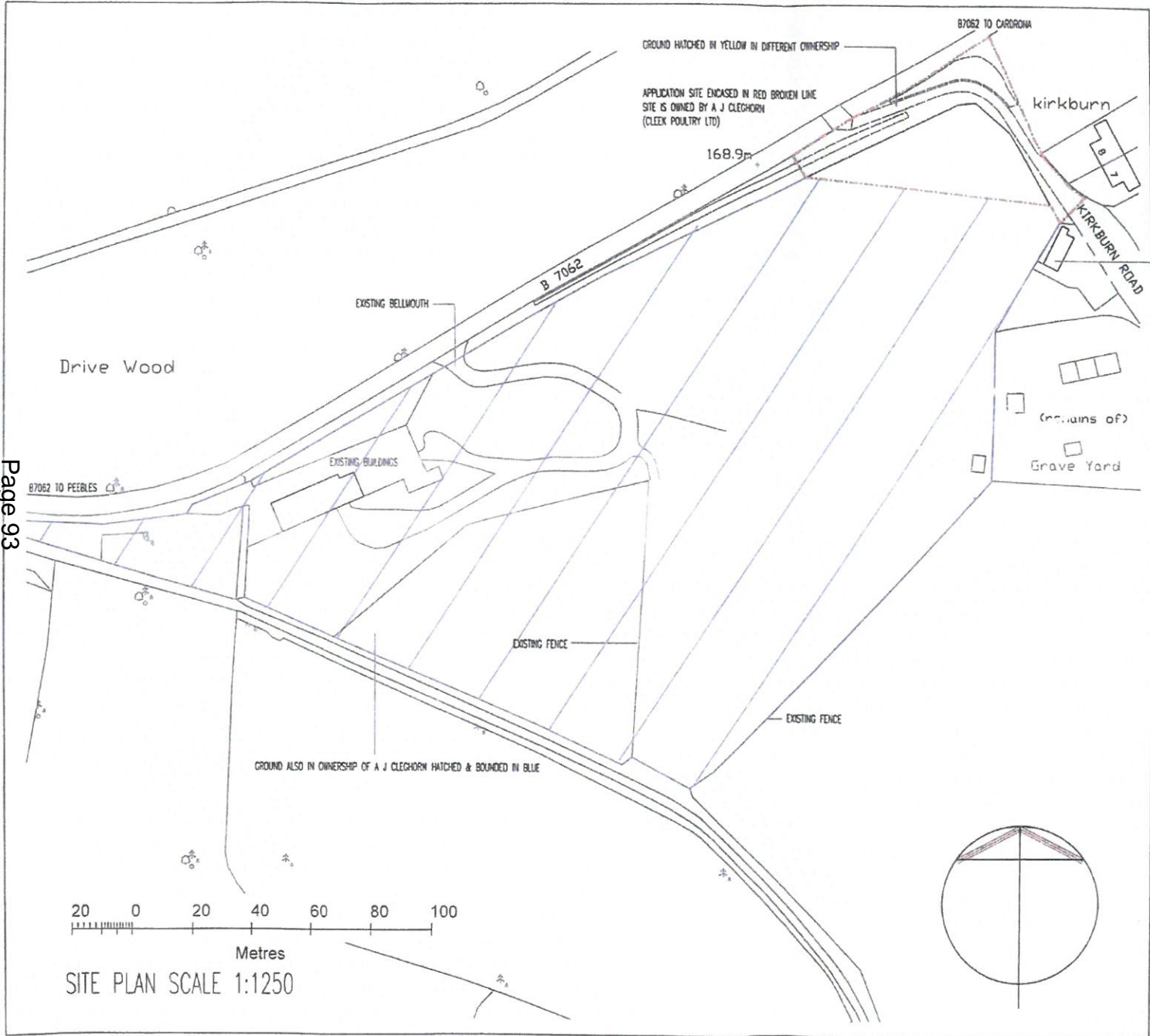
- 1 The application is contrary to Policies PMD2, ED7, EP5 and HD3 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed access road will be locally prominent in the landscape and will create significant earthworks, loss of mature trees and reduction of proposed planting areas intended to screen the consented holiday developments, having a significant adverse effect on the character and quality of the designated landscape and the amenity of adjoining residents. Furthermore, the application has failed to demonstrate that the development can be achieved in terms of levels, geometry, drainage and that there is any ability to secure stopping up of the existing roadway.

FOR THE INFORMATION OF THE APPLICANT

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

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

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



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

William Cree
Memorial Church

AMENDMENTS	
A	
B	
C	
D	
E	
F	

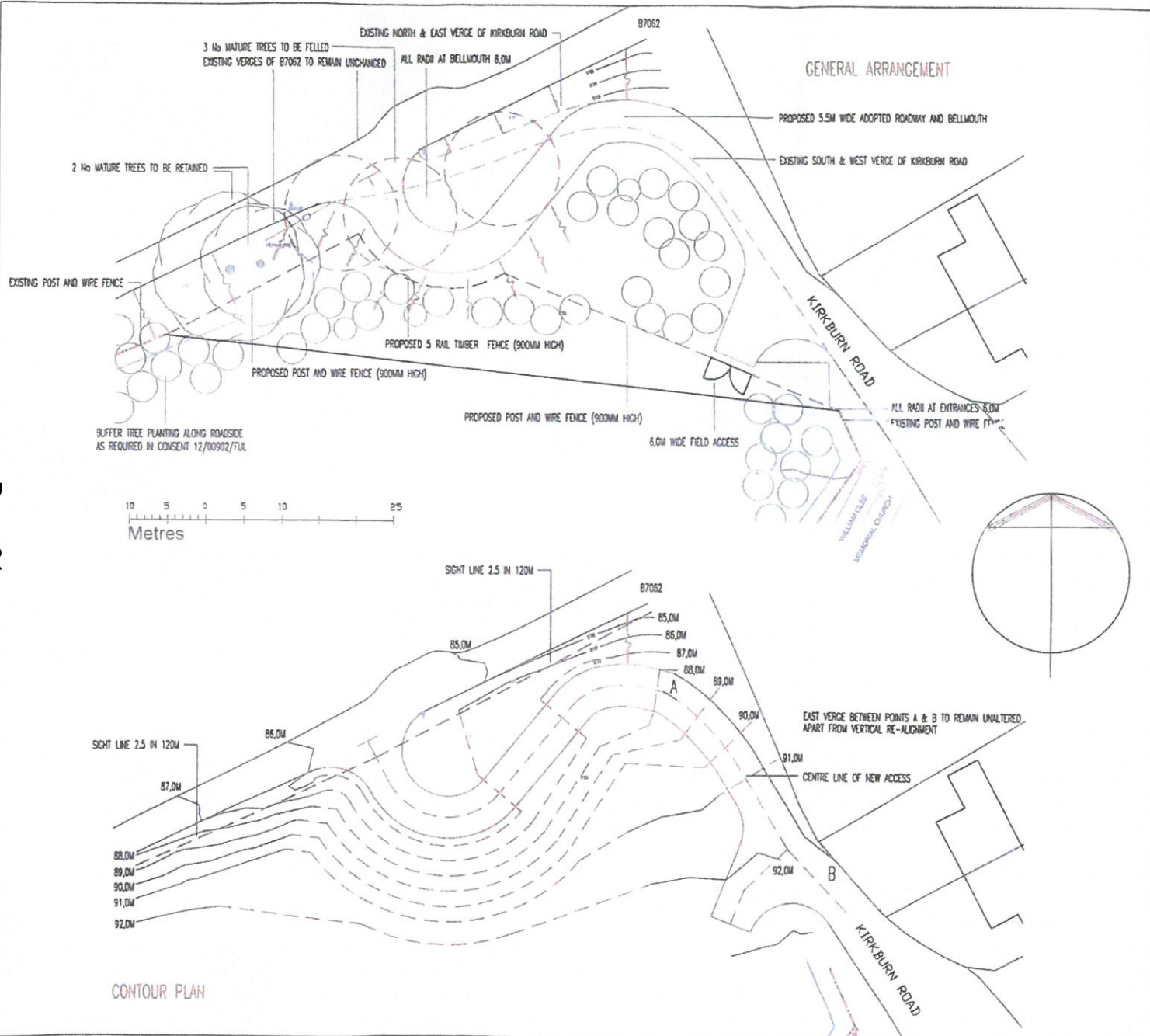
printing ref: 101 on A3 paper

SCALE 1:1250 OR AS STATED MAR 2017

drg 196 90
REVISION --

LOCATION AND SITE PLAN

PROPOSED FORMATION OF NEW ACCESS AND
ALTERATION OF BELLMOUTH AT KIRK BURN ROAD
KIRK BURN, CARDRONA, PEEBLES, EH45 9HU
Cleek Poultry Ltd



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

--- EXISTING CONTOUR LINE
--- REVISED CONTOUR LINE

AMENDMENTS	
A	
B	
C	
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E	
F	

printing ratio 10:1 on A3 paper

SCALE 1:500 OR AS STATED MAR 2017

drg 196 91 GENERAL ARRANGEMENT
REVISION -- CONTOUR PLAN

PROPOSED FORMATION OF NEW ACCESS AND
ALTERATION OF BELLMOUTH AT KIRKBURN ROAD
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 : 15/00965/FUL

APPLICANT : Cleek Lodges Ltd

AGENT :

DEVELOPMENT : Erection of 8 No holiday lodges and 1 No hub-house (revision to previous consent 12/00902/FUL)

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

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 20 REVISION B	Block Plans	Submitted
196 21 REVISION A	Floor Plans	Submitted
196 22 REVISION B	Elevations	Submitted
196 23 REVISION B	Elevations	Submitted

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The principle of holiday accommodation at this location has been established through the previous consent 12/00902/FUL. The current proposal is for a revision of the previous application. As such I have no objections to the principle. However, the current application does not appear to have included details of the junction onto the public road. This was previously covered by drawing PL 15 and condition 5 of the previous consent and I shall require a similar detail submitted, and condition attached to any approval for the current application.

Economic Development:

Economic Development had no objection to the original application however we cannot further comment on the revised application without the following information:

- o Sight of a full and detailed up to date Business plan which should include financial forecasts and a marketing plan. We cannot give any kind of clear steer on this application without the correct information at this stage.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality
Drainage Arrangements
Water supply

This Application includes proposals to erect 6 No holiday lodges and a hub house.

The proposals indicate the presence of biomass combustion equipment. This can be a source of air quality and odour problems if not properly installed and maintained.

This Application proposes to use a private drainage system.

The applicant has not indicated on the application form how the dwelling will be serviced with drinking water.

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

If the dwelling is to be serviced by a 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 type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. 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.

If the dwelling is serviced by a public water supply then the applicant should provide written communication from Scottish Water indicating that the development will be accepted on to their supply.

Air Quality

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

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

1. Flue diameter
2. Flue Height
3. Make and model of the boiler
4. Size of boiler (Kw)
5. Thermal efficiency of the boiler
6. Type of fuel to be used (pellets, chips etc)
7. The height and width of the building the boiler will be housed in
8. The height and width of any building within a distance of 5 times the stack height
9. Emission Factor PM10
10. Emission Factor NOx

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

Recommendation

Further information required before Application can be determined.

Conditions

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 development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

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

Informative

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.

Water Supply

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

Biomass

All combustion plant and associated flues should be maintained and serviced in accordance with the manufacturer's recommendations.

The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment.

Landscape Architect:

Description of the Site

The site is currently an agricultural field immediately to the west of William Cree Church, its churchyard, and several residential properties served by the same access off the minor road between Cardrona and Peebles to the south of the River Tweed. The site is wholly within the designated Tweed Valley Special Landscape Area (SLA) and as such merits a high level of protection against inappropriate development. Kailzie, immediately to the north on the other side of the minor road, is included on the Inventory of Gardens and Designed Landscapes in Scotland, noted for its inner parkland policies which contain a large walled garden, a wild garden and a range of mainly 19th century estate buildings.

The field is steeply sloping down to the north, with a steep embankment down to the minor road which limits views into the site from the road. The entrance to the site has been achieved by rather crude earthworks. The woodland on the north side of the minor road offer valuable screening to the lower part of the site from the main road (A72) on the other side of the valley.

Nature of the Proposal

The proposal is for 8no holiday lodges and 1no hub-house on part of a bigger site that has consent for nine holiday lodges, including an activity centre.

Implications of the Proposal for the Landscape including any Mitigation

My comments relate to this application although they have been judged alongside the adjacent application (15/00831/FUL - for 6 sheds and laundry building).

I have concerns about this application for the following reasons:

1. This application locates the lodges in a straight row and in very close proximity to each other - no effort has been made to create an attractive layout that reflects the rural nature of the site. It would appear the applicant has gone for a layout that maximises the number of lodges at the expense of the layout.
2. The lodges - compared to the consented scheme - have been moved more than 10m further north with the result that a meaningful structure planting belt of trees is no longer achievable and this, coupled with a ridge height to the north elevation of almost 7m, means that the lodges will be highly visible and visually intrusive when seen from the B7062
3. As well as being significantly reduced, the tree belt along the north eastern boundary has been moved right out to the boundary which could result in it impacting on the former William Cree Memorial Church and the adjacent residential properties.
4. I have concerns about the entrance detail - I do not consider a dwarf retaining wall in concrete block is appropriate in this rural location. I suggest that in order to address level changes the retaining structure should be a drystone wall reinforced bank (displaying a 5-15% batter rather than vertical) built onto a concrete foundation.

Conclusion

I suggest that the applicant should reconsider the layout, reducing the number of units and arranging them so that they offer a greater level of amenity and address my concerns about visibility from the adjacent public road.

I do not support this application in its current form.

Description of the Site

The site is currently an agricultural field immediately to the west of William Cree Church, its churchyard, and several residential properties served by the same access off the minor road between Cardrona and Peebles to the south of the River Tweed. The site is wholly within the designated Tweed Valley Special Landscape Area (SLA) and as such merits a high level of protection against inappropriate development. Kailzie, immediately to the north on the other side of the minor road, is included on the Inventory of Gardens and Designed Landscapes in Scotland, noted for its inner parkland policies which contain a large walled garden, a wild garden and a range of mainly 19th century estate buildings.

The field is steeply sloping down to the north, with a steep embankment down to the minor road which limits views into the site from the road. The entrance to the site has been achieved by rather crude earthworks. The woodland on the north side of the minor road offer valuable screening to the lower part of the site from the main road (A72) on the other side of the valley.

Nature of the Proposal

The proposal is for 8no holiday lodges and 1no hub-house on part of a bigger site that has consent for nine holiday lodges, including an activity centre. An amended layout has altered the location of the hub house bringing it right next to the entrance and moving the lodges around to utilise the gap, also moving them slightly to reduce the very rigid nature of their layout.

Implications of the Proposal for the Landscape including any Mitigation

My comments relate to this application although they have been judged alongside the adjacent application (15/00831/FUL - for 6 sheds and laundry building).

I have concerns about this amended layout for the following reasons:

1. This application still locates the lodges in very close proximity to each other - very little effort has been made to create an attractive layout that reflects the rural nature of the site. The applicant still has gone for a layout that maximises the number of lodges at the expense of the layout.
2. The lodges - compared to the consented scheme - still remain about 10m further north than the original lodges location, with the result that a meaningful structure planting belt of trees is no longer achievable and this, coupled with a ridge height to the north elevation of almost 7m, means that the lodges will be highly visible and visually intrusive when seen from the B7062
3. As well as being significantly reduced, the tree belt along the north eastern boundary is still shown right out to the boundary which could result in it impacting on the former William Cree Memorial Church and the adjacent residential properties.
4. The entrance detail has been improved with some effort being made to create a more vernacular style but this could be improved further.

Conclusion

As suggested in my comments of 16th October to the original layout, the applicant should reconsider the layout, reducing the number of units and arranging them so that they offer a greater level of amenity and address my concerns about visibility from the adjacent public road.

I do not support this application in its current form.

My comments relate only to this application although they have been judged alongside the adjacent application (15/00831/FUL - for 6 sheds and laundry building).

I still have concerns about the layout for the following reasons:

1. The increased size of the lodges (from those originally consented) means that they are taller buildings in close proximity to each other, making screening from sensitive receptors more difficult.
2. The lodges - compared to the consented scheme - are still located further north than the original lodges location, and although a further 5m of screen planting has been added, if the sections are reasonably accurate, there is going to be a period of 10+ years when the lodges will be fully visible from the public road.
3. The tree belt along the north eastern boundary is still shown right out to the boundary which may mean that, in the future, it will impact on the former William Cree Memorial Church and the adjacent residential properties.

Conclusion

I consider the increased size, especially the increased height needed to achieve a two storey lodge, is not appropriate for this site and could have a disproportionate visual impact on the immediate area. A scheme that more closely reflects the scale and size of the previously consented lodges, i.e. single storey lodges, would be more appropriate. The amended layout shows a woodland screen planting belt of 13 -15m width which will in time filter views to the lodges, but given the sensitive nature of the site in the Tweed Valley SLA, a detailed tree planting scheme showing a minimum planting width of 13m along the north boundary and to the east, south and west should be a condition of any consent and should include a full planting, establishment and maintenance specification to ensure that these mitigation measures are successful.

Archaeology Officer:

Thank you for requesting an archaeology consultation. While I have no additional comments to those made with respect to the current consented development, which remain valid, I do have concerns about the movement of the hub house to the area north of the site of Our Lady's Church and burial ground in the revised .

This site was formerly a Scheduled Monument until earlier this year. It's de-scheduling indicates that it should now be considered a regionally significant site. The movement of the larger hub house in the

revised plan may present a greater impact to the setting of the churchyard than the current consented location. This is due to its scale relative to the current and consented structures in the area. While I am concerned, the information in the planning application is insufficient to judge the potential impacts. I would therefore request at least a wireframe visualisation showing the proposed revision from the centre of the churchyard. It would be helpful if this were also presented with a wireframe showing the consented developments to the north and west of the churchyard for comparison.

I will be very happy to comment further if this information is supplied.

To mitigate direct impacts, the archaeological evaluation condition on the existing consent remains valid.

I have reviewed the revised drawings and remain concerned that the changes may still pose an adverse impact to the setting of Our Lady's Church ruins and churchyard. Specifically, the changes to the planting from the consented development which effectively screened the development from the churchyard has been eroded by the current proposal, with the hub house much closer to the churchyard boundary than the consented holiday cottages. However, as in my previous comments, I would appreciate the opportunity to review this through some form of visualisation such as a wireframe of the development from the churchyard.

In design terms, it may be worth considering moving the hub house into the open space shown on the plan. The open space could then be moved into the space occupied by the hub house on the plan forming an effective barrier between the churchyard and development. This would also allow more space for screen planting as has been consented.

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.

ASSESSMENT OF PROPOSALS

I recognise that the site layout has been amended since its original submission back in August; the "hub building" which was originally to be located near to the former chapel has now been relocated nearer to the entrance and the layout of the lodges in the revised scheme has been changed. There is a history of previous applications on this site and the approved application 12/00902/FUL proposed to have a much greater separation between the proposed lodges and the former chapel and Kirkburn.

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).

The lodges are quite high, being two storey and roof - with the monopitch roof seemingly being shown to run against the natural contours of the site; i.e the tallest part of the roof being on the downhill side rather than being on the uphill side; perhaps this could be reviewed as it would lessen the impact of the lodges when viewed from the valley.

Whilst the proposals will not impact directly on the approach view of the former chapel from the access road assuming that the screening planting is implemented on site, I consider it important that an adequate "buffer" zone is created to the W and SW of the former chapel, which should incorporate planting to provide a degree of visual screening between the new development and the former chapel. The current scheme is significantly different to the approved scheme 12/00902/FUL with the proposed buffer zone on that scheme reduced significantly. I consider that the buffer zone must be increased

from that proposed in the current application and appreciate that may mean revising the current layout to omit the sites for lodges 7 and 8 (these could possibly be relocated on the S side of the road).

RECOMMENDATION / RECOMMENDED CONDITIONS.

I have concerns about the proposals as currently submitted in terms of their impact on the setting of the B listed small scale former Chapel. I cannot support the proposals as currently proposed without an increased "buffer zone" to separate the development from the former chapel. In addition I have some concerns about the detailed design of the lodges with their mono pitch roofs running against the natural contours of the ground.

SEPA:

We have no objection to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Foul Drainage

1.1 As agreed with you, we have considered the foul drainage form this proposal along with that which will arise from the adjacent proposal (15/00831/FUL). We remain satisfied that the foul drainage proposal (a suitably sized packaged treatment plant discharging to the Kirkburn, subject to Controlled Activities Licensing (CAR) requirements) is potentially consentable and as such we have no objection to the proposal.

1.2 The applicant should liaise with Alan Church in our Galashiels office with regard to licensing of the package treatment plant.

2. Surface Water Drainage

2.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

2.1 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

2.2 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Burnbrae, Mossilee Road, Galashiels, TD1 1NF, tel 01896 754797

Many thanks for confirming this. If this is the case and there is no specific reason for the reconsultation then SEPA have no further comments to make on this planning application. All comments within our response dated 15 September 2015 are still applicable.

Scottish Water: Response awaited

Visit Scotland: Response awaited

Peebles and District Community Council:

We remain concerned that so little progress has been made with regard to the development of this site, despite approval of the original proposal in November 2014.

We note that a range of issues remain unresolved in the context of this revised application, that current proposals seem to fall short of the form that was subject to the earlier approval, and that crucially the changes in structure and layout of the site have not yet been reflected in provision of an updated and detailed business plan.

Until further resolution of outstanding issues is progressed further we feel unable to comment on these revised proposals.

Objections have been received from three adjoining properties on the following grounds:

Concerned at the ownership divisions and how this could impact on control of development and conditions.

Diminution of landscaping considered necessary for the approved chalet development, weakening screening towards building group.

Large increase in footprint, resulting in greater traffic and footfall generation and impacts on local community, especially with greater proximity to hub house.

Inappropriate encroachment on the listed church, churchyard and building group by the hub-house

Upon receipt of revised plans, all three objections maintained, pointing out that the hub house has simply swapped with two large chalets, same concerns over noise and reduced screening. Also point out the confusion caused by different ownerships and companies and the added concerns of the Heritage Officer over impacts on the listed Wm Cree former church.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE1 Listed Buildings

Policy BE2 Archaeological Sites and Ancient Monuments

Policy NE4 Trees Woodlands and Hedgerows

Policy NE5 Development affecting the Water Environment

Policy EP2 Areas of Great Landscape Value

Policy H2 Protection of Residential Amenity

Policy Inf4 Parking Provisions and Standards

Policy Inf5 Waste Water Treatment Standards

Policy Inf9 Development Within Exclusion Zones

Policy Inf11 Developments that Generate Travel Demand

Policy D1 Business, Tourism and Leisure Developments in the Countryside

Proposed Local Development Plan 2013

PMD1 Sustainability

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

HD3 Protection of Residential Amenity

EP5 Special Landscape Areas

EP7 Listed Buildings

EP8 Archaeology

EP13 Trees, Woodlands and Hedgerows

EP15 Development Affecting the Water Environment

IS7 Parking Provisions and Standards

IS9 Waste Water treatment Standards and Sustainable Urban Drainage

IS12 Development Within Exclusion Zones

OTHER PLANNING CONSIDERATIONS:

"Local Landscape Designations" SPG - Special Landscape Area 2 "Tweed Valley"

Scottish Borders Tourism Strategy Action Plan 2008

South of Scotland Competitiveness Strategy 2007-13

"Placemaking and Design" SPG

"Landscape and Development" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 3rd May 2016

Planning permission is in place for a chalet development on this field at Kirkburn, granted by the Committee in November 2014. The approval was for 9 chalets totalling 16 bedrooms and was designed around a single access road with planting wrapped around three sides. The consent was subject to a number of conditions including phasing, access improvements, water, drainage, occupancy etc. An important condition related to landscaping where it was felt that thickening of areas was necessary, especially towards the B road and at the western/southern ends of the development. The development was supported by a Business Plan which was carefully considered and accepted by the Committee.

The current proposals are to seek more holiday chalet development within the original application site, submitted in two separate applications by different companies. The applications involve more land-take within the red lined boundary at the expense of landscaping generally. This application is on the majority of the field previously consented and seeks to achieve chalets of larger size and accommodation. It is seen as an alternative to the consented layout 12/00902/FUL.

The initial layout showed a row of eight holiday chalets between the internal access road and the B road with a Hub House at the eastern end nearest the former Wm Cree Memorial Church. The chalets are much larger than the previous two bedroomed versions, providing four bedrooms across two full floors with additional living accommodation. They were designed with monopitched sedum roof, the full elevation facing north onto the B road. The walls would be predominantly larch clad with roughcast piers at the wall edges. The hub house contains six double bedrooms with additional communal facilities.

It is important to note that the amount of accommodation has risen significantly as a result of the revised mix of chalets, resulting in larger units which all rival the size of the previously consented hub house. They are also placed closer together in a rigid row and are proposed much nearer the B road and the Kirkburn building group at the eastern end.

When processing adjoining applications for various agricultural buildings, tree height surveys were submitted and it was generally accepted that the site above that proposed for these sheds may have some potential for buildings, provided they were dug into the ground and ridge heights were less than 5m. It was considered that any visibility of such buildings from across the valley would be minimal and only the very upper part of any roof structure in any case. The previous consented layout demonstrated a hub house at about 7.3m apex height with the remainder of the chalets at lower heights and spaced further apart. Whilst it is unlikely that the revised plans would result in increased visibility from the A72 (due to them being no higher than 7.3m and positioned on lower contours), there was significant concern about the landscape impacts at a more local level and the attendant impacts on the adjoining Kirkburn building group, the listed former church and the archaeological interest at the churchyard.

The applicant was written to with concerns expressed in detail as follows:

"1. The two revised plans now result in an increase in bedrooms from 16 previously proposed to 44, with 8 lodges containing 4 bedrooms and the hub house increased to 6. You have clearly identified a demand for increased numbers of bedrooms and larger accommodation units, albeit it is recognized that you have proposed six single bedroomed chalets as well. Given the large increase in accommodation, please provide information in the form of a Business Plan or other supporting information to support the increased numbers and enlarged units at this location.

2. The increased size of the eight lodges along the northern edge of the development and their increase to two storey has led to an overdeveloped, denser arrangement less suited to the attractive rural area in which the development is situated and less appropriate than the approved arrangement. The repeated 3-4m gaps between two storey gables without planting presents a more urbanized visual environment from both inside the site and from the adjoining B-road. Furthermore, the planting belt to be developed along the B-road was required to be thickened up by planning condition on the previous approval and, yet, the new proposal reduces it both by creating garden areas and moving the chalets significantly nearer the B-road than previously approved.

3. The impacts of the increased size and relocation of the northernmost chalets has led to objections from the Landscape Architect (enclosed) and you are requested to consider reductions in density and improvements in landscaping to overcome these concerns (see comments below re hub house). You should perhaps also consider amendments to the parking alignment alongside the chalets to move them back towards their approved positions, thereby allowing increased planting proposals down towards the B-road.

The omission of a chalet or two would improve the spacings between them and enable the introduction of planting between them and in places along the internal access road.

4. None of the chalets have any FFLs or ridge heights and, whilst there are some contours and cross sections shown, there needs to be further information given for each chalet. It is clear from the cross sections A-A and B-B that the FFLs, and thus ridge heights, differ.

5. The siting of an enlarged hub house at the end of the development much closer (by 20m) to the converted church and houses at Kirkburn has led to objections from neighbouring proprietors who are concerned about the increased noise, activity and reduced buffer distances and landscaping. The Council Archaeologist has also expressed concern over the hub house moving closer to the adjoining archaeological site and has sought wireframe visualisations to show the impacts for him to consider. The Heritage Officer believes the size of the hub house and its movement so close to the listed former church will have a detrimental impact of dominance on the setting of the listed building. These impacts on the neighbouring properties, the listed building and the archaeological site determine that amendments to the layout and the position of the hub house are required to comply with Council Policies on rural tourism development and impacts on archaeology and tourism.

6. You should consider whether the hub house could be relocated in place of, and including the functions of the "Laundry/Admin" building. With ground excavation to road level, there would be less concerns over landscape and heritage impacts if the hub house was relocated and the remainder of the eastern end of the development could then be reorganized with more landscaping, movement of the car parking/turning and perhaps easement of the chalets eastwards by 10-15m partially into the "Service Area". In any case, the cutting required for the turning area seems to conflict with the "Laundry/Admin" building as proposed. Even if you consider such revisions, the Archaeologist would still require wireframe visualisations to satisfy any concerns over impacts on the archaeological site adjoining.

7. The amended design of the larger chalets and hub house are of concern within the rural setting, presenting full two storey faces to both the internal access road and the B-road. The shallow pitched roofs and roughcast piers, combined with the repeated two storey heights and rigid, congested layout would result in an arrangement less suited to the rural environment and less attractive as destination holiday accommodation. Whilst it is understood that you have been making attempts to keep ridge heights low, some coombing in upstairs rooms and dual pitched roofs would still be possible and improve the appearance of the larger units without any raising of ridge heights. I also cannot see what aesthetic benefit results from the roughcast piers and would suggest the units are entirely larch-clad. I welcome the sedum roofs although the current roof arrangement would only benefit the interior part of the scheme, given the monopitched slope."

Revised plans were submitted which made several adjustments, some of which were not suggested - notably the repositioning of the hub house back to the original consented position and replacement of the hub house with chalets moved across. (I had suggested the hub house be moved into the site on the position of the laundry/office building associated with 15/00831/FUL.) The rigid line of chalets has been altered slightly with two curves and the roughcast piers have been removed from the chalets. However, the significant concerns expressed over visibility from the B Road, the style of chalets, their density and the impacts on the sensitive buildings at the eastern end of the site had not been addressed. Of particular concern were the following unresolved issues:

The chalet positions remain at least ten metres further down the slope of the field towards the B road, resulting in less screening ability due to the alignment of the contours. Whilst some additional screening has been shown, the impacts on the B road will be much greater than the approved scheme and much more oppressive than it. The landscape impact will appear as poor containment of the development within the site and will be detrimental to the character of the local landscape within a recently designated Special Landscape Area. The Landscape Architect continues to object to the revised scheme on the basis that the chalet design had also not been altered.

The scale and size of the chalets was questioned in terms of the large increase in bedroom numbers and the applicant has chosen not to submit a revised Business Plan at this stage. Such a Business Plan was considered important to enable compliance with Policy D1 and to convince the Committee of the original scheme's acceptability. As the applicant states that he would only submit such a Plan once the development is up and running, the opportunity to convince the Department over the market need for such large chalets

and significantly increased numbers of bedrooms has not been taken. A revised Business Plan was not considered necessary to allow the six small holiday sheds (which will partially conflict in any case with the consented scheme and result in no increased numbers of bedrooms).

The dominance and rigidity of the scheme remains. The requests to lower eaves and apex heights through dual pitches have not been addressed and the development continues to present its sheer face to the B road. Roughcast piers have been removed but so have the sedum roofs which were not criticised. Overall, the lack of amendment to the design and the very slight amendment to the linearity have not overcome the expressed concerns over the dense and oppressive, almost urban, layout. This would look just as inappropriate from within the site as outwith it.

The dominance and overdevelopment of the site could have been reduced by the omission of a unit or two, also aimed at retracting the development from the eastern end of the site where it was appearing especially congested and dominant compared to the previous layout which had landscaped buffer in this area. The swapping of the hub house back to the consented position would have only worked if there had also been one or two chalets omitted as requested. This has not been done and the vacated hub house position has been replaced by repositioned chalets. There is a marginal improvement over the originally submitted layout but it does not compare favourably with the original consent. Neighbour objections remain at Kirkburn, the Archaeology Officer opposes the revised scheme and the Heritage Officer believes the impact on the listed Wm Cree Church to be unacceptable and detrimental to its setting.

For the above main reasons, the revised chalet scheme could not have been supported. It is not that the consented scheme is the only possible development but that the revisions and additional information sought by the Department to create an acceptable alternative scheme had, largely, not been taken. Some reduction in scale/number of buildings, redesign and repositioning on the site would be necessary, supported by a revised Business Plan at this stage, before any revised development could be supported. A scheme to tie in with the holiday sheds layout would be better sense for the development, albeit there will be no allowance for chalets significantly nearer the B Road than previously consented.

A number of the other comments made by consultees could have been dealt with by conditions, many repeating those attached on the earlier consent. These relate to access improvement, occupancy, water supply, drainage, lighting and noise

The above concerns were again relayed to the applicant and a further revised set of plans was submitted together with a Business Plan updated from the previous Plan submitted with the earlier consent. This time, the revised plans did the following:

- moved the hub house to a previously suggested position in the centre of the site.
- moved the lodges westwards by 11 m and straightened the row a little.
- a further minor movement of the lodges away from the B road by, at most, two metres.
- confirmation of an additional 5m area of planting along the B road boundary.
- reduction in scale and width of roadway and turning head.
- increase in spaces between lodges.
- changes to lodge design resulting in ridge reduction to 6m in favour of split-level monopitched.

The Business Plan was then submitted some time later with yet further revised plans which moved the hub house again back to a less acceptable position. These further revisions were not accepted and the applicant was told a new planning application would be necessary for these further revisions and that the Department would continue to determine the application based on the previous revised plans.

The revised plans brought in further reiterated objections from two of the neighbouring properties and concerns from the Community Council and Archaeology Officer. The latter refers largely to a thinning of landscaping which can actually be resolved through imposition of a detailed landscaping condition as per the original approval. The revised plan still gives space for additional planting to the former Churchyard boundary.

The Landscape Architect response reiterates concerns but believes that, with revised lodge height/design and securing detailed intervening planting, these concerns could be overcome. Given that the Business Plan has now been submitted and has been accepted by Economic Development, I am largely left with the chalet design remaining unacceptable - but not the actual footprint of the chalets. The main problem lies with the

upper floors of the chalets and hub house. Advice had previously been given that upper floors could prove acceptable if their appearance was less dominant in their design, perhaps through coombing of ceilings and lowering of the eaves lines. The ultimate ridge heights are 6m which are less than the hub house height previously approved by Committee but, until the intervening planting takes hold, impacts from the B road would be unfortunate and bulky without some eaves height reduction.

Given that all other matters have either been resolved or can be addressed by condition, it is considered that the precise design of the upper floor and roofs of the lodges and hub house can also be addressed by condition, preventing any development commencing until satisfactory designs have been submitted. If this lowers the ridgelines, then this would also be welcomed though not essential. The upper floor of the chalets possesses four bedrooms and two bathrooms over 65 square metres approximately. Some lowering of the eaves will not affect such accommodation whilst providing improvements in design and reduction in impact from the B road in particular. The roof material is less critical than the actual roof and chalet shape, subject to it being dark grey as proposed. The materials would be covered by condition.

Subject to a condition on chalet roof designs, the development can now be supported. Landscaping and other conditions will be carried through from the earlier consents for the main site and the adjoining holiday hut site.

REASON FOR DECISION :

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

The application is contrary to Policies BE1 and BE2 of the Scottish Borders Consolidated Local Plan 2011 in that the proximity and scale of Lodge Nos. 7 and 8 will have an adverse impact on the setting of the Category B Listed Building of the former Wm Cree Memorial Church and the archaeological sites of Our Lady's Church and Churchyard adjoining the application site.

Recommendation: Approved - conditions & informatives

- 1 The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.
- 2 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, doors and windows of the proposed building(s) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
- 3 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 (as appropriate):
 - o existing and finished ground levels in relation to a fixed datum preferably ordnance
 - o existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - o location and design, including materials, of walls, fences and gates - including any plot boundary treatments.
 - o soft and hard landscaping works, including thickening of the tree belts towards the B7062, around the internal access track entrance to the site, south-east of the Hub House and individual small groups of tree planting within the development.
 - o existing and proposed services such as cables, pipelines, sub-stations
 - o other artefacts and structures such as street furniture, play equipment

- o A programme for completion and subsequent maintenance the structure planting to be carried out during the first planting season following development commencement.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 4 No chalet forming part of the development shall be occupied until the access junction has been completed in accordance with the approved plan under consent reference 15/01206/FUL and roads and parking areas shown on the approved plans have been completed to a specification and design firstly submitted to, and agreed in writing by, the Local Planning Authority and in accordance with any phasing plan agreed. The visibility splays at the junction to be maintained free from obstruction in perpetuity.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
- 5 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 6 No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 The occupation of all chalets, including the Hub House, shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 9 No development to be commenced until further details are submitted to and approved by the Planning Authority in relation to on-site lighting and any additional footpaths. Once approved, the development shall only take place in strict accordance with those details.
Reason: To safeguard the visual amenity of adjoining residential properties and the wider rural area.
- 10 No development to be commenced until a Construction Method Statement has been submitted to, and approved by, the Planning Authority relating to all works proposed and access to facilitate the works. Once approved, the development then to proceed in accordance with the Statement.
Reason: To safeguard natural heritage interests in the area.

- 11 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.
- 12 No development to be commenced until an air screening assessment has been carried out and the results submitted to, and agreed by, the Planning Authority.
Reason: To safeguard air quality in the local area.

Informatives

It should be noted that:

- 1 This consent does not include any permissions for on-site advertisements, signage and any additional facilities which may require buildings such as bike storage, toilets and any other facilities. You should contact the Planning Authority to discuss such proposals which may still require the submission of an application for Advertisement Consent and planning permission.
- 2 With regard to Condition 11, upper floors can remain but the rooms should be coombed and the eaves of the buildings lowered to increase the roof pitch angles and reduce the amount of wall visible. The split mono-pitched design could still be used or, alternatively, dual pitched with rooflights or dormer structures. In all cases, ridge heights should be lower than shown.
- 3 The Environmental Health Officer recommends the following:

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.

Water Supply

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

Air Quality

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

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

1. Flue diameter
2. Flue Height
3. Make and model of the boiler
4. Size of boiler (Kw)
5. Thermal efficiency of the boiler

6. Type of fuel to be used (pellets, chips etc)
7. The height and width of the building the boiler will be housed in
8. The height and width of any building within a distance of 5 times the stack height
9. Emission Factor PM10
10. Emission Factor NOx

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

Biomass

All combustion plant and associated flues should be maintained and serviced in accordance with the manufacturer's recommendations.

The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/00965/FUL

To : Cleek Lodges Ltd The Tractor Shed Kirkburn Cardrona Scottish Borders EH45 9HU

With reference to your application validated on **17th August 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 8 No holiday lodges and 1 No hub-house (revision to previous consent 12/00902/FUL)

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

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

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

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

**Dated 6th May 2016
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00968/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
196 20 REVISION B	Block Plans	Submitted
196 21 REVISION A	Floor Plans	Submitted
196 22 REVISION B	Elevations	Submitted
196 23 REVISION B	Elevations	Submitted

REASON FOR DECISION

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

The application is contrary to Policies BE1 and BE2 of the Scottish Borders Consolidated Local Plan 2011 in that the proximity and scale of Lodge Nos. 7 and 8 will have an adverse impact on the setting of the Category B Listed Building of the former Wm Cree Memorial Church and the archaeological sites of Our Lady's Church and Churchyard adjoining the application site.

SCHEDULE OF CONDITIONS

- 1 The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.

- 2 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, doors and windows of the proposed building(s) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

- 3 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 (as appropriate):
 - o existing and finished ground levels in relation to a fixed datum preferably ordnance
 - o existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - o location and design, including materials, of walls, fences and gates - including any plot boundary treatments.
 - o soft and hard landscaping works, including thickening of the tree belts towards the B7062, around the internal access track entrance to the site, south-east of the Hub House and individual small groups of tree planting within the development.
 - o existing and proposed services such as cables, pipelines, sub-stations
 - o other artefacts and structures such as street furniture, play equipment

- o A programme for completion and subsequent maintenance the structure planting to be carried out during the first planting season following development commencement.
Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 4 No chalet forming part of the development shall be occupied until the access junction has been completed in accordance with the approved plan under consent reference 15/01206/FUL and roads and parking areas shown on the approved plans have been completed to a specification and design firstly submitted to, and agreed in writing by, the Local Planning Authority and in accordance with any phasing plan agreed. The visibility splays at the junction to be maintained free from obstruction in perpetuity.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

- 5 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

- 6 No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

- 7 The occupation of all chalets, including the Hub House, shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.

- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 9 No development to be commenced until further details are submitted to and approved by the Planning Authority in relation to on-site lighting and any additional footpaths. Once approved, the development shall only take place in strict accordance with those details.
Reason: To safeguard the visual amenity of adjoining residential properties and the wider rural area.
- 10 No development to be commenced until a Construction Method Statement has been submitted to, and approved by, the Planning Authority relating to all works proposed and access to facilitate the works. Once approved, the development then to proceed in accordance with the Statement.
Reason: To safeguard natural heritage interests in the area.
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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.
- 12 No development to be commenced until an air screening assessment has been carried out and the results submitted to, and agreed by, the Planning Authority.
Reason: To safeguard air quality in the local area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 This consent does not include any permissions for on-site advertisements, signage and any additional facilities which may require buildings such as bike storage, toilets and any other facilities. You should contact the Planning Authority to discuss such proposals which may still require the submission of an application for Advertisement Consent and planning permission.
- 2 With regard to Condition 11, upper floors can remain but the rooms should be coombed and the eaves of the buildings lowered to increase the roof pitch angles and reduce the amount of wall visible. The split mono-pitched design could still be used or, alternatively, dual pitched with rooflights or dormer structures. In all cases, ridge heights should be lower than shown.
- 3 The Environmental Health Officer recommends the following:

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.

Water Supply

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

Air Quality

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

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

1. Flue diameter
2. Flue Height
3. Make and model of the boiler
4. Size of boiler (Kw)
5. Thermal efficiency of the boiler
6. Type of fuel to be used (pellets, chips etc)
7. The height and width of the building the boiler will be housed in
8. The height and width of any building within a distance of 5 times the stack height
9. Emission Factor PM10
10. Emission Factor NOx

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

Biomass

All combustion plant and associated flues should be maintained and serviced in accordance with the manufacturer's recommendations.

The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment.

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.

REGULATORY SERVICES



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

Date: **25 Apr 2017**

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

Ext: **6663**

Ref: **17/00384/FUL**

Subject: Alterations to existing bellmouth and formation of new access
Land North West of Kirkburn Parish Church, Cardona

The existing junction arrangement is not ideal and the principle of altering this access is acceptable from a road safety point of view. However, as this is the junction of the two public roads any proposal for altering this junction will require Road Construction Consent to ensure the road is designed to the appropriate standard. Furthermore, a Stopping-Up Order may be required to stop up any part of the existing road which will not be incorporated in the proposed road. Whilst the Council promote the Order, the costs associated with this must be borne by the applicant. As part of this process there is a public consultation period and any objections that are raised during that period will have to be resolved prior to the order being approved. If the Council are unable to resolve the objections, the matter will be referred to the Scottish Ministers for determination. Any approval of this proposal will require a condition to be attached to the consent stating that works are not to be commenced until the Stopping-Up Order has been approved.

Notwithstanding the above, there is insufficient information submitted in relation to the proposed alteration of the junction and road and I am unable to fully assess the impact of this proposal. I will require a detailed design to be submitted showing levels, cross sections, long section, earthwork slopes, geometry and drainage measures.

Until I receive this additional information, I am unable to support this proposal.

AJS

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 6th April 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00384/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th April 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 27th April 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: Alterations to existing bellmouth and formation of new access

Site: Land North West Of Kirkburn Parish Church Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. I do not object to this proposal. The existing consent carries with it an archaeology condition. I recommend that this is carried forward for the reasons outlined in my previous consultation responses if this proposal is consented.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 6th April 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00384/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th April 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 27th April 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: Alterations to existing bellmouth and formation of new access

Site: Land North West Of Kirkburn Parish Church Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

Description of the Site

The site includes the access road in to Kirkburn cottages and the other properties that form the building group, and banking to both sides of the access road. As the General Arrangement Contour Plan (Drg 196 91) show there are 3 mature trees on the bank to the south of the existing Kirkburn road. The site is wholly within the Tweed Valley Special Landscape Area (SLA) and its location at the junction of the Kirkburn Road and the B7062 makes it highly visible to local traffic, some of which may be tourist traffic using the smaller local road network to enjoy the local landscape character and to avoid the busier A72.

Nature of the Proposal

The proposal is to re-align the Kirkburn road, swinging it around to the south before coming back to the existing alignment as it turns south eastwards and to create a new access into the adjacent field.

Implications of the Proposal for the Landscape including any Mitigation

The re-aligned access road will involve the felling of the three mature trees on the southern banking and some major earthworks to achieve the desired road layout and will affect a change to the local character of the minor B7062 road. Furthermore, the formation of a new field access will mean that the proposed tree buffer planting along the north east

boundary of the field, as approved as part of the consented development of holiday lodges (Planning Ref 12/00902/FUL & 15 / 00965/FUL) will not be fully achievable and would increase visibility into and out of the lodge development and could greatly reduce the ability of this buffer planting, along this sensitive boundary, to create separation of the lodge development from the residential properties.

Any benefits accrued from the road re-alignment do not, in my opinion, outweigh the loss of the three trees on the banking and the visual intrusion and loss of local landscape character that earthworks of this scale involve.

I consider the landscape and visual impact of the proposal is moderately significant and detrimental to the local character of B7062 and will have a negative impact, albeit relatively local, on the character of the SLA.

Conclusion

Given the landscape and visual impacts of the proposed development on the local character of the immediate area and the fact that there is an adequate access into the adjacent field less than 150m further west along the A7062, I do not support this proposal to re-align the road and to form a new access into the field.

RECEIVED
21 APR 2017

8 Kirkburn Cottages,
Peebles,
EH45 9HU
20/04/17

Planning & Technical services Dept.,
Scottish Borders Council

RE : application number 17/00384/FUL

Dear Sir ,

I write to convey my opposition to the above application, which I feel will lead to unnecessary and unwanted changes, to the residential group in which I live.

The application is put forward by someone who has previously been given permission for a tourist attraction in this field. The permission when given, stated that this part of the field would have a buffer area , and be screened by sympathetic planting and so less of an impact on the residencies of Kirkburn.

It seems strange that, it is now deemed necessary for a FOURTH opening into this field at a point that previously the planning department deemed needed a buffer zone . He has yet to complete ANY of the upgrading at the entrance he created from the B7062 or complete any of the tourist attraction amenities that he has previously been granted permission for.

He has used the psychological name change of the field from Laverlaw to Kirkburn to give credence to his plans, that in some way, his field is part of the Kirkburn group - it is not and NEVER has been.

The applicant has put in application after application , and I am aware each must be treated by the planning department as a new application, BUT it seems clear the ongoing changes asked for are nothing more than a trojan horse style ruse to aim for residential rather than tourism as his end goal. He has previously requested a plan for upgrading our access - to meet planning requirements for the three houses he wanted to build in that application 02/0203/out – in this field . You can understand my scepticism at his latest plans.

I have no desire for an upgrade of my road or entrance, nor should the applicant be seen as a kind benefactor on my behalf. I am content with things as they are - good security -any non residential vehicles are easily detected by residents, little light pollution or noise from our residents vehicles, this would clearly increase with through traffic should the application be approved .

Yours faithfully,



Mrs Jean Wilson

From 3,4,7,8 KIRKBURN COTTAGES

And the WILLIAM CREE Memorial Church

Peebles EH45 9HU

Date; 21 April 2017

To S.B.C Planning Dept

(MR Craig Miller)

Dear Mr MILLER

Application number 17\00384\FUL

We consider this application affects the entire building group but note the absence of notification to some dwellings.

Now as before we object to and are concerned by the implications of this type of proposal.

Our concerns centre on the new access component and the tendency for creeping development as evidenced by the conveyer belt of applications this still as yet undeveloped field attracts .

This agricultural field known as NO 0328 has three current access options

1 via the gate on the Laverlaw road

2 via the gate at the rear of the graveyard to the adjacent field

3 via the junction on to the B7062

Access option 3 above being the considered route upon which all recent planning consents are based.

There is no history of field access from the D72\1 Kirkburn road and we see no need for one now it can be adequately serviced via its current three access points.

Existing consented applications required business plans we do not believe those plans considered the necessity of a fourth access as being of fundamental financial need pertaining to their success.

This access component should not be relevant or essential to the success or need of the consented applications.

We feel this application seeks to blur the currently clear boundary between the Kirkburn Building group and the consented holiday lodges.

The proposed 6 meter access gate if we are noting drawings correctly seems to abut to the asymmetrical turning area which appeared in revised drawings for application 15\00965\ful and was commented upon during the handling of that application.

Page 1 of 2

Enabling the creation of this access would have the potential to bring confusion for holidaymakers and service delivery traffic who could expect to gain access to the holiday lodges.

We feel the acceptance of this access proposal will impact on our residential amenity.



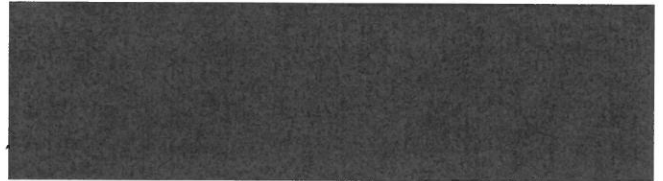
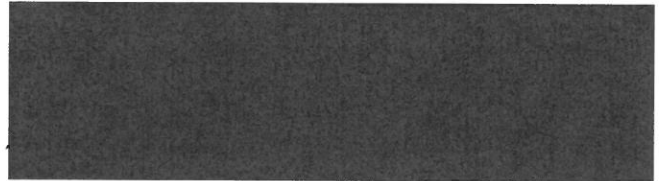
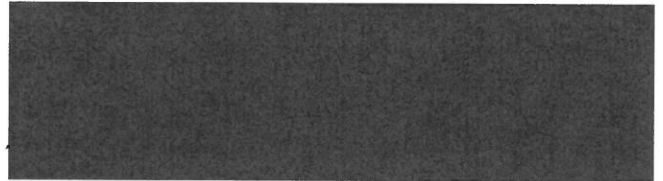
Turning now to the bellmouth and road drawings submitted. We note an uncanny resemblance to those of application 98\01045\out.

The director of technical services at that time stated that the works highlighted on the submitted plans are not to his standard and are therefore not acceptable. It should be noted that, even if the access improvements had been acceptable, the works would have the disbenefit of removing a large number of trees along the roadside and involved a major engineering operation to re-model the access all of which would have a significant impact on the appearance and character of the group and the countryside in this area.

The existing access road has by contrast low visual impact which is in keeping with this rural area and the approach to both the listed building and the scheduled monument.

To conclude now as in the past we hereby ask you to note all residents of Kirkburn remain satisfied with the existing alignment of the road listed as D72\1 From its B7062 junction to the Kirkburn Churchyard.

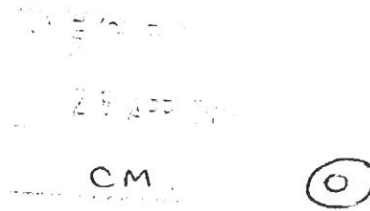
Thank you.

We are	E BARBER	3 KIRKBURN	
	S & C MITCHELL	4 KIRKBURN	
A JOHNSTON\C	GOODSIR	WILLIAM CREE M.C.	
	K & I JACKSON	7 KIRKBURN	
	J WILSON	8 KIRKBURN	

25 April 2017

7 Kirkburn Cottages

Peebles EH45 9HU



To Scottish Borders Council Planning Department
Newtown St Boswells TD6 OSA

Subject: Planning application 17-00384 FUL

Proposed alterations to bellmouth and formation of new access.

Dear Mr Miller

We object to this proposal as it seeks to further manipulate the landscape screening buffer zone that that the council deemed necessary to separate the tourist accommodation from the existing residential properties.

The creation of a direct access from the field to the Kirkburn road promotes a substantial access into the buffer zone for uses unspecified. Access creation will require substantial earth movement given the indicative visibility splay on the submitted drawing.

Drainage run off from the relatively elevated field access to the Kirkburn road and properties is of concern.

There is no history of an access to this field from the Kirkburn road and no evidence that one is needed to service this field which already has three access points to service tourist and agricultural needs of the smallholding.

We note the proximity of this proposed access to the terminal node of the consented lodge road. A node designated as a turning point in earlier planning applications.

Promotion of this access will lead to usage of this access it would be disingenuous to avoid this conceptual conclusion. Usage would impact on the residential amenity of the domestic properties that your collective departments have sought to safeguard.

A potential consequence unintended or otherwise is that of service traffic or lodge holidaymakers attempting to access the field perceiving this as a link access.

The lodges, Hub house et-al consented for the field are for Tourist usage.

Information issued in planning summaries included the following sentence. [A permanent residential site in this location would conflict with the established planning policy for this rural area.]

We have concern that this application seeks to blur the established strongly defined boundary between the Kirkburn building group and its sense of place by creating an access through the accepted boundary the Kirkburn road.

Your department has been busy dealing with many applications in this as yet undeveloped field. We have concern that this access application if successful could lead to planning challenges regarding change of designation . We trust you will consider this point .

How would this proposal impact on the previously proposed septic tank sight and the way it would be accessed for servicing.

With regard to the rest of the application we do not feel that the current road alignment into the building group constrains us in any way.

Previous applications most notably that submitted in 1998 which used similar route and design proposals to that before you were considered both not to standard and detrimental in terms of landscape impact on the appearance and character of the building group.

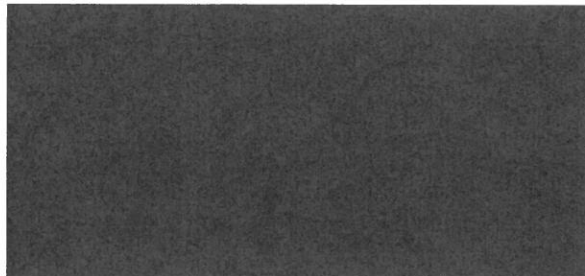
The proposal could require safety fencing on the north- west face of the suggested realignment. Furthermore ,if the existing tree cover north of the B7062 is removed in future years for any reason the new road access would be visible from the A72 across the valley.

Transport & Environmental Standards in response to a letter from myself in 2002 considered it was unlikely the council would give any priority to upgrading the Kirkburn junction , and that without major earthwork and significant land take there was little that could be done to achieve any consequential improvement to the junction.

Council has full responsibility for this road as it had in 1998. If Scottish Borders Council had considered improvements to this road were necessary, the works could have been included in their maintenance or improvement program and met from the Councils budget.

So to conclude we are not inconvenienced by the current route of the Kirkburn road, council has never considered it necessary to include it in its improvement program and the submitted business plans of the Cleek plc, s in there various guises are not dependent on this planning application.

Yours sincerely , Kim and Ian Jackson



Mr E Barbour
Kirkburn
Peebles
EH45 9HU
25th April 2017

Mr Craig Miller
Planning Department
Scottish Borders Council

Planning application 17/00384/FUL

Dear Mr Miller,

I wish to object to this application on the following grounds.

The proposed development is a re-submission of a previous application that was rejected even before the area in question was designated as an 'Area of Great Landscape Value' (AGLV) RV59.

For such an AGLV:

- Scottish Planning Policy (2010) requires that *'local authorities should aim to promote landscape by ensuring that there is careful consideration of development and the impacts that may result on the landscape'*
- Policy EP1 National Scenic Areas Scottish Borders Consolidated Local Plan 2011 states that *'development will only be permitted where the objectives and overall designation of the landscape will not be compromised or any significant adverse effect is outweighed by social or economic benefits of national importance'*

and

- Policy EP2 Areas of Great Landscape Value Consolidated Local Plan 2011 requires that *'in assessing development in AGLVs the Council will seek to safeguard the landscape and will have particular regard to the impact of the proposed proposal. Proposals that have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits at a national or local scale'*.

The proposed development represents a major disruption to a community where there is a perfectly adequate existing access road in keeping with local development, and will have a major impact on or local environment, including removal of mature trees etc..

I therefore believe that this proposal should be rejected on the grounds that it is unnecessary (the field in question already has an adequate access), excessive, and will have a major detrimental impact on our local community in an existing AGLV, with no 'social or economic benefit'.

Yours sincerely,

Mr E Barbour

Rec'd 2/14

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

18 November 2014

Mr Criag Miller
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Mr Frater

Application 17/00384/FUL – Alterations to existing bell-mouth and formation of new access at Kirkburn

We would like to advise you that it has come to our attention via a neighbour that our access road is the subject of a planning application. We have to inform you that we are extremely annoyed and disturbed that we have been excluded from the neighbour notifications for the above planning application. As this access road concerns all parties, it should have been issued to all neighbours affected, and not just those nearest to Kirkburn Field. Any letters you receive on the subject will only be half of the story, which should make any decisions taken without our consent, null and void.

With regard to the application to change our access road; this was already mooted several years ago and refused. We hope that this will again be the case. There is nothing wrong with the access road to Kirkburn Cottages. All the residents, and their family and friends, have driven up and down it for decades with no problems or accidents. The local Police can be contacted to confirm that there have been no accidents reported on our road. (We would be highly suspicious if one occurred now, while this application is being considered.) Delivery vehicles negotiate it without difficulty. Any good driver should be able to drive it. We are more than satisfied with our access road.

There are many smaller rural roads that are much more difficult to negotiate than this, and they are not in danger of being changed to suit a property developer's whim. The developer in question already has a council approved access road to his property, therefore, why does he need another one?

It should also be noted that our access road is not owned by the developer, therefore, how can he submit a planning application for a piece of land that is not in his remit to make decisions upon? Is this application entirely lawful?

We urge you to refuse this application.

Yours sincerely


Stuart and Cath Mitchell

22 april 2017

25 APR 2017

From the residents of KIRKBURN

Peebles EH45 9HU

To: Siobhan McDermott
Landscape Architect Scottish Borders Council

cm
(0)

Subject Planning Application Number - 17 00384 FUL

Alterations to existing bellmouth and formation of new access.

Dear Siobhan ,

You will be well aware of this locality judging by the number of times you have been previously asked to comment on planning applications in this field.

We thank you for your efforts to date to try and find an equitable solution between competing needs.

We are keen to ensure buffer screening between our small residential building group and the proposed holiday lodge complex within the field is not further impacted upon by this proposal.

We seek to maintain our building groups sense of place as a distinct entity.

We feel this proposal impacts in several ways

Firstly the new access being sought creates a route of potential consequence through the buffer zone blurring the separation between residential and tourist zones council has considered of need.

The creation of an access will impact on our privacy and amenity .There is no history of an access from the Kirkburn road to this field.

There is no substantiated need for this new access the field is accessible for tourist\agricultural need via three existing access points.

Secondly the current route of the Kirkburn road has low visual impact . We feel this is in keeping with the rural area and the approach to the scheduled monument and listed building.

Creation of the new bellmouth and road would require significant engineering works which would have an adverse effect on the countryside amenity in this area.

The removal of mature trees will open up views of the proposed holiday lodges and the building group from the B7062

Page 1

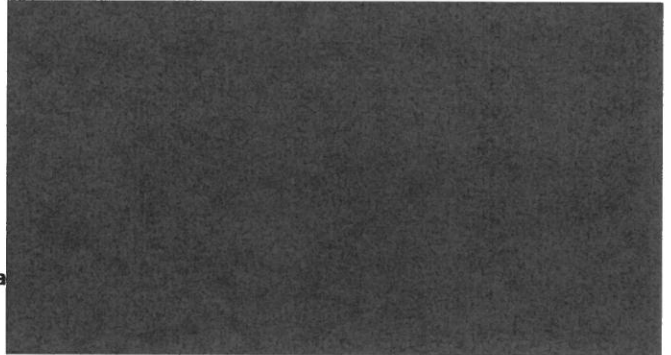
Since this sequence of applications began we have seen the initially proposed landscape buffer zone twisted and diminish in shape and depth as, application follows application.

It has not escaped our thought that the amount of money this applicant has spent on planning applications could have established and already paid for landscaping of an approved nature several times over. As it stands we are faced with the proposition of substantial new earthworks and land - take , plus the removal of established mature healthy tree cover.

Thank you for taking time to consider our concerns.

We are

E Barber	3 Kirkburn Cottages
S & C Mitchell	4 Kirkburn Cottages
I & K Jackson	7 Kirkburn Cottages
J Wilson	8 Kirkburn Cottages
A Johnston & C Goodsir	William Cree memoria



Dr A M Johnston
Kirkburn Church
Peebles
EH459HU
27/5/17

Mr Craig Miller
Scottish Borders Council

Planning application 17/00384/FUL 'Alteration to existing bellmouth and formation of new access land north west of Kirkburn Parish Church'

In addition to the objections already cited in our community letter, I wish to add that should this development proceed, despite the lack of any apparent justification for its need, it would, as stated in your consideration of previous planning application 15/009/65, be contrary to Policies BE1 and BE2 of the Scottish Borders Consolidated Local Plan in that it will have an adverse impact on the setting of the Category B Listed Building, the William Cree Memorial Church and the archaeological sites of Our Lady's Church and gaveyard adjoining the application site.

Yours sincerely,

A black rectangular redaction box covering the signature of Dr A M Johnston.

A M Johnston

To Local Review Body Scottish Borders Council

From-The Residents of Kirkburn

6 September 2017

Subject Appeals references- 17 00032 RREF

17 00033 RREF

17 00034 RREF

We thank you for this opportunity to reaffirm our unanimous objection to these proposals. We ask you to consider the impacts on the building group and our residential amenity these proposals would create.

The appellant has submitted forty planning applications in his smallholding since 2015 he fully understands how the planning system works.

We are content with existing access arrangements to our small building group. We do not take our own safety or that of others lightly. Statistical modelling and interpretation of risk potential is an incumbent duty of Roads planning officers. The existing junction and access road serves the building group well as empirical evidence suggests. The junction could be considered awkward in usage in respect of left turns into the minor road but drivers seem to manage without incident.

We ask you to respect the Planning officers judgement and note that there is a precedent here.

The appellants existing planning consents and there business plans are not dependant on these applications. Access to facilitate and service proposed developments are containable within field 0328. We do not interpret these proposals as an act of altruistic largesse but rather an attempt to blur the previously accepted boundary between the building group as it exists and the proposed tourist developments with a view towards future planning revision.

Should the appellant choose to do so he could easily secure footpath access to Cardrona forest walks by directing pedestrians to use the route he uses when walking his dog (via the gate at the rear of the graveyard and down the south side of the graveyard dyke to the fence adjacent to forest access road). The applicant states he leases this land. This route would inconvenience no one in the building group. Such a route would not require access to forestry land a simple stile or kissing gate and some fencing would suffice.

We ask you to note a further refused planning application in your deliberations regarding these three appeals before you today, application 17 00809 FUL. (Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins)

This application (not yet being appealed) was submitted shortly after(17 00806 ful) 17 00034 REF. We however feel it is of relevance as a memo for Craig miller from A J Cleghorn dated received by planning 7 AUG 2017 concludes with the following lines .

“ I have decided to revert to the original access through the Kirkburn Road. It is my intention to appeal the planning refusal notice for the Kirkburn Access upgrading.”

Upholding the officers decisions will not impact upon the planning applications the appellant has consent for, nor their financial requirements. Reversal however would impact on the existing landscape, residential amenity and setting of the listed buildings.

Thank you for your consideration of our concerns we are

J Wilson 8 Kirkburn Cottages

I & K Jackson 7 Kirkburn Cottages

A Johnston & C Goodsir William Cree Memorial Church

S & C Mitchell 4 Kirkburn Cottages

E Barber 3 Kirkburn Cottages

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

06 September 2017

Ms Fiona Walling
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Ms Walling

Appeal for application 17/00384/FUL – Alterations to existing bell-mouth and formation of new access at Kirkburn

With regard to the appeal for the application to change our access road; the same criteria apply as to our original objections. There is nothing wrong with the access road to Kirkburn Cottages. All the residents, and their family and friends, have driven up and down it for decades with no problems or accidents. The local Police can be contacted to confirm that there have been no accidents reported on our road. (As previously stated, we would be highly suspicious if one occurred now, while this application is being considered.) Delivery vehicles negotiate it without difficulty. Any good driver should be able to drive it. We are more than satisfied with our access road. There are no safety issues here.

There are many smaller rural roads that are much more difficult to negotiate than this, and they are not in danger of being changed to suit a property developer's whim. The developer in question already has a council approved access road to his property, therefore, why does he need another one?

It should also be noted again that our access road is not owned by the developer, therefore, how can he submit an appeal to a planning application for a piece of land that is not in his remit to make decisions upon?

Incidentally, Mr Cleghorn has been submitting dozens of planning applications over a number of years, and therefore should be more than conversant with the Scottish Borders planning system.

We urge you to refuse this appeal.

Yours sincerely

Stuart & Cath Mitchell

Stuart and Cath Mitchell

List of Policies

Local Review Reference: 17/00032/RREF

Planning Application Reference: 17/00384/FUL

Development Proposal: Alterations to existing bellmouth and formation of new access

Location: Land North West of Kirkburn Parish Church, Cardrona

Applicant: Cleek Poultry Ltd

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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

List of Policies

Placemaking & Design

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

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY 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;

List of Policies

- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

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

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.

POLICY EP7: LISTED BUILDINGS

The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.

Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:

- a) be of the highest quality,
- b) respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;
- c) maintain, and should preferably enhance, the special architectural or historic quality of the building;
- d) demonstrate an understanding of the building's significance.

All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.

New development that adversely affects the setting of a Listed Building will not be permitted.

List of Policies

The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

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.

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 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:

List of Policies

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

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on 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 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 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.

THE OFFICER MADE NO REQUEST FOR FURTHER INFORMATION DURING THE APPLICATION PROCESS.

THE OFFICER IS AWARE THAT THE APPLICANT IS NOT COMPUTER LITERATE, AND THE PROCESS OF NOT COMMUNICATING WITH THE APPLICANT BY LETTER (OR PHONE) AND OTHERWISE ASSUMING THAT THE PLANNING PORTAL CAN BE USED IS AGAINST THE RIGHTS OF A PERSON CHOOSING TO AVOID THE WORLD WIDE WEB.

THE APPLICANT HAS PAID PLANNING FEES AND THE COUNCIL SHOULD RECOGNISE THAT IF AN APPLICANT CHOOSES NOT TO USE THE PLANNING PORTAL, THIS SHOULD NOT JEOPARDISE AN APPLICATION FOR CONSENT.

IF FURTHER INFORMATION WERE REQUIRED, THIS SHOULD HAVE BEEN REQUESTED BY LETTER.

List of documents and evidence

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

STATEMENT OF APPEAL PART 3 REPORT FROM THE PLANNING OFFICER REFUSAL NOTICE DRAWINGS 196 190 92 WITH REFUSAL STAMPS

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 15/8/17

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

STATEMENT OF APPEAL OR REVIEW
17/00647/FUL
FORMATION OF HARDSTAND, STEPS, RETAINING WALL
& NEW FOOTPATH
KIRKBURN, CARDRONA, PEEBLES

The proposal is to form a new hardstand area adjacent to the existing house once the William Cree Memorial Church. This hardstand is to be linked by way of a short flight of steps and an access path enabling pedestrians to migrate from the tourism development in field 0308 to the Kirkburn Road, and thereby to the forest walks at Kirkburn.

The applicant currently has planning consent for a tourism related development on part of the ground to the west of the application site. The sewage system for this development is to be located in North East corner of his ground and the tail drain is to run to the Kirkburn by way of the forestry ground to the North of No 8 Kirkburn Cottages.

The hardstand gives a safe stance for the service vehicles required to maintain the sewage treatment system, avoiding traffic issues for the residents and others of the Kirkburn Cottage community.

The formation of the footpath along the North and North-West boundary of the Graveyard and William Cree Church has a secondary advantage of enabling a land drain to be installed whilst the work is carried out. The surface of the path will be granular allowing storm water to drain. This will be channelled by way of a field drain to the hardstand area where it will ultimately discharge via the sewage tail-drain to Kirkburn.

The footpath links the Kirkburn Road to the tourism development and removes the need for pedestrians to walk along the B 7062 from the existing tourism access to the adjacent forest walks. It is further anticipated that whilst forming the tail drain from Kirkburn Road to the Kirkburn the Forestry Commission may grant access to extend the proposed footpath along the North boundary of No 8 Kirkburn Cottages. This would remove any need for pedestrians to walk along the B7062 and avoid the safety issues presented at the existing Kirkburn bridge.

A previous application for consent had been made to widen the B7062 below the tourism development which would have helped to reduce the conflict of pedestrians and cars along this part of the road. This safety matter will surely become an issue once the tourism development is implemented. That previous application was refused but had involved the formation of gabions along the North-West site boundary of the tourism development enabling a footpath to be formed.

It should be noted that this submission for planning consent was made shortly after the submission for a safer, improved access to the Kirkburn Road had been submitted. The proposed bellmouth in that application had presented the opportunity to resolve a severe safety problem otherwise not achievable, where the outcome considerably improved road safety and public amenity without cost to the Scottish Borders Council.

I ask that this application is carefully considered as part of this review for the safety and amenity gains it gives. I fully understand fully that the technical and landscaping matters can be conditioned should the consent be granted under review, and that planting to remove the impact of the gabions and bankings would need to be carefully considered.

AJC for Cleek Poultry Ltd

15.8.2017

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00647/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Formation of hardstanding, steps, retaining wall and new foot path

LOCATION: Land North West Of Kirkburn Parish Church
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 02	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

Roads Planning:

Due to the lack of information accompanying this application, I am unable to make an informed decision on whether to support this application. There is no information on what the hard-standing is to be used for or the type, frequency and number of vehicles anticipated to be using this area.

A Transport Statement will be required to accompany this application. This statement should include the information detailed above.

Furthermore, I have concerns over the existing access onto the B7062 and the impact of any additional traffic movements at this junction needs to be assessed.

Until I receive this additional information, I am unable to support this application.

Archaeology Officer:

Thank you for requesting an archaeology consultation. Please see my other comments for the site in question with respect to potential impacts to unknown and buried archaeological features or deposits. I recommend that previously consented conditions are carried forward if this application is consented.

I do not feel that the proposal will have a significant adverse setting impact on the formerly Scheduled Our Lady's Church and churchyard. However there is very little information in the application for what this proposal relates to and if this might form infrastructure for a wider development proposal which may have adverse impacts. I do note that the proposed footpath may run near to root systems of trees

that line (and form the setting of) Our Lady's Church and churchyard. I recommend obtaining the opinion of the Landscape and Tree Officers on the potential impacts to the trees.

I do not object to this proposal, and I recommend that if consented previously archaeology conditions are carried forward.

Heritage and Design:

BACKGROUND

The application site lies adjacent to the category B listed former Kirkburn (William Cree Memorial) Church that has been converted for residential use.

The application site forms part of a larger area of land holding that has been the subject to a considerable number of planning applications over recent years in many cases overlapping and duplicating site areas.

ASSESSMENT OF PROPOSALS

I have reviewed the application in terms of impact on the setting of the former church.

Only a site plan has been submitted with no supporting statement or additional information, such as elevations or site sections. It is not clear what the purpose of an area of hardstanding located immediately alongside the NW side of the former church will be. As well as the hardstanding (no details of surface treatment or finish), the works also involve the introduction of 2 rows of gabions (presumably stone filled) adjacent to the boundary of the former church with the hardstanding area set between 1 and 2m below the existing contour at the boundary.

Subject to boundary treatment, it appears that these gabions would be visible as the former church is approached on the road from the public road on the S side of the Tweed, my initial view, is that this will have an adverse impact on the setting of the listed building by changing the relationship of how the building sits in the landscape and in absence of any additional supporting information I have concerns about what the purpose of the hardstanding will be. as the current proposals only show a footpath providing access to it. Without further information it is impossible to say if these proposals will have a significantly adverse impact.

RECOMMENDATION / RECOMMENDED CONDITIONS.

I have concerns about the impact on the setting of the former church and in the absence of any additional information, applying the "precautionary principle", I object to the proposals at present. I am prepared to review these comments if further information comes available.

Peebles and District Community Council: Response awaited.

AHSS: Response awaited.

There have also been objections to this application from five properties at Kirkburn, all contained within the same signed letter. The main grounds of objection are as follows:

the proposal removes agreed landscaping between Kirkburn and the consented holiday development and directs users to the houses.

there is no history of access from Kirkburn to the field.

there would be conflict from the hardstanding and use of it with the listed building and residential amenity.

drainage problems.

steps do not create a disabled friendly holiday development.

the footpath link from the hardstanding to the north is unclear.

there would be road safety implications for the use of the current Kirkburn road and junction with the B Road.

the path could impact on trees.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards
Policy ED7 Business, Tourism and Leisure Development in the Countryside
Policy EP7 Listed Buildings
Policy EP8 Archaeology
Policy HD3 Protection of Residential Amenity

Recommendation by - Craig Miller (Lead Planning Officer) on 30th June 2017

This application relates to the eastern corner of a field adjoining the Kirkburn building group which has seen a number of applications in recent years for holiday developments, all of which have been consented but none yet implemented. The proposal is to form a hardstanding area adjoining the former Wm Cree Memorial Church which is a Category B Listed Building and which, with extension, has been converted into a dwellinghouse. The hardstanding area would be approximately one metre below rising field level and appears to be proposed to be connected with the public road at Kirkburn via a two metre hardcore footpath which runs off to the north of the hardstanding. There is currently a banked verge outwith the field fence between the road and the field and the submitted plan does not suggest a direct connection with the road other than via the footpath. The hardstanding area would be gravelled and there is no background statement or justification suggesting the purpose of the hardstanding.

The other part of the proposal is a further two metre hardcore footpath running up from the hardstanding area along the boundary of the field with the Wm Cree building and then along the boundary with the Yew Trees which border the Our Lady's Church and Churchyard, a former Scheduled Monument. The path would then connect with a track which runs through the farm holding, separating the field consented for holiday development from the rest of the farm holding. There is no obvious purpose for the proposal in connection with the holiday developments and, indeed, the proposals would impinge on a turning area and, in particular, landscaping that was proposed for both the holiday sheds and chalets proposals. There is also no obvious connection with the refused application for the junction access amendments sought recently at the Kirkburn road junction with the B Road.

Although the objections received from residents at Kirkburn correctly point out the conflict with the holiday developments and the actual erosion of planting buffers intended to separate the development from the residents within the building group, the holiday developments have not been commenced and do not represent a valid or material reason, in itself, to reject the proposals. Similarly, whilst the footpath proposal may impact on Yew trees outwith the site, these are neither protected in themselves nor border any Scheduled archaeological remains. As they also do not border a site which has any valid commenced development upon it, any impacts on the trees cannot also be considered to be a material factor in any decision on the application.

The main determining issues on this application must relate to compliance with Policies on road safety, residential amenity and, in particular, impacts on the setting of the B Listed Building immediately adjoining the works. With regard to Policy ED7 on development within the countryside, there has to be acceptable road safety impacts and this proposal is of concern to Roads Planning. Even if there is no direct connection between the hardstanding and the Kirkburn road, the two metre footpath to the north suggests an indirect connection is intended. This is further highlighted by the presence of steps within the other intended footpath leading off the hardstanding into the farmland to the south. Roads Planning cannot support the proposal as they are concerned about the impacts of additional traffic movements on the existing junction between the Kirkburn public road and the B7062. Without any further information on the type, number and frequency of vehicles serving this hardstanding area, they are unable to support the application. Similarly, the impacts of additional parking and vehicular movements associated with the hardstanding area will create unnecessary and detrimental impacts on residential amenity at the small building group at Kirkburn. The objections received from residents in this respect are concurred with. There is an acceptable access already from the B7062 into the heart of the applicant's smallholding and there is no justification submitted to substantiate the need for another access point, even if only pedestrian, to service a hardstanding area which could still create parking and additional vehicular movements on the Kirkburn public road. In summary, there are road safety and amenity reasons to oppose this proposal with regards to the potential impacts of vehicular use servicing and generated by the proposals.

The other material factor is impact on the Category B Listed Building of the former Wm Cree Memorial Church which is now extended and occupied as a dwellinghouse. This property is immediately adjoining the hardstanding and proposed stepped footpath. It is clear that the Heritage and Design Officer believes there would be adverse impacts on the visual setting of the listed building. He feels the proposed gabion baskets will be visible from the public roads and will change the relationship of how the building is appreciated in the landscape. He also has concerns over the purpose of the hardstanding. Although he cannot say that the combined impacts would be significant without additional information, he does feel the impacts would still be adverse and objects to the application. Given that there has been no additional supporting information submitted, the application must be determined on the current proposals. Of major relevance is that Policy EP7 applies the test of whether any development affecting the setting of a listed building would be adverse, not the harsher test of whether effects would be significantly adverse. Given this, the proposals are clearly contrary to LDP Policy and as the advice of Heritage and Design is against the proposal, the application should be refused for this reason in addition to the road safety reasons outlined above.

I have taken account of all other relevant considerations including the comments from residents. I have also considered the impacts of the stepped path on residential amenity now enjoyed within the converted former Wm Cree Church. I do not find, however, that there are any other material factors that would justify refusal of the application other than those already outlined within this report.

REASON FOR DECISION :

The application is contrary to Policies PMD2, HD3, EP7 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposal would create adverse impacts on the setting of a Category B Statutorily Listed Building adjoining the site and on the amenity of nearby residential amenity properties.

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, HD3, EP7 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposal would create adverse effects on the setting of a Category B Statutorily Listed Building adjoining the site and on the amenity of nearby residential amenity properties.
- 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”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00647/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Peebles Scottish Borders

With reference to your application validated on **8th May 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Formation of hardstanding, steps, retaining wall and new foot path

At : Land North West Of Kirkburn Parish Church Cardrona Scottish Borders

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

**Dated 3rd July 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00647/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 02	Site Plan	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, HD3, EP7 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposal would create adverse effects on the setting of a Category B Statutorily Listed Building adjoining the site and on the amenity of nearby residential amenity properties.
- 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.

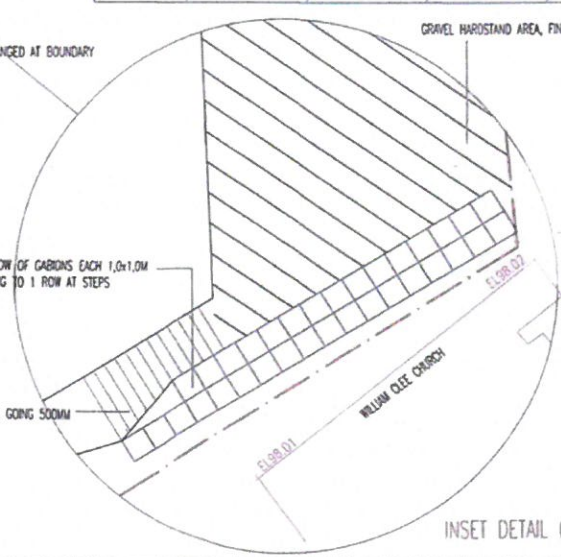
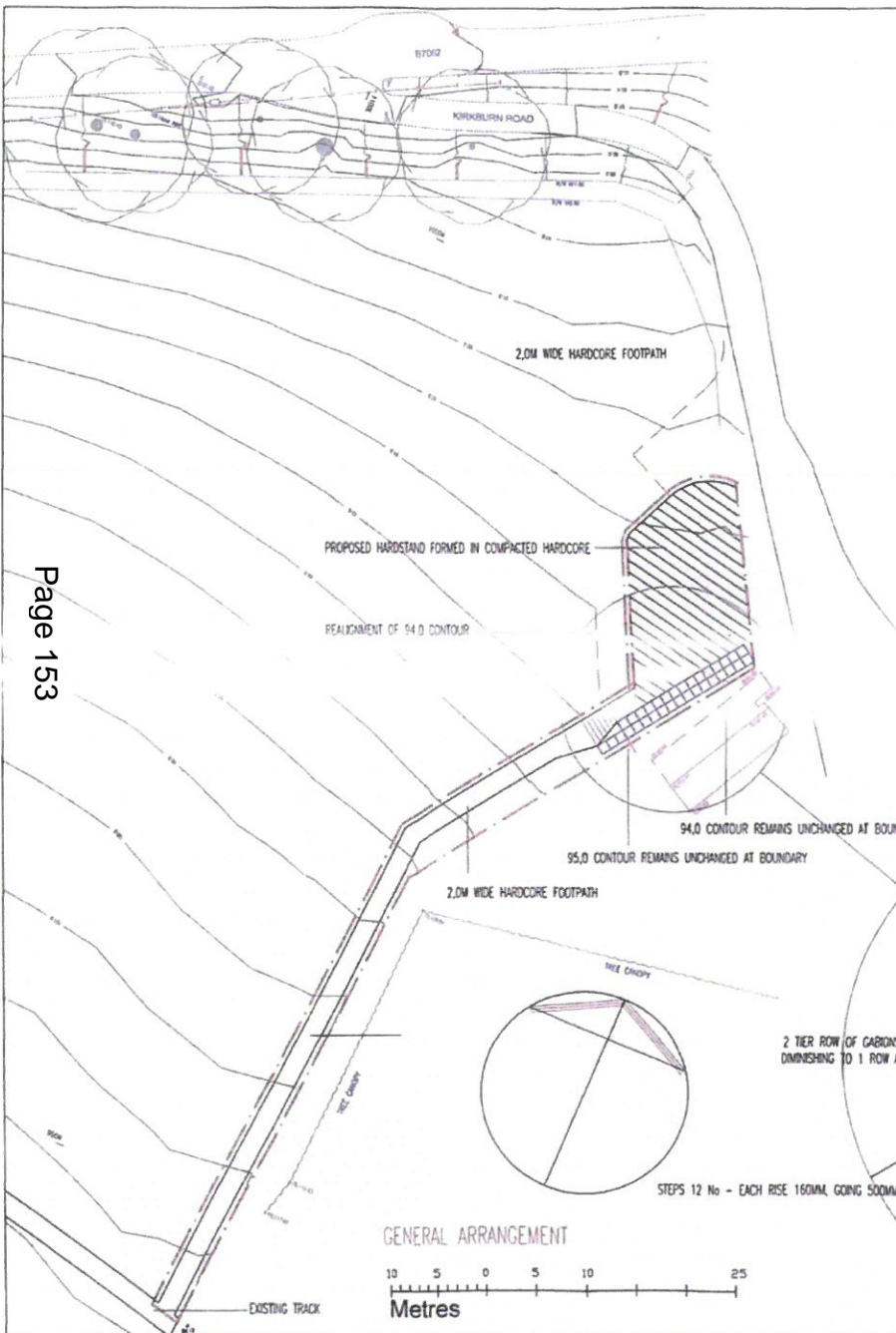
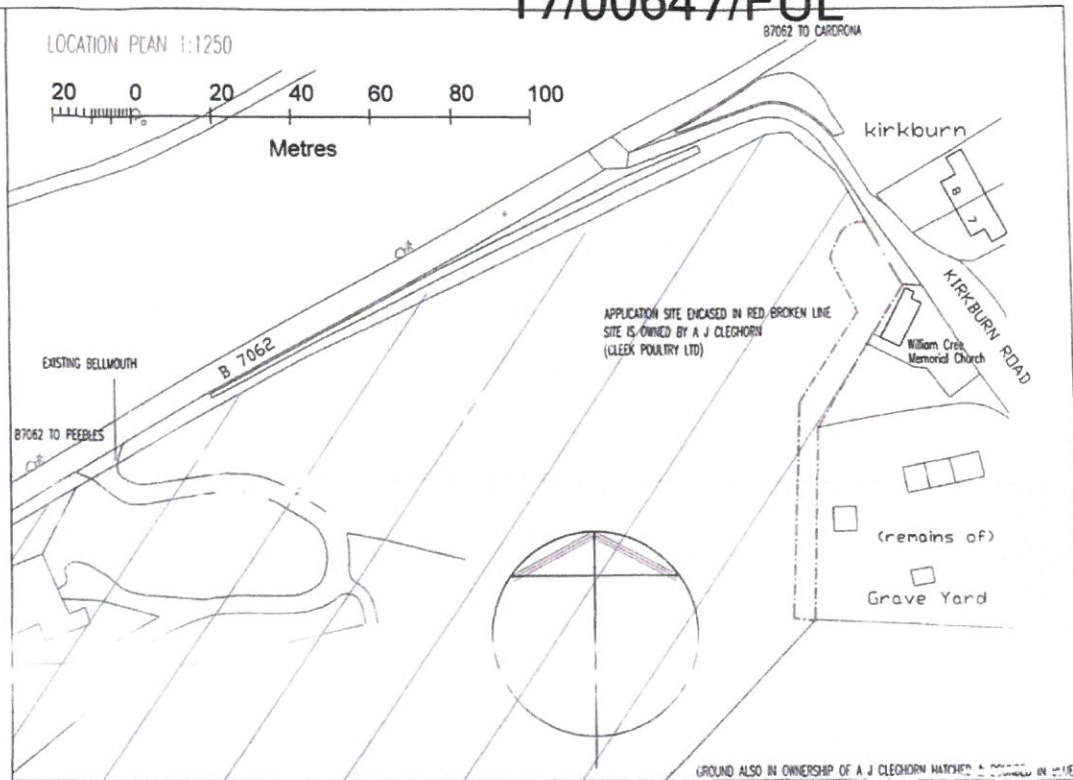
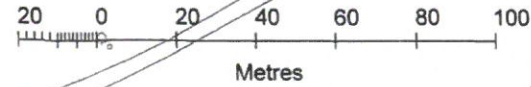
FOR THE INFORMATION OF THE APPLICANT

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 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.

17/00647/FUL

LOCATION PLAN 1:1250



GROUND ALSO IN OWNERSHIP OF A J CLEGHORN HATCHED & COLOURED IN BLUE

AMENDMENTS:	
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	

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

REFUSED
subject to the
requirements of the
associated Decision
Notice

printing note 101 on A3 paper

SCALE 1:500 OR AS STATED APR 2017

drg 196 92 GENERAL ARRANGEMENT
REVISION -- LOCATION PLAN

PROPOSED FORMATION OF HARDSTAND, STEPS,
RETAINING WALL AND NEW FOOTPATH ADJACENT
TO WILLIAM CLEE CHURCH
KIRK BURN, CARDRONA, PEEBLES, EH45 9HU
Cleek Poultry Ltd

Page 153

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PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 10th May 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00647/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st May 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 31st May 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: Formation of hardstanding, steps, retaining wall and new foot path
Site: Land North West Of Kirkburn Parish Church Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. Please see my other comments for the site in question with respect to potential impacts to unknown and buried archaeological features or deposits. I recommend that previously consented conditions are carried forward if this application is consented.

I do not feel that the proposal will have a significant adverse setting impact on the formerly Scheduled Our Lady's Church and churchyard. However there is very little information in the application for what this proposal relates to and if this might form infrastructure for a wider development proposal which may have adverse impacts. I do note that the proposed footpath may run near to root systems of trees that line (and form the setting of) Our Lady's Church and churchyard. I recommend obtaining the opinion of the Landscape and Tree Officers on the potential impacts to the trees.

I do not object to this proposal, and I recommend that if consented previously archaeology conditions are carried forward.

REGULATORY SERVICES



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

Date: **23 May 2017**

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

Ext: **6663**

Ref: **17/00647/FUL**

**Subject: Formation of hardstanding, steps, retaining wall and new
footpath
Land North West of Kirkburn Parish Church, Cardrona**

Due to the lack of information accompanying this application, I am unable to make an informed decision on whether to support this application. There is no information on what the hard-standing is to be used for or the type, frequency and number of vehicles anticipated to be using this area.

A Transport Statement will be required to accompany this application. This statement should include the information detailed above.

Furthermore, I have concerns over the existing access onto the B7062 and the impact of any additional traffic movements at this junction needs to be assessed.

Until I receive this additional information, I am unable to support this application.

AJS

REGULATORY SERVICES

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

Date: 17/05/2017

Contact: Mark Douglas, Principal Officer ☎ x6563
(Built Heritage & Design)

Ref: 17/00647/FUL

**Subject: LAND NW FORMER KIRKBURN CHURCH, CARDRONA
(DWG NO 92)**

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 application site lies adjacent to the category B listed former Kirkburn (William Cree Memorial) Church that has been converted for residential use.

The application site forms part of a larger area of land holding that has been the subject to a considerable number of planning applications over recent years in many cases overlapping and duplicating site areas.

ASSESSMENT OF PROPOSALS

I have reviewed the application in terms of impact on the setting of the former church.

Only a site plan has been submitted with no supporting statement or additional information, such as elevations or site sections. It is not clear what the purpose of an area of hardstanding located immediately alongside the NW side of the former church will be. As well as the hardstanding (no details of surface treatment or finish), the works also involve the introduction of 2 rows of gabions (presumably stone filled) adjacent to the boundary of the former church with the hardstanding area set between 1 and 2m below the existing contour at the boundary.

Subject to boundary treatment, it appears that these gabions would be visible as the former church is approached on the road from the public road on the S side of the Tweed, my initial view, is that this will have an adverse impact on the setting of the listed building by changing the relationship of how the building sits in the landscape and in absence of any additional supporting information I have concerns about what the purpose of the hardstanding will be, as the current proposals only show a footpath providing access to it. Without further information it is impossible to say if these proposals will have a significantly adverse impact.

RECOMMENDATION / RECOMMENDED CONDITIONS.

I have concerns about the impact on the setting of the former church and in the absence of any additional information, applying the "precautionary principle", I object to the proposals at present. I am prepared to review these comments if further information comes available.

28 May 2017

From the Residents of Kirkburn

To Mr C Miller Senior Planning Officer

Scottish Borders Council

Subject Planning application 17 00647 FUL

We consider this application to be a retrograde step in term of landscaping provision. We see no justificatory need to set aside previously agreed soft landscaping areas considered necessary by council in earlier planning applications. Landscaping was considered necessary to separate proposed tourist accommodation from residential properties in order to protect the amenity of the existing residential properties. This application seems to direct tourist users towards the residential properties.

As before we note there is no history of an access from this field to the road serving the Kirkburn building group.

Information as provided indicates a large area of hardstanding and hard landscaping for uses unspecified which would impinge upon the setting of the listed building

Should the hardstanding be used by vehicles or for storage it would be highly visible from the residential properties of 7&8 . Vehicle lighting could become an issue impacting on these properties

Drainage water run off issues become more concerning. Gravel is not the most forgiving of surfaces in terms of noise generation when crossed or driven upon.

It seems ironic that this application seeks to introduce a flight of twelve steps given antecedent applications stressing it (the lodge complex) would be disabled accessible through out.

The footpath tail wanders off in close proximity to the bend in the Kirkburn road where it presumably either terminates or seeks access to said road.

We as a group feel acceptance of this application would introduce road conflict of no less significance as that outlined by ourselves in objection comments concerning planning application 17 00384 FUL , (please consider any pertinent points raised as applicable to this application also).

The loss of soft landscaping and buffer planting impacts on the designed separation promoted by council to ensure no loss of residential amenity and blurs the boundary between the established building group and the proposed tourist accommodations.

We fear you are being mired into a Catch 22 situation here by the bombardment of applications your department are being subjected too in this fieldscape.

Thank you for your diligence.

Page 1 of 2

Accordingly in order to try and reduce your workload we are content to have this letter considered as a single objection to allow you to use your delegated powers

We are

A JOHNSTON & C Goodsir

William Cree Memorial Church EH45 9HU

E BARBER

3 Kirkburn Cottages

S & C Mitchell

4 Kirkburn Cottages

I & K Jackson

7 Kirkburn Cottages

J Wilson

8 Kirkburn Cottages

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

26 May 2017

Mr Craig Miller
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Mr Miller

Application 17/00674/FUL – Formation of Hardstanding, Steps, Retaining Wall and Footpath

We wish to make objection to the above application and would like to make some observations. We note that the applicant states that the hardstanding is not to be used for parking or for storage or recycling. Therefore, it is totally unclear as to what purpose this hardstanding will serve. Especially given the close proximity to both the B Listed William Cree Memorial Church property and the site of the Scheduled Ancient Monument of the Church of Our Lady and graveyard. We note that Heritage and Design, and Roads Planning also have serious concerns regarding this hardstanding on this application.

The proposed hard landscaping is situated on a sloping site and is in close proximity to our building group and road. There could be a danger of water run-off, drainage problems and flooding arising from such extensive hard landscaping. Our building group and road should be allowed to remain as they are without being exposed to a multitude of Kirkburn Field planning applications and extensive hard landscaping on some of the proposals. The field listed on the various planning applications may have been named Kirkburn Field by an owner in the recent past. It is a misnomer. It has never had any historic connection to our Kirkburn building group and road. Historically, this field was part of Laverlaw Farm land.

It should be mentioned that, on the applicants planning application form, in the section where it asks if there are any adjacent trees to the proposed site, the applicant has stated that there are no trees which is incorrect. There are trees directly adjacent to the proposed footpath.

For information, the proposed footpath runs directly behind the Kirkburn graveyard which contains the Scheduled Ancient Monument of the Church of Our Lady. The Kirkburn graveyard is encircled by mature trees within its boundary walls and is directly adjacent to the proposed footpath. Any damage to said trees or subsidence caused by any earth workings may have a detrimental impact on the ancient monument site. Please note that we find it strange that the tail section of the proposed footpath is indicated differently on the drawings (single hatched line) as it continues out with the red boundary line? It is also unclear which building is being referred to as Kirkburn Parish Church?

Such anomalies as noted above are of great concern.

At the very least the application should be rejected on the grounds that incorrect information has been provided. However, we urge you to refuse this application in its entirety.

Yours sincerely



Stuart and Cath Mitchell

To Local Review Body Scottish Borders Council

From-The Residents of Kirkburn

6 September 2017

Subject Appeals references- 17 00032 RREF

17 00033 RREF

17 00034 RREF

We thank you for this opportunity to reaffirm our unanimous objection to these proposals. We ask you to consider the impacts on the building group and our residential amenity these proposals would create.

The appellant has submitted forty planning applications in his smallholding since 2015 he fully understands how the planning system works.

We are content with existing access arrangements to our small building group. We do not take our own safety or that of others lightly. Statistical modelling and interpretation of risk potential is an incumbent duty of Roads planning officers. The existing junction and access road serves the building group well as empirical evidence suggests. The junction could be considered awkward in usage in respect of left turns into the minor road but drivers seem to manage without incident.

We ask you to respect the Planning officers judgement and note that there is a precedent here.

The appellants existing planning consents and there business plans are not dependant on these applications. Access to facilitate and service proposed developments are containable within field 0328. We do not interpret these proposals as an act of altruistic largesse but rather an attempt to blur the previously accepted boundary between the building group as it exists and the proposed tourist developments with a view towards future planning revision.

Should the appellant choose to do so he could easily secure footpath access to Cardrona forest walks by directing pedestrians to use the route he uses when walking his dog (via the gate at the rear of the graveyard and down the south side of the graveyard dyke to the fence adjacent to forest access road). The applicant states he leases this land. This route would inconvenience no one in the building group. Such a route would not require access to forestry land a simple stile or kissing gate and some fencing would suffice.

We ask you to note a further refused planning application in your deliberations regarding these three appeals before you today, application 17 00809 FUL. (Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins)

This application (not yet being appealed) was submitted shortly after(17 00806 ful) 17 00034 REF. We however feel it is of relevance as a memo for Craig miller from A J Cleghorn dated received by planning 7 AUG 2017 concludes with the following lines .

“ I have decided to revert to the original access through the Kirkburn Road. It is my intention to appeal the planning refusal notice for the Kirkburn Access upgrading.”

Upholding the officers decisions will not impact upon the planning applications the appellant has consent for, nor their financial requirements. Reversal however would impact on the existing landscape, residential amenity and setting of the listed buildings.

Thank you for your consideration of our concerns we are

J Wilson 8 Kirkburn Cottages

I & K Jackson 7 Kirkburn Cottages

A Johnston & C Goodsir William Cree Memorial Church

S & C Mitchell 4 Kirkburn Cottages

E Barber 3 Kirkburn Cottages

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

6th September 2017

Ms Fiona Walling
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Ms Walling

Appeal for application 17/00674/FUL – Formation of Hardstanding, Steps, Retaining Wall and Footpath

With regard to the appeal for the above application, the same criteria apply as in our original letter of objection. It is still totally unclear as to what the real purpose will be of this hardstanding. Especially given the close proximity to both the B Listed William Cree Memorial Church property and the site of the Scheduled Ancient Monument of the Church of Our Lady and graveyard. We noted that Heritage and Design, and Roads Planning also have serious concerns regarding this hardstanding on this application.

As previously noted, the proposed hard landscaping is situated on a sloping site and is in close proximity to our building group and road. There could be a danger of water run-off, drainage problems and flooding arising from such extensive hard landscaping. Our building group and road should be allowed to remain as they are without being exposed to a multitude of Kirkburn Field planning applications and extensive hard landscaping on some of the proposals

For information, the proposed footpath runs directly behind the Kirkburn graveyard which contains the Scheduled Ancient Monument of the Church of Our Lady. The Kirkburn graveyard is encircled by mature trees within its boundary walls and is directly adjacent to the proposed footpath. Any damage to said trees or subsidence caused by any earth workings may have a detrimental impact on the ancient monument site.

We urge you to refuse this appeal.

Yours sincerely

Stuart & Cath Mitchell

Stuart and Cath Mitchell

List of Policies

Local Review Reference: 17/00033/RREF

Planning Application Reference: 17/00647/FUL

Development Proposal: Formation of hardstanding, steps, retaining wall and new foot path

Location: Land North West of Kirkburn Parish Church, Cardrona

Applicant: Cleek Poultry Ltd

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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

List of Policies

Placemaking & Design

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

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY 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;

List of Policies

- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

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

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.

List of Policies

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

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

Rec'd 16/8/17 Hand delivered



Notice of Review
17/00806/FUL
17/00034/IRREF

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 OF THE SHED CAN BE VIEWED FROM THE KIRKBURN FORESTRY TRAILS BUT THE SMALL-HOLDING OVER WHICH THE ACCESS IS TAKEN IS A WORKING HOLDING AND ACCESS IS NEEDING TO BE ACCOMPANIED

Statement

Notice of Review

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

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

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

SEE ATTACHED STATEMENT

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

Yes No

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

THE OFFICER MADE NO REQUEST FOR FURTHER INFORMATION DURING THE APPLICATION PROCESS.

SEVERAL ATTEMPTS TO FURTHER THE BUSINESS OF FATTENING CATTLE HAVE BEEN MADE OVER PREVIOUS YEARS, WHICH HAVE ALL BEEN UNSUCCESSFUL. THE BUILDINGS AND OTHER ACCOMMODATION HAVE BEEN WITHIN FIELD 0308.

WITH THIS REVIEW I ATTACH A PROFESSIONALLY PREPARED BUSINESS PLAN DEMONSTRATING HOW THE BUSINESS CAN BE VIABLE WITHIN THE LEASED LAND BELOW LAVERLAW FARM. I WISH THIS TO BE CONSIDERED WHEN THE REVIEW IS DEALT WITH.

List of documents and evidence

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

STATEMENT OF APPEAL PART 3 REPORT FROM THE PLANNING OFFICER REFUSAL NOTICE DRAWINGS HAN 01 REV A & HAN 02 WITH REFUSAL STAMPS 'FATTENING CATTLE BUSINESS PLAN'
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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 15/8/17

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

STATEMENT OF APPEAL OR REVIEW
17/00806/FUL
ERECTION OF AGRICULTURAL BUILDING AND FORMATION OF NEW ACCESS TRACK
LAND TO SOUTH OF No 3 KIRKBURN, CARDRONA, PEEBLES

The proposal is to form an agricultural shed and farmyard in the heart of a 40-acre agricultural holding adjacent to my holding at Kirkburn, Cardrona. The shed is tucked back into the hill to pose as little impact on the surrounding countryside as possible, and accessed by a farm access track from my existing access track which currently terminates at the south west corner of the graveyard at Kirkburn.

I have previously applied on a number of occasions for a unit in field 0308 for fattening cattle. Whilst proving through a business plan that the venture could be a self-supporting and viable business, the planning officer has chosen to ignore this and always criticised the scale of the buildings as being too large and not appropriate for their intended use.

I have an agreement to lease the 40-acre smallholding – indeed I have been leasing part and sometimes all of this for some time. In order to make the cattle venture viable, I need to construct the cattle shed. This is what is currently being considered under this review.

In the attached business plan, you will note the recommended shed size is 50X10m (ie 500 sqm). As a mark of acknowledgement to Mr Miller's concerns, I have discussed this and in order to see the business progress, reduced the size of the unit to 243 sqm (27X9m). Once the business proves to be a success, we can possibly revisit this via the planning process if the facilities prove to be too restrictive.

I understand the sensitivity of the site and should this review be successful I would happily acknowledge that the landscaping, choice of building materials and final route of the access track be looked at in more detail. I note that Roads Planning raised an objection but can only imagine they assumed the access to be from the Kirkburn Road access rather than from the existing access into field 0308.

I have also read the comments from the archaeology officer and should the consent be granted under review, I would suggest a 'watching brief' be a condition of any development of the site.

Mr Miller has also raised concerns about the status of the lease between myself and the owner which I do not believe to be a planning matter. However, the building could be conditioned such that if the use proposed were to cease a future restrictive clause could be applied (by Section 75, I believe).

I ask that this application is carefully considered as part of this review as my activities as a smallholder have been severely curtailed by the planning officer's belief that these are not sustainable. By increasing the holding size as proposed and incorporating the proposed new farmyard and building I would be able to re-appraise my livelihood and the viability of the holding.

AJC for Cleek Poultry Ltd

15.8.2017

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00806/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of agricultural building and formation of new access track
LOCATION: Land South Of
3 Kirkburn Cottages Cardrona
Peebles
Scottish Borders
TYPE : FUL Application
REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
HAN 01A	Site Plan	Refused
HAN 02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 5
SUMMARY OF REPRESENTATIONS:

Roads Planning:

I am unable to support this application. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. I would not wish to support any development which would add additional traffic movements at this junction.

Given the above, I must recommend refusal of this application on road safety concerns.

Economic Development: Response awaited.

Archaeology Officer:

The proposed access track is adjacent to the medieval and post-medieval churchyard surrounding the ruins of Our Lady's Church. The original layout of the churchyard is unknown, the current being of likely 18th century date. There is therefore some potential for buried archaeology to exist within the footprint of the proposed track including human remains. Human burials are protected under Scots Law and should remain in situ. In addition, a bronze axe, likely Bronze Age in date, was found within or near to the field through which the track is proposed. This may indicate buried archaeological features from which the object came within the area of the proposed development. However, the scale of what is proposed, and the unfinished nature of the track presents a low potential for encountering buried archaeology of this nature.

Given the separation of the proposed agricultural building from Our Lady's Church and churchyard, and its setting lower within the valley, I do not feel there would be setting implications from this proposal.

While I support the principle of development, I note the potential for buried archaeology. Given the scale of the proposal, and in particular the use of existing and non-metalled access tracks, I do not recommend mitigation at this time. However, I do recommend adding the informative below as the chance discovery of buried archaeology, and human remains in particular, may require further assessment per PAN2(2011).

If consent is granted I recommend the following informative:

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

Landscape:

Description of the Site

The site lies wholly within the Tweed Valley Special Landscape Area. The site comprised a strip of land within the field immediately to the south of Kirkburn graveyard, on which an access track would be formed, and a block of land approximately 50 x 28m in the next field south on which an agricultural shed 27 x 9m x 7.5m tall would be located.

The fields lie on the west side of the Kirk Burn valley and are moderately steeply sloping from the Laverlaw road down to the burn, including areas of more gently sloping ground and steeper areas with scree. The fields are used for pasture and are separated by a line of mature, mainly deciduous, trees. There are a number of gaps in this line of trees, one, towards the lower half of the field, has a gated field access through it.

Nature of the Proposal

The proposal is to form a track across the field from the north westernmost corner of the field, immediately to the south of the grave yard, across the field to a point on the southern boundary. The track will go through this field boundary and will expand to form a yard on which it is proposed to locate the agricultural shed.

Implications of the Proposal for the Landscape including any Mitigation

The track from the adjacent field to the north east, in the ownership of the applicant, appears to cross the field, mostly following a reasonably route. It then continues through the field boundary to be formed into a larger 'Farmyard'.

I have looked at the site from a point on the A72, across the Tweed valley and representative of views from this busy road, and I am of the opinion that neither the track nor the shed will be seen from this location, the shed largely screened from views from the north by the line of mature field boundary trees.

I also looked at the site from the Forestry Commission (FC) road that runs north - south from the FC Cardrona carpark along the east side of the Kirk Burn into Cardrona Forest. The fields are visible from here but I do not consider that the track across the field would be out of keeping with the existing land use or a visual intrusion into the local landscape. Travelling up the valley the agricultural shed would be visible to walkers across the Kirk Burn for a good stretch of the track but again it would not be out of keeping with the land use and the visual impact could be mitigated by some appropriate tree planting, of a scale to suit the proposed development and immediate landscape.

I also looked at the site from the Laverlaw road and consider that the shed would not be a visual intrusion, and its setting in the landscape could be improved by an appropriate planting scheme.

If this proposal is to be approved I would want to see the route of the track across the field following the 185m contour from the NE corner of the field to where it meets the southern field boundary. This appears to correspond with a break in the tree line and it should be a prime consideration of finalising

the route of the track and the location of the shed that it does not affect any of the existing trees or require any of them to be removed.

Conclusion

Given that the proposal, in landscape and visual terms, is not inappropriate to the current land use nor is it highly visible, if the exact route of the track, the location of the shed and a scheme of tree planting could be agreed, I would not object to this proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Nuisance

Water Supply

The uses of some agricultural buildings can impact on amenity and public health.

This development proposes to use a private water supply and drainage system. These can impact on amenity and 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.

Any waste materials arising from the development shall not be not stored or disposed of in any manner which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

Reason To protect the residential amenity of nearby properties.

No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to

secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Informatives

Private Water Supply

To fulfil this condition, the following information should be provided.

1. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
2. The location of the source(s) of the supply - i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
3. The name and address of every relevant person in relation to the supply.
NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
4. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
5. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
6. Where there are existing users of the proposed supply, the addresses of all such properties.
7. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
8. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
9. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled & monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in order for it to be classed as wholesome.

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.

There have also been objections received from five separate local households on the following grounds:

the roadway connection from the public road is privately owned and not just within Forestry Authority ownership, who may not have given their permission to use the road.

the existing junction with the B road and the road leading to the site are inadequate to deal with increased agricultural traffic safely and there would be conflict with parked vehicles.

the B Road itself is not capable of catering for additional traffic.

the application is on land owned by others who no longer live in the area.

detrimental impact on the Special Landscape Area and walking route.

impact on water supply.

no justified agricultural need.

detrimental impact on residential amenity through traffic noise.

drainage impacts on the Kirk Burn.

odour impacts from any sewage treatment.

new access route may cause impacts on the archaeological site at the churchyard and on the yew hedging. Mitigative measures needed. Also impact on a view from within the churchyard.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy EP13 Trees, Woodlands and Hedgerows

Policy IS8 Flooding

"Local Landscape Designations" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 1st August 2017

This application has been submitted by Cleek Poultry Ltd but is on land owned by adjoining farmers who no longer live in the area. The agricultural shed is proposed on a sloping field which lies to the south of the Cleek unit, between the Laverlaw public road and the Kirk Burn. Access was initially to be taken from the end of the Kirkburn road which serves the hamlet but this has since been changed to an access from within the Cleek unit, running south of the churchyard and curving across the field to the north of the application site. This access road and the field to the north are also the subject of application reference 17/00809/FUL for mobile log cabins.

The shed will be constructed immediately south of a small shelter belt at the northern end of the field in question, on a flatter area of land amidst a general slope from the Laverlaw Road down to the Kirk Burn. It will measure 27m by 9m established within a new farmyard 48m long by 26m wide. The shed will be 7.5m to ridge, 6m to eaves and clad on the roof with eternit sheeting and half clad with green steel wall sheeting. One central vehicular door is provided with three pedestrian doors and a separate internal area for staff welfare.

Although on adjoining land within different ownership, the material factors of landscape impact, justification, road access, archaeology and environmental health all still apply in this case and have all been rehearsed many times on proposals nearby. In terms of justification for the building on this land, the proposal is made by Cleek Poultry and is now accessed through their land. Whilst it was stated once in the past that Cleek Poultry may have use of the land which is now the subject of the application, no evidence by way of a signed lease has ever been submitted nor any business justification to demonstrate what additional land and farming enterprises there may be that could begin to substantiate the need for more buildings of the scale

proposed on the land - especially so detached from the existing steading buildings. As with all other applications, the application is lacking such information and the proposal cannot be considered to be in compliance with LDP Policy ED7 without adequate demonstration. This is against the background of a small adjoining landholding already with a range of buildings present on site.

The other main determining issue with applications on the main Cleek landholding was landscape impact and fit, within a relatively newly designated Special Landscape Area. Much of the problem has been the impact of development on steeply rising land above the natural screening afforded by the roadside and riverside trees between the landholding and the public roads either side of the Tweed. The higher up the slopes, the poorer the landscape fit and the greater the impact, thus the reasons for refusal on previous proposals above the holiday chalet field. The Landscape Architect has constantly opposed such proposals but feels differently about this proposal, given it is on more remote land away from public road vantage points and across further tree and hedge belts provided at the boundary of the churchyard and field containing the proposed shed.

Although I am not entirely convinced that the building will be wholly concealed from the A72 by the patchy tree screening, a combination of greater distance, landform and the screening that does exist determines that there will be lesser impact on the landscape of the area and the quality that led to the designation. With suitable micro-siting, floor level and additional planting, the landscape impact of the shed can be mitigated to the extent that this would not constitute a valid reason for opposing the application. It is accepted that there will be more localised impacts but these have not been objected to by either the Landscape Architect or Archaeologist, thus I cannot consider the local objections to have sufficient weight to oppose the application on such grounds.

Other objections relate more to the associated mobile log cabin development and will be addressed within that application. The legitimate objections over the use of the Kirkburn road have been addressed by routing the access from within the Cleek Poultry site and utilising the access onto the B road. Nevertheless, whilst Roads Planning objected to the use of the Kirkburn Road, the change in access arrangements to the use of the existing bellmouth still concerns Roads Planning in the absence of any details about the intended use of the proposed building. As they cannot judge type or frequency of vehicles to be generated by the proposal, they are unable to accept that the current access, with improvements as previously agreed, would be capable of safe usage by traffic associated with the new building proposed. This must remain as an unresolved issue and reason to consider the proposal still breaches LDP Policy ED7.

The comments received from Environmental Health do not question the principle of the building but the impacts that could arise from it in terms of environmental impacts, including noise and water/drainage impacts. These could all be addressed, however, through conditions had other aspects of the application been acceptable.

In summary, the proposal remains contrary to Policy ED7 due to the lack of any justification to either show that the building is necessary and related to the land and enterprises for which it is intended. Also, that the application has failed to demonstrate that the site access is capable of safely accommodating the traffic that may be generated by the development.

REASON FOR DECISION :

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and 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. The proposed building is not of a 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 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and 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. The proposed building is not of a 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”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00806/FUL

To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **5th June 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of agricultural building and formation of new access track

At : Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

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

**Dated 1st August 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00806/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
HAN 01A	Site Plan	Refused
HAN 02	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and 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. The proposed building is not of a 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.

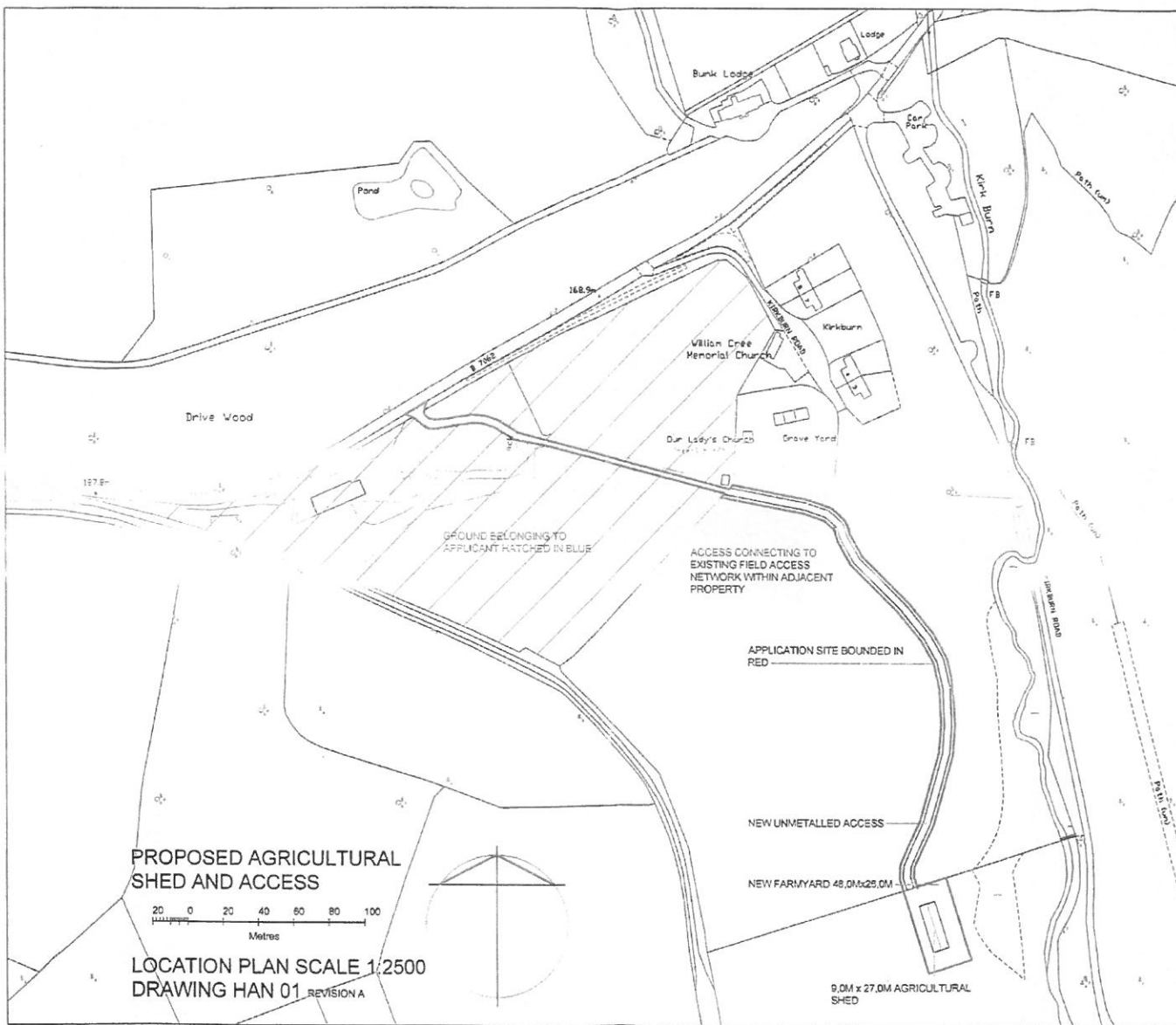
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APPROVED PLANS RECEIVED
19.6.2017

Scottish Borders Council
Environment &
Infrastructure

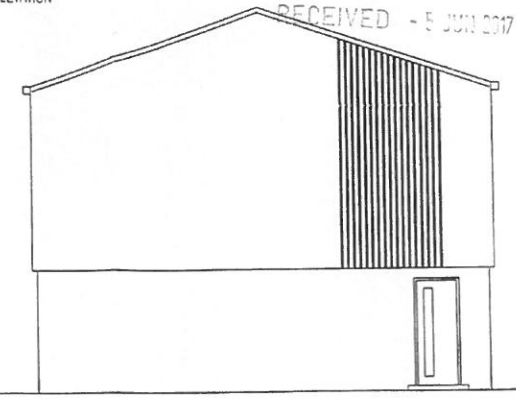
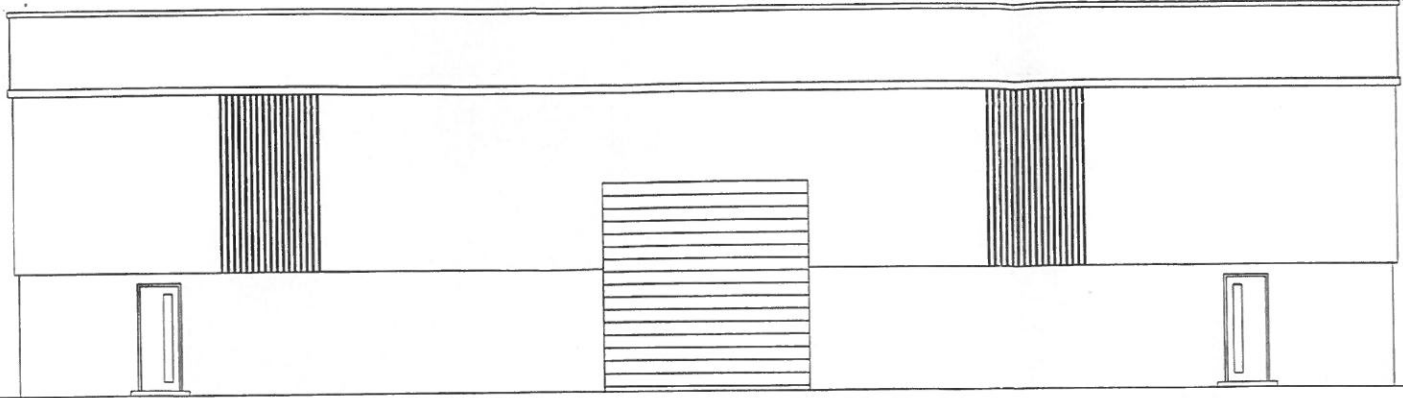
- 1 AUG 2017

Town & Country Planning (Scotland) Act
REFUSED



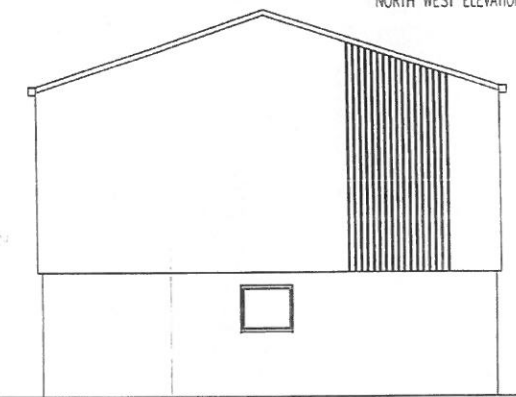
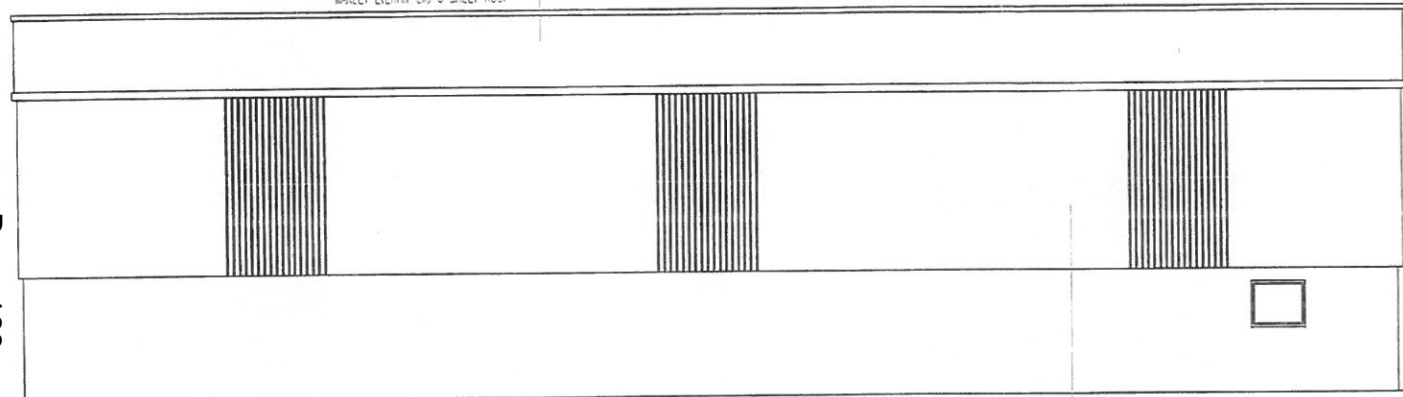
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RECEIVED - 5 JUN 2017

NORTH EAST ELEVATION



NORTH WEST ELEVATION

WARLEY EVERITT BIG 6 SHEET ROOF

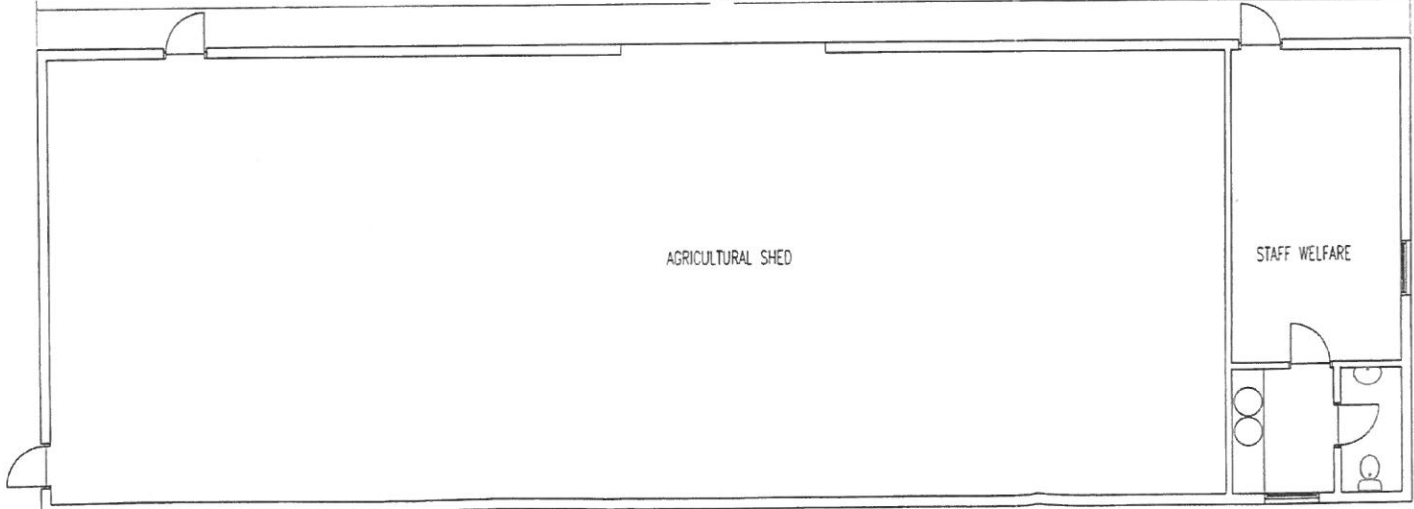


SOUTH EAST ELEVATION

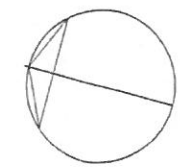
SOUTH WEST ELEVATION

27.0M

EXTERNAL WALL CLADDING PROFILE STEEL SHEETING - COLOUR GREEN



GROUND FLOOR PLAN



Scottish Borders Council
Environment & Infrastructure

- 1 AUG 2017

Town & Country Planning (Scotland) Act
REFUSED

1.0 0 1.0 2.0 3.0 4.0
METRES - SCALE BAR FOR 1:100 (DRAWING PRINTED ON A3)

SCALE 1:100 OR AS STATED JUNE 2017

dra HAN 02 REGION -- GENERAL ARRANGEMENT AND ELEVATIONS

PROPOSED AGRICULTURAL BUILDING
KIRKBURN, CARDRONA, PEEBLES
for Cleek Poultry Ltd

Page 186



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00809/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles Scottish Borders

With reference to your application validated on **12th June 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins

At : Land South Of 3 Kirkburn Cottages Cardrona Peebles

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

**Dated 16th August 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 17/00809/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
HAN 03 REVA	Location Plan	Refused
HAN 04 REVB	Site Plan	Refused
HAN 05	Block Plans	Refused

REASON FOR REFUSAL

1. The application is contrary to Policies ED7 and ED8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated through submission of a Business Plan that the proposal would be in compliance with the Scottish Borders Tourism Strategy or support the local economy and settlement facilities.
2. The application is contrary to Policies ED7 and ED8 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.
3. The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the development would not have an adverse effect on the setting of the archaeological sites of Our Lady's Church and Churchyard to the north of the site.

FOR THE INFORMATION OF THE APPLICANT

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

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00809/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins

LOCATION: Land South Of
3 Kirkburn Cottages
Cardrona
Peebles

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
HAN 03 REVA	Location Plan	Refused
HAN 04 REVB	Site Plan	Refused
HAN 05	Block Plans	Refused

NUMBER OF REPRESENTATIONS: 5
SUMMARY OF REPRESENTATIONS:

Roads Planning:

I am unable to support this application. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. I would not wish to support any development which would add additional traffic movements at this junction.

Given the above, I must recommend refusal of this application on road safety concerns.

Economic Development: Cannot support in the absence of business justification.

Archaeology:

The proposed access track is adjacent to the medieval and post-medieval churchyard surrounding the ruins of Our Lady's Church. The original layout of the churchyard is unknown, the current being of likely 18th century date. There is therefore some potential for buried archaeology to exist within the footprint of the proposed track including human remains. Human burials are protected under Scots Law and should remain in situ. In addition, a bronze axe, likely Bronze Age in date, was found within or near to the field in which development is proposed. This may indicate buried archaeological features from which the object came within the area of the proposed development.

In order to assess the archaeological potential of the site, I recommend that an archaeological evaluation is required. This should comprise trial excavation trenches across 10% of the proposed development area. Should the evaluation encounter features or deposits of potential significance, further excavation or post-excavation analysis may be required.

I am concerned that there are potential setting implications for the regionally significant Our Lady's Church and churchyard. The yew trees that surround the churchyard to the east are potentially at risk through development. I note the intention to create a tarmacked road adjacent to the site and this potentially risks the roots of these trees. The yews are a key element of the churchyard's setting and require protection by imposing a root protection area. In addition the development of this site, along with development consent and proposals in the field to the north and west, this proposal risks creating significant impacts to the current valley setting through adding incongruous and competing elements. On the basis of what has been submitted I am unable to determine what these impacts might be, and I recommend that a Design and Access Statement is required that clearly shows the proposal within the setting of the church from prominent viewpoints. These can be agreed in advance.

In principle some form of holiday development may be designed that maintains the setting of the churchyard through, for instance, a suitable landscaping scheme. However, on the balance of what is submitted I cannot support this application. Should a Design and Access Statement addressing my concerns be submitted I would be very happy to review this decision.

Access Officer:

Rights of Way

According to the records held in the Planning & Economic Development Section there is one claimed right of way adjacent to this area of land, as shown on the attached plan. Details as follows:

Rights of

Way Code	Start (Approx. Grid Ref)	Finish (Approx. Grid Ref)	Length
BT106	NT 288 382	NT 302 336	6.4km

Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a...planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Land Reform (Scotland) Act 2003

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

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 &12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Other paths and tracks

On the east side of the proposed development site the main public entrance to Cardrona Forest runs north-south. The right of way BT106 (as above) runs north-south on the west side of the proposed development site.

Planning condition

In the event of planning permission being granted the site layout must include sufficient access to the path network for pedestrians/cyclists/horse-riders. The plan shows no entrance drives or pathways making it impossible to consult on the efficacy of the potential layout.

Visit Scotland:

I am writing on behalf of the national tourism organisation, VisitScotland, to express support in principal for the above proposed development.

VisitScotland is the national tourism organisation for Scotland with a primary role to maximise the economic benefit of tourism to Scotland. It wants to encourage this growth in a sustainable way that will bring benefit for the long term. VisitScotland has three core activities: Marketing, Information Provision and Quality Assurance, and it works closely with businesses, public agencies and local authorities to ensure it delivers these activities effectively.

Tourism is a key sector which is a major contributor to the economy of the Scottish Borders. The industry strategy for growth has been built around a number of key areas, of which capital investment is crucial. Any development adding to growth would be of benefit to the local area.

The Scottish tourism industry strategy, Tourism Scotland 2020 (TS2020), was launched in 2012. The process of developing the strategy united leading industry players and public agencies behind the ambition to increase overnight visitor spend by at least £1billion by 2020. The national strategy focuses on the need for quality products and services, working in collaboration and innovation. Based on the information provided regarding the improvement of visitor facilities it would seem fair to assume that a quality experience would be a focus for this development.

The Scottish Borders is predominantly a leisure tourism destination and this development could contribute to the area becoming a sustainable year round destination. We are supportive of the opportunity to offer additional bed stock in an area with somewhat limited provision in the holiday park and camping sector and in close proximity to the high demand town of Peebles. We believe this could encourage new visitors into the region from England, other parts of Scotland, International as well as drive new revenue for the local retailers and visitor attraction networks.

Should the planning application be successful I would recommend the applicants engage with our Quality Assurance scheme which could assist by offering advice, guidance and a framework to achieve 5star status. This would ensure that the customer experience remains at the heart of everything they do.

PM/3 Kirkburn Cottages Cardrona Peebles/SB/05th July 2017

We appreciate the range of different factors that need to be considered in such an application and we are supportive of a full and transparent process. Within this process we hope that our views can be taken into account.

Landscape Architect:

Description of the Site

The site lies wholly within the Tweed Valley Special Landscape Area. The site comprised the field immediately to the south of Kirkburn graveyard.

The field lies on the west side of the Kirk Burn valley and is moderately steeply sloping from the Laverlaw road down to the burn, including areas of more gently sloping ground and steeper areas with scree. The field is used for pasture and are bounded on the south side by a line of mature, mainly deciduous, trees. Immediately to the east is the Kirk Burn running down this side valley before crossing the B 7062 and finally joining the Tweed.

Nature of the Proposal

The proposal is for Change of Use to form a short stay holiday park, siting 12no mobile log cabins in the field immediately to the south of the grave yard. The proposed access to the site is along the small road serving the Kirkburn building group and through the section of woodland that separates the existing road from the field.

Implications of the Proposal for the Landscape including any Mitigation

The proposal would require the felling of a number of trees that are growing across the proposed access from the Kirkburn building group. It would also require the formation of a field access through the dry stone wall where currently there isn't one.

The proposal is very stark with no effort being made to settle the cabins into the landscape with planting. As shown on the Site Plan I consider it would be visually intrusive from surrounding areas and would not accord very well with the surrounding land use.

I have looked at the site from a point on the A72, across the Tweed valley. A representative view from this busy road, and I am of the opinion that neither the proposed track nor the majority of the indicative

log cabins would be seen from this location, being largely screened from views from the north by the yew trees surrounding the Kirkburn graveyard. Located on the upper side of the proposed track, some of the cabins at the southern end may be visible but could be accommodated within an appropriate planting scheme.

I also looked at the site from the Forestry Commission (FC) road that runs north - south from the FC Cardrona carpark along the east side of the Kirk Burn into Cardrona Forest. The field is visible from here and I consider a line of timber clad mobile homes could be incongruous and visually intrusive unless a robust planting scheme in the form of native tree and shrub planting could be developed to mitigate the visual impact.

I looked at the site from the Laverlaw road and consider that the log cabins would be incongruous with the current land use but would not be overly visually intrusive, sitting down in the valley as they are, and their setting in the landscape could be improved by an appropriate planting scheme.

If this proposal is to be approved I would want to see the route of the track kept to the lower side of the field and remaining level by following the appropriate contour. Any earthworks and cut and fill, all of which should be as limited as possible, should be sown with an appropriate grass seed or wildflower seed mix to better settle the development into the landscape. Any mitigation planting scheme would have to be completely protected from livestock by fencing and this would require each block of planting to be fenced off or the lower part of the field, encompassing the log cabins and the planting, to be fenced off and taken out of grazing.

Conclusion

I have serious concerns that the proposal as presented would, in landscape and visual terms, be incongruous to the surrounding land use but consider it could be accommodated, but only if a robust scheme of tree and shrub planting could be agreed, in which case I would not object to the proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

This is an application to site mobile log cabins for short stay tourism.

It is unclear from the application if and how the log cabins will be heated. Some forms of heating have the potential to negatively impact residential amenity by the emission of noise, odour or fumes. The following information is required to assess the application:

- o Will the cabins use a solid fuel heating?
- o Will the application include any other form of renewable technology (biomass boiler/air-source heat pump, etc.)?

Recommendation

Further Information Required Before Application is Determined

SEPA:

We object to this planning application on the grounds of a lack of information relating to waste water drainage. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Waste water drainage

1.1 We note that private drainage is proposed for the waste water drainage. The applicant should be advised that this will require authorisation from SEPA under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended)(CAR).

1.2 There is a lack of information provided with the application to fully assess if the discharge will be able to be consented under the above regime. Therefore, the applicant should provide further information on the type of treatment system proposed, the population equivalent of the site and the intended discharge location. If required the applicant can contact our local regulatory team to discuss and agree the proposals (See Section 4 for contact details).

2. Flood risk

2.1 We have reviewed the information provided in this consultation and it is noted that, parts of the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

2.2 Review of the "Site Plan" (drawing number HAN 04) shows that the log cabins will be located away from the watercourse and the area marked as at fluvial flood risk on our flood hazard maps. We have reviewed the available LiDAR information for this area and the proposed location of the cabins is on ground at least 5m above the watercourse, as such they are not at risk of fluvial flooding. Therefore, we have no objection to this planning application on flood risk grounds. If the site layout is amended we should be reconsulted.

2.3 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

2.4 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation.

3. Other planning matters (including surface water drainage)

3.1 For all other matters we have provided standing advice applicable to this type of local development.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Any proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Peebles and District Community Council: Response awaited.

A total of five objections were also received from local residents on the following grounds:

detrimental to road safety increasing traffic on a road not suitable and in front of houses.

an alternative access is available to applicant.

traffic noise and impact on residential amenity.

loss of mature trees.

impact on red squirrel.

detrimental impacts on archaeological site and listed building contrary to LDP Policy.

no business case to justify expansion.

impact on private water supplies.

flood risk to STW.

potential erosion of access track.

detrimental impacts on SLA.

applicant submitting on behalf of landowner who lives away.

application numbers are excessive.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1 Sustainability
PMD2 Quality Standards
ED7 Business, Tourism and Leisure Development in the Countryside
ED8 Caravan and Camping Sites
HD3 Protection of Residential Amenity
EP5 Special Landscape Areas
EP7 Listed Buildings
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
EP15 Development Affecting the Water Environment
IS7 Parking Provisions and Standards
IS9 Waste Water treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

"Local Landscape Designations" SPG - Special Landscape Area 2 "Tweed Valley"
Scottish Borders Tourism Strategy Action Plan 2008
South of Scotland Competitiveness Strategy 2007-13
"Placemaking and Design" SPG
"Landscape and Development" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 10th August 2017

Whilst there is no direct planning history on the site in question, the same applicant has now received four planning consents for different variations of holiday chalet development on his field immediately to the north-west of this site. As background to consideration of the current proposal, the Handling Report for 15/00831/FUL (which added six holiday sheds to the previously consented nine chalets) is pertinent and stated the following:

"Planning permission is in place for a chalet development on this field at Kirkburn, granted by the Committee in November 2014. The approval was for 9 chalets totalling 16 bedrooms and was designed around a single access road with planting wrapped around three sides. The consent was subject to a number of conditions including phasing, access improvements, water, drainage, occupancy etc. An important condition related to landscaping where it was felt that thickening of areas was necessary, especially towards the B road and at the western/southern ends of the development. The development was supported by a Business Plan which was carefully considered and accepted by the Committee.

The current proposals are to seek more holiday chalet development within the original application site, submitted in two separate applications by different companies. The applications involve more land-take within the red lined boundary at the expense of landscaping generally. This application is largely on the higher land above the proposed original chalets but below the upper track which adjoins the Yew trees at the adjoining churchyard. The application does not fit in entirely with the consented layout but does so with the associated alternative application 15/00965/FUL.

The initial layout showed six small detached "Holiday Sheds" on the higher part of the field which was largely dedicated to schematic landscaping on the consented layout. Each shed would provide a living space with separate kitchen and bathroom. The sheds were arranged in a curve and vehicular access was to be provided from the top access road. A laundry/office building consisting of two conjoined sheds was to be provided to the north of the sheds, adjoining the proposed turning head for the remainder of the development. The sheds are modest in height with little else in the form of external material specification. Each appears to have a fuel burning facility with flue.

When processing adjoining applications for various agricultural buildings, tree height surveys were submitted and it was generally accepted that the site above that proposed for these sheds may have some potential for buildings, provided they were dug into the ground and ridge heights were less than 5m. It was considered that any visibility of such buildings from across the valley would be minimal and only the very upper part of any roof structure. The fact that the holiday sheds were proposed 2-3m below that level gave us comfort that

their visibility would also be minimal and largely masked by the roadside trees. However, there were concerns over the impacts on landscaping caused by the upper road, parking and arrangement of the sheds.

Revised plans were submitted which made several adjustments, some of which were not suggested ie. the laundry building moving westwards and the six sheds now being arranged in linear fashion along the upper part of the site. Nevertheless, the access to them is now brought from below with additional hedging and planting shown to the front and rear of the sheds. Whilst the details would still have to be controlled by condition, the modest sheds can still be satisfactorily framed by planting, especially on land within the application site and south of the new access road. An enhanced landscaping condition would be applied.

I am content, after noting the Landscape Architect acceptance, that ridge heights would be down below the known average tree height screening the development from across the valley from the A72. Combined with appropriate additional planting and external materials, their impact on the Special Landscape Area will not be sufficient to warrant refusal of the application. The sheds will be wholly clad in timber with grey eternit roofing and dark grey windows/doors. Whilst the comments of the objectors are understood in relation to diminution of landscaping, I believe that the proposal can be acceptable for the aforementioned reasons.

The laundry/office building remains despite previous requests that it be omitted or combined with the Hub House in the larger development. It is not unreasonable to allow ancillary and associated facilities on the site, albeit some may be duplicated in the Hub House. Nevertheless, provided the laundry building is controlled by condition so that it is not an occupied unit, then I am content that its provision is reasonable. It will match in form and scale with the holiday sheds.

There is some conflict with the consented scheme, especially as the revised application 15/00965/FUL is intended to be refused. The principal conflict relates to the roadway position which enters the site almost through the repositioned laundry building on the consented scheme. Whilst it may still be possible to implement parts of both the original consented scheme and the new scheme, in reality, only one scheme could be effectively developed out - and only one facilities building. Development of the whole of this current application would prevent any implementation of the consented scheme unless further revision to roadway and chalet positions was sought and approved. This choice would be up to the developer and an Applicant Informative would be attached to highlight the difficulties of attempting to implement both.

Because of this inability to develop both consented and proposed schemes, it was not considered an issue that the applicant was not willing to provide an updated Business Plan at this stage. Even a combination of both schemes that could be implementable would not lead to a level of increase in bedspaces that would justify a new Business Plan at this stage. The applicant then offered to provide a Business Plan but it is only seen as necessary on 15/00965/FUL.

At the last minute, the applicant submitted a further letter and revised plan which augments the planting along the B road and on the open land in front of the chalets - together with a slight variation in the line of the six sheds. None of these suggestions cause any issue and begin to address the requirements of adequate screening - although the conditions to be attached are still required, as the Department are requiring a thicker planting belt and buffer to the B road than the applicant intends, given the layout shown on 15/00965/FUL."

Subsequent to that position, a further revised consent was granted for four larger holiday sheds in place of the six as per 16/00892/FUL. All planning permissions were subject to conditions and none have been commenced.

This proposal, despite being submitted by the owner of the sites with permission for holiday purposes, involves land in the ownership of others. Although initially submitted with an application site boundary in excess of that allowed for under a Local Application, the boundary has now been reduced to just under one hectare and draft ideas about increasing the number of chalets and changing the access to through the applicant's own land have been dropped. The application, therefore, remains as originally submitted and commented on, apart from the site boundary being shrunk.

The proposal is to position 12 "mobile log cabins" on the western side of a curving access road which is intended to lead from the end of the Kirkburn road to the north (via a 10m tarmac connecting section), down

through the site to a field to the south, unmetalled. The access track would pass over Forestry Commission land. An agricultural building in the latter field has recently been refused planning permission (17/00806/FUL). The access road would be 4m wide with passing places. A compound for a STW is now proposed at the northern boundary of the site immediately east of the access road, rather than abutting the Kirk Burn. Although this may have been intended to address the concerns over flooding of the STW, its revised position has not been directly notified to the objectors. Had the intention been to approve this application, then further notification would have been necessary.

Each cabin would be 10m by 3m set onto the field which will be left as grazing part from a mown grass area for sitting beside each cabin and parking, accessed via a gravel access path. The application has been taken as a change of use and, thus, the cabins are considered to be "caravans" for the purposes of assessment and Policy application.

Policy ED8 is the principal Policy to be considered with regard to this proposal, which supports the provision of new caravan sites provided certain criteria are met. This Policy has to be cross referenced with Policy ED7 for new Business, Tourism and Leisure Developments in the Countryside. There are a number of areas where the current proposal fails to comply with these Policies, as follows:

SBTS and Business plan - both Policies require the proposal to be in compliance with the Scottish Borders Tourism Strategy and ED7 requires the submission of a Business Plan demonstrating this. Whilst Visit Scotland are prepared to consider the proposal to potentially be in accordance, a Business Plan was requested and has not been provided. The development to the north west was fully supported by a Business Plan. Although there is potential for the Tweed Valley in this location to support such mobile accommodation, this has neither been demonstrated as required nor related to the unimplemented holiday chalet approvals to the north west. The absence of justification means that Policy ED7 is contravened and Policy ED8 is not met in relation to demonstration of local economy support. This is also the view of Economic Development.

Sequential Test - ED8 favours caravan sites within or immediately outwith settlements to ensure that local services within those settlements are supported. The nearest settlement identified to this site within the LDP is Cardrona which contains a shop, cafe and hotel. As the main intention of this Policy is to support local access to such facilities principally involving visits that do not involve car transport, the B road leading from the site to Cardrona is neither suitable in distance nor character to support the settlement on any meaningful basis. As there is no Statement or Business Case to explore this issue further, it is concluded that the proposal is for a countryside location that is not favoured by LDP Policy ED8.

Unacceptable impact on infrastructure - whilst there are no reasons to suggest that other infrastructure cannot be made available to service this development, road access capacity remains an obstacle to this proposal. Roads Planning oppose the application due to the inadequacy and unsafe nature of the Kirkburn road at its sharp junction with the B Road. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. There are also concerns from residents of the small hamlet of Kirkburn who would experience safety issues as a result of their cul-de-sac becoming a through road to a holiday development.

The applicant had previously proposed a junction realignment but this was refused due to landscape impacts and a lack of demonstration that the realignment could be actioned. The applicant intends to take this refusal to the LRB. He then briefly suggested an access over his own land to the rear of the churchyard hedge but then withdrew this idea, remaining with the access via the Kirkburn road over Forestry Commission land. As Roads Planning cannot support the addition of traffic onto the current roadway and junction, the proposal cannot be considered to be in compliance with Policies ED7 and ED8.

Policy EP8 requires development to be sensitive to archaeological sites and settings. The Archaeologist is concerned that there are potential setting implications for the regionally significant Our Lady's Church and churchyard. The yew trees that surround the churchyard to the east are potentially at risk through development. On the basis of what has been submitted he cannot determine what these impacts might be, and recommends that a Design and Access Statement is required that clearly shows the proposal within the setting of the church from prominent viewpoints. In the absence of that, he cannot support this application. As submitted, the application is, therefore, in contravention of LDP Policy EP8.

The site lies within the Tweed Valley Special Landscape Area and is controlled by LDP Policy EP5 and the management recommendations for the SLA. Many previous applications on the applicant's landholding to the north-west were refused principally for landscape impact reasons, representing a poor landscape fit inadequately contained by existing landform or screening, to the detriment of the Tweed Valley SLA. The Landscape Architect has consistently opposed such applications. However, this application site is on the downslopes of the Kirk Burn and the Landscape Architect has taken into account the additional screening effects of the slope alignment, additional distance from the main public viewpoint on the A72, the Yew Hedge surrounding the churchyard and the backdrop of the shelter belt planting to the south of the application site boundary. Whilst she accepts that a small number of the mobile cabins may be visible at the southern end of the site, and more from the Forestry Commission right of way to the east of the site, she can accept the landscape impacts subject to some additional planting.

I am of the same opinion. The row of cabins will become increasingly noticeable to the south of the field but with careful planting and, perhaps realignment of the end of the road and cabin positions (given there is no need for it to continue into the next field), I do not believe there are sufficient landscape reasons to oppose the application under LDP Policies EP5, ED7 or ED8. A wider expansion of cabins across the higher parts of the field, as was briefly proposed then withdrawn, would certainly have increased impact and prominence from the A72.

All other matters raised by consultees and objectors have been considered but do not have sufficient material significance to outweigh the decision. There is a SEPA objection but this was based upon lack of drainage information which could have been sought.

REASON FOR DECISION :

The application is contrary to Policies ED7 and ED8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated through submission of a Business Plan that the proposal would be in compliance with the Scottish Borders Tourism Strategy or support the local economy and settlement facilities.

The application is contrary to Policies ED7 and ED8 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.

The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the development would not have an adverse effect on the setting of the archaeological sites of Our Lady's Church and Churchyard to the north of the site.

Recommendation: Refused

- 1 The application is contrary to Policies ED7 and ED8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated through submission of a Business Plan that the proposal would be in compliance with the Scottish Borders Tourism Strategy or support the local economy and settlement facilities.
- 2 The application is contrary to Policies ED7 and ED8 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.
- 3 The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the development would not have an adverse effect on the setting of the archaeological sites of Our Lady's Church and Churchyard to the north of the site.

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

REGULATORY SERVICES



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

Date: 22 June 2017

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

Ext: 6663

Ref: 17/00806/FUL

Subject: Erection of agricultural building and formation of new access track
Land South of 3 Kirkburn Cottages, Cardrona, Peebles

I am unable to support this application. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. I would not wish to support any development which would add additional traffic movements at this junction.

Given the above, I must recommend refusal of this application on road safety concerns.

AJS

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

Date: **31 July 2017**

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

Ext: **6663**

Ref: **17/00806/FUL**

Subject: Erection of agricultural building and formation of new access track
Land South of 3 Kirkburn Cottages, Cardrona, Peebles

The above proposal has been amended to highlight that access to the proposed agricultural building is now taken via the existing private access at Kirkburn. As with numerous other recent applications, there is a lack of information to accompany this application. I have copied below my response to other similar proposals in this vicinity which propose to utilise the same access.

There have been a number of applications for various agricultural purposes on this site and the surrounding land, without any clear vision of how all the various land uses will interact were they all to be granted. Previous comments to the applications requested additional information in the form of a Transport Statement which would detail the type, size and frequency of vehicles associated with each proposal. Given the lack of information which accompanies this proposal, I must again seek a Transport Statement to be submitted as part of this application before I can make an informed decision on this proposal.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00806/FUL
Uniform Ref	17/01567/PLANCO
Proposal	Erection of agricultural building and formation of new access track
Address	Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders
Date	28/6/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Noise

Nuisance

Water Supply

The uses of some agricultural buildings can impact on amenity and public health.

This development proposes to use a private water supply and drainage system. These can impact on amenity and 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.

Any waste materials arising from the development shall not be stored or disposed of in any manner which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

Reason To protect the residential amenity of nearby properties.

No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Informatives

Private Water Supply

To fulfil this condition, the following information should be provided.

1. A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
3. The name and address of every relevant person in relation to the supply.
NB. A “relevant person”, in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
4. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
NB. For boreholes/wells refer to BS ISO 14686:2003 “Hydrometric determinations – Pumping tests for water wells – Considerations and guidelines for design, performance and use”.
5. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
6. Where there are existing users of the proposed supply, the addresses of all such properties.
7. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
8. Where there are existing users of the proposed supply and / or there are other properties’ private water supplies in the vicinity of the development that may be affected thereby (e.g.

neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.

9. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled & monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in order for it to be classed as wholesome.

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.

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Landscape Architect

From: Development Management

Date: 29th June 2017

Contact: Craig Miller ☎ 01835 825029

Application Ref: 17/00806/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 13th July 2017. If no reply is received by 13th July 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 and formation of new access track

Site: Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

Outline Consent :

OBSERVATIONS OF: Landscape Architect

RE-CONSULTATION REPLY - S McDermott

The site was visited on 16th June.

Description of the Site

The site lies wholly within the Tweed Valley Special Landscape Area. The site comprised a strip of land within the field immediately to the south of Kirkburn graveyard, on which an access track would be formed, and a block of land approximately 50 x 28m in the next field south on which an agricultural shed 27 x 9m x 7.5m tall would be located.

The fields lie on the west side of the Kirk Burn valley and are moderately steeply sloping from the Laverlaw road down to the burn, including areas of more gently sloping ground and steeper areas with scree. The fields are used for pasture and are separated by a line of mature, mainly deciduous, trees. There are a number of gaps in this line of trees, one, towards the lower half of the field, has a gated field access through it.

Nature of the Proposal

The proposal is to form a track across the field from the north westernmost corner of the field, immediately to the south of the grave yard, across the field to a point on the southern boundary. The track will go through this field boundary and will expand to form a yard on which it is proposed to locate the agricultural shed.

Implications of the Proposal for the Landscape including any Mitigation

The track from the adjacent field to the north east, in the ownership of the applicant, appears to cross the field, mostly following a reasonably route. It then continues through the field boundary to be formed into a larger 'Farmyard'.

I have looked at the site from a point on the A72, across the Tweed valley and representative of views from this busy road, and I am of the opinion that neither the track nor the shed will be seen from this location, the shed largely screened from views from the north by the line of mature field boundary trees.

I also looked at the site from the Forestry Commission (FC) road that runs north - south from the FC Cardrona carpark along the east side of the Kirk Burn into Cardrona Forest. The fields are visible from here but I do not consider that the track across the field would be out of keeping with the existing land use or a visual intrusion into the local landscape. Travelling up the valley the agricultural shed would be visible to walkers across the Kirk Burn for a good stretch of the track but again it would not be out of keeping with the land use and the visual impact could be mitigated by some appropriate tree planting, of a scale to suit the proposed development and immediate landscape.

I also looked at the site from the Laverlaw road and consider that the shed would not be a visual intrusion, and its setting in the landscape could be improved by an appropriate planting scheme.

If this proposal is to be approved I would want to see the route of the track across the field following the 185m contour from the NE corner of the field to where it meets the southern field boundary. This appears to correspond with a break in the tree line and it should be a prime consideration of finalising the route of the track and the location of the shed that it does not affect any of the existing trees or require any of them to be removed.

Conclusion

Given that the proposal, in landscape and visual terms, is not inappropriate to the current land use nor is it highly visible, If the exact route of the track, the location of the shed and a scheme of tree planting could be agreed , I would not object to this proposal.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 7th June 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00806/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th June 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 28th June 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 and formation of new access track

Site: Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation on this proposal. There are potential archaeological implications for this proposal.

The proposed access track is adjacent to the medieval and post-medieval churchyard surrounding the ruins of Our Lady's Church. The original layout of the churchyard is unknown, the current being of likely 18th century date. There is therefore some potential for buried archaeology to exist within the footprint of the proposed track including human remains. Human burials are protected under Scots Law and should remain in situ. In addition, a bronze axe, likely Bronze Age in date, was found within or near to the field through which the track is proposed. This may indicate buried archaeological features from which the object came within the area of the proposed development. However, the scale of what is proposed, and the unfinished nature of the track presents a low potential for encountering buried archaeology of this nature.

Given the separation of the proposed agricultural building from Our Lady's Church and churchyard, and its setting lower within the valley, I do not feel there would be setting implications from this proposal.

While I support the principle of development, I note the potential for buried archaeology. Given the scale of the proposal, and in particular the use of existing and non-metalled access tracks, I do not recommend mitigation at this time. However, I do recommend adding the informative below as the chance discovery of buried archaeology, and human remains in particular, may require further assessment per PAN2(2011).

If consent is granted I recommend the following informative:

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per

PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 7th June 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00806/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th June 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 28th June 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 and formation of new access track

Site: Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

There are no comments from Economic Development.

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

24th June 2017

Mr Craig Miller
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Mr Miller

Application 17/00806/FUL – Erection of agricultural building and formation of new access track land south of 3 Kirkburn Cottages Cardrona Peebles

This application should be refused on the following grounds:

That the access road at Kirkburn is not only owned by the Forest Enterprise Scotland. The Kirkburn residents also have rights to this road and the access in question at the end of no. 3 Kirkburn leads into a Forest Enterprise owned field. This road was built to serve the needs of the hamlet of Kirkburn during the time the properties were owned by the then Forestry Commission. It was never meant to serve construction vehicles and equipment and following on from that, if this application is passed, agricultural vehicles and equipment and livestock. It is totally unsuitable for this type of traffic. It is not a public road. It should also be noted that Mr and Mrs Van Wyk, nor any previous owners of this field, have ever required access from our Kirkburn road to their land in the past. There is already suitable access from Laverlaw Road.

The B7062 leading up to Kirkburn Road is a tortuous route and is not suitable for large vehicles as noted on the road signs. Kirkburn Road itself is a narrow winding single-track road leading to four private properties, the privately-owned William Cree Memorial Church and Kirkburn Graveyard with scheduled ancient monument. Road safety would be of the utmost concern if traffic was increased at this junction.

The shed in question is located on the field adjacent to the Forest Enterprise field on land owned by Mr and Mrs Van Wyk, although Mr and Mrs Van Wyk no longer live and work in the area. Mr Cleghorn, Mr and Mrs Van Wyk and others have met with Forest Enterprise officials to try to persuade them to agree to give them access across their land. We are not aware that this has been forthcoming.

The question is, why is the developer named on the application, submitting planning applications in his name on behalf others who wish to develop their land?

We urge you to refuse this application.

Yours sincerely



Stuart and Cath Mitchell

Cc: Forest Enterprise

Kirkburn Church
EH45 9HU
24th June 2017

To S.B.C Planning Department

Dear Mr Miller

Planning application number 17/00806/FUL | Erection of agricultural building and formation of new access track

We wish to submit the following objections to this proposed development;

The proposed access route, which passes through the hamlet of Kirkburn, is clearly unsuited to the increase in traffic that would arise in construction and use.

The proposed development would have a negative visual impact on a designated Special Landscape Area.

Thank you in anticipation of your consideration of these objections.

Yours sincerely,

A Johnston and C Goodsir.

William Cree Memorial Church

Rec. 28611

26 June 2017

7 Kirkburn Cottages

Peebles EH45 9HU

To Mr C Miller (Lead Planning Officer)

Subject application number 17\00806\FUL

Proposed erection of agricultural building and formation of new access track

CM
①

Dear Sir

We have the following concerns regarding this application.

Increased traffic volumes generated on the narrow road which serves the five residential properties at Kirkburn. We note the application requests ten parking spaces.

There is limited space at the frontage of 3 and 4 Kirkburn cottages if any resident occupant of those properties chose to park a car at their front gate (not an unusual action) access beyond would be blocked. There is no space to widen the existing road at this pinch point without disruption to the boundary dyke of the graveyard.

Water supply safety however is our greatest concern the water supply pipe to Kirkburn cottages runs through the fields in question along a similar line to parts of this proposal. Pipeline damage is a concern as would be access to affect repair in future years.

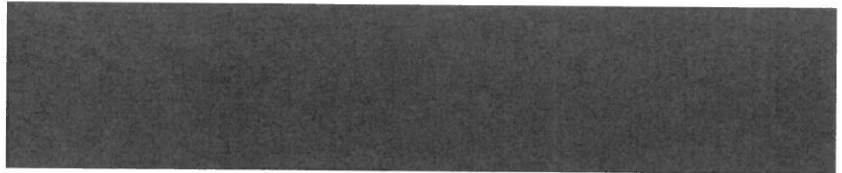
We note access to these fields is historically taken from gates on the Laverlaw road or the gate from field 0328 at the rear of the graveyard. We see no need to disrupt the lives of five families by introducing agricultural and additional traffic volumes on a narrow road.

We feel such a large shed in this position would detract from the visitor experience of walkers and forest users in that it will impact on the currently open pastoral views that rise up above the serpentine twists of the Kirkburn watercourse.

There is no justified agricultural need provided for this shed.

Accordingly we object to this proposal

Yours sincerely K & I JACKSON



(P.S. As far as we are aware Peebleshire has never been considered as a crofting county. This small agricultural unit remains we assume in other ownership and is unlikely to be registered as a croft.)

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

1st July 2017

Mr Craig Miller
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Mr Miller

Application 17/00806/FUL – Erection of agricultural building and formation of new access track land south of Kirkburn – new drawings dated 19th June 2017

This change of application should be refused on the following grounds:

The private water supply and drainage are not depicted on the latest drawing. If the drainage is leading to a watercourse, one can only assume that watercourse is the Kirk Burn. Surely this will impact on the water quality of the Kirk Burn and also have a detrimental effect on the wildlife. For example, salmon use the burn to spawn, otters and kingfishers have been seen in its environs. It could be especially detrimental given that this is to be an agricultural building which could, at times, contain livestock, i.e. cattle. Cattle run-off can be particularly noxious to natural water courses.

Most important of all is that the drainage system and the earthworks to install it, will conflict with the water pipe system in the field that serves Kirkburn Cottages. Kirkburn private water supply was created especially for the cottages when newly built, by the then Forestry Commission from a natural spring up in the hills and is piped down through forest and fields to supply the Kirkburn Cottages. The water supply and its equipment is owned severally by the Kirkburn Cottages residents. We object on the grounds that this will have a direct impact on our water.

With regard to sewage treatment, any treatment plant near our properties could have an impact because of bad odours. Reed beds are notorious for smelling badly. One only has to walk through parts of Cardrona Village to smell their reed bed.

While the new access track proposal does not impact upon Kirkburn Road any longer, as previously noted, the B7062 leading up to Kirkburn is a tortuous route and is not suitable for large vehicles as noted on the road signs. Road safety would be of the utmost concern if traffic was increased in this area.

We urge you to refuse this application.

Yours sincerely

Stuart & Cath Mitchell

Stuart and Cath Mitchell

Rec 25-617

8 Kirkburn Cottages,

Peebles ,

EH45 9HU

26-07-17

Planning & Technical Services Department

Scottish Borders Council

RE ; Application no 17-0086-FUL

17/00806/FUL



CM

Dear sir,

I have lived here the longest of all current residents arriving soon after Kirkburn cottages were built in 1958 during that time much has changed . the church has closed and been reincarnated in to a house with visually sympathetic extension .

The yew hedging around the grave yard has grown beyond recognition when my children were young I could watch them play safely in the old churchyard from my garden.

Forest Horses were once kept in the low ground at the back of the houses.

The workers used to have a painting week every few years when the men were given time off to maintain each- others homes.

The last small forestry commission van departed several years ago when Mr Mitchell at number 4 retired . Three of the four Swedish houses still are occupied by people whose livelihoods were forest related one still working as a forest contractor.

Then as now we retain a strong community bond

A constant throughout my years here has been the road it is twisty but you learn to appreciate that, but its awkwardness provides its own safety as generations of children playing or riding bikes could testify .

This unnecessary application can only increase traffic levels something the council has long resisted due its perception of our road.

Its fair to say I am less sprightly than I was now and my hearing less acute, but I still walk my dog on the road daily and into the space beyond number 3 to enjoy the view up the valley . The space immediately beyond the graveyard gate is only wide enough for a single vehicle to park.

I am worried this plan will endanger our water supply which runs through the two Laverlaw fields indicated in the submitted plan.

Laverlaw fields have never been serviced from the Kirkburn road .The boundary dyke and fencelines of forest land both run straight downhill to the forestry road. Red squirrels use this area just last week I enjoyed watching one running along the graveyard dyke.

I cannot find words to adequately describe the ongoing anxiety each of these applications from Cleek Poultry causes me . I don't type and time and time again I have to get my children to assist me in relaying my thoughts to the planning department. I would much rather be gardening.

I object to this application, I am sorry to take up your time.

Yours faithfully

Jean.R. Wilson



3 Kirkburn Cottages

27 Jun. 17

EH45 9HU

To Planning and Development Scottish Borders Council

Subject Planning applications reference numbers 17/00806/FUL &

17/00809/FUL

Dear Sir

I object to these proposals with reference to policy HD3 . I believe these applications will impede on my residential amenity via the generation of traffic noise.

I and my family live literally and physically at the end of the road . These applications indicate 46 parking spaces for agricultural and tourist usage. I have for the last seventeen years exited my front gate and accessed my parked car (as did previous occupants). The road here is narrow. Stepping out of my gate places me directly onto the road, this normal everyday activity would become a very different and potentially dangerous situation should these plans be approved.

The physical nature of the space bounded by my house on one side and the tall yew hedging on the other tends to trap and funnel noise and vehicle fumes. In winter or on still nights downdrafts can cause chimney smoke to funnel into this space and beyond.

The construction and groundworks for the road track and associated components pose the risk of damage to our water supply pipe.

These applications would suggest increased traffic flows of a level hitherto unknown on this road.

In my opinion for the applicant to try and extend his consented holiday facilities via this route is both inconsiderate and ill-conceived.

Euan Barber



1 July 2017

7 Kirkburn Cottages

Peebles EH45 9HU

To : Mr C. Miller (Lead Planning Officer)

Subject ; Planning application reference 17\00806\Ful

Having viewed the council web portal yesterday I became aware following reading the reply from the councils Landscape architect that a revised drawing had been submitted and registered on 19 June 17.

This drawing whilst not perhaps a material change does appear to be significant enough to merit comment.

In principle I am less concerned with potential traffic impacts on Kirkburn cottages suggested by this access route option but feel I must maintain my objection as no similar traffic routing appears to be forthcoming regarding the concurrent application 17\00809\FUL.

Should these two applications both be approved a loop system of routing could be established to the detriment of Kirkburn residents.

The implications of the revised drawing presumably will require an archaeological condition as the proposed track passes in close proximity to the graveyard bounding the Historic monument and is in a zone not considered by the councils Heritage officer in earlier planning applications and as yet undisturbed.

The yew hedging surrounding has a substantial break on the southern boundary towards the rear of the graveyard which surrounds the listed monument. The setting of the monument and graveyard should be considered and respected from within as well as from without, development or advice regarding mitigated planting may wish to consider this. This hedge break \window\ offers the only surviving view from the grave yard to the countryside beyond its bounds. This open view of the landscape should be retained for the benefit of visitors to the monument.

My water supply pipeline concerns remain.

I trust that as latest advert expiry date has not yet arrived these comments are able to be considered.

Yours sincerely I JACKSON.

CC Landscape architect.

To Local Review Body Scottish Borders Council

From-The Residents of Kirkburn

6 September 2017

Subject Appeals references- 17 00032 RREF

17 00033 RREF

17 00034 RREF

We thank you for this opportunity to reaffirm our unanimous objection to these proposals. We ask you to consider the impacts on the building group and our residential amenity these proposals would create.

The appellant has submitted forty planning applications in his smallholding since 2015 he fully understands how the planning system works.

We are content with existing access arrangements to our small building group. We do not take our own safety or that of others lightly. Statistical modelling and interpretation of risk potential is an incumbent duty of Roads planning officers. The existing junction and access road serves the building group well as empirical evidence suggests. The junction could be considered awkward in usage in respect of left turns into the minor road but drivers seem to manage without incident.

We ask you to respect the Planning officers judgement and note that there is a precedent here.

The appellants existing planning consents and there business plans are not dependant on these applications. Access to facilitate and service proposed developments are containable within field 0328. We do not interpret these proposals as an act of altruistic largesse but rather an attempt to blur the previously accepted boundary between the building group as it exists and the proposed tourist developments with a view towards future planning revision.

Should the appellant choose to do so he could easily secure footpath access to Cardrona forest walks by directing pedestrians to use the route he uses when walking his dog (via the gate at the rear of the graveyard and down the south side of the graveyard dyke to the fence adjacent to forest access road). The applicant states he leases this land. This route would inconvenience no one in the building group. Such a route would not require access to forestry land a simple stile or kissing gate and some fencing would suffice.

We ask you to note a further refused planning application in your deliberations regarding these three appeals before you today, application 17 00809 FUL. (Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins)

This application (not yet being appealed) was submitted shortly after(17 00806 ful) 17 00034 REF. We however feel it is of relevance as a memo for Craig miller from A J Cleghorn dated received by planning 7 AUG 2017 concludes with the following lines .

" I have decided to revert to the original access through the Kirkburn Road. It is my intention to appeal the planning refusal notice for the Kirkburn Access upgrading."

Upholding the officers decisions will not impact upon the planning applications the appellant has consent for, nor their financial requirements. Reversal however would impact on the existing landscape, residential amenity and setting of the listed buildings.

Thank you for your consideration of our concerns we are

J Wilson 8 Kirkburn Cottages

I & K Jackson 7 Kirkburn Cottages

A Johnston & C Goodsir William Cree Memorial Church

S & C Mitchell 4 Kirkburn Cottages

E Barber 3 Kirkburn Cottages

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

6th September 2017

Ms Fiona Walling
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Ms Walling

Appeal for application 17/00806/FUL – Erection of agricultural building and formation of new access track land south of No. 3 Kirkburn

With regard to the appeal for the above application, the same criteria apply as in our original objections.

We noted that the private water supply and drainage are not depicted on the latest drawing. If the drainage is leading to a watercourse, one can only assume that watercourse is the Kirk Burn. Surely this will impact on the water quality of the Kirk Burn and also have a detrimental effect on the wildlife. For example, salmon use the burn to spawn, otters and kingfishers have been seen in its environs. It could be especially detrimental given that this is to be an agricultural building which could, at times, contain livestock, i.e. cattle. Cattle run-off can be particularly noxious to natural water courses.

Most important of all is that the drainage system and the earthworks to install it, will conflict with the water pipe system in the field that serves Kirkburn Cottages. Kirkburn private water supply was created especially for the cottages when newly built, by the then Forestry Commission from a natural spring up in the hills and is piped down through forest and fields to supply the Kirkburn Cottages. The water supply and its equipment is owned severally by the Kirkburn Cottages residents. We object on the grounds that this will have a direct impact on our water.

With regard to sewage treatment, any treatment plant near our properties could have an impact because of bad odours. Reed beds are notorious for smelling badly. One only has to walk through parts of Cardrona Village to smell their reed bed.

The access at No. 3 Kirkburn is not suitable for construction traffic, nor for agricultural vehicles. It is a single track gravelled road leading to the Kirkburn properties. It would not be safe to allow such vehicles to trundle up the single-track road past our properties, which could be during the day or night. The noise and vibration of large vehicles could be detrimental to our road and properties. It is not acceptable, and as previously noted, the B7062 leading up to Kirkburn is a tortuous route and is not suitable for large vehicles as noted on the road signs. Road safety would be of the utmost concern if traffic was increased in this area. Again, please note that the access road at No 3 Kirkburn is not owned by the developer.

We urge you to refuse this appeal.

Yours sincerely

Stuart & Cath Mitchell

Stuart and Cath Mitchell

List of Policies

Local Review Reference: 17/00034/RREF

Planning Application Reference: 17/00806/FUL

Development Proposal: Erection of agricultural building and formation of new access track

Location: Land South of 3 Kirkburn Cottages, Cardrona, Peebles

Applicant: Cleek Poultry Ltd

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,

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.

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

List of Policies

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

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

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

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.

List of Policies

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

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

Any development that may impact on the woodland resource should:

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

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012



NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

A HEARING IS REQUIRED TO ENSURE ALL ABOVE ALLEGATIONS ARE CLEARLY UNDERSTOOD AND THAT ASSUMPTIONS ARE NOT MADE THAT WOULD MATERIALLY AFFECT THE APPEAL RESULT.

Site inspection

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

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

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

Statement

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

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

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

See attached document for all reasons for review.

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

Yes No

If yes, you should explain in the box below, why you are raising 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.

- 1) Planning Ref. 2835434 - 'Supporting Information' for 17/00380/FUL supplied to SBC Planning, dated on website as 10/3/17 - copy provided
- 2) Planning Ref. 2863729 - Correspondence 'Chris Edge' for 17/00380/FUL supplied to SBC Planning, dated on website as 4/5/17 - copy provided
- 3) Planning Ref. 2865413 - 'Decision' for 17/00380/FUL supplied by SBC Planning and dated on website as 5/6/17 - copy provided
- 4) Planning Ref. 2244945 - 'Decision Notice' for 10/00156/FUL supplied by SBC Planning and dated on website as 13/6/17 - copy provided
- 5) Planning Ref. 2865419 - Location plan for Jordonlaw Granary - copy provided

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

26/8/17

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

**Appeal to Rejection of Planning Application 17/00380/FUL for Jordonlaw Granary, Westruther
'Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting'**

Summary of Appeal

We wish to appeal to the rejection of planning application 17/00380/FUL as detailed in the planning officer's report. We contend that the report did not consider the current planning consents accurately, made incorrect assumptions on the risks to road users of the development, did not rigorously check the accuracy of objector's statements, and hence flawed conclusions were used to reject the application. Specifically :-

- 1) Jordonlaw Granary can be fully occupied under existing planning consents without any limitations on vehicle movements and therefore short-term letting will not promote any additional vehicle movements.
- 2) Proposals for mitigating concerns about possible B&B use were not considered.
- 3) Unfamiliar visitors to a short-term let will reduce road safety risks as statistics clearly show they are more cautious; familiar drivers show 'complacency due to familiarity' and have 2/3 of all accidents close to their home.
- 4) The entrance to Jordonlaw Road can safely accommodate two passing vehicles.
- 5) A survey of users of Jordonlaw Road shows that it's access to and from the B6456 presents minimal risk to road users, confirmed by the fact that there has never been a road traffic accident at the junction over the last 17 years at least.

This document will show that the assumptions made in the planning officer's report with respect to a potential increase in vehicle movements if this application were to be granted are flawed. For an increase to occur this would have to assume that Jordonlaw Farmhouse and Jordonlaw Granary could not be fully occupied by a single household, and this is contrary to the current planning consents set out in 10/00156/FUL. This document also shows that considerations of road safety were not rigorous nor based on accepted methods of Risk Analysis, and that supporting information was inaccurate or followed incorrect assumptions. The appeal to 17/00380/FUL should therefore be granted as the development can only be reasonably seen to represent no increased risk to road users.

Susan & Chris Edge
Jordonlaw Farmhouse
26/8/17

**Appeal to Rejection of Planning Application 17/00380/FUL for Jordonlaw Granary, Westruther
'Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting'**

We wish to appeal to the rejection of planning application 17/00380/FUL, as detailed in Refs. 1&2, due to the following reasons :-

- 1) The consideration of road safety issues was not rigorous nor consistent.
- 2) Incorrect facts, assumptions and extrapolations from facts were presented to support the decision.
- 3) Proposals for mitigation of specific concerns communicated with the planning officer were not considered.
- 4) Subjective rather than objective views were used in key statements used to derive conclusions.
- 5) The conclusions of the report being based on items 1 to 4 above are therefore flawed.

The reason for the rejection of planning application 17/00380/FUL (Ref. 1) is stated as being that it would '*promote an increase in the volume of traffic requiring to use the sub-standard junction between the public road (B6456) and access road at Jordonlaw Farm, with potential to increase road safety concerns for road users at and around the same road junction*'.

The justification for this reason is stated (Ref. 2) as (my bold) '*the shortterm/holiday let use is only reasonably considered to be in addition to the operation of the Applicant's private residential use. This is, firstly, because further to any approval to allow a short-term letting use of 'The Granary', the Applicant's private residence would then be capable of accommodating bed and breakfast guests in line with what is allowed within a residential use of the property without any account having to be taken of any accommodation within 'The Granary'. This therefore has potential to increase the accommodation that the Applicant is able to offer to paying guests, and by extension, the number of vehicles liable to access 'Jordonlaw Farmhouse'. Secondly (and while it may be that the Applicant has no intention of offering bed and breakfast accommodation within the remainder of his property), it is still the case that any approval of the current application which would allow for 'The Granary' to be used for short-term letting/holiday let use, would in itself promote the use of this outbuilding as a separate residence, and therefore by extension, it would promote an increase in the number of vehicles liable to use the Jordonlaw Farm access road and junction.*'

It is clear that road safety is the key concern in the report, however, it is our contention that no additional vehicle movements could result from this application above those that are reasonably permitted under the existing planning consent afforded by 10/00156/FUL; our reasons why are detailed below.

Consequences for Vehicle Movements

To make a rigorous, objective and consistent analysis of any change to potential vehicle movements as a result of 17/00380/FUL then clearly, using standard practices of Risk Analysis and Near-Miss Analysis. the worst-case must be considered, which is one of full occupancy of both Jordonlaw Farmhouse and Jordonlaw Granary by either current and/or future owners. The existing planning consent afforded in 10/00156/FUL is restrictive only in as much as it stipulates a) occupation as ancillary accommodation to Jordonlaw Farmhouse and b) no conversion to a separate dwelling or to business use (both Condition 3). It provides no restriction on who can occupy, eg children of school age, daily commuters, the elderly requiring levels of nursing or social care, etc, nor how many vehicles they can own, nor on how many vehicle movements they can make. People who occupy Jordonlaw Granary on a short-term let will not be driving children to schools, will not be commuting to work, will not require nurses to tend them, will not have postal/courier deliveries made to them, and thus clearly do not represent the worst-case occupancy situation as regards vehicle movements. The PO's report simply proposes there will be more vehicle movements '*by extension*' yet does not provide any evidence to support this; here we provide the evidence that this reasoning is flawed and that there will in fact be the potential for fewer vehicle movements if Jordonlaw Granary is let short-term. For the PO's report to suggest that letting of the Granary '*is only reasonably considered to be in addition to the operation of the Applicant's private residential use*' is wrong in fact as it can only reasonably be considered an alternative to fully-occupied private residential use. In simple terms, for an increase in vehicle movements to occur this would have to assume that Jordonlaw Farmhouse and Jordonlaw Granary could not be fully occupied by a single household, and this is contrary to the current planning consents. We therefore conclude that the PO's analysis of change to potential vehicle movements is not rigorous, does not objectively consider worst-cases of current permitted vehicle movements, and hence is inconsistent with standard practices of Risk Analysis and Near-Miss Analysis.

Bed & Breakfast Accommodation

We find it disappointing that our proposal for a planning condition to remove rights to offer B&B at Jordonlaw Farmhouse, as discussed with the planning officer (PO) in May 2017, were not included in the report. We reiterate that we have no intention to provide this facility and would be very happy to accept a planning condition to this effect. This would mitigate any concerns that B&B would result in more vehicle movements. Notwithstanding the above, the same argument on vehicle movements above can legitimately be applied to B&B residents as those for short term-letting. Specifically, people using a property for B&B will not be driving to schools, will not be commuting to work, will not require nurses to tend them, will not have postal/courier deliveries made to them, and thus do not represent the worst-case fully-occupied situation as regards vehicle movements. Accordingly the statement '*This [B&B use] therefore has potential to increase the accommodation that the Applicant is able to offer to paying guests, and by extension, the number of vehicles liable to access 'Jordonlaw Farmhouse'*' is factually inconsistent with worst-case full-occupancy.

Within the PO's report there are some statements used to support or amplify concerns that do not hold. The most important (but not all) of these are detailed below.

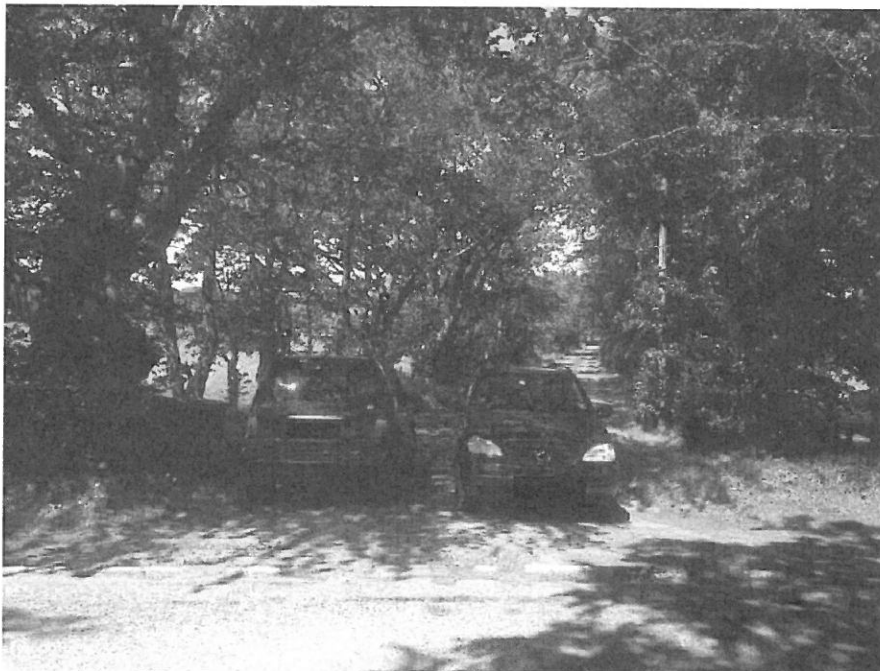
Unfamiliar Visitors

The PO's report states that *'It could be added that the operation of a tourist accommodation use at the site (as opposed to use by the Applicant's private guests) might be liable to bring a higher number of visitors to Jordonlaw who are unfamiliar with the area; and with the road junction in particular'*. The clear implication here is that these visitors represent a greater risk to road users yet this is not supported by statistics of road accidents and classic Risk Analysis where 'complacency due to familiarity' is one of the 5 major causes of accidents; surveys report that typically 1 in 3 accidents happen within 1 mile of your home and 2 in 3 within 5 miles (Ref. 3). The reverse is in fact true for unfamiliar surroundings, with more care being taken by drivers on unfamiliar roads, so in the context of this application, there will in fact be a small reduction in the risk of an accident if Jordonlaw Granary is short-term let to those unfamiliar with the area compared to those of a single household that will be familiar with the area.

Passing Vehicles at Junction of Jordonlaw Road and B6456

The SBC Roads consultation report proposes that the access to the B6456 from Jordonlaw Road is not wide enough to accept two vehicles in cases where one vehicle is trying to enter the driveway as another is leaving, as noted in objection (Ref. 4). The PO's report further states that *'The objection raised by a neighbour is also highlighted as being a very useful lead in terms of how the junction operates on a day to day basis; and it is considered that this also has to be taken into consideration'*. It was noted in correspondence with the PO (Ref. 5) and now latterly by additional personal conversations (Ref. 6) that this is not supported by ourselves, visitors to Jordonlaw Farmhouse, our other neighbours, or by regular commercial traffic using Jordonlaw Road. To be specific, none of these road users that represent ~90% of all vehicle movements along Jordonlaw Road have ever experienced, even once, the scenario proposed in the PO's report over the last 17 years at least. To suggest that the objector's scenario therefore represents *'how the junction operates on a day to day basis'* is not supported by the facts and therefore should not be considered an accurate or objective statement.

To provide some further objective evidence, the photo below shows two wide SUVs at the junction of Jordonlaw Road and the B6456 showing that they indeed can pass, thus the statement in the PO's report noting a *'lack of width in the junction area to allow two vehicles to pass.'* is factually incorrect.



Two SUVs Passing at the Junction of Jordonlaw Road and the B6456

In summary there is minimal potential for vehicles to be stationary on the B6456 waiting to enter Jordonlaw Road and hence the view that stationary vehicles on the B6456 are *'how the junction operates on a day to day basis'* (Ref. 2) is neither objective nor accurate.

Conclusions

This document shows that the assumptions made in Ref. 2 with respect to a potential increase in vehicle movements if this application were to be granted are flawed. For an increase to occur this would have to assume that Jordonlaw Farmhouse and Jordonlaw Granary could not be fully occupied by a single household, and this is contrary to the current planning consents set out in 10/00156/FUL. This document also shows that considerations of road safety were not rigorous nor based on accepted methods of Risk Analysis, and that supporting information was inaccurate or followed incorrect assumptions. The appeal to 17/00380/FUL should therefore be granted as the development can only be reasonably seen to represent no increased risk to road users.

Susan & Chris Edge
Jordonlaw Farmhouse
26/8/17

References

- 1) https://eplanning.scotborders.gov.uk/online-applications/files/0ED1E857176E8A4A3DA24617CCB04E93/pdf/17_00380_FUL-REFUSAL-2865413.pdf
- 2) https://eplanning.scotborders.gov.uk/online-applications/files/4BA2B40C6D24B88D8C58B2DC9ABE3ECC/pdf/17_00380_FUL-OFFICERS_REPORT-2865416.pdf
- 3) <http://www.which.co.uk/news/2009/08/most-car-crashes-happen-near-home-182595/>
- 4) https://eplanning.scotborders.gov.uk/online-applications/files/ED541EAF9F399967114F4318143252ED/pdf/17_00380_FUL-NEIL_WILSON-2843068.pdf
- 5) CHE final comments to PO
- 6) Conversations with neighbours and commercial users, (May to July 2017)

Application to Revise Planning Condition 3 on Consent 10/00156/FUL – Jordonlaw Granary

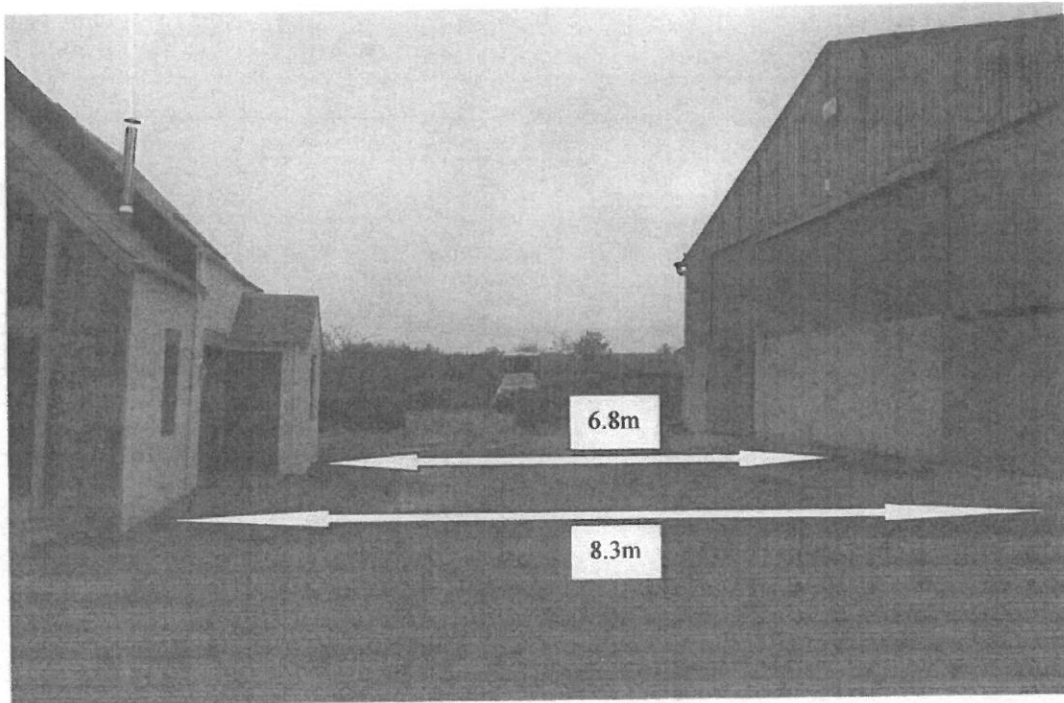
We write this note as supporting information for an application to revise a planning condition on Jordonlaw Granary, Westruther. Currently we are only able to use this designated annex to Jordonlaw Farmhouse for personal use but now wish to be allowed to use the property as short-term rented accommodation via a revision to planning Condition 3 of planning consent 10/00156/FUL.

Current and Potential Use

The Granary Completion Certification (Building Warrant Ref. 10/00954/CONALT and amendments) was obtained on 12/3/15 and since that date family and friends have stayed in the property. All our Jordonlaw Granary occupants have taken the opportunity to visit Borders towns and use the Borders Railway and many now plan return visits for 2017 and beyond. All have expressed a view that the property is ideal for renting and further have asked if their friends could rent the property for short breaks in the Borders; we have also received a similar request from one of our neighbours. Obviously we have been unable to be to this due to Condition 3 of our planning consent but clearly we have a property that will suit short-term holiday letting and, in a very small way, will bring some additional tourism to the Scottish Borders. Accordingly we are now applying to allow Jordonlaw Granary to be used for short-term rental.

Vehicular Issues

We note past concerns about parking and vehicle access. Below is a photograph of the north elevation of Jordonlaw Granary looking west.



As measured there is a minimum of 6.8m of clear access in front of Jordonlaw Granary to the next building and an additional 1.5m of curtilage along some of the north frontage. When a car has been parked in this area there has been no restriction to the movement of vehicles including long articulated farm tractors & trailers, delivery vans, oil delivery lorries and similar. We have specifically spoken to the main farm owner/user of the access road who expressed no concerns over the occupation of Jordonlaw Granary with respect to their farm vehicle access. We further note that the driveway (known as Jordonlaw Road) is ~2m wide with a sharp corner to access Jordonlaw properties, accordingly any access limitations are not associated with car parking outside of Jordonlaw Granary but to the driveway geometry itself.

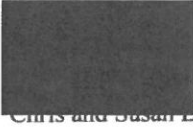
In terms of the access to the B6456 from the driveway there is an observed average of 8 vehicle movements on the access road per day, every day, and since moving to Jordonlaw Farmhouse in late-1999 we are unaware of any incidents or problems with ingress and egress with this junction; so almost 50,000 movements without incident. Logically we see no greater risk of incidents whether the Granary is rented or occupied by family and friends.

Conclusion

In summary, this is an opportunity to provide additional tourist accommodation available in the centre of the Borders region with easy access to the Borders Railway and beyond. The history of the property occupation suggests no detrimental effects would occur and hence we would welcome your acceptance of this planning application.

Please feel free to contact us if you require any clarification or further information.

Best regards,



Chris and Susan Edge

From:Herkes, Stuart
Sent:1 Jun 2017 14:53:47 +0100
To:Planning & Regulatory Services
Subject:FW: 17/00380/FUL Jordonlaw Granary

Hi

Please could a redacted version of this advice (dated to 04 May) be put online for the above. Thanks very much

Regards

Stuart

Stuart Herkes MRTPI

Planning Officer (Development Management)

Regulatory Services

Scottish Borders Council

Council Headquarters

Newtown St Boswells

Melrose

Scottish Borders
TD6 0SA

Tel: 01835 825039

Fax: 01835 825158

Email: sherkes@scotborders.gov.uk

To assist us with your enquiry, please quote the relevant Planning Reference Number in your correspondence.



Development.scot

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From: [REDACTED]
Sent: 04 May 2017 10:21
To: Herkes, Stuart
Subject: Re: 17/00380/FUL Jordonlaw Granary

Stuart,

Thank you for the opportunity to respond to some points raised during the consultation process of the above reference planning application. I note in particular the conflicting advice given by SBC Roads in December 2016 and now more recently.

Taking the specific objection that this application will result in more potential vehicle movements using Jordonlaw Road, then this simply is not the case. Our current planning consent (ref. 10/00156/FUL) allows full occupancy of Jordonlaw Farmhouse and Granary (4 bedrooms total) with unlimited associated vehicle movement - this is the 'limiting case' which has occurred on a number of occasions. Should Jordonlaw Granary be occupied as a short-term let then the limiting case, both occupancy and vehicle movements, will clearly be unchanged and thus represents no greater risk to road users.

Should the assessment criteria for every similar planning application be different than this, then clearly every occupied dwelling that wishes to take advantage of short-term letting will be subject to a SBC Roads objection even if vehicle movements are even reduced as a result.

Note has been made in objection of an incident in June 2010 hence I spoke to the driver and passenger of the impacted car (both neighbours) on April 11th about the details. They both confirm that their vehicle was hit, quote "a measured 300m from the driveway entrance" and thus the driveway (Jordonlaw Road) was not a contributory factor. In fact simple analysis of the impact information shows that the two vehicles must have been more than the statutory visibility

distance apart as the impacting car came around the bend west of Jordonlaw Road, so other factors were at play. Accordingly my statement of >50,000 vehicle movements via the B6456 in the last 16 years without an accident is correct.

I can also confirm, along with our neighbours above, that at no time have our vehicles been left stationary on the B6456 due to vehicles exiting Jordonlaw Road, and to ensure a balanced view we simply do not recognise the scenario noted in objection. In reality the verge width of ~4m at the top of Jordonlaw Road is more than enough for two vehicles to pass each other, and we occasionally do so with consideration for the other vehicle.

Our neighbours can of course confirm those two important points if requested.

In conclusion this application will not increase vehicle movements and thus represents no greater risk than is already allowed under planning consent 10/00156/FUL. Further the historical data does not support the opinion that the junction is dangerous, accepting of course that it does not meet current statutory visibility standards.

Regards,

Chris Edge

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00380/FUL

To : Susan And Chris Edge Jordanlaw Farmhouse Westruther Scottish Borders

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

Proposal : Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting

**at : Jordonlaw Granary Jordonlaw Road Westruther Gordon Scottish Borders
TD3 6NF**

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

**Dated 5th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00380/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposal does not comply with Adopted Local Development Plan Policies PMD2 and ED7 in that it has potential to generate increased road safety concerns principally because the proposed variation to Planning Condition No 3 attached to Planning Consent 10/00156/FUL would allow the existing residential annexe ('The Granary') to be operated as a short-term or holiday let accommodation unit, which would be a new separate residential use over and above (that is, in addition to) the operation of the existing residential use of 'Jordonlaw Farmhouse'. This would promote an increase in the volume of traffic requiring to use the sub-standard junction between the public road (B6456) and access road at Jordonlaw Farm, with potential to increase road safety concerns for road users at and around the same road junction.

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.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 10/00156/FUL

**To : Mr & Mrs Chris Edge per Roger Dodd & Co Bridge Street Kelso Scottish Borders TD5
7JD**

With reference to your application validated on **19th February 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations and extension to form ancillary accommodation

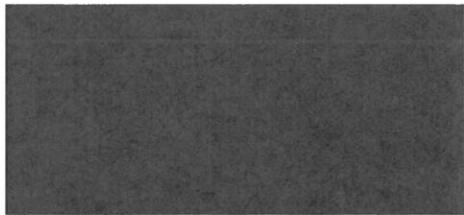
at : Jordonlaw Granary Jordonlaw Road Gordon Scottish Borders TD3 6NF

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

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

**Dated 13th May 2010
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning & Building Standards

APPLICATION REFERENCE : 10/00156/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
724 U - 002 D	General	Approved
724 U - 001	Existing Elevations	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the proposed development will accord with Approved Scottish Borders Structure Plan Policy N20; Adopted Scottish Borders Local Plan Policies G1 and H2; and Finalised Scottish Borders Local Plan Policy H2; and with the guidance of Scottish Borders Council Supplementary Planning Guidance on New Housing in the Borders Countryside (December 2008).

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The means of water supply and of both surface water and foul drainage, to be submitted to, and approved in writing by, the Planning Authority before the development is commenced.
Reason: To ensure that the site is adequately serviced.
- 3 Unless otherwise approved by the Planning Authority, the building at Jordanlaw Granary shall be used solely as ancillary accommodation in connection with the use of the main dwellinghouse at Jordanlaw Farm, and shall at no time be converted to a self-contained residential unit or serve as a business premises.
Reason: Consent is for residential use ancillary to that of the existing dwellinghouse, and is explicitly not for the use of the outbuilding as either a separate dwellinghouse or as a business premises. A separate dwelling unit for normal residential occupation would be contrary to the Council's policy on housing in the countryside.
- 4 The development hereby approved shall be constructed of natural stone on the exterior of the building and natural slate on the roof, the stone shall be new or second hand local sandstone. Any alternative stone or roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 5 Precise details of the timber frame on the East Elevation and of the timber cladding, timber door and render on the North Elevation shall be submitted to and approved in writing by the Planning Authority before these aspects of the development are commenced. These aspects shall then be implemented and thereafter maintained in accordance with the approved details.

Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);
- (i) There shall be no addition or extension to the dwelling (including the insertion of dormer windows or chimneys);
 - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
 - (iii) No additional window or other opening shall be made in any elevation; unless an application for planning permission in that behalf has first been submitted to and approved by the Local Planning Authority.
- Reason: To safeguard the character, appearance and setting of the building to be converted.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The existing road access to Jordanlaw Farm raises road safety concerns because of severely restricted visibility at the public road junction to the west due to the roadside hedge and slight bend in the road. Also, the private road is in need of some repair and the provision of a passing place would be beneficial to all users.

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.

17/00380/FUL

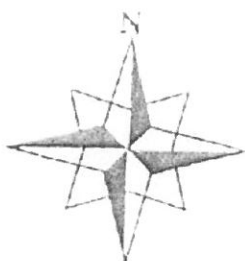
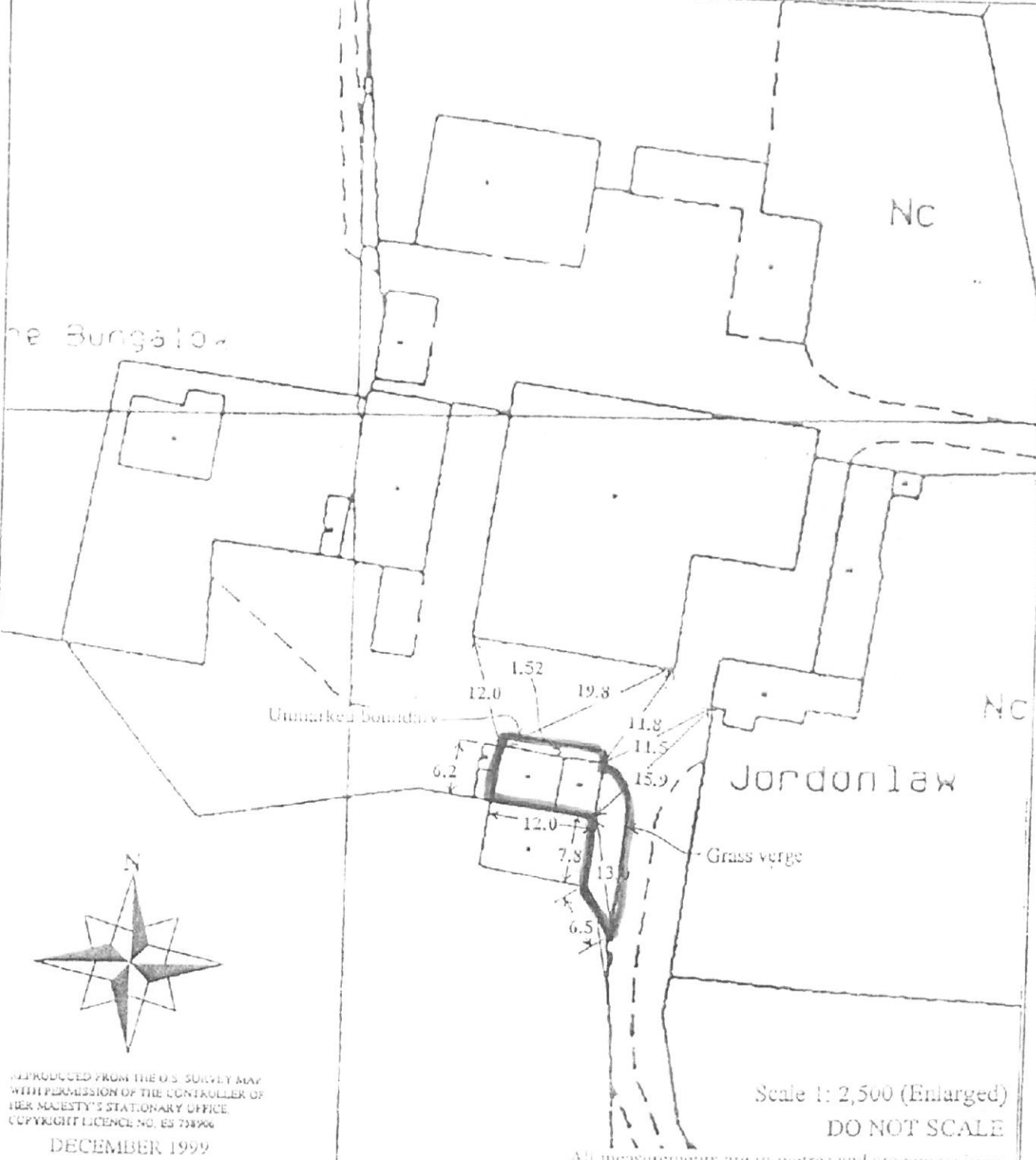
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



LOCATION PLAN - scale 1:10560



REPRODUCED FROM THE O.S. SURVEY MAP
WITH PERMISSION OF THE CONTROLLER OF
HER MAJESTY'S STATIONARY OFFICE
COPYRIGHT LICENCE NO. ES 738906

DECEMBER 1999

Scale 1: 2,500 (Enlarged)

DO NOT SCALE

All measurements are in metres and are approximate

SITE OF JORDONLAW GRANNERY, WESTRUTHOR

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00380/FUL

APPLICANT : Susan And Chris Edge

AGENT :

DEVELOPMENT : Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting

LOCATION: Jordonlaw Granary
Jordonlaw Road
Westruther
Gordon
Scottish Borders
TD3 6NF

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

One objection has been received which objects on the following grounds: (i) increased traffic on the access road; (ii) road safety concerns relating to poor visibility at the junction of the access road onto the B4656, potential for parked vehicles to disrupt traffic entering the building group, and potential for children to play on the road; and (iii) detrimental to residential amenity (although the detailed advice suggests that the amenity of the occupiers of the Granary itself, is intended, or at least is included within these amenity concerns). Concerns are also expressed that parking would take place on the verge of the access road, which it is advised is not land within the Applicant's own ownership.

Five comments have been received in support of the application. These include three from individuals with the same surname as the Applicant, and some making reference to having stayed in the outbuilding as private guests of the Applicant. These support the application on the grounds that: the property is well-situated for, and able to accommodate a holiday-letting use; has ample space for parking; and can contribute to the local tourist economy.

Roads Planning Section: re-states the view previously expressed in relation to Planning Consent 10/00156/FUL, that there is ample parking and turning available at the site, but objects to the proposal on the grounds that any separate occupation of the property would result in extra traffic using the substandard junction from Jordonlaw Farm onto the public road. It is reiterated from previous consultation responses that without causing major devastation to the mature hedge, very little else can be done to improve this situation. It is observed that the private track is in need of some repair, and that a passing place would be very beneficial to all users; although both points appear intended as advice and are not expressed as objections. In response to further advice from

the Applicant, Roads responded on a second occasion to advise that a senior Roads officer had inspected the site and confirmed the original consultation response's advice that the existing access is unsuitable for serving any additional traffic. It is advised that the main fault with the access is the vastly substandard visibility splay onto a fast stretch of B class road, and the lack of width in the junction area to allow two vehicles to pass. The objection raised by a neighbour is also highlighted as being a very useful lead in terms of how the junction operates on a day to day basis; and it is considered that this also has to be taken into consideration. During the site visit various options were explored in order to try and see if there are any worthwhile improvements which might be carried out to the existing access that would allow a removal of Roads' objection. However, the only option which would deliver any benefit, it is advised, would be the removal of the existing access and drive to the west to the inside of the slight bend on the B class road. This location would offer excellent visibility splay in both directions.

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 IS7: Parking Provision and Standards

Recommendation by - Stuart Herkes (Planning Officer) on 2nd June 2017

SITE DESCRIPTION AND PLANNING PROPOSAL

This application relates to a converted outbuilding ('The Granary'), which lies within the curtilage of the Applicant's residential property ('Jordonlaw Farmhouse') at Jordonlaw, to the west of Westruther. The Applicant seeks consent to vary a planning condition that restricts the use of the aforementioned outbuilding to residential use that is ancillary to the residential use of 'Jordonlaw Farmhouse', and specifically to allow this same outbuilding to be used for short-term letting use. The Applicant does not propose any specific re-wording to the existing condition or indeed, any alternative condition, but the intention of the proposal is clearly stated and, if the application were supported, would be capable of being translated by the Planning Authority into a revised condition to achieve the objective identified by the Applicant.

PLANNING HISTORY

Although the principle of the conversion to residential annex had previously been approved in 2006, the actual works that were carried out to realise this conversion were ultimately those approved under Planning Consent 10/00156/FUL. (A subsequent extension was approved under Planning Consent 11/00691/FUL).

Given that it was a replacement (if also detailed) permission, Planning Consent 10/00156/FUL essentially updated the conditions that had been attached to the original 2006 planning consent, including the requirement that the Granary building should only be used for residential use ancillary to the residential use of the main dwellinghouse at Jordonlaw Farmhouse. This is the requirement of Planning Condition No 3 attached to Planning Consent 10/00156/FUL, which states:

"Unless otherwise approved by the Planning Authority, the building at Jordonlaw Granary shall be used solely as ancillary accommodation in connection with the use of the main dwellinghouse at Jordonlaw Farm, and shall at no time be converted to a self-contained residential unit or serve as a business premises. Reason: Consent is for residential use ancillary to that of the existing dwellinghouse, and is explicitly not for the use of the outbuilding as either a separate dwellinghouse or as a business premises. A separate dwelling unit for normal residential occupation would be contrary to the Council's policy on housing in the countryside".

In addition to reflecting the Applicant's identification of the building as a residential annex (as opposed to as a separate dwellinghouse), the above condition also responded to the concerns of the Roads Planning Authority that the building should not be used as a separate dwellinghouse owing to the substandard nature

of the road junction between the building group at Jordonlaw and the B6456. It is a requirement of the Council's Housing in the Countryside Policy in both its current (HD2) and previous (D2) versions that any new house should be safely accessible.

In this regard, it was explicitly noted within the Report of Handling on Planning Application 10/00156/FUL that: "The Director of Technical Services (Roads and Fleet Management) has advised that the existing road access to Jordonlaw Farm raises road safety concerns because of severely restricted visibility at the public road junction to the west due to the roadside hedge and slight bend in the road. Also, the private road is in need of some repair and the provision of a passing place would be beneficial to all users. Although the Director of Technical Services (Roads and Fleet Management) has objected to the proposed development on the grounds that it would not address existing road safety issues, the proposal is for a residential annexe to an existing property and does not relate to a new dwelling. In the event of planning approval, it would be appropriate to let the developer know about the road safety issues through the inclusion of an informative, and it would be appropriate to maintain a planning condition requiring that the granary building should not be converted to use as a dwelling separate from 'Jordonlaw Farmhouse'".

PLANNING PRINCIPLE

As the supporters of the application advise, the outbuilding itself does appear capable of accommodating a short-term letting use. I would share some concerns with the objector though about the appropriate accommodation of parking in relation to it, but the Roads Planning Authority appears content to maintain its assessment that there is ample parking available to accommodate parking at the site. I would reason that in the event of any third party land owner(s) having concerns with respect to vehicles parking upon their land, any visitors' car(s) might be accommodated within the curtilage of the Applicant's home at 'Jordonlaw Farmhouse', which lies on the opposite side of the access road from the property, and therefore that appropriate parking arrangements would be capable of operation one way or the other, without necessarily involving any need to park on the road verge or land out with the Applicant's control.

ROAD SAFETY

Essentially the same vehicular access concerns that prevailed at the time of previous planning applications relating to this outbuilding persist, in that the Roads Planning Authority maintains its objections with respect to the substandard nature of the existing vehicular access arrangements at the junction between the Jordonlaw Farm access road and the B6456. This is despite the second opinion of a senior officer being sought. It is observed that the junction would need to be upgraded - largely involving works out with the control of the Applicant - before Roads would be supportive of any additional traffic use of the junction. Roads is also persuaded by the objector's report of one serious accident at the junction, that no additional traffic should be added to the traffic requiring to use the junction.

The Applicant has responded to advise that he does not anticipate any increase in the number of vehicles liable to access 'Jordonlaw Farmhouse' and 'The Granary'. His assessment on this matter appears to rely on the fact that the property of which both the Farmhouse and Granary are components, has four bedrooms. Further, he advises that the serious accident cited by the objector occurred 300m from the junction such that the latter was not reasonably a contributory factor. He cites his neighbours (who were involved in the accident) as his source for this advice. In the original supporting statement, he also advises that 'The Granary' has been made available to private guests, and its use and occupation up to this point, has had "no detrimental effects".

The Applicant within his additional supporting statement appears to consider that since he could theoretically operate the outbuilding as private guest accommodation all year round (or perhaps within a bed and breakfast arrangement) there would theoretically at least, be no increase in the level of traffic that could access Jordonlaw Farm within his present operation of the private residential use of Jordonlaw Farmhouse and his proposed operation of 'The Granary' as a unit for short-term letting use. However, and notwithstanding whether or not 'The Granary' has been occupied by private (as opposed to paying) guests, it is not clear whether or not the Applicant's present use of the outbuilding would be consistent with the operation of a single residential unit at 'Jordonlaw Farmhouse'. Moreover, in planning terms, the short-term/holiday let use is only reasonably considered to be in addition to the operation of the Applicant's private residential use. This is, firstly, because further to any approval to allow a short-term letting use of 'The Granary', the Applicant's private residence would then be capable of accommodating bed and breakfast guests in line with what is allowed within a residential use of the property without any account having to be

taken of any accommodation within 'The Granary'. This therefore has potential to increase the accommodation that the Applicant is able to offer to paying guests, and by extension, the number of vehicles liable to access 'Jordonlaw Farmhouse'. Secondly (and while it may be that the Applicant has no intention of offering bed and breakfast accommodation within the remainder of his property), it is still the case that any approval of the current application which would allow for 'The Granary' to be used for short-term letting/holiday let use, would in itself promote the use of this outbuilding as a separate residence, and therefore by extension, it would promote an increase in the number of vehicles liable to use the Jordonlaw Farm access road and junction.

While there may reasonably be guest accommodation operating within a private residential property, it is reasonably assumed that such accommodation in its nature, would be both ancillary to the main residential use of the property and only in occasional use (rather than permanent use) by the householder's guests. If the outbuilding at 'The Granary' were at present effectively in permanent occupation by a different household or households (if being occupied consecutively) unrelated to the Applicant's own household, then a view might be required as to whether or not the outbuilding is at present being operated in a way that is compatible with the single private residential use of 'Jordonlaw Farmhouse' as opposed to any use of it as a 'de facto' second dwellinghouse by a party or parties other than the Applicant's household. In short, it is not reasonably maintained that 'The Granary' as a private residential annexe is already liable to be in any equivalent use or occupation to what would be liable to occur within its operation as short-term/holiday letting accommodation unit. On the contrary, approval of the current proposal, where this would allow a short-term/holiday letting use, would only reasonably be seen as promoting an increase in traffic on the access road and junction.

On the basis that the Planning Authority can only reasonably understand the proposal as being liable to promote an increase in traffic on the Jordonlaw Farm access road and junction, albeit by one vehicle in addition to the current traffic load, and given Roads' objection to, and significant reservations with respect to, any increase in traffic liable to use this road junction and access road, I consider that the application is only reasonably refused. It could be added that the operation of a tourist accommodation use at the site (as opposed to use by the Applicant's private guests) might be liable to bring a higher number of visitors to Jordonlaw who are unfamiliar with the area; and with the road junction in particular.

I have considered the potential to regulate matters through the imposition of a suspensively-worded planning condition, which may have required that the proposed short-term-letting use should not become operational until the road junction of the main access to Jordonlaw Farm, had first been upgraded in accordance with a scheme of details meeting the Roads Planning Section's requirements. Notwithstanding that the creation of a new junction (and any stopping up of the existing junction) are in fact all matters that are beyond the direct control of the Applicant, it is theoretically possible that works could be carried out to the junction (as Roads acknowledges) which would address their concerns. Therefore a suspensively-worded condition might have been applied on this basis. However, it is not at all clear that the Applicant would thereafter have been able to maintain the visibility splays required to ensure that even this new junction would remain safely accessible, principally because of the involvement of land within a third party ownership. Given uncertainty on this point, it would not therefore have been appropriate to support the current application on the basis of such a suspensively-worded condition. (At least, even if the Applicant had have been able to arrange, or otherwise benefit from, an upgrade to the road junction in line with Roads' specification, there would have been no reasonable way to require them to maintain this junction to the required standard thereafter where the land required to do so remains within a third party ownership). In short, the planning application was not reasonably supported on the basis of a suspensively-worded condition being imposed to regulate the upgrade of the road junction.

OTHER CONCERNS

I note supporters' consideration that the outbuilding would be a good quality tourist accommodation facility, and given that this includes the advice of the Applicant's guests who have stayed in it, these do go some way to address the objector's concern that the annexe lacks sufficient amenity to serve as a short-term residential unit. Notwithstanding that the outbuilding itself might appropriately accommodate the operation of a holiday let use, I do not consider that this in itself addresses, let alone outweighs, the road safety concern noted above.

It is unfortunate that at the time of preapplication discussions, the Applicant was advised that the Roads Planning Authority was not anticipated to be liable to have any objections to the proposal. This

preapplication advice (which was subject to the disclaimer that the determination of the planning application was not pre-judged) took account of the verbal advice of a Roads Officer who has subsequently been succeeded in his role as the roads officer for the Westruther area by the current Roads Officer. The latter made a full assessment of the proposal at the time of the planning application, and ultimately did not share the informal view of his predecessor with respect to this proposal. While preapplication advice is intended to direct Applicants positively, time pressures are such that a reduced level of assessment is only ever possible at preapplication, and therefore Applicants are advised that it does not pre-judge the outcome of the Planning Authority's full assessment of the proposal.

In the event of approval, any consent issued ulterior to this planning application would have to include not only any revised version of Planning Condition No 3 required to address the Applicant's concern to allow short-term/holiday letting, but the other condition imposed upon the original consent (10/00156/FUL) which has not otherwise been met through the implementation and completion of the development. This is specifically Planning Condition No 6, which removes householder permitted development rights from 'The Granary'. This would therefore require to be re-imposed upon any replacement planning consent issued ulterior to this planning application.

CONCLUSION

While it is unfortunate that the Applicant in this case was not given advice to the effect that Planning or Roads anticipated concerns in principle with respect to his proposal, after my full review of the proposals, and taking account of the advice of the Roads Planning Section, I ultimately cannot recommend this application for approval on the basis of its potential to generate increased road safety concerns; principally because the proposed variation to Planning Condition No 3 attached to Planning Consent 10/00156/FUL would allow the outbuilding to be operated as short-term or holiday let accommodation unit, which would promote an increase in the volume of traffic requiring to use the sub-standard junction between the public road and access road at Jordonlaw Farm.

REASON FOR DECISION :

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

The proposal does not comply with Adopted Local Development Plan Policies PMD2 and ED7 in that it has potential to generate increased road safety concerns principally because the proposed variation to Planning Condition No 3 attached to Planning Consent 10/00156/FUL would allow the existing residential annexe ('The Granary') to be operated as a short-term or holiday let accommodation unit, which would be a new separate residential use over and above (that is, in addition to) the operation of the existing residential use of 'Jordonlaw Farmhouse'. This would promote an increase in the volume of traffic requiring to use the sub-standard junction between the public road (B6456) and access road at Jordonlaw Farm, with potential to increase road safety concerns for road users at and around the same road junction.

Recommendation: Refused

- 1 The proposal does not comply with Adopted Local Development Plan Policies PMD2 and ED7 in that it has potential to generate increased road safety concerns principally because the proposed variation to Planning Condition No 3 attached to Planning Consent 10/00156/FUL would allow the existing residential annexe ('The Granary') to be operated as a short-term or holiday let accommodation unit, which would be a new separate residential use over and above (that is, in addition to) the operation of the existing residential use of 'Jordonlaw Farmhouse'. This would promote an increase in the volume of traffic requiring to use the sub-standard junction between the public road (B6456) and access road at Jordonlaw Farm, with potential to increase road safety concerns for road users at and around the same road junction.

“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

APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING AND BUILDING STANDARDS

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 10/00156/FUL

APPLICANT : Mr & Mrs Chris Edge

AGENT : Roger Dodd & Co

DEVELOPMENT : Alterations and extension to form ancillary accommodation

LOCATION: Jordonlaw Granary
Jordonlaw Road
Gordon
Scottish Borders
TD3 6NF

TYPE : FUL Application

REASON FOR DELAY: Workload and concern to have the roof ridge of the proposed extension reduced in height to make a more acceptable appearance.

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
724 U - 002 D	General	Approved
724 U - 001	Existing Elevations	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No member of the public has responded to the public consultation.

The Director of Technical Services (Roads and Fleet Management) has objected to this proposal, responding to advise that although there is ample parking and turning available at the site, there are road safety concerns due to severely restricted visibility at the public road junction when looking to the west due to the roadside hedge and slight bend in the road. Unfortunately without causing major devastation to the mature hedge, very little else can be done to improve the situation. The private track is also in need of some repair, and a passing place would be very beneficial to all users.

PLANNING CONSIDERATIONS AND POLICIES:

Approved Scottish Borders Structure Plan Policy N20 - Design
Adopted Scottish Borders Local Plan Policy G1 - Quality Standards For New Development
Adopted Scottish Borders Local Plan Policy H2 - Protection of Residential Amenity
Finalised Scottish Borders Local Plan Policy H2 - Protection of Residential Amenity

Scottish Borders Council Supplementary Planning Guidance on New Housing in the Borders Countryside (December 2008)

Recommendation by - Stuart Herkes (Assistant Planning Officer) on 10th May 2010

The site is an existing building, 'Jordanlaw Granary', at Jordanlaw Farm, near Westruther. The building is not Listed and has been the subject of two previous planning applications.

SITE DESCRIPTION

The building is a traditional stone built farm building with a slate roof, lying to the southwest of 'Jordanlaw Farmhouse'. The main part of the building is two storeys in height, but there is also an offshoot, one and a half storeys high, to the east of this.

In the North Elevation of the main building, which faces into the farmyard, two garage doors have at some point (albeit not recently), been inserted into pre-existing agricultural openings. Two rooflights, which are apparently recent insertions, have been inserted into each of the north and south roof pitches of the main building. Otherwise the structure appears unaltered from its traditional form. The condition of the eastern offshoot is a particular cause for concern, given the presence of large cracks in the East Elevation.

The South Elevation of both parts of the building adjoins a lower (single storey) farm building. While the lower sections of the walls of this building are in white painted breeze blocks, the upper sections are in timber boarding (south elevation) and profiled metal sheeting (east and west elevations). It has a roof in profiled metal sheeting.

SURROUNDINGS

To the north of the Granary building is the farmyard at Jordanlaw. The access road to the farm lies to the immediate east. To the southwest, is agricultural land and a telecommunications service pole. Overhead wires run from the latter to the East Elevation of the Granary. To the northwest of the building, is the garden ground of a neighbouring residential property, 'The Bungalow'.

The applicant's home, Jordanlaw Farm, lies to the northeast, on the opposite side of the single track access road.

PLANNING HISTORY

Planning Application 06/00206/FUL for change of use to form dwellinghouse, was refused because firstly, the conversion of the building to residential use was considered to conflict with existing agricultural activities within the immediate vicinity. Secondly, visibility at the junction between the access road ('Jordanlaw Road') and the public road (B6456) was considered inadequate, while it was observed that it was outwith the control of the applicant to undertake the necessary improvements.

Planning Consent 06/02242/FUL for change of use to form residential annexe, was granted subject to planning conditions requiring that: (1) the means of water supply and of both surface water and foul drainage, should be submitted to, and approved, by the Planning Authority before the commencement of development; (2) the prior consent of the Planning Authority should be obtained for any extensions or alterations affecting the external appearance of the buildings; and (3) the building should be used as an annexe to the existing dwellinghouse at 'Jordanlaw Farm' and not converted into a separate dwellinghouse without the approval of the Planning Authority. There were no detailed proposals drawings approved at the time of the issuing of this planning consent.

PROPOSED DEVELOPMENT

The applicants propose alterations and an extension to form ancillary accommodation. The application is required because of the planning condition attached to Planning Consent 06/02242/FUL, which requires that any extensions or alterations affecting the external appearance of the building should be made the subject of a planning application.

It is proposed that the existing offshoot should be partially demolished and rebuilt to an increased height. It was initially proposed that this increase should be to the full height of the main building, but the applicants have agreed to lower the roof ridge of the proposed extension by 0.6m to ensure that the offshoot would continue to be 'read' as a subservient element within the building.

It is proposed that the East Elevation of the offshoot should be replaced with timber framed glazing.

Other alterations to the roof are the insertion of an oil fire flue and an ESSE flue.

On the North Elevation, the existing garage doors would be removed and infilled with a door and windows. The sections below the windows would be timber clad.

The West Elevation and South Elevation would remain substantially unaltered, although a new window would be inserted into the existing opening on the West Elevation.

With regard to materials, it is advised that the roofing material would be slate and that the windows would be timber framed. The exterior walls would be unchanged on the South and West Elevations; the East Elevation would be glazing and random rubble sandstone; the North Elevation, would be wet dash render.

PRINCIPLE

The applicants already have planning consent (06/02242/FUL) for the principle of the granary building being used as a residential annex to provide additional accommodation to the dwellinghouse at Jordanlaw Farmhouse. However, this was subject to three planning conditions relating to approval of the means of water supply and surface water and foul water drainage; the need to obtain prior consent for any extensions or alterations affecting the external appearance; and for the Granary building only to be used as a residential annexe and not as a separate residential unit. In the event of planning approval, it would be appropriate to maintain these planning conditions.

Realisation of the proposed development would raise no planning concerns with regard to having any unacceptable impact upon the residential amenity of any surrounding properties.

DESIGN AND MATERIALS

Given that the roof of the offshoot would now be notably lower than originally proposed, it is considered that the basic design of the proposed development is acceptable, although concerns would be the finish of the timber on both the East and North Elevations, while the Proposal Drawing shows a fairly suburban rather than agricultural looking door on the North Elevation. In the event of planning consent, further consideration of these elements could be made the subject of appropriate planning conditions. The proposal that the North Elevation alone, should be rendered is not particularly a concern, because this elevation faces into the farmyard, where it would be less visible, while the proposed wet dash render is more in keeping with a traditional finish. However, largely to ensure that a wet dash render would be employed, it would be appropriate in the event of planning approval, to attach a condition requiring that the finish should be subject to further consideration; although there is no reason why this would necessarily need to be agreed on-site. With regard to the new stonework, and again in the event of planning approval, it would be appropriate to impose a planning condition requiring that this should match the appearance of the existing.

ACCESS

The Director of Technical Services (Roads and Fleet Management) has advised that the existing road access to Jordanlaw Farm raises road safety concerns because of severely restricted visibility at the public road junction to the west due to the roadside hedge and slight bend in the road. Also, the private road is in need of some repair and the provision of a passing place would be beneficial to all users. Although the Director of Technical Services (Roads and Fleet Management) has objected to the proposed development on the grounds that it would not address existing road safety issues, the proposal is for a residential annexe to an existing property and does not relate to a new dwelling. In the event of planning approval, it would be appropriate to let the developer know about the road safety issues through the inclusion of an informative, and it would be appropriate to maintain a planning condition requiring that the granary building should not be converted to use as a dwelling separate from 'Jordanlaw Farmhouse'.

CONCLUSION

It is considered that the proposed development would be permissible provided appropriate planning conditions and an informative are imposed to address the above mentioned planning concerns.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the proposed development will accord with Approved Scottish Borders Structure Plan Policy N20; Adopted Scottish Borders Local Plan Policies G1 and H2; and Finalised Scottish Borders Local Plan Policy H2; and with the guidance of Scottish Borders Council Supplementary Planning Guidance on New Housing in the Borders Countryside (December 2008).

Recommendation: Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The means of water supply and of both surface water and foul drainage, to be submitted to, and approved in writing by, the Planning Authority before the development is commenced.
Reason: To ensure that the site is adequately serviced.
- 3 The prior consent of the Planning Authority to be obtained for any extensions or alterations affecting the external appearance of the buildings.
Reason: To safeguard the visual amenity of the surrounding area.
- 4 Unless otherwise approved by the Planning Authority, the building at Jordanlaw Granary shall be used solely as ancillary accommodation in connection with the use of the main dwellinghouse at Jordanlaw Farm as a single private dwellinghouse, and shall at no time be converted to a self-contained residential unit or serve as a business premises.
Reason: Consent is for residential use ancillary to that of the existing dwellinghouse, and is explicitly not for the use of the outbuilding as either a separate dwellinghouse or as a business premises. A separate dwelling unit for normal residential occupation would be contrary to the Council's policy on housing in the countryside in that a new dwellinghouse should not be created at this location without existing road safety concerns first having been addressed.
- 5 The development hereby approved shall be constructed of natural stone on the exterior of the building and natural slate on the roof, the stone shall be new or second hand local sandstone. Any alternative stone or roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 6 Precise details of the timber frame on the East Elevation and of the timber cladding, timber door and render on the North Elevation shall be submitted to and approved in writing by the Planning Authority before these aspects of the development are commenced. These aspects shall then be implemented and thereafter maintained in accordance with the approved details. Any subsequent change or changes to the approved details shall first have been agreed in writing by the Planning Authority, prior to the implementation of this change/these changes.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

Informatives

It should be noted that:

- 1 The existing road access to Jordanlaw Farm raises road safety concerns because of severely restricted visibility at the public road junction to the west due to the roadside hedge and slight bend in the road. Also, the private road is in need of some repair and the provision of a passing place would be beneficial to all users.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 11/00691/FUL

To : C Edge Esq per Roger Dodd & Co Bridge Street Kelso Scottish Borders TD5 7JD

With reference to your application validated on **16th May 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Extension to ancillary residential building

at : Jordonlaw Granary Westruther Scottish Borders TD3 6NF

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

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

**Dated 13th July 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 11/00691/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
724 U - 003 B	General	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the proposed development will accord with Approved Scottish Borders Structure Plan Policy N20 and Adopted Scottish Borders Local Plan Policies G1 and H2.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Unless otherwise agreed in writing and in advance by the Planning Authority, the porch hereby approved shall be constructed of natural slate on the roof, and the external walls shall be rendered to match the North Elevation. Any alternative materials shall have been submitted to and approved in writing by the Planning Authority prior to works commencing.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

With regard to Planning Condition Number 2, it is advised that there is a planning condition (No 5) attached to Planning Consent 10/00156/FUL that requires that the render finish of the North Elevation should be agreed in advance with the Planning Authority. Accordingly, while there is no direct requirement for you to refer your proposed render finish of the porch to the Planning Authority provided it would match the North Elevation, you should be aware that you are nonetheless required by Planning Condition Number 5 attached to Planning Consent 10/00156/FUL to refer the proposed finish of the North Elevation to the Planning Authority for its prior approval.

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.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 11/00691/FUL
APPLICANT : C Edge Esq
AGENT : Roger Dodd & Co
DEVELOPMENT : Extension to ancillary residential building
LOCATION: Jordonlaw Granary
Westruther
Scottish Borders
TD3 6NF
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
724 U - 003 B	General	Approved

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

One member of the public has objected to the proposed development on the grounds that it would detract from the appearance of the existing stone building and from the setting of the courtyard into which it would project. Although it is acknowledged within the representation that the applicant owns the land on which the proposed porch and ramp would be built, it is advised that the projection of the porch and ramp from the building would nonetheless be liable to impact upon the movement of large good vehicles and agricultural vehicles using the common access to the immediate north.

The Roads Authority has advised that it has no concerns with regard to the proposed extension.

PLANNING CONSIDERATIONS AND POLICIES:

Approved Scottish Borders Structure Plan Policy N20 - Design
Adopted Scottish Borders Local Plan Policy G1 - Quality Standards For New Development
Adopted Scottish Borders Local Plan Policy H2 - Protection of Residential Amenity

Recommendation by - Stuart Herkes (Assistant Planning Officer) on 13th July 2011

The site is land adjacent to the North Elevation of an existing outbuilding currently undergoing alterations consented by Planning Consent 10/00156/FUL. The latter consent was subject to a planning condition that removed permitted development rights to safeguard the character, appearance and setting of the building being converted.

The proposed development is an extension to the North (front) Elevation to accommodate a porch and entrance ramp. The proposed porch would be positioned in front of what were previously garage doors and

would be single storey with a pitched roof built against the wall of the existing building. The roof would be slated; the walls would be a wet dash render to "match existing" - although as yet, no render finish has been agreed with the Planning Authority as per the planning condition attached to Planning Consent 10/00156/FUL.

The applicant has provided a supporting statement (email of 13 July) which advises that the design of the porch would be intended to define a strong connection between the outbuilding and the Farmhouse at Jordanlaw (the main dwellinghouse). With regard to vehicular access it is advised that any vehicle capable of negotiating the access road is able to move within the courtyard area.

There are no roads concerns relating to this development proposal.

It is considered that the proposed extension is not particularly well-suited in its design to the existing building and the design consented by Planning Consent 10/00156/FUL in that a porch would have been more appropriately realised as a lean-to, with eaves flush to the wall head in accordance with the design of the existing building. However, the small size of the building which would not be readily visible out with the farmyard area at Jordonlaw does provide an appropriate level of mitigation to this appearance, and accordingly it is not considered that if finished in matching materials, it should have any unacceptable visual impact.

The proposed development raises no concerns with regard to privacy or overshadowing. Given that the Roads Authority are content that there would be no unacceptable impact on vehicular movements, it is not considered that the proposed development would raise any concerns with regard to the amenity of any neighbouring properties.

Notwithstanding the planning officer's view that the porch could have been designed more sympathetically, it is considered that subject to appropriate conditions to address the above highlighted concerns, the proposed development is permissible.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the proposed development will accord with Approved Scottish Borders Structure Plan Policy N20 and Adopted Scottish Borders Local Plan Policies G1 and H2.

Recommendation: Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Unless otherwise agreed in writing and in advance by the Planning Authority, the porch hereby approved shall be constructed of natural slate on the roof, and the external walls shall be rendered to match the North Elevation. Any alternative materials shall have been submitted to and approved in writing by the Planning Authority prior to works commencing.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

Informatives

It should be noted that:

- 1 With regard to Planning Condition Number 2, it is advised that there is a planning condition (No 5) attached to Planning Consent 10/00156/FUL that requires that the render finish of the North Elevation should be agreed in advance with the Planning Authority. Accordingly, while there is no direct requirement for you to refer your proposed render finish of the porch to the Planning Authority

provided it would match the North Elevation, you should be aware that you are nonetheless required by Planning Condition Number 5 attached to Planning Consent 10/00156/FUL to refer the proposed finish of the North Elevation to the Planning Authority for its prior approval.

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

REGULATORY SERVICES



To: **Development Management Service**
FAO Stuart Herkes

Date: **5th April 2017**

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **17/00380/FUL**

Subject: Variation of Condition No 3 of Planning Consent
10/00156/FUL to Allow Short Term Letting, Jordonlaw
Granary, Westruther.

I must object to this proposal. I objected to the original application on the grounds of road safety; however the application was subsequently approved as it was only to be used as an annexe. This proposal would result in extra traffic using the substandard junction onto the public road and as such my objections to the original application are now more valid. My comments to 10/00156/FUL are copied below for your information:

Although this is a very modest development , and the building is suitable for renovation , I do have a few road safety concerns with this proposal. My main concern is the severely restricted visibility at the public road junction when looking to the west due to the roadside hedge and slight bend in the road. Unfortunately without causing major devastation to the mature hedge , very little else can be done to improve this situation. The private track is also in need of some repair , though I don't see this being a big issue , and a passing place would be very beneficial to all users. There is ample parking and turning available at the site.

While I am normally supportive of these small types of developments , this particular proposal is causing me some concern because of the visibility issue , and I feel that an objection to this application is warranted.

DJI

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33 ALLANDALE - COURT
RECTORY ROAD
BURNHAM - ON - SEA
SOMERSET.

RECEIVED
27 MAR 2017

22nd MARCH 2017

RE: TONDON LAW GRAYARY - WESTRUTHER - GORDON

RE: 17/00380/FUL. VARIATION OF CONDITION No 3

Dear Sir/Madam,

I write in support of the APPLICATION for VARIATION of CONDITION No 3 in respect of the above property.

This agricultural building was in a pitiful state when first purchased and after many years of patient work has been transformed into a 'de-luxe' small unit with one bedroom.

I understand that the intention, should the variation be permitted, is to let for a maximum of two weeks to mature couples who appreciate the BORDERS countryside and wish to stay in a very pleasant property.

The location is such as to allow easy access to the coast at EYEMOUTH, HOLY ISLAND - The local towns of LAUDER, KELSO, DUNS, GALASHIELS & MONTROSE and, of course, the BORDERS RAILWAY.

Regarding vehicles - there is ample car parking for the one additional car involved - and former visitors have found no problems with adjacent property owners - etc.

I hope you will feel able to grant this application and thank you for your consideration.

Yours faithfully

[Redacted signature]

FATHER Aged 91 years!

Lauren Fantham
Ovingdene
Wildwood Close
East Horsley
Surrey KT24 5EP

17 March 2017

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

Dear Sirs,

Re: Planning application 17/00380/FUL – ‘Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting’

We write in SUPPORT of the above mentioned planning application, 17/00380/FUL.

We have stayed in the Granary at Jordonlaw at the invitation of the owners. The refurbishment of the building has produced a most comfortable and well-appointed accommodation, ideal for short term letting in this Scottish Borders area.

We have particularly enjoyed visits into Edinburgh via the new Borders railway, as well as attractions including the Kelpies, Abbotsford and a memorable boat trip from Berwick to the Farne Islands on a wildlife watch. There is much to attract visitors and the Granary is ideally placed as a base from which to explore the area on foot, by bicycle or in a car for more distant attractions.

Ample parking is available on the site without hindrance to neighbouring access routes, and occasional passing vehicles were not intrusive to the peacefulness of the surroundings.

In summary, we believe the Jordonlaw Granary accommodation will be an asset to local tourism, and we support the application which will allow wider appreciation of the Scottish Borders.

Yours faithfully,



Michael and Lauren Fantham

East Kirknewton Farm Steading
Kirknewton
Northumberland
NE71 6XE

tel: 

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

25th March 2017

Dear Sirs

Support for Planning application - 17/00380/FUL - Jordanlaw Granary.

I write to express our full support for the application for "Variation of Condition of planning consent 10/00156/FUL to allow short term letting".


The Granary is an exemplary conversion of a redundant building and has been made into a charming and ideal property for use as a single bedroom letting.

It is ideally situated to provide much needed tourist accommodation in Lauderdale and to promote the attractions of this beautiful area.

We have stayed and visited Jordanlaw many times over the last 16 years and would comment that access to the farm off the main road via the existing crossover has never been a problem due to reasonable sight lines and the relatively low volume of traffic on the B6456 and leaving and entering the site (on JordanLaw Road).

There is plenty of room for parking a vehicle outside the Granary, without obstructing the access road as can be seen on the supporting dimensioned photograph.

Yours faithfully



Stephen and Maureen Marriott

From: peter edge [REDACTED]
Sent: 26 March 20
To: Planning & Regulatory Services
Subject: Ref: Support for 17/00380/FUL - 'Variation of
Condition No 3 of
planning consent 10/00156/FUL to allow short term letting'

Dear Sirs

Peter and Alice Edge would like to support the application to allow short term letting at Jordonlaw Granary. It would provide a very useful addition to tourist accommodation in the Borders area, being a short drive to the attractive area around Galashiels and Melrose and a base to investigate further afield such as the many beautiful places along the North Sea coast. The granary has all the facilities required for short term letting and is a very impressive building completed to a very high standard. There is ample space for car parking. Consequently we have no hesitation in supporting the application for variation of planning consent.

Peter/Alice Edge

Sent from Outlook

Dear Scottish Borders Planning and Building Team,

I wish to support the planning application for Jordonlaw Granary, reference 17/00380/FUL for the 'Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting'. My family and I stayed in the Jordanlaw Granary for three nights in late June, last summer, and found it a very pleasurable experience. There are number of reasons why I believe that, indeed from first hand experience, that Condition No. 3 should be varied. Firstly, is the small but unquestioned tourism benefit that the opening the Granary to short-term letters will provide to the Scottish Borders. This is due to its fantastic location, in the vicinity of the Borders Railway and Border towns. Secondly, the Granary has ideal facilities for short-term let, including high specification kitchen, a spacious double bedroom and a generous living area at ground level. Finally, with regards to access and vehicular movement, I believe that opening up the Granary for short-term let will have no detriment to accessibility and the neighbouring properties. This is because there is ample car parking space, as we visited is a large estate car and found that there was no negative impact to the main land user.

I hope the information I have provided enables you to form a well-reasoned and positive decision.

Best Regards,

Robin Edge

BA (Hons), soon to be MSc.

Comments for Planning Application 17/00380/FUL

Application Summary

Application Number: 17/00380/FUL

Address: Jordonlaw Granary Jordonlaw Road Westruther Gordon Scottish Borders TD3 6NF

Proposal: Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting

Case Officer: Stuart Herkes

Customer Details

Name: Mr Neil Wilson

Address: Jordonlaw Cottage, Jordonlaw Road, Westruther Gordon, Scottish Borders TD3 6NF

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Increased traffic
- Road safety

Comment: Road Safety:

If short term letting was approved, this could effectively result in the property being occupied for 52 weeks a year. This would create an obvious increase in vehicles entering and leaving Jordonlaw onto the B6456 road.

Views when exiting Jordonlaw onto the B4656 are not good, given the close proximity to the bend to the west of the junction (and were previously cited as a reason for refusal of full planning permission for this property in 2006 - nothing has altered since then).

On exiting this junction on a daily basis I am regularly met with vehicles approaching at speed from the bend and having to take action to alter their speed or direction at short notice.

In June 2010, the owner/occupier of Hawthorn Cottage, Jordonlaw exited the junction and was struck by a car travelling towards Westruther, ending up in the hedge to the east of the junction. This resulted in serious injury (broken bones) to the driver of the eastbound car.

When entering the property, views into the junction are limited by mature hedging. This has resulted in attempting to turn in into Jordonlaw from the west, only to be met with vehicles at the road end about to exit. This results in being left sitting on the B6456 road in close proximity to the bend with vehicles negotiating the bend being met with stationary traffic. Instances like this would only increase if the property were occupied on a regular basis.

Parking/Access:

According to the application, there is one parking space available at Jordonlaw Granary, which if on the applicants land can only be to the east of the property on the grass area.

I am concerned that if approved, users of the property will park on the access road just as previous guests of the applicants have. This is land that is not in the ownership of the applicant and should not be open to be used for business purposes.

Although there is a reasonable distance between the property and the shed to the north, large vehicles, including delivery vehicles and tractors and trailers negotiating the corner still have difficulty doing so and regularly end up driving over the grass verge on the east side of the road, despite no vehicles being parked in the locality.

Lack of Amenity Space:

The only land adjacent to the property is the small area to the east side that borders the access road, part of which would appear to be a parking space.

Any parties letting the property would therefore be confined to the building itself, with no real outside amenity space. I am concerned that persons occupying the property, particularly children may 'overspill' this small area onto the access road, causing a further road safety issue

East Kirknewton Farm Steading
Kirknewton
Northumberland
NE71 6XE



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

10th September 2017

Dear Sirs

Support for Planning appeal - 17/00380/FUL - Jordanlaw Granary.

The reason for refusal is based on the assumption that there will be an increase in traffic at the junction. This assumption is clearly flawed. Jordanlaw farm and the Granary have planning permission for residential use with no limits on traffic generation from the property. Given the nature of letting holiday accommodation it is clear that to match the current (undefined) traffic level would require the Granary to be 100% occupied. In my experience (we own a holiday let) this is highly unlikely. Therefore it is almost certain that this proposal will generate LESS traffic and definitely NOT increase traffic. The acceptance of this irrefutable logic renders any discussion or argument about the road junction totally irrelevant. Simply put; NO increase in traffic = NO reason for refusal.

It is a homeowners legitimate right to let, in part or whole, long term or short term, their property. As far as I am aware there is no definition in planning for the terms "bed and breakfast" or "short term holiday let". I would contend that it was not necessary for the applicant to require the amendment of Condition 3 to enable them to use the property as holiday accommodation.

I would also observe that the applicant appears to have been poorly advised by the planning department particularly in respect of the pre-application advice from the Roads Officers (who have given conflicting advice). In addition the planning officer advised that the applicant would need an application to vary Condition 3. Had he not relied on this advice and sought an independent planning opinion, he may well have concluded that he did not need to make the application at all, and further may have challenged the inclusion of Condition 3, which appears to have been imposed without real justification.

Yours faithfully

Stephen Marriott
Registered Architect

Chief Executive

33, ALLANDALE COURT
RECTORY RD
BURNHAM-ON-SEA
Somerset TA8 2B

6th September 2017.

12 SEP 2017

Danish Review

Dear Madam,

RE: YOUR REF. PLANNING 17/00380/FUL
APPEAL 17/00035/RREF

JORDONLAW GRANARY - WESTRUTHER TD3-6NF

Thank-you for your letter of the 29th August concerning the appeal in respect of the above property.

I fully support the Appeal for the following reasons -

1. JORDONLAW GRANARY is a small 1 BEDROOM (2 BEDS) unit developed from a disused farm building as encouraged by the Scottish Borders Council (TCORM).

Several couples, members of the family and family guests, have stayed at the property over the past year. IN EACH CASE THIS has included ONE CAR ONLY.

Existing planning consent (REF 10/00106/FUL) does not restrict the number of vehicle movements, but, as only TWO MATURE GUESTS would stay at any one time ONLY ONE CAR would be involved.

Consequently, no potential for increased vehicle movements exists and the decision to refuse the VARIATION OF CONDITIONS is flawed on both traffic demand (REF ABOVE) and residential terms.

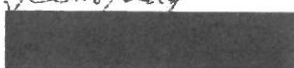
2. ROAD JUNCTION - JORDONLAW LANE, B645B.

In respect of the road junction - if the Scottish Borders Council consider this to be an existing risk to road users why have they not erected a warning sign to the west indicating a concealed entrance or roundabout? 'GULL STREET VIEW' contains no signage in the vicinity of the junction which seems to suggest that SCOTTISH BORDERS COUNCIL does not consider the access to JORDONLAW to be sufficiently flawed to warn road users of its position!

Thank-you for the opportunity to support the Appeal.

I trust that your LOCAL REVIEW BODY will grant this - always bearing in mind that "ONE LETTING = 2 PEOPLE = IN ONE CAR

Yours faithfully



(APPLICANTS FATHER)
Page 272 9/1/17

Jordonlaw Cottage
Westruther
Gordon
TD3 6NF

11.09.2017

Clerk to the Local Review Body
Council Headquarters
Newtown St Boswells
TD6 0SA.

Dear Sir/Madam,

Ref: 17/00035/RREF

With reference to the above and your letter of 29th August, I would like to make the following additional comments.

I have been a serving Police officer for nearly 29 years, 23 of which have been spent within the Road Policing branch. I have been a qualified Collision Investigator since 1997 and regularly compile reports into fatal and serious injury road collisions for court purposes. I have given evidence at the High Court, the Court of Session and most recently at the Jim Clark Rally Fatal Accident Enquiry as I carried out the collision investigation part of the enquiry into the deaths of three spectators.

I give you my qualifications and experience only in the hope that you will take me at my word when I state (and previously stated in my initial objection to this application) that a serious injury collision occurred at the entrance to Jordonlaw in June 2010. I was present immediately following the collision as was my wife. As well as involving our neighbour, Glen Wilson (and his passenger who was not from this area), it also involved a friend of ours from the village of Westruther. As such, I can categorically state that it happened at the junction and not some 300 metres away. Also, I spoke with Glen Wilson on 5th September and he can clearly recall it happening at the junction and not 300 metres away as is described by the appellant.

In relation to the point made by the appellant regarding vehicles passing at the junction entrance (and his photograph) I would comment that in practice, vehicles using the junction do not negotiate it in this manner. A vehicle emerging from Jordonlaw intending to turn right does so by driving to the middle of the junction (if not slightly to the right) and not the extreme left as indicated in the photograph. This

also fails to take into account the road is used by large agricultural vehicles which afford no opportunity to pass in the manner indicated. I would therefore reaffirm that in the past I have attempted to turn into Jordonlaw from the west, only to be met with vehicles at the road end about to exit. This has resulted in me being left stationary on the B6456 road in close proximity to the bend with vehicles negotiating the bend being met with my vehicle stationary in the road.

Although not as pertinent to this appeal, I reaffirm the other comments made in my original objection.

I am concerned that if approved, users of the property will park on the access road just as previous guests of the applicants have. This is land that is not in the ownership of the applicant and should not be open to be used for business purposes. Although there a reasonable distance between the property and the shed to the north, large vehicles, including tractors and trailers negotiating the corner still have difficulty doing so and regularly end up driving over the grass verge on the east side of the access road, despite no vehicles being parked in the locality. In June of this year a tractor towing a cattle trailer (approximately 12 - 13 metres in length) had extreme difficulty negotiating the turns around Jordonlaw Granary (with no vehicles parked in the area), resulting in it using the verge and coming into contact with the drain gully box at the side of the appellants shed, blowing both offside tyres on the trailer in the process. I attach photographs below for your information.







The path taken by the tractor and trailer is clearly visible and shows the lack of available space for such vehicles to negotiate the area safely.

I had also previously commented on the lack of amenity space with the property. The only land adjacent to the property is the small area to the east side that borders the access road, part of which would appear to be the one nominated parking space.

Any parties letting the property would therefore be virtually confined to the building itself, with no real outside amenity space. I feel that persons occupying the property, particularly children may 'overspill' this small area onto the access road, causing a further road safety issue, particularly with large combination agricultural vehicles as described and shown above using the road.

Lastly, I would say that if the appeal is granted then this would afford the opportunity for other residents at Jordonlaw to apply for other business uses at the property, further increasing traffic using the road and the junction.

These comments are respectfully submitted for your attention and consideration.

Yours faithfully.

Neil Wilson

From [REDACTED]
Sent:25 Sep 2017 14:26:44 +0100
To:localreview
Subject:Re: Jordonlaw Granary - Planning application 17/00380/FUL
Importance:High

Fiona,

I write in answer to your letter below and wish to provide the following response to the representations provided to you as part of this appeal process.

We welcome all and every comment on our appeal document (dated 26/8/17) as presented to the SBC Local Review Body as part of our appeal. We particularly note that from each respondent that there is no dispute of our main grounds for appeal, namely that the potential for vehicle movements will NOT be increased as a result of the proposed letting of Jordonlaw Granary.

As the only stated reason for refusal was that letting would lead to a potential increase in movements then these responses support our conclusion that the planning refusal was flawed and hence the appeal should be granted.

In noting some specific comments raised by the respondents it seems clear that the Local Review Body also needs to :-

- 1) Provide a unequivocal interpretation of Condition 3 of 17/00380/FUL with respect to residential letting and further if this condition is at odds with SBC's policy of new housing in the countryside.
- 2) Require SBC Roads to provide viable options to mitigate road safety concerns about the Jordonlaw Road access.

Yours sincerely,

Susan & Chris Edge

On 15/09/2017 12:45, localreview wrote:

Dear Mr Edge

PLANNING APPLICATION

**Jordonlaw Granary Jordonlaw Road
Westruther Gordon Scottish Borders TD3 6NF**

PROPOSED DEVELOPMENT: **Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting**

APPLICANT: **Susan and Chris Edge**

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

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

I am writing to advise you that further representations have been received from interested parties (copies attached) regarding the Local Review being carried out by Scottish Borders Council in respect of the above planning application.

If you wish to make any comment on the content of the letters, you should write directly to the Clerk to the Local Review Body,

Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA or email your representation to localreview@scotborders.gov.uk by

29th September 2017.

A copy of any subsequent representations you make will be included in the papers, which will be available to the Local Review Body when they undertake the review.

Kind regards

Fiona

Fiona Walling

List of Policies

Local Review Reference: 17/00035/RREF

Planning Application Reference: 17/00380/FUL

Development Proposal: Variation of Condition No 3 of planning consent 10/00156/FUL to allow short term letting

Location: Jordanlaw Granary, Jordanlaw Road, Westruther, Gordon

Applicant: Susan and Chris Edge

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

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 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,

List of Policies

- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

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

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY 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:

List of Policies

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

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

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

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 IS7: PARKING PROVISION AND STANDARDS

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

List of Policies

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.

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 Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008



NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

N/A

Statement

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

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

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

Please see attached

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

Yes No

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

The site was previously allocated for residential use, although the previous owners failed to make representations to have the zoning continued due to the business demise.

An immediate adjacent development was granted (15/00729/FUL) for the substantial rebuilding of a dwelling with a similar floor level.

There are many other dwellings within the immediate vicinity with lower floor levels which have no history of flooding.

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.

Site plan, floor plans, elevations Flood risk assessment 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

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



Erection of Dwellinghouse
Rhymers Mill, Earlston
Scottish Borders, TD4 6DG

Statement of Appeal – September 2017
For Austin Travel
Aitken Turnbull Architects



Contents

- 1.Introduction**
- 2.Reasons for Refusal**
- 3.Grounds of Appeal**
- 4.Conclusion**

Appendices

- 1.Decision Notice**
- 2.Drawings**
- 3.Flood Risk Assessment**



1.0 Introduction

- 1.1 This statement of appeal has been prepared by Aitken Turnbull Architects on behalf of the applicant and owner of the site Austin Travel, who wish to encourage new business and an associated dwelling.
- 1.2 The proposal (17/00479/FUL) for the new dwelling was lodged on 29th March 2017 with a decision, via delegated powers to refuse the application received on 8th June 2017. As such, we now seek to appeal the decision via the Council's Local Review Body.
- 1.3 This statement now responds to the reasons for refusal and, where appropriate, cross referring to the delegated officers report, Development Plan and material considerations. The supporting documentation to this appeal are listed.



2.0 Reasons for Refusal

2.1 Within the 'Decision Notice' the main reason for refusal was:

- 2.1.1 *The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere.*
- 2.1.2 *The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form.*
- 2.1.3 *The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety.*
- 2.1.4 *The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.*

3.0 Grounds of Appeal

The principle reason for refusal was on grounds of flood risk (refer to 2.1.1) and matters concerning site layout (2.1.2) and access (2.1.3) were discussed with the Planning Officer and were considered secondary and resolvable. Indeed this was referred to in the email exchange with Stuart Herkes dated 26th May 2017. Attempts were also made to realign the house to relate to the houses on Rhymers Avenue although determination was made prior to discussions being finalised.

A Processing Agreement was put in place to allow for additional flood risk information to be submitted in response to the statutory requests. The site was previously allocated for residential use, although the previous owners failed to make representations to have the zoning continued due to the business demise.



There are many other dwellings within the immediate vicinity with lower floor levels which have no history of flooding, and the development does not conflict with the overall site use (2.1.4).

Terrenus Land & Water Ltd have undertaken a detailed Quantitative Level 3 Flood Risk Assessment for the site and have also issued two subsequent follow up addendum letter reports to revise and update the findings of our original report. The addendum letters address comments raised by SEPA and Scottish Borders Council. The latest

addendum letter report was issued to give confidence to Scottish Borders Council that the hydraulic modelling undertaken for the site robust and that the best available information has been used to determine the flood risk to the site.

The latest hydraulic modelling was calibrated to the most recent known flood event (November 2016), an event which was recorded by Scottish Borders Council personnel. The addendum letter and re-modelling also took cognisance of the comments made previously by SEPA with respect to peak flow estimation and quality, reliability and accuracy of height data used within the model. The findings of the calibrated hydraulic modelling has shown that the approach used by Terrenus Land & Water Ltd is robust and that the peak flood water level for the 1 in 200 year event is not sufficient to over top Clatteringford Bridge under normal hydraulic conditions within the Leader Water. Therefore, the site is out-with the functional flood plain of the Leader Water.

For events greater than the design storm event, or for circumstances where there is a significant blockage of Clatteringford Bridge there is the possibility of overland flow from overtopping upstream of the site. In these instances, the issues with respect to flood risk comprise flood routing and conveyance not of functional flood plain or storage. The November 2016 flood event recorded exceptional blockage at the Clatteringford Bridge with resultant higher than normal peak flood water levels upstream of the site. It is recommended that the local authority consider the clearance or management of the upstream shoaling and vegetation at Clatteringford Bridge to ensure optimum performance of the bridge structure and to minimise any increased risk of flooding in and around the village of Earlston. A benefit to the wider community and the hydraulic conveyance performance of the Leader Water at the structure.

For the proposed development the improved hydraulic modelling confirms the following:

- There is no infringement by the proposed development on the functional flood plain of the Leader Water for the 1 in 200 year design storm event;



- There is dry emergency pedestrian access and egress available to the site for the design storm event and during the 1 in 200 year plus 20% uplift for Global Climatic Change events via the higher ground to the east of the site;
- Development profiling of any gardens and soft landscaping areas will be carried out to encourage overland flow pathways away from the proposed development and emergency access and egress routes;
- A flood routing pathway will be established from the road to the southeast in line with the local topography, as this will encourage flood routing back towards the Leader Water.
- Proposed Final Floor Levels are set sufficiently high (102.1m O.D.) providing a freeboard of at least 600mm at the site.

It is concluded that the proposed development is in accordance with current Scottish Planning Policy.

It is noted roads planning have no objections in principal however they raised concerns over the vehicular access being taken off Rhymers Avenue as this is a private road. Having had further discussions with the applicant they have indicated a new access can be formed off Mill Road and a minimum of two private parking spaces can be provided within the curtilage of the property.

Road planning have indicated in their consultation response an access taken from Mill Road will be acceptable.

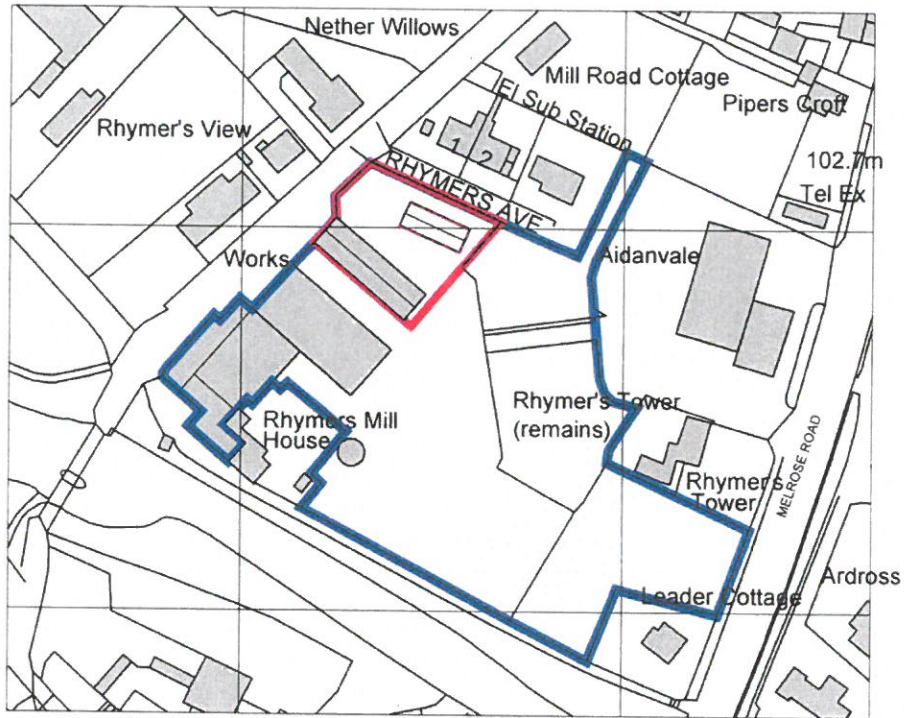


4.0 Conclusion

We believe that the subject site represents a sound location for a new dwelling. It relates well to its immediate surroundings and will avail of existing infrastructure provision and public transport services nearby.

We should add that our client is content to meet all the required Developer Contributions.

Taking the 'Grounds of Appeal' note within chapter 3 we therefore respectfully request that the appeal be allowed.



Scale 1:1250



Reproduced from the Ordnance Survey
1:1250 scale map with the permission of
the controller of Her Majesty's Stationery
Office
CROWN COPYRIGHT RESERVED
Licence No. ES 751987

LOCATION PLAN

@ 1:1250

Site Boundary
Development
Boundary

A - MARCH 2017 - PLANNING RE-SUBMITTED

Revision	Description	By	CHK

Austin Travel
Proposed Dwellinghouse
Rhymer's Mill
Earlston

Location Plan

scale	size	date	drawn	checked
1:1250	A3	March 2016	A.W.	

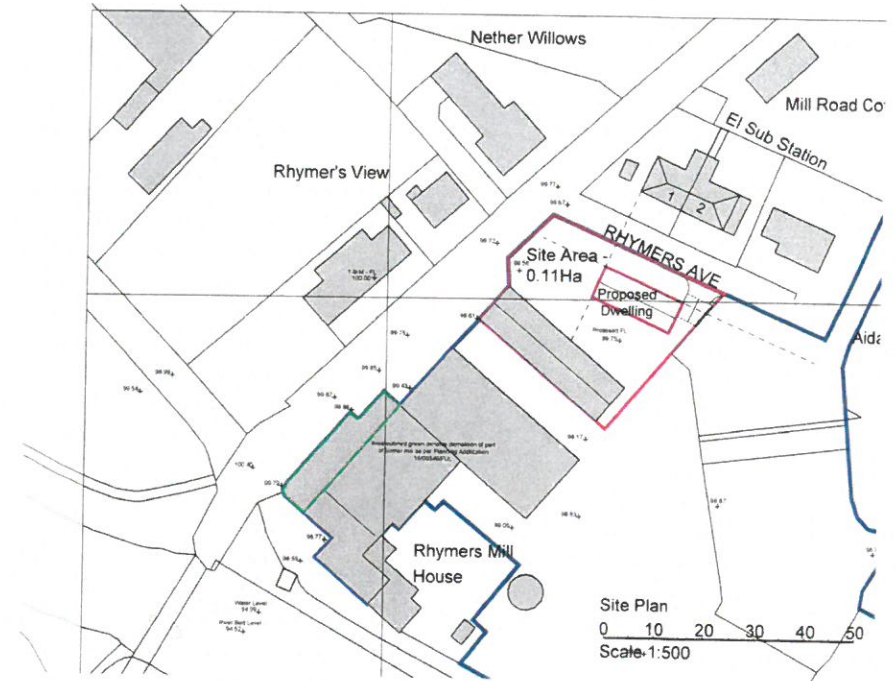
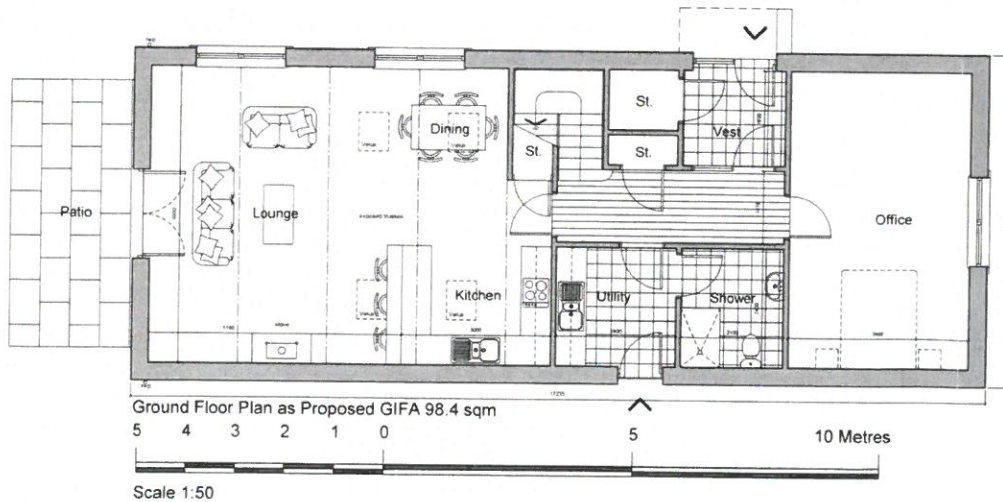
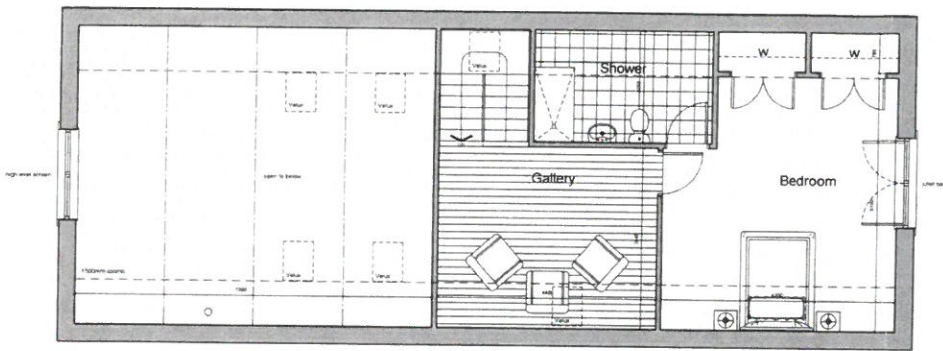
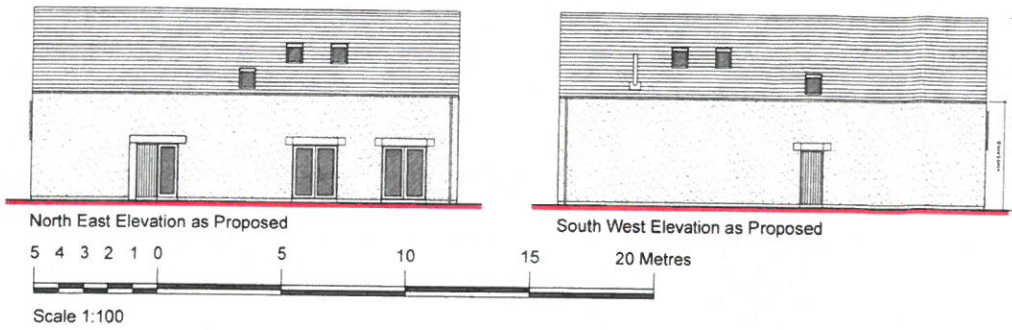
AITKEN TURNBULL ARCHITECTS
9 Bridge Place
Glasgow
TD1 1SN

01896 752700
enquiries@aitken-turnbull.co.uk
www.aitken-turnbull.co.uk

Also at Dumfries & Edinburgh



project no. AT2669 drawing no. LOC-01A



FINISHES SCHEDULE

ROOF FINISH

- Natural slate.

RAINWATER GOODS:

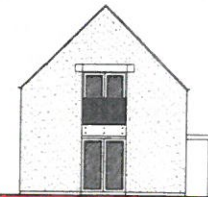
- Aluminium half round gutters and down pipes.

WALLS:

- Smooth cement basecourse.
- Wet dash render main walls.

DOORS & WINDOW:

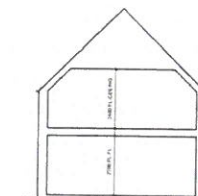
- Velux Rooflights
- New Glazed Screens & French Doors to be UPVC with double glazed units.
- New external grade 'oak style' doors.



South East Elevation as Proposed



North West Elevation as Proposed



General Section as Proposed

Site Boundary

Development Boundary



8 - MARCH 2017 - SITE LAYOUT AMENDED - APPLICATION RE-SUBMITTED
 4 - MAY 2018 - SITE LEVELS ADDED TO SITE PLAN

Austin Travel
 Proposed Dwellinghouse
 Rhymers Mill
 Earliston

Plans, Elevations, Section
 & Site Plan
 as Proposed

Scale: 1:50 1:100 1:500 A1 March 2016 ddp

17/00479/FUL

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

REFUSED

subject to the
 requirements of the
 associated Decision
 Notice



Project No: AT2669 Drawing No: PP-01B

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00479/FUL

**To : Austin Travel per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders
TD1 1SN**

With reference to your application validated on **29th March 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

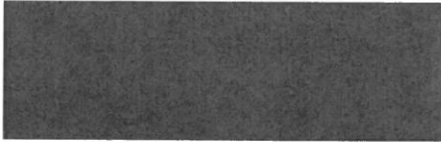
Proposal : Erection of dwellinghouse

**At : Land North East Of And Incorporating J Rutherford Workshop Rhymers Mill Mill Road Earliston
Scottish Borders**

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

**Dated 8th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00479/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Elevations	Refused

REASON FOR REFUSAL

- 1 The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere.
- 2 The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form.
- 3 The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety.
- 4 The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

FOR THE INFORMATION OF THE APPLICANT

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

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

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

Aitken Turnbull Architects
9 Bridge Place,
Galashiels,
TD1 1SN

For the attention of Alistair Weir

By e-mail only

Date: 2nd May 2017

Dear Mr Weir,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
PLANNING APPLICATION: 16/00385/FUL -
ERECTION OF DWELLINGHOUSE
J RUTHERFORD WORKSHOP AND LAND NORTH EAST OF J RUTHERFORD
WORKSHOP, RHYMERS MILL, EARLSTON, SCOTTISH BORDERS**

Introduction

Following on from the Terrenus Land & Water Ltd Flood Risk Assessment report, issued for discussion dated 2nd December 2016, discussions were held with SEPA and Scottish Borders Council with respect to the peak flow for the design storm event and in relation to the November 2016 flood event on the Leader Water.

In order to revise the model and eliminate some of the uncertainties associated with modelling process, Terrenus Land & Water Ltd (Terrenus) updated the hydraulic model with additional survey information and calibrated it to the November 2016 event.

This addendum letter report is provided to give confidence to Scottish Borders Council Planning and Roads, Flooding departments that the model is robust and that the best available information has been used to determine the flood risk to the site.

Site Survey Data

To eliminate uncertainties in the available data for the hydraulic model, additional survey work was requested by Terrenus and undertaken by Messrs Aitken Turnbull Architects. The additional survey work was carried out to an existing local datum and then converted to Ordnance Survey datum. An updated AutoCAD drawing showing the spot height elevation and location to local grid was supplied to Terrenus on the 27th March 2017.

A conversion factor of 1.93m was applied to all local datum spot heights to correct them to Ordnance Datum. The revised location and amended OD height data is shown on Drawing 1601-205-003, which has been enclosed in the appendix of this letter.

November 2016 Flood Event

Discussions with SEPA and Scottish Borders Council highlighted that there have been several large scale flow events recorded on the Leader Water since the original flow estimations were undertaken. The original flow estimations were based primarily on the historic flow data available on-line from the National River Flow Archive (NRFA). Up-to-date data for the Earlston gauging station (Stn. No. 14997) was requested from SEPA, who took over the NRFA gauging stations in 2006. A review of the data provided from SEPA for the gauging station between 2006 and 2016 revealed 11 additional peak flow occurrences. The 2015-2016 water year maximum was recorded on the 22nd November 2016 at 95.12m³/s.

Personnel from Scottish Borders Council attended the area around Rhymers Mill on the 22nd November 2016, immediately following the peak flow event and provided a photographic record of their findings. The photograph included debris build up on the upstream face of Clatteringford Bridge and a trash line on the northern bank of the parkland upstream of the bridge. This photographic evidence was used in conjunction with the additional survey work to determine the peak water level on the ground for the 22nd November event.

2016 Model Calibration

Where additional more up-to-date topographic survey information was available, the relevant cross sections were updated. This amended cross sections from Chainage 552 to Chainage 982, including those immediately upstream and downstream of the Clatteringford Bridge and the A68 Road Bridge.

The peak flow data from the SEPA gauging station for the 22nd November 2016 event was applied to the Leader Water as an inflow hydrograph and the model re-run. The results were then compared to the known extent and height of the trash line generated during the November 2016 event.

Spot heights at two key upstream locations were used to calibrate the model. Spot height determination of the points was undertaken using the photographic evidence, as supplied by Scottish Borders Council, and the updated survey information. The first point taken adjacent to the park bench at the intersection between the trash line and the cross section at Chainage 552. The spot height at this location was determined to be at 102m O.D. The second was taken at the intersection between the trash line and the cross section at Chainage 742. The spot height at this location was determined to be at 100.8m O.D.

Initial model results indicated that the peak water levels at the cross sections upstream of Clatteringford Bridge were too low for the known event, therefore blockage scenarios for the bridge were considered and undertaken to constrain the flow through the Clatteringford Bridge. Constraining the flow through a structure by decreasing the available flow width results in increasing upstream water levels. An iterative process was followed until the known trash line generated during the November 2016 event was replicated.

The final iteration of the model required significant blockage of both the left-hand and right-hand arch ways. The cross sectional area of the left-hand archway was reduced from 61.48m² to 49.83m², a reduction of around 19%, whilst the cross sectional area of the right-hand archway was reduced from 46.97m² to 17.08m², a reduction of around 64%.

Table A, enclosed in the addendum to this letter records the updated model results.

Conclusions and Recommendations

The model results for the calibrated event show that the peak water levels at the bridge do not over top the bridge structure and that the backwater effect is limited to within 125m of the bridge itself.

Whilst the pictures provided by Scottish Borders Council, for the 22nd November 2016 event do record debris and blockage of the Clatteringford Bridge the model indicates that significant blockage of both archways occurred, resulting in the observed trash line upstream of the bridge. It is our opinion that the blockage at the Clatteringford Bridge during the 2016 event was exceptional and is not reflective of the normal flow regime of the Leader Water. The severity of the blockage was likely caused by the significant upstream shoaling and vegetation cover around the right hand bridge archway (looking downstream). Scaring within the upstream shoal shows the uprooting of a mature tree, which would have increased blockage at the right hand archway. These factors are the likely cause of the higher than expected upstream water levels for the 2016 peak storm event.

It is recommended that the local authority consider the clearance or management of the upstream shoaling and vegetation at Clatteringford Bridge to ensure optimum performance of the structure and to minimise any increased risk of flooding in and around the village of Earlston.

Under normal condition, without constriction of the Clatteringford Bridge, the 1 in 200 year peak flood water level at Chainage 742 is noted to be at 101.76m O.D., this is not sufficiently high to overtop the Clatteringford Bridge or the access road to Rhymers Cottage on the upstream northern bank. Consequently, there is no risk of fluvial overtopping from the Clatteringford Bridge for the 1 in 200 year design storm event under normal conditions and the site is therefore not within the functional flood plain of the Leader Water.

The inclusions of the additional updated survey information by Messrs Aitken Turnbull has increased the downstream peak flood water levels at Rhymers Mill, immediately downstream of Clatteringford Bridge. The revised peak water level at Chainage 807 is modelled at 101.25m O.D., which would inundate the ground to the south of the mill building on the northern bank by 0.55m. This would be sufficient to cause inundation of the existing floor level at the mill, which is at 100.70m O.D. and presents a risk of flooding to the adjacent Rhymers Mill House. The additional survey information and re-modelling has increased confidence in the performance of the model at this downstream location.

Whilst the 1 in 200 year event, under normal conditions, does not pose a flood risk to the site, it is prudent to consider blockage of the Clatteringford Bridge as it has occurred in the past. It is in our opinion that the 2016 blockage event was exceptional and does not reflect the typical flow regime of the Leader Water at Clatteringford Bridge. Blockage scenarios for a 20% reduction in the right hand bridge arch, a 10% reduction in both arches and a 20% blockage of both arches were considered. The results of these scenarios are shown on Table A in the Appendix and show that a significant but modest blockage of the Clatteringford Bridge may result in the activation of an overland flood routing pathway from the Rhymer's Cottage access road. The flow pathway would likely convey flood waters east across the road and directly return the flood waters to the Leader Water downstream of the bridge or to flow along the confines of the bridge roadway to the north until the access road into the Austin Travel yard. At this point it would flow generally as sheet flow to the southeast and south back to the Leader Water.

It is known that the historic event, which flooded the site in 1948, was of a magnitude agreed with SEPA to be greater than the 1 in 200 year storm event. It is suspected that historic flooding of the area was most likely due overland flood routing from a breach of the river bank around, Chainage 552. In order to assess the potential flood risk from this source the best available height data for the agricultural land to the north and west of the site was obtained and reviewed.

Aerial Photography Derived 5m Digital Terrain Model (DTM) data was interrogated and spot heights extracted for the area of agricultural land to the north and west of the site, as shown on Figure A. Ground levels at the corner of the field near Chainage 552 are noted to be at 103.13m O.D. The possible activation of an overland flood route pathway from this source does not occur but is albeit marginal for the 1 in 200 year storm event, under normal conditions. The 20% right hand archway blockage and the 10% both archway blockage scenarios increase the peak water level to 103.14m O.D. for. Given the nature of the soils and likely vegetation cover within the agricultural land a 0.01m depth of water is not likely to be sufficient to generate overland flow, therefore, the risk to the site from overland flood routing from this source is considered to be Low.

In conclusion, as the peak flood water levels in and around the site are marginal with respect to the potential for the generation of overland flood routing pathways, any increase in flow or blockage is likely to generate overland flow. The inclusion of a Global Climatic Change (GCC) allowance of 20% to the inflow hydrograph, under normal conditions, increases the peak flood water levels to a point that would activate both the overtopping flood routing pathways noted previously. The results of the 1 in 200year plus 20% event are shown on Table A in the appendix.

In order to successfully develop the site it is recommended that the following requirements are met:

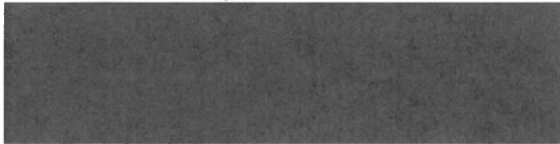
- Dry emergency pedestrian access and egress to the site is established with the higher ground to the east.
- Development profiling of any gardens and soft landscaping areas should be carried out to encourage overland flow pathways away from the proposed development and emergency access and egress routes.
- A flood routing pathway should be established from the road to the south east in line with the local topography, as this will encourage flood routing back towards the Leader Water.
- The proposed final floor level be increased to be at or above 102.1m O.D. thus preserving a freeboard of at least 600mm.



-oo000oo-

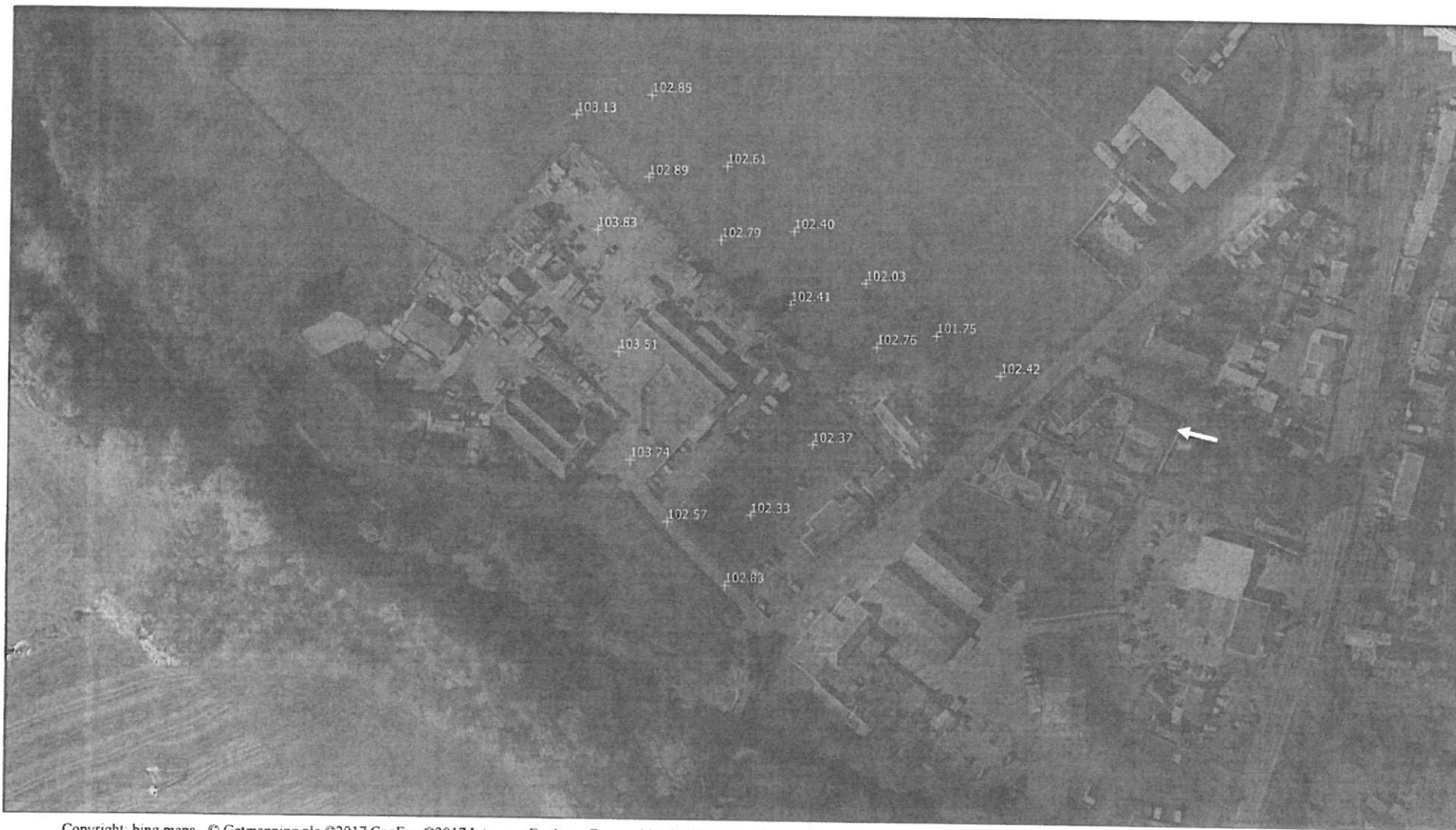
If you should wish to discuss any of the above, or have any queries, then please do not hesitate to contact me.

Yours Sincerely,




Douglas Aitken
Associate Director
Terrenus Land & Water Ltd

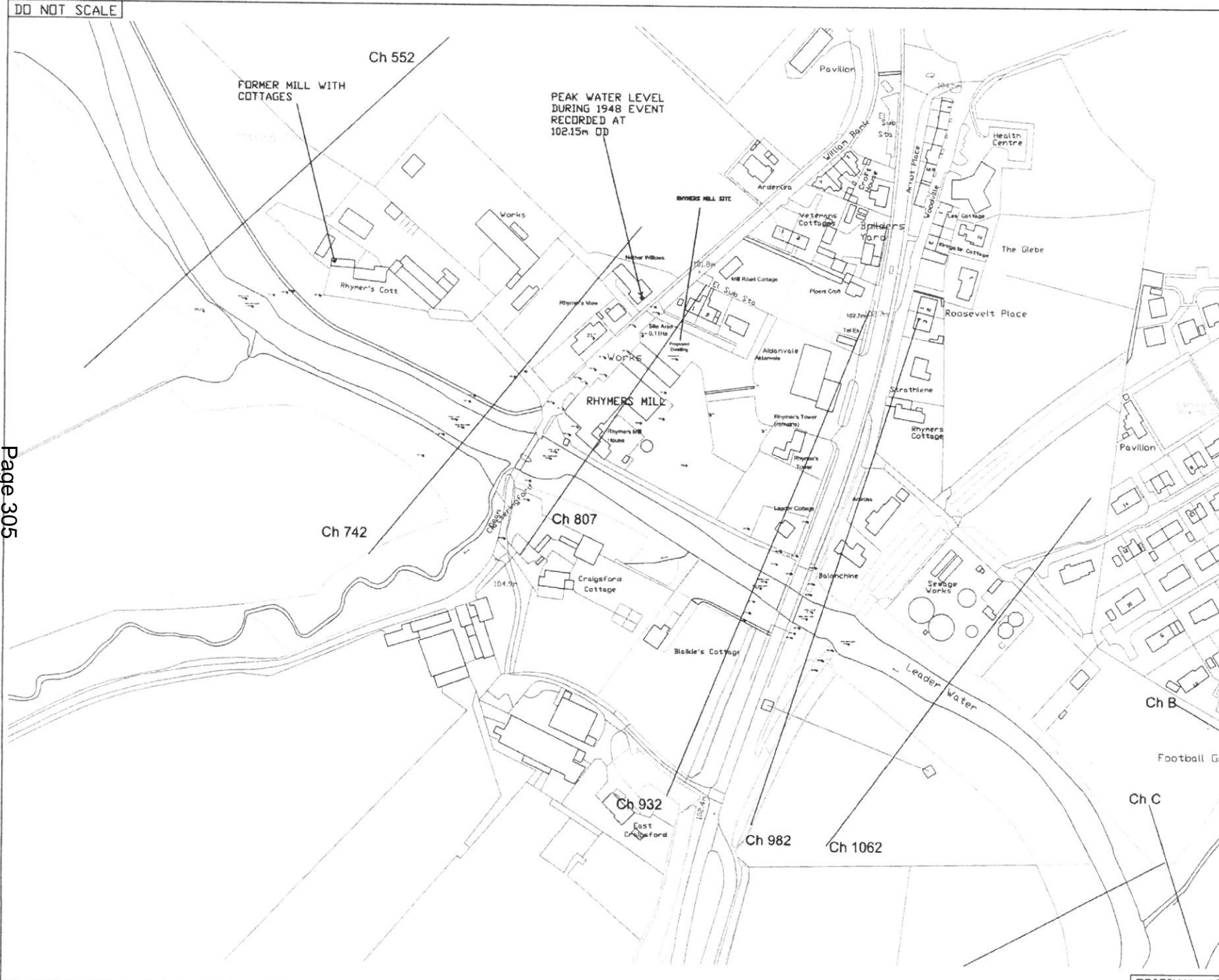
APPENDIX



Copyright: bing maps - © Getmapping plc ©2017 GeoEye ©2017 Intermap Earthstar Geographics SIO Earthstar Geographics SIO ©2017 Microsoft Corporation

Client: Austin Travel	Figure Title: Aerial Photography Derived 5m DTM Spot Height Plan	Prospect Business Centre, Hamilton International Park, Stanley Boulevard, Hamilton, G72 0BN Tel: 01698 822 533	
Project: Rhymers Mill, Earlston – Flood Risk Assessment	Figure A		
Date: 7 th April 2017		DO NOT SCALE	
Grid Ref: NT 57114 38223			
SCALE: N.T.S.			

DO NOT SCALE



LEGEND

- [Symbol: Dashed line] SITE BOUNDARY
- [Symbol: Solid line with arrows] Ch 285 MODEL CROSS SECTION
- [Symbol: Small square with dot] SPOT HEIGHT TO ORDNANCE DATUM (ADJUSTED FROM TBM BY AITKEN TURNBULL)

No.	Description	By	App	Date



Terrenus Land & Water Ltd
 Prospect Business Centre,
 Hamilton International Park,
 G72 0BN
www.terrenus.co.uk

Client
AUSTIN TRAVEL

Project
**RHYMERS MILL,
 EARLSTON**

Drawing Title
SITE DETAIL

Drawn DA	Checked V/H	Approved V/H
Date 07-04-17	1601-205-003	

Scale NTS

ORIGINAL A3

Job No: 1601-205
Table A - FRA Model Outputs

		Peak Water Level (mOD) for Existing Ground Levels						Overland flood routing activation level	Comments
		Calibrated Nov'16 (Leader - 95.12m ³ /s)	1 in 200 year under normal conditions	1 in 200 year plus 20% under normal conditions	1 in 200 year with 20% blockage of right hand archway	1 in 200 year with 10% blockage of both archways	1 in 200 year with 20% blockage of both archways		
Leader Water	1	0	105.29	106.49	106.68	106.49	106.49	106.49	
		165	104.92	105.85	106.00	105.85	105.85	105.85	
	2	330	104.25	105.02	105.15	105.02	105.02	105.02	
		441	103.13	104.01	104.15	104.01	104.01	104.01	
	3	552	102.02	103.11	103.30	103.14	103.14	103.19	103.13
	4*	742	100.77	101.76	102.11	102.16	102.17	102.57	102
	4a	760	100.84	101.91	102.46	102.23	102.23	102.58	102
	5a	790	99.60	101.40	101.65	101.40	101.40	101.40	102
	5*	807	99.49	101.25	101.49	101.25	101.25	101.25	100.7
	6	932	99.24	100.76	100.85	100.76	100.76	100.76	
	6a	945	99.00	100.62	100.89	100.62	100.62	100.62	
	7a	965	98.95	100.41	100.67	100.40	100.40	100.41	
	7	982	98.88	100.34	100.60	100.34	100.33	100.34	
	8	1062	97.21	99.15	99.43	99.15	99.15	99.15	
	9	1222	97.00	98.97	99.24	98.97	98.97	98.97	
		1252	96.96	98.94	99.21	98.94	98.94	98.94	
		1252	96.96	98.94	99.21	98.94	98.94	98.94	
		1382	96.79	98.77	99.04	98.77	98.76	98.76	
	10	1512	96.61	98.55	98.84	98.55	98.55	98.55	
		1684	96.29	98.11	98.43	98.11	98.11	98.11	
	1857	95.77	97.34	97.65	97.34	97.34	97.34		
Turford Burn	A	0	100.55	100.55	100.61	100.55	100.55	100.55	
	B	200	98.05	98.94	99.21	98.94	98.94	98.94	
	C	320	96.96	98.94	99.21	98.94	98.94	98.94	Confluence with Leader Water

Key:

- No activation of possible overland flood routing pathways
- 0.01m - 0.3m or greater water depth possible for activation of overland flood routing
- 0.3m or greater water depth possible for activation of overland flood routing

From: SHerkes@scotborders.gov.uk
Sent: 26/05/2017 11:12:54
To: dburgher@aitken-turnbull.co.uk
Cc: barry@austin-travel.co.uk; aweir@aitken-turnbull.co.uk
Subject: RE: 17/00479/FUL - Contribution Letter
Email Ref: EML-INC/AT2669/20170526-113133-255
Project: AT2669
Description: Proposed New Dwelling
Location: Earlston
Client: Mr Barry Austin

David

Noted with thanks

Regards

Stuart

Stuart Herkes MRTPI
Planning Officer (Development Management)
Regulatory Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
Scottish Borders
TD6 0SA
Tel: 01835 825039
Fax: 01835 825158
Email: sherkes@scotborders.gov.uk

To assist us with your enquiry, please quote the relevant Planning Reference Number in your correspondence.



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From: David Burgher [<mailto:dburgher@aitken-turnbull.co.uk>]
Sent: 26 May 2017 10:11
To: Herkes, Stuart
Cc: Barry Austin; Alistair Weir
Subject: RE: 17/00479/FUL - Contribution Letter

REFERENCE EML-OUT/AT2669/20170526-101033-010

Stuart

As discussed we can debate the orientation of the house and any other detail post FRA response.

I am content with the processing agreement.

David

From: Herkes, Stuart [<mailto:SHerkes@scotborders.gov.uk>]
Sent: 24 May 2017 14:55
To: David Burgher <dburgher@aitken-turnbull.co.uk>
Cc: Barry Austin <barry@austin-travel.co.uk>; Alistair Weir <aweir@aitken-turnbull.co.uk>
Subject: RE: 17/00479/FUL - Contribution Letter

David

Please find attached a draft PPA agreement. I am yet to receive advice from our Flood Prevention and SEPA but the consultation runs to 30 May, and I would thereafter need to allow a little time for me to present the application for determination. To some extent this agreement is a place-holder in that I need to allow that SEPA or Flood Prevention may seek clarification, while – as previously discussed and confirmed – I do maintain concerns with respect to the orientation of the proposed dwellinghouse, and would allow at this stage (even allowing for satisfactory resolution of the flood risk issues) that the proposal may not be supported on design grounds. However, and since I cannot pre-judge any decision-maker's views on these matters, I have also allowed within the PPA for the application to be supported, which would then require agreement thereafter, as to the type of legal agreement your client would be prepared to enter into.

I can keep the application live (undetermined) for now under this agreement (that is, beyond its target date of the end of the week), until we have the various Flood Risk Authorities responses, which hopefully should be by or before 30 May. Depending on what those responses are, I will need to review, and see whether or not any further information/clarification would be required from you.

I trust that this is in order, but please do not hesitate to contact me if you require further advice/clarification.

Regards

Stuart

Stuart Herkes MRTPI
Planning Officer (Development Management)
Regulatory Services
Scottish Borders Council

PLANNING PROCESSING AGREEMENT

This processing agreement between *Scottish Borders Council* and *Austin Travel* aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding.

Site Address: *Land North East Of And Incorporating J Rutherford Workshop Rhymers
Mill Mill Road Earlston
Scottish Borders*

Brief description of proposal: *Erection of dwellinghouse*

Decision: Subject to the achievement of the timetable set out in this document, including provision of all necessary information by the applicant and consultees, the application will be referred to the appropriate committee of the Council no later than

APPLICATION DETAILS

Reference number	17/00479/FUL
Site Address	Land North East Of And Incorporating J Rutherford Workshop Rhymers Mill Mill Road Earlston Scottish Borders
Description of development	Erection of dwellinghouse
Application Type	Full Application
Other consents required	Building Warrant, SEPA license
Likely delegate application	No

KEY CONTACTS

The persons identified below are the key contacts between the Council and the Applicant. The key contacts will liaise regularly on the progress of the application and will contact each other as soon as possible should any matter arise which is considered likely to delay progress with processing the application. (Include names, phone numbers and email addresses)

Applicant	Austin Travel Coach & Minibus Hire 1 Station Road Earlston Scotland TD4 6BZ
Agent	Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN admin@aitken-turnbull.co.uk
Officer	Stuart Herkes

	<i>Planning Officer</i>
Alternative Local Authority Contact	<i>Ian Aikman (Development Manager, Major Applications)</i>

AGREED ACTIONS

Action		Who/when
1	Re-consultation and Responses back from SEPA and others	Consultees by no later than 30 May 2017
2	Assuming that there is no requirement for further details to be supplied and reviewed, Planning Officer to present application for determination	Planning Officer by no later than 06 June 2017
3	In the event of refusal, Decision Notice to be issued by SBC (no legal agreement)	SBC by no later than 09 June 2017
4	In the event of approval, PPA to be revisited and extended to include appropriate provisions for the conclusion of a legal agreement (s69 or s75). If the latter, this is liable to take the date of issue of any Decision Notice beyond determination, by around 3 months (and therefore into mid September 2017). However, it would be appropriate to revisit the PPA informed by the actual circumstances, which may allow a Decision Notice to be issued more quickly. An S69 could be issued within 10 days to 2 weeks normally.	At the time of writing, it is not anticipated that the current design (principally layout) can be supported, but in the event of approval (the decision-makers' assessment is not pre-judged), there would be ulterior requirements to ensure that an appropriate legal agreement were in place to secure development contributions, which would require arrangements to be put in place for the period from determination to release of consent, which would lie beyond the end of June 2017; this requirement could be updated further to determination and consultation with Legal, and would depend upon whether or not a S69 or S75 legal agreement were ultimately to be concluded.

Signed..... On behalf of
Scottish Borders Council

Signed on behalf of

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00479/FUL

APPLICANT : Austin Travel

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land North East Of And Incorporating J Rutherford Workshop
Rhymers Mill
Mill Road
Earlston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations.

Earlston Community Council: wishes to express and have its concerns noted over the possible impact on both Rhymers Avenue and houses nearby - both for residents and for access. It has also noted the comments made by SEPA and wishes to highlight the content of that response. (Earlier advice from the Community Council was withdrawn, and substituted by its advice above).

Roads Planning Section: no objections in principle but there are some issues of concern. The proposed access appears to be along Rhymers Avenue, which is a private road and is not included within the Applicant's ownership boundary. It is also narrow with no passing provision or turning area. Furthermore, the junction onto Mill Road suffers from poor visibility due to the roadside wall when looking northwards, has no radii, and does not have sufficient width for two vehicles to pass. The submitted site plan is also unsatisfactory as a minimum of two parking spaces would require to be provided within the curtilage of the plot. The site plan currently shows one full space and the second space being impinged upon by the site boundary. Until the Applicants' demonstrate an ability to upgrade the existing Rhymers Avenue to a satisfactory standard and include two parking spaces within the curtilage of the site, Roads is unable to support this proposal. It should be noted that a new access from Mill Road to serve this property is an option that is also likely to be acceptable and easier achieved.

Environmental Health Section: seeks an informative to advise with respect to the installation and operation of the proposed wood burning stove, and seeks the imposition of a suspensively-worded

planning condition to require that the potential for historic land contamination should be appropriately investigated.

Education and Lifelong Learning: seeks development contributions towards the new Earlston High School and extension of Earlston Primary School.

Flood Prevention Section: initially advised that the site is at risk from a flood event with a return period of 1 in 200 years (that is, the 0.5% annual risk of a flood occurring in any one year) and lies within the 1 in 10 year flood extent of the Leader Water, and is therefore at high risk of flooding. Given a location within the functional floodplain of the Leader Water and given compelling historical evidence of flooding, Flood Prevention objected to the proposed development on the basis that the proposal would be contrary to SPP which promotes flood avoidance (Paragraph 255) and states 'piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity' (Paragraph 256). It was advised that if the Applicant could show through a Flood Risk Assessment (FRA) that the site is out with the functional floodplain and not at risk of flooding during the 1 in 200 year flood event then Flood Prevention. Further to the submission of a FRA (in reality the FRA submitted at the time of a previous planning application, 16/00385/FUL, updated with an addendum letter), and its review of the latter, Flood Prevention has responded more recently to advise that although it has spoken with the Applicant's agent (Terrenus Land and Water) on 16th May 2017, clarification of a number of points within the FRA and addendum letter, has not been forthcoming. Given the concerns with this site which have previously been detailed (within Flood Prevention's previous response on this and on the previous Planning Application, 16/00385/FUL), Flood Prevention cannot support the proposed development. This is due to the uncertainties regarding the flood risk to the site which the FRA has not adequately explained. Flood Prevention considers that the proposed site is within the functional floodplain of the Leader Water and that approval of the application would be contrary to the SPP.

SEPA: initially responded to object in principle to the application on the grounds of flood risk, maintaining the same grounds as its consultation response of 20 December 2016, which was submitted in response to the public consultation on Planning Application 16/00385/FUL. However, it is specifically advised that the limited information submitted as part of the current application does not allow SEPA to alter its advice that a dwellinghouse on this site would increase the number of people and properties at flood risk. Further to the Applicant's provision of an updated version of the FRA submitted at the time of Planning Application 16/00385/FUL, SEPA has responded more recently to advise that further to its review of the latter, it maintains its object(ion) in principle to the proposed development on the grounds that the proposal would place buildings and persons at flood risk contrary to Scottish Planning Policy. Given the location of the proposed development within the undeveloped/sparsely developed functional floodplain, SEPA does not consider that it meets with the requirements of Scottish Planning Policy and its position will not change. SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. SEPA's assessment and conclusions are set out within a Technical Review included within its second consultation response.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016

Policy PMD1: Sustainability

Policy PMD2: Quality Standards

Policy PMD5: Infill Development

Policy HD3: Residential Amenity

Policy EP16: Air Quality

Policy IS2: Developer Contributions

Policy IS7: Parking Provision and Standards

Policy IS8: Flooding

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

SBC Supplementary Planning Guidance: Development Contributions (approved April 2015)

Recommendation by - Stuart Herkes (Planning Officer) on 7th June 2017

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

This application proposes a new dwellinghouse within the northwestern section of the curtilage of the former premises of J Rutherford's vehicular sales and repair business within the Development Boundary at Earlston. Although an established mixed use business premises, the site is not allocated or safeguarded for business and industrial use within the Adopted Local Development Plan. An earlier version of this application was withdrawn last year following SEPA's maintenance of its objection in principle on the grounds of unacceptable flood risk impacts.

The particular site in question occupies something of a transitional area between residential properties to the north and west, and the remainder of the Rutherfords business premises to the east and south. The site includes an existing former Rutherfords workshop building which is specifically included within the site boundary of the proposed residential property. The latter is not itself proposed for conversion to a dwellinghouse, and would be fundamentally unsuitable for such a proposal. Instead, the application proposes a new-build dwellinghouse, which would be sited in the northeastern section of the site, aligned to the residential street to the north, Rhymers Avenue. Accordingly it is understood that the proposed residential property would be constituted by the proposed new dwellinghouse and the existing workshop building. No details are given with respect to the proposed landscaping. Access is shown to be from the northeast corner of the site, directly from Rhymers Avenue, where one full and one truncated parking space are indicated.

PLANNING PRINCIPLE

In as much as (i) the site lies within the Development Boundary, (ii) is not allocated for any specific use within the statutory development plan, (iii) is capable of being accessed directly and separately from the public road and (iv) prevails within an area that includes residential development, I would not consider that the proposal raises any concerns in principle. However, there are nonetheless specific aspects of the development that are objectionable.

FLOOD RISK

A previous planning application (16/00385/FUL) for a different version of the proposal was withdrawn because SEPA objected in principle to the development on the grounds that development would have unacceptable flood risk impacts. The Applicant has provided an updated version of the Flood Risk Assessment (FRA) previously submitted at the time of Planning Application 16/00385/FUL. This includes an addendum letter which sets out details of steps taken to revise the hydraulic model developed for the FRA and is intended to address concerns raised by the flood prevention authorities within their consultation responses which were provided at the time of their review of the FRA provided in support of Planning Application 16/00385/FUL. Additionally, topographic survey has been undertaken and additional hydrometric data obtained from SEPA. However, further to its review of these updated details, SEPA maintains its objection in principle to the development of the site on the grounds that any dwellinghouse so sited, would be liable to unacceptable flood risk. These concerns are shared by the Council's own Flood Prevention Section. In light of these statutory consultees' advice that the site cannot be developed acceptably in flood risk terms, the proposal cannot be supported, and the planning application should be refused.

INDUSTRIAL BUILDING

It is unclear how the existing workshop building would be incorporated into the proposed residential property and it could continue in use as a business premises. Depending upon how it is operated, this has potential to impact unacceptably upon the amenity of the proposed dwellinghouse.

In the event of the proposal otherwise having been capable of support, it would have been appropriate to have established with the Applicant what the proposed use of this building would have been. There may also have been some potential to require by planning condition that the two buildings be retained within the same planning unit.

However, in the absence of any information from the Applicant about the proposed workshop use and operation within the proposed residential property, it remains possible that the operation of the workshop would be liable to have unacceptable impacts upon the residential amenity of the proposed dwellinghouse. This would therefore need to be included among the reasons for the application's refusal.

COMPOSITION, LAYOUT AND ORIENTATION

The siting and orientation of the proposed dwellinghouse on the site also raises concerns. The proposed dwellinghouse would have been more satisfactorily accommodated within an L-shaped footprint, predominantly fronting onto Mill Road, while adhering to the same building line as the existing buildings to the southwest, which also front the public road. This would have reconciled its orientation with both the aforementioned existing workshop building and the majority of the surrounding streetscape which fronts one or other side of Mill Road. Instead, the proposed alignment of the house with Rhymers Avenue would establish a new building line, and would in its relationship to the existing workshop building, give the site a notably splayed layout. Within this awkward relationship between the site's two buildings, there would be no internal coherence. The site would in fact be centred on an open central area between the two buildings which has to this point, no description or explanation as to how or why such an area would be necessary or how it would be configured to 'tie' the site together. In short, the site would be liable to appear to be something of an 'awkward corner' left over between two buildings whose coexistence within the same site would be liable to appear fundamentally contrived and awkward. Given that this could have been addressed directly within the proposed design, it is an unsympathetic and, I consider, unacceptable feature of the current version of the proposal.

Alignment of the majority of the house with Mill Road would also see the proposed dwellinghouse more satisfactorily accommodated relative to the properties in Rhymers Avenue which, if the development were realised as proposed, would be confronted with the entire building's lengthwise elevation in front of their principal views. While I would not consider the relationship between the proposed dwellinghouse and its neighbours liable to be unacceptable in terms of its impacts upon the amenity of any surrounding properties, I would nonetheless note that the residential amenity of these neighbouring properties would still be more appropriately conserved if the proposed building were moved to the northwest, and realigned southwest to northeast so as to front Mill Road. This would reduce the extent of building that would face directly towards Rhymers Avenue, to a more ancillary elevation. Such an arrangement would also be liable to help screen views from the public road (Mill Road) of any parking or turning areas, to the rear of the property, particularly if an L-shaped footprint were used.

Taking account of all of these factors, I consider that the site could have been laid out more sympathetically to the character of the site and surrounding area, and that the proposed siting and layout of the property lacks coherence in itself and would appear discordant and incongruous relative to the surrounding streetscape. The proposal would have the appearance of two buildings of notably different character, misaligned to one another around an inexplicable central open space. The cumulative effect would be, I consider, objectionable in its lack of coherence internally and in its unsympathetic relationship to its surroundings (as manifest within the proposed composition, layout, and orientation of the site). All in all, this would be a decidedly incongruous form of development in its character and in its relationship to the surrounding streetscape, and I consider, should be refused on this basis.

ACCESS AND PARKING

The Roads Planning Section has expressed its concern - and on the basis of a lack of information, also its objection - that the site might be accessed directly from Rhymers Avenue, which is a private road. Roads considers that it should instead be accessed from Mill Road, the public road. Roads allows that it might be persuaded by new or additional information from the Applicant, specifically any reassurance that the Applicant can provide to demonstrate that it could use and upgrade the existing access from Rhymers Avenue to Roads' specification. However, the Applicant has not to this point, provided any advice to this effect. Nor has it revised its parking provision layout to address Roads' concern that sufficient provision for two parking spaces be accommodated (as opposed to one of the identified spaces being truncated by the

site boundary). Given that none of these issues has been addressed to Roads' satisfaction, it is therefore reasonable to understand that Roads' objection on these points still stands, and is reasonably included amongst the reasons for refusal.

Theoretically the Applicant's existing layout would still allow access to be taken from Mill Road and space could be found for two parking spaces, all of which could be made a requirement of condition, in the event of approval. It is also possible that any parking provision accessible from Mill Road, could still be accommodated to the rear of any building fronting Mill Road (through the use of a path or driveway leading to rear, for example); albeit that this would only be possible within a revised design proposal. However, unless these matters were resolved within a considered revised layout, it is not apparent that the Applicant could address all matters to both the satisfaction of both Roads and the Planning Authority. It is also material that the Applicant has not to this point, provided any revised or alternative details to address these concerns. Further, and notwithstanding the above, it is also not clear even if the Applicant could carry out improvements to the private access to address Roads' concerns, whether these improvements could then be maintained in future. (Maintenance is liable to be entirely at the discretion of the owner(s) of the private access, and therefore beyond the direct control of the Applicant). All in all, it is unclear whether or not the access and parking concerns identified by Roads, could be addressed to the satisfaction of Roads, and therefore to the satisfaction of the Planning Service. Accordingly, I would consider that the application should also be refused on the basis of the access and parking concerns identified by Roads.

DESIGN OF DWELLINGHOUSE

Although I consider that the layout of the site and orientation of the dwellinghouse are objectionable per se, I would advise that the proposed design approach for the dwellinghouse itself does not raise any particular concerns, notwithstanding a need to consider its adaptation to address some of the concerns noted above - had it indeed been appropriate to seek its re-siting and re-orientation. However, as a building which would only have an immediate relationship with workshops on adjacent land, the proposal that it should have the form of a converted traditional outbuilding works sufficiently well as a design concept, and its adaptation might have been usefully sought had there not been objections in principle to the site's development on flood risk grounds. I would however express reservations with respect to certain aspects: specifically the over-use of patio-type doors and the lack of any porch or other obvious entrance feature. However, these are relatively minor points that might otherwise have been appropriately resolved in discussion with the Applicant, had the proposal otherwise been capable of being supported.

Due to the distance of set back and its confrontation of the public elevations of the properties on Rhymers Avenue and Mill Road, I would not consider that the relationship between the proposed dwellinghouse and its neighbours, would be liable to be unacceptable with respect to impacts upon residential amenity. However, there are some unknown aspects in this respect. There are proposals within the FRA that the finished floor level should be above a particular height but the implications of this relative to the existing levels on the site and the levels within the surrounding streetscape are not addressed. In other circumstances, it would have been appropriate to have clarified the implications of this for the development given the potential for the new house to be raised to a more significant height than the description of the Proposal Drawings indicate, with potential consequences with respect to the appearance of the site, the residential amenity of surrounding properties, and the potential for the building to be out of alignment vertically with surrounding buildings, adding to the discordant character of the development already noted above with respect to the site's layout and the proposed dwellinghouse's orientation. However, this is not a matter that the Applicant has sought to provide full details on, and it is unclear whether or not there would be any unacceptable impacts upon the residential amenity of any surrounding properties, or upon the general visual amenities of the area, as a consequence of the house being raised to any significant height above the existing and surrounding ground levels. Again, had this been the only concern, it would have been appropriate to have referred this matter back to the Applicant for clarification.

OTHER CONCERNS

While some matters may have been addressed by condition in the event of approval (such as boundary features, landscaping, as well as provision of parking spaces), there is a general lack of details with respect to the proposal, which is at best, unhelpful in communicating how the site might have been laid out. However, the concerns noted with respect to the siting of the house and layout of the property, are so significant that these would not have been appropriately mitigated through any matters that might otherwise have been regulated under the requirements of any conditions.

In the event of approval, Environmental Health's concerns would be capable of being addressed by conditions and informatives along the lines it recommends. Other concerns such as drainage and water supply could be appropriately regulated under standard planning conditions.

CONCLUSION

In summary, I am not supportive of this proposal on the basis of the flood risk impacts; the inclusion of a workshop building that would be liable to dominate the site (and which would challenge even the proposed dwellinghouse); the unsympathetic siting of the house and layout of the proposed residential property, which would conflict with the character of the site and surrounding streetscape; and the lack of appropriate provision for the accommodation of parking and access at the site. As noted above, there are other areas of concern, such as finished levels, but the lack of information provided in support of the application does not allow any view to be taken as to whether or not these would or would not have been acceptable in terms of their impacts.

REASON FOR DECISION :

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

- (1) The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere;
- (2) The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form;
- (3) The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety; and
- (4) The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

Recommendation: Refused

- 1 The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere.
- 2 The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form.
- 3 The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety.
- 4 The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

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

Our ref: PCS/152396
Your ref: 17/00479/FUL

If telephoning ask for:
Paul Lewis

19 April 2017

Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

By email only to: dcconsultees@scotborders.gov.uk

Dear Mr Herkes

Town and Country Planning (Scotland) Acts
Planning application: 17/00479/FUL
Erection of dwellinghouse.
Land North East of and Incorporating J Rutherford Workshop Rhymers Mill, Mill Road, Earlston, Scottish Borders.

Thank you for your consultation which SEPA received on 03 April 2017.

Advice for the planning authority

We **object** to this planning application in principle on the grounds of flood risk.

We objected in principle to a previous application for a dwelling house on this site. Please see our response of 20 December 2016 (our reference PCS/150362) to planning application 16/00385/FUL.

The limited information submitted as part of the current application does not allow us to alter our advice that a dwelling house on this site would increase the number of people and properties at flood risk.

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Paul Lewis
Senior Planning Officer
Planning Service

Continued....



Chairman
Bob Downes
Page 319
Chief Executive
Terry A'Hearn



SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.
www.sepa.org.uk • customer enquiries 03000 99 66 99

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Our ref: PCS/152943
Your ref: 17/00479/FUL

If telephoning ask for:
Paul Lewis

5 June 2017

Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

By email only to: dcconsultees@scotborders.gov.uk

Dear Mr Herkes

Town and Country Planning (Scotland) Acts
Planning application: 17/00479/FUL
Erection of dwellinghouse
Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston, Scottish Borders.

Thank you for your consultation which SEPA received on 09 May 2017.

Advice for the planning authority

We **maintain our object in principle** to the proposed development on the grounds that it will place buildings and persons at flood risk contrary to Scottish Planning Policy.

Given the location of the proposed development within the undeveloped/sparsely developed functional floodplain, we do not consider that it meets with the requirements of Scottish Planning Policy and our position will not change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may wish to consider if this proposal falls within the scope of this Direction.

Notwithstanding this position we have included our review of the information supplied. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.



1. Flood Risk

Summary

- 1.1 We have received a revised flood risk assessment (FRA) in support of the erection of a single dwelling at Rhymers Mill in Earlston. The initial FRA entitled "Rhymers Mill, Earlston" dated 2nd December 2016, report number 1604-205, was submitted in support of the withdrawn application, 16/00385/FUL. For completeness we refer you to the original FRA.
- 1.2 We maintain our objection in principle to this application for a dwelling on this site. The site was subjected to flooding during the August 1948 event which we believe is a 0.5% annual probability (AP) event and, therefore, the site falls within the functional floodplain. Further details regarding the estimated return period of the August 1948 event can be found in our response of 20 December 2016 (our reference PCS/150362), particularly section 3. Scottish Planning Policy (SPP) clearly states that the planning system should promote flood avoidance by locating development away from the functional floodplain and medium to high risk areas (paragraph 255 of SPP). We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Enabling this development will increase the number of properties and people at risk of flooding, contrary to SPP and our shared duties under the Flood Risk Management (Scotland) Act 2009.
- 1.3 Furthermore we believe that the FRA shows that the site lies within the functional floodplain. Ignoring all the uncertainties regarding the hydrology, topographic information and roughness values used within the FRA, it is best practice to include a degree of blockage in any structure when determining the functional floodplain; as outlined within our "Technical Guidance for Stakeholders". We would have expected Terrenus to use the predicted flood level of 102.57mAOD as the 200 year event which includes 20% blockage of the bridge. Using a flood level of 102.57mAOD (0.5% AP event with 20% bridge blockage) would result flood water overtopping Mill Road and onto the development site. Therefore, even with significant issues with the hydraulic model the site falls within the functional floodplain hence another reason for our continued objection in principle. Notwithstanding this position we have included our review of the information supplied and the reasoning's why the FRA under predicts the risk of flooding at the site.

Technical Review

- 1.4 Firstly, we would highlight a significant inaccuracy within the revised flood risk assessment. Terrenus state that SEPA agrees that the August 1948 flood event was of a magnitude greater than 1 in 200 years. This is erroneous and we have consistently stated that the August 1948 event was a 0.5% AP (1 in 200 year) flood event within all our previous responses. The site flooded during this event to a depth of around 0.55m and therefore the site falls within the functional floodplain hence our continued objection in principle.
- 1.5 One of the largest uncertainties for assessing the risk of flooding to this site is the hydrology. We previously highlighted that our gauging station on the Leader Water in Earlston is bypassed by flows just above Qmed and therefore there is significant uncertainty attached to the high flow rating. As explained within our response of 20 December 2016, we would have expected the consultant to extend the high flow rating using the hydraulic

model. This has not been undertaken and there remains significant uncertainty over the hydrology used within the hydraulic model.

- 1.6 As outlined in our response of December 2016 (our reference PCS/150362), we had serious concerns regarding the accuracy of the cross sectional information. As a result, additional topographic information has been obtained by Terrenus on 27 March 2017 and this has found that the topographic information contained within the original FRA by Terrenus (dated December 2016) was inaccurate. For example the bed level at cross section 742 (adjacent to the site) was originally modelled as 97.5mAOD, but using the updated survey information the bed is now 98.5mAOD; or, 1m higher. At section 982, the new survey information has the bed level of the Leader Water 2m higher than used within the original FRA. Interestingly, the bank and floodplain spot levels remain unchanged. The impact of having a higher bed level will mean a decrease in the channel size and in turn conveyance capacity resulting in higher flood levels and more frequent and extensive flooding
- 1.7 We would highlight that only a small area has been resurveyed as shown on drawing number 1601-205-003 entitled "Site Detail". Cross sectional details outwith the recently surveyed reach (both upstream and downstream of the site) are derived from Aerial photography DTM and will be inaccurate. As well as the examples described in section 3 above, floodplain topographic information will be incorrect. For example, a spot level taken to the south west of Rhymers View via a topographic survey is shown to be 101.9mAOD and the same spot is 102.83mAOD on the aerial photography DTM. This will ultimately affect the accuracy of the results in the hydraulic model and predicted flood extent. Photogrammetry has a use in undertaking indicative flood mapping but should not be used for site specific flood risk assessments where accurate flood levels and safe finished floor levels are required.
- 1.8 No revised cross sectional information has been provided and therefore we are unsure whether the cross sectional information has been altered within the hydraulic model. Review of the revised predicted 0.5% AP flood levels, generally flood levels have increased slightly compared to the December 2016 flood levels apart from cross section 552 where there has been a 100mm decrease which is unexpected.
- 1.9 The consultants have tried to increase the confidence in the hydraulic model by calibrating the model to the November 2016 flood event. It is best practice to calibrate hydraulic model, but it is more important to have accurate topographic information used within the model which does not appear to be the case in this hydraulic model.
- 1.10 No photographs have been provided of the November 2016 event within the report. Two flood levels have been established: one at section 552; and another at 742. The November 2016 flood level at section 552 was 102mAOD and at 742 the flood level was 100.8mAOD. Extremely limited out of bank topographic spot levels have been taken as shown on drawing 1601-205-003 and therefore it is likely the consultant has interpolated levels between two surveyed points to estimate the flood level which is not best practice. We would have expected the surveyors to take a specific level at the trash line as this is far more accurate than interpolating levels.
- 1.11 Initial calibration results showed that the hydraulic model was under predicting flood levels. To increase flood levels, blockage of the bridge was then included with the right archway blocked by 64% and the left archway blocked by 19%. Blockage to this degree is significant, however due to the nature of the catchment with tree lined banks, it is possible. We acknowledge that calibrating the hydraulic model in this area will be difficult as establishing

the degree of blockage on the bridge during the November 2016 event is near impossible. One modelling parameter which should be adjusted when calibrating the hydraulic model is roughness and we previously stated that the roughness values used within the hydraulic model were too low (section 11 of our response dated 20 December 2016, reference PCS/150362). By having more realistic roughness values, i.e. increasing the roughness, the flood levels would in turn increase.

- 1.12 In the conclusion of the revised FRA, it is stated that without constriction of Clatteringsford Bridge, the flood level at 742 is 101.76mAOD. This statement could be misleading as it could imply that the bridge has not been included within the hydraulic model as the bridge naturally acts as a constriction on flows. We presume that the consultant means that the 0.5% AP flood level with no blockage on Clatteringsford Bridge is 101.76mAOD. Ignoring all the uncertainties regarding the hydrology, topographic information and roughness values, we would have expected Terrenus to use the predicted flood level of 102.57mAOD as the 0.5% AP event. This 200 year flood level is derived when both archways are blocked by 20%. As outlined within section 4.9 of our "Technical Flood Risk Guidance for Stakeholders", *'it is the view of SEPA that all land liable to flooding during a flood event up to and including the 200 year flood, even if caused by the blockage of a structure should be considered functional floodplain.'* There is clearly a history of blockage on this bridge and therefore a degree of blockage should be included within the bridge when determining the functional floodplain. Using a flood level of 102.57mAOD (0.5% AP event with 20% bridge blockage) would result flood water overtopping Mill Road and onto the development site. Therefore, even with significant issues with the hydraulic model (topographic information, roughness and hydrology), the site falls within the functional floodplain hence another reason for our continued objection in principle.
- 1.13 As well as direct flooding from the Leader Water at Clatteringsford Bridge, another flow path could exist which has not accurately been assessed. Between sections 0 to 552, the left bank is significantly lower and there is significant out of bank flow. For example at section 330 there will be 1m depth out of bank flow on the left bank (flood level of 105.02mAOD and bank level of 104.1mAOD). There is a risk of this flood water reaching the site via overland flow. Although the consultants have looked into this risk for section 552 (see comments below), this source of flooding has not been assessed for out of bank flow at the upstream sections. Based upon the review of figure A, spot levels at the 'works' are higher than surrounding ground levels and therefore a flow path could exist to the north of this area and enter the site via Mill Road at Nether Willows.
- 1.14 To assess the likely flow path at section 552, Terrenus have again used aerial photography DTM. As highlighted above in this response, it is clear that spot levels derived from the aerial photography DTM are overestimated and a topographic survey is required to accurately measure the topography in this area. Furthermore, we have serious concerns with regards to the accuracy of the 0.5% AP flood level at section 552. Although the bed levels of the cross sections within the model have increased by between 1 to 2m, the flood level at section 552 has reduced by 100mm compared to the December 2016 FRA flood levels. This is inconstant with every other cross section flood level which have all increased in light of the higher bed levels of the Leader Water.
- 1.15 The consultant proposed a finished floor level for the property of 102.1mAOD. This is lower than the August 1948 flood level and we cannot support it. We therefore continue to object in principle to this planning application.

Caveats & Additional Information for Applicant

- 1.16 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 1.17 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Paul Lewis
Senior Planning Officer
Planning Service

ECopy to:

Stuart Herkes, Scottish Borders Council – SHerkes@scotborders.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

EARLSTON COMMUNITY COUNCIL



Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

01 May 2017

Dear Mr Herkes

Re: Planning application: 17/00479/FUL

Erection of dwelling house J Rutherford Workshop and Land North East of J Rutherford Workshop, Rhymers Mill, Earlston, Scottish Borders

The above planning application was discussed at the Earlston Community Council meeting on Thursday 20th April 2017.

Scottish Borders Council requested our observations on the application and they are as follows:

The Community Council wishes to express and have our concerns noted over the possible impact on both Rhymers Avenue and houses nearby - both for residents and for access.

The Community Council have also noted the comments made to Scottish Borders Council by SEPA and wish to highlight the content of that response.

Yours sincerely

Mrs S M Gibb
Secretary
Earlston Community Council

ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Stuart Herkes

Your Ref: 17/00479/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 5th April 2017

Contact: Lauren Addis

Ext: 6517

Our Ref: B48/2313

Nature of Proposal: Erection of dwellinghouse

Site: Land north east of and incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston, Scottish Borders

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

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

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

Review of the application shows that the proposed site lies within the 1 in 10 year flood extent of the Leader Water and therefore at high risk of flooding. Earlston has a long history of flooding from the Leader Water and Trufford Burn, with the flood event of 2002 inundating the garden ground of Rhymers Mill Cottage. This area was also affected by flooding in 1948, 1984 and 2012. Given the location of the proposed development within the functional floodplain and compelling historical evidence of flooding I object to the proposed development on the basis that the proposal is contrary to SPP which promotes flood avoidance (Paragraph 255) and states ‘piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity’ (Paragraph 256).

If the applicant can show through a Flood Risk Assessment that the site is out with the functional floodplain and not at risk of flooding during the 1 in 200 year flood event then I would be in a position to remove my objection. However I would note that undertaking an FRA may only further support the evidence indicating the site is at risk of flooding. It should also be noted that an FRA for a new dwellinghouse on this site was recently submitted in December 2016.

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

**Lauren Addis
Technician
Flood Risk and Coastal Management**

Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Stuart Herkes

Your Ref: 17/00479/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 6th June 2017

Contact: Lauren Addis

Ext: 6517

Our Ref: B48/2313

Nature of Proposal: Erection of dwellinghouse
Site: J Rutherford Workshop and land north east of J Rutherford Workshop
Rhymers Mill, Earlston, Scottish Borders

Further to our previous response for this application an addendum letter has been provided in support of the Flood Risk Assessment, completed by Terrenus Land and Water, provided for a previous application at this site (16/00385/FUL).

The addendum letter provides details of steps taken to revise the hydraulic model developed for the FRA and address concerns raised in our previous consultation response. A topographic survey has been undertaken and additional hydrometric data obtained from SEPA.

Having spoken with Terrenus Land and Water on 16th May 2017, clarification of a number of points within the FRA and addendum letter has not been forthcoming. Given the concerns with this site which have been detailed my previous response to this application and application 16/00385/FUL, I find I cannot support the proposed development due to the uncertainties regarding the flood risk to the site which the FRA has not adequately explained. It is my opinion that the proposed site is within the functional floodplain of the Leader Water and that approval of the application would be contrary to SPP.

I also note that SEPA have maintained their objection to the proposal and highlight a number of issues with the content of the Flood Risk Assessment.

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

Lauren Addis
Technician
Flood Risk & Coastal Management

REGULATORY SERVICES



To: **Development Management Service**
FAO Stuart Herkes

Date: 12 April 2017

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: 6637

Ref: 17/00479/FUL

**Subject: Erection of Dwellinghouse, Land North East of And
Incorporating J Rutherford Workshop, Rhymers Mill, Mill
Road, Earliston.**

Whilst I have no objections in principle to this proposal, there are some issues that concern me. The proposed access appears to be along Rhymers Avenue, which is a private road and is not included within the applicant's ownership boundary. It is also narrow with no passing provision or turning area. Furthermore, the junction onto Mill Road suffers from poor visibility due to the road side wall when looking northwards, has no radii and does not have sufficient width for two vehicles to pass. The submitted site plan is also unsatisfactory as I require a minimum of two parking spaces to be provided within the curtilage of the plot, the site plan currently shows one full space and the second space being impinged upon by the site boundary.

Until the applicants demonstrate an ability to upgrade the existing Rhymers Avenue to a satisfactory standard and include two parking spaces within the curtilage of the site I am unable to support this proposal. It should be noted that a new access from Mill Road to serve this property is an option that is also likely to be acceptable and easier achieved.

AJS

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Service Director Assets & Infrastructure
Contact: Neil Hastie, Estates Manager

To: Head of Planning & Building Standards

Date: 31st March 2017

Contact: Stuart Herkes ☎ 01835 825039

Ref: 17/00479/FUL

PLANNING CONSULTATION

Name of Applicant: Austin Travel

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of dwelling house

Site: Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road
Earlston, Scottish Borders

OBSERVATIONS OF: Education & Lifelong Learning (Neil Hastie)

CONSULTATION REPLY

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

A contribution of £2,438 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £5,866.

Rolls over 90% place strain on the schools teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

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

Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index – therefore, we reserve the right to vary the level of the contributions.

If you require any further information please do not hesitate to contact me by emailing estatementanagement@scotborders.gov.uk

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00479/FUL
Uniform Ref	17/00844/PLANCO
Proposal	Erection of dwellinghouse
Address	Land North East Of And Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earliston
Date	10th April 2017
Amenity and Pollution Officer	Forbes Shepherd
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

*Odour
Air Quality*

Wood Burning Stoves

It was noted from the plans that a stove was to be installed and so long as it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

Informative

Stoves and Use of Solid Fuel

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.

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note
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Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which was previously a 'works' and which appears to have held a license for the storage of petroleum. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

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

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

The attached standard condition may be helpful in this respect

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note
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Conditions

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

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent

revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

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

and thereafter

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

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

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

List of Policies

Local Review Reference: 17/00037/RREF

Planning Application Reference: 17/00479/FUL

Development Proposal: Erection of dwellinghouse

Location: Land North East of and incorporating J Rutherford Workshop, Rhymer's Mill, Mill Road, Earlston

Applicant: Austin Travel

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

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 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,

List of Policies

- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

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

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

List of Policies

POLICY PMD5: INFILL DEVELOPMENT

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

POLICY 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.

POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

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

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

POLICY IS2: DEVELOPER CONTRIBUTIONS

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

List of Policies

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

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

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

POLICY 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 IS8: FLOODING

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

List of Policies

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

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

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

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

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

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

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

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

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

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

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

List of Policies

Development will be refused if:

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

SUSTAINABLE URBAN DRAINAGE

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

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006