

Public Document Pack



LOCAL REVIEW BODY MONDAY, 18 JUNE 2018

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 18 JUNE 2018 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

11 June 2018

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Consider request for review of refusal of application for part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis court. 17/01362/FUL. 18/00012/RREF. Copies of the following papers attached :-	
	(a) Notice of Review Including:- Officer's Report – page 55 Decision Notice – page 61	(Pages 3 - 62)
	(b) Additional papers referred to in officer's report	(Pages 63 - 68)
	(c) Consultations	(Pages 69 - 74)
	(d) List of policies	(Pages 75 - 78)
5.	Any Other Items Previously Circulated	
6.	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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Shiel house"/>
First Name: *	<input type="text" value="Sarah"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Wilkinson"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Ferguson Planning"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SOUTHBANK"/>
Address 2:	<input type="text" value="BOWDEN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="MELROSE"/>
Post Code:	<input type="text" value="TD6 0ST"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="630400"/>	Easting	<input type="text" value="355417"/>
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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100094389-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	kate@fergusonplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Description of Proposal

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

Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis court.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see submitted Supporting Statement to Notice of Review

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

☒ Yes ☐ No

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

One new drawing is provided which is a "close-up" illustration of the junction detail of the new driveway with the existing passing place. It should, however, be noted that the Roads Officer was very clear that this information could be provided as part of fulfilling a planning condition, should the original application have been approved.

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

Appeal Docs: Supporting Statement Drawing of Proposed Access, Tennis Court & Summerhouse (Ref: 1252 S02 A) Drawing of Proposed Access (without Tennis Court (Ref: 1252 S01 A) Drawing showing junction detail (Ref 1252 S03 A) Appendix 1 'no dig' construction method Orig. Docs: Access and gates sketch Application form Block Plan Application Decision Notice Edging detail Layout and Sections Location Plan Officer's report Photographs Tennis court fence Tennis court gate

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/01362/FUL

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

02/10/2017

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

21/02/2018

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

A full appreciation of the implications of the inadequate parking arrangements for Southbank can be appreciated by a site visit as can the acceptability of the proposed new driveway, in terms of landscape setting and lack of detrimental impact upon the Conservation Area.

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Part of the site lies within private garden ground thus it would be appreciated if arrangements could please be made if a site visit is to take place. However, the location of the main part of the proposed driveway and tennis court can be seen from the public road, as can the inadequate parking arrangements at Southbank.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: . Ferguson Planning

Declaration Date: 26/04/2018

**SUPPORTING STATEMENT TO NOTICE OF
REVIEW**

**IN RELATION TO SCOTTISH BORDERS
COUNCIL'S REFUSAL OF PLANNING
PERMISSION FOR PART CHANGE OF USE OF
PADDOCK TO FORM NEW ACCESS AND
DRIVE TO DWELLINGHOUSE, ERECTION OF
GATES AND SUMMERHOUSE AND
FORMATION OF NEW PARKING AREA AND
TENNIS COURT.**

SOUTHBANK, BOWDEN TD6 0ST

APPLICATION REF: 17/01362/FUL

ON BEHALF OF

MRS SARAH WILKINSON

24 APRIL 2018

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EXECUTIVE SUMMARY

This Notice of Local Review is submitted on behalf of Mrs Sarah Wilkinson of Southbank, Bowden TD6 0ST against the decision of Scottish Borders Council to refuse planning permission on 21st February 2018, for the formation of a new access and driveway through paddock ground, the erection of gates and a summerhouse and the formation of a new parking area and tennis court. The application reference was 17/01362/FUL.

The application relates to land owned by the applicant adjacent and to the south of her home. The proposal comprised two key elements:

- 1) The formation of a new driveway (from the public road to the south of the dwelling) and formation of parking area near to the house; and
- 2) Erection of summerhouse and creation of tennis court.

In terms of the new driveway proposal, at present the only parking space for the family home is within a narrow area of land at the eastern gable of the dwelling, as shown below. Access can only be taken to one side of a car due to limited space.

Fig 1: Current parking arrangement at Southbank



The Applicant considers that the Officer's decision with regard to all aspects of the proposal should be overturned, on the Grounds asserted within this Statement, but would like to inform the LRB that the most important aspect, due to road safety grounds, is **the ability to form a new access with adequate parking arrangements.**

The Applicant is aware that the Local Review Body will review the application on a "*de novo*" basis and therefore requests that, should the LRB feel unable to support the tennis court and summerhouse proposals, **consideration be given to overturning the Officer's decision with regard to the access proposals only.** This part-approval would allow the Applicant to create the necessary safe access and parking arrangements to serve the family home.

Two layout drawings are provided. One shows the proposal for the new access only; the other shows both the proposed access and the landscaped tennis court proposal.

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

- The proposals would be an inappropriate encroachment into countryside;
- The proposals would be out of keeping with the rural character of the area and edge-of-village location;
- The proposals would be prominent in the landscape and adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

Under three Grounds for Local Review, this statement will assert that the proposals are not inappropriate development in a countryside location and that the creation of a new, safe access is genuinely required to serve the dwelling and will improve road safety and free flow of traffic on the public road.

The Local Review Body, having considered the detail contained within the refused Planning Application, together with the information set out herein, will be respectfully requested to allow the Review to enable planning permission to be granted for the proposals at Southbank.



Note on Drawing Information Provided

The appellant is obliged not to raise any new matters which were not before the Officer at the time when the decision on the application was made, unless such matter could not have been raised then, or if the new information is material to the determination of the case.

Layout drawings are provided with this Statement which are based upon the information submitted by the Applicant with the original application. The information is, however, illustrated in a clearer, coloured format to enable Members to better understand and assess the proposals. One new drawing is provided which is a “close-up” illustration of the junction detail of the new driveway with the existing passing place. It should, however, be noted that the Roads Officer was very clear that this information could be provided as part of fulfilling a planning condition should the original application have been approved.



1.0 DOCUMENTATION AND PLANNING CONTEXT

1.1 The Application for planning permission for the proposals at Southbank included the following drawings, which are also re-issued with this Local Review.

- Location Plan
- Sketch of Access and Gates
- Block Plan
- Edging detail
- Layout and sections
- Photographs
- Tennis court fence sketch
- Tennis court gate sketch

1.2 The Planning Officer's Report and Decision Notice relating to the refused application are also included.

1.3 This Supporting Statement contains additional plans and photographs illustrating the context and they are based on information submitted with the original application.

2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

- 3.1 The application was refused by Scottish Borders Council on 21st February 2018 on the basis set out below.

[1] The proposal would be contrary to Policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's development boundary, resulting in inappropriate encroachment into the open countryside.

There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving the proposal would set an undesirable precedent for similar developments outwith the village that would further erode the development boundary.

[2] The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its wider surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

3.0 PLANNING POLICY CONTEXT

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

- 3.1 The settlement boundary of Bowden and the boundary of the Conservation Area in relation to Southbank are shown below. The proposed driveway and the tennis court are located to the south of the settlement boundary, within an area of informal paddock ground owned by the Applicant.

Fig 2: Extract from LDP Settlement Profile map



- 3.1 The key policies relevant to the determination of this Local Review are Local Development Plan (LDP) Policies:

- **PMD2** – Quality Standards;
- **PMD4** – Development outwith Development Boundaries; and
- **EP9** – Conservation Areas.

- 3.2 Key provisions of policy **PMD2** which are directly relevant to the proposal include:

- Development should be designed to fit with Borders townscapes and integrate with its landscape surroundings;
- Proposals should include appropriate boundary treatments and landscaping works such as screen planting where necessary to help integration with

surroundings;

- Proposals should be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- There must be no adverse impact on road safety, including in respect of the site access;
- Proposals must include adequate access and turning space for vehicles.

3.3 Policy **PMD4** notes that the development boundaries on LDP Proposals Maps indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. The policy sets out where exceptions to the policy may be acceptable and the circumstances which have to be satisfied if an exception is to be made. The policy is framed around proposals for expanding settlements through, primarily, housing development (as opposed to proposals such as the one before Members). As with policy PMD2, the provisions seek to protect landscape setting and the character of the settlement.

3.4 Policy **EP9** provides for the preservation and enhancement of Conservation Areas, with reference being made to aspects including the scale of proposals, boundary treatment and materials use.

4.0 GROUNDS FOR LOCAL REVIEW AND CASE FOR THE APPELLANT

- 4.1 The Local Authority's decision to refuse the application is challenged on the basis of the three Grounds set out below.

GROUND 1: The development would not be contrary to policy PMD4 of the Local Development Plan 2016 in that the proposal would **not be an inappropriate encroachment into the countryside**. There would be no 'expansion of the settlement' as such.

GROUND 2: The development would not be contrary to policy PMD2 of the Local Development Plan 2016 in that:

- a) The proposal can be **adequately integrated with the landscape surroundings** and can include appropriate boundary treatments / screen planting to help such integration. The proposal will not be prominent in the landscape.
- b) The proposal is compatible with and respects the character of the surrounding area and **would not adversely affect the village setting;**
- c) There is a **positive impact on road safety** and on the provision of adequate access and turning space for vehicles. There is no more appropriate location to form a new access.

GROUND 3: The development would not be contrary to policy EP9 of the Local Development Plan 2016 in that there would be **no detrimental impact upon the character of the Bowden Conservation Area**.

SUMMARY OF KEY ELEMENTS OF APPELLANT'S CASE

- 4.2 **Current parking arrangements:** The parking for Southbank is very limited and often encroaches onto the public road. There is consistent evidence of vehicle wheel marks in the verge opposite the parking area. The building adjacent to the road houses a renewables heating system – a biomass unit. Vehicles cannot be parked in this building or immediately against it. Access is needed from the roadside to stock the unit with woody biomass. A new, safe access solution is required to serve the dwelling.

Fig 3: Parking arrangements for Southbank causing partial road obstruction



- 4.3 **Roads Consultation:** There were no objections to the proposals for the new access from the Roads Offer as the minor road has low traffic flows and low speeds associated with road geometry. The Officer requested sight of a drawing to show how the access would tie in with the existing passing place. This additional information can be provided in discharging an appropriately worded planning condition, as agreed by the Planning Officer.

4.4 Garden Wall:

A garden wall runs down the eastern boundary between the public road and the dwelling and its garden. This wall forms part of the Conservation Area and creating a new opening in this attractive structure is to be avoided.

Fig 4: Garden Wall



4.5 **Trees and Landscaping:** The requests (noted below) of the Landscape Officer could be met through the provision of the following detailed drawings as part of the discharging of appropriately worded pre-start conditions, as agreed by the Planning Officer:

- a) A drawing showing the relationship of trees and their root protection areas (RPA) to the proposed driveway and parking area;
- b) A drawing showing if, and where, any works may lie within the RPAs of trees
- c) Detail of any necessary 'no-dig' construction techniques for any works which may be in RPAs. (Please refer to Appendix 1 for an example 'no dig construction' product.
- d) A drawing showing hedge or tree planting proposals to screen the tennis court fencing, and generally to help integration of the proposal into the surroundings.

4.6 The Planning Officer's report notes that none the drawings listed above (within 4.3 and

4.5) were requested from the Applicant during the processing of the application only because the Planning Officer was not supportive of the principle of the proposal. The Officer acknowledged that all these items could reasonably be secured by way of planning condition, if required.

- 4.7 The Appellant has, however, outlined on the submitted drawing (1252 S02 A) that the graveled/ parking area will be constructed using a 'no-dig' Terram Geocell root protection system. (see Appendix 1). This will ensure protection of any existing tree roots to the south of the house. Detailed drawings, as noted above, would be provided in discharging suitably worded planning conditions.

GROUNDS OF APPEAL

GROUND 1: The development would not be contrary to policy PMD4 of the Local Development Plan 2016 in that the proposal would not be an inappropriate encroachment into the countryside. There would be no 'expansion of the settlement' as such.

- 4.8 The proposal does not entail settlement expansion in terms of the development of any dwelling or extension of a dwelling outwith the settlement boundary. The key proposal is for a new, safe access to serve the house. Of secondary importance to the Appellant is the proposal for the tennis court.
- 4.9 The paddock through which the proposed new driveway will pass will be maintained as such. The land currently serves as informal paddock at present - it is not 'prime agricultural land'.
- 4.10 It is acknowledged that part of the proposal would lie outwith the settlement boundary. Taking access first, it is usual for a detached house to have a driveway to its front. This aspect, which would be tree-lined (through new planting, as shown) and would be contained within an existing paddock, would not be inappropriate development for a rural area which lies close to the settlement boundary. There is clear evidence (wheelmarks in the eastern verge) of a restriction caused by the existing parking arrangements to the east of Southbank. There is inadequate room at this location for parking associated with a family home. It is only possible to enter/ exit a car from one

side due to the lack of parking space; a situation which is problematic with a larger family.

- 4.11 Turning to the other aspects of the proposal, it has been made clear within the Officer's report that landscaping could readily be dealt with by way of condition. Any concern about the visibility from the public road of the proposed tennis court could be addressed through appropriate tree planting/ screening. Such could be secured to the satisfaction of the LRB through a planning condition. The fencing detail can, likewise, be conditioned.
- 4.12 The submitted layout drawing (1252 S02 B) clearly shows a tree-lined driveway, together with planting proposals around the tennis court between it and the public road. Layout drawing (1252 S01 B) shows the tree lined driveway only, without the tennis court proposal.

GROUND 2: The development would not be contrary to policy PMD2 of the Local Development Plan 2016 in that:

- a) **The proposal can be adequately integrated with the landscape surroundings and can include appropriate boundary treatments / screen planting to help such integration. The proposal will not be prominent in the landscape.**
 - b) **The proposal is compatible with and respects the character of the surrounding area and would not adversely affect the village setting;**
 - c) **There is a positive impact on road safety and on the provision of adequate access and turning space for vehicles. There is no more appropriate location to form a new access.**
- 4.13 In terms of (a) it is accepted by the Planning Authority, as noted above, that appropriate landscaping/ screening of the tennis court can be secured by way of an appropriately worded condition. By way of indication, this is also shown on the appropriate layout drawing. Of particular note is the proposed planting between the public road and the tennis court.
- 4.14 Turning to (b), the proposal for a driveway approach to the house is in keeping with edge of settlement properties, particularly a house such as Southbank. There is no

reason why this aspect should have a detrimental impact upon the Conservation Area or the setting of Bowden. With appropriate landscape treatment (as indicated on the drawings, the tennis court could be assimilated into the landscape setting in a sensitive manner.

- 4.15 The Roads Officer has provided no objection to the proposals, only requiring further drawing detail to show how the access would tie in with the existing passing place. He indicated that this could be secured by way of a planning condition if the application was to be consented.
- 4.16 The driveway will join the public road at a location which offers adequate east and west sightlines, given the low traffic volumes on the road. The junction is at a small passing place, which will remain available for use if required by passing traffic. Notwithstanding the Roads Officer's willingness to have the matter addressed by way of condition, drawing (ref 1252 S03 A) has been provided to show the junction detail. It is, however, noted that a substantial pull-in-area exists immediately to the east of the proposed junction.

Fig 5: Passing place to east of proposed new junction



GROUND 3: The development would not be contrary to policy EP9 of the Local Development Plan 2016 in that there would be no detrimental impact upon the character of the Bowden Conservation Area.

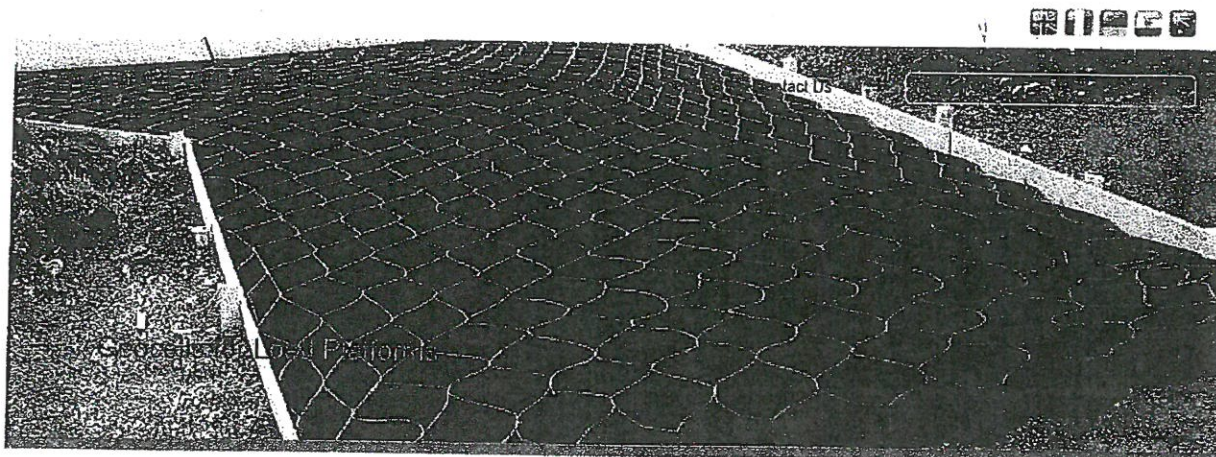
- 4.17 The Conservation Area includes most of the village, which is centred around the green. Notable buildings include the Church, the Schoolhouse, the Mill, the Village Hall, the Manse and the Smithy. New development should respect the layout of the village. The proposal will only be visible from the minor road to the south of the village, and visibility will be reduced with appropriate landscaping as indicated on the submitted drawings.

5.0 CONCLUSIONS

- 5.1 This Local Review requests that the Officer's decision to refuse planning permission for the key aspect of the proposal, the creation of a new fit-for-purpose access to Southbank, be overturned. It is robustly asserted that this proposal has no detrimental impact upon the setting or upon the Conservation Area.
- 5.2 If necessary, the Appellant would be willing to accept a part-overturning of the Officer's decision, given the ability to the LRB to consider the application on a 'de novo' basis. This would enable the key part of the proposal (the proposed new access driveway) to be implemented. The tennis court proposal is desired, but is not essential, and the Appellant is willing to sacrifice this part of the proposal.
- 5.3 Approval of this proposal will ensure the free flow of vehicular traffic on the public road to the east of Southbank, which can become constrained due to limited availability of parking within the surfaced area beside Southbank.
- 5.4 It is confirmed that the associated proposal for the creation of a tennis court can be adequately screened to the satisfaction of the LRB, with planting (as indicated on drawings) secured by way of a suitably worded planning condition. Indeed, all of the drawing information requested by the Landscape Officer can be secured by way of an appropriately worded planning condition, including the identification of trees' root protection areas and this approach is agreed by the Landscape Officer.
- 5.5 A 'no dig' construction technique would be utilised for the creation of the turning/parking area and any part of the driveway which falls within the root protection areas of any trees. An example of a system has been provided within Appendix 1.
- 5.6 The Roads Officer has expressed no objection to the proposal and his requirement for a drawing to show the access joining the passing place can be secured by way of a planning condition, although one has been provided to illustrate the detail of the proposal to Members herein and to demonstrate that it is readily achievable.
- 5.7 Given the clear need for a new access to Southbank and the lack of significant impact upon the village setting or the Conservation Area, the Local Review Body is respectfully



requested to allow the appeal.



Tree Root Protection / Load Platform Geocell

Application Function

Ground Stabilisation | Containment / Confinement | Erosion Control

Market Sectors

Highways | Coastal & waterways

Using TERRAM GEOCELL for tree root protection ensures the roots beneath are protected from vehicle loads by confining the sub-base and stabilising the ground.

When the permeable TERRAM GEOCELL is filled with a porous, no fines, free-flowing aggregate the system allows essential passage of air and water providing essential nutrients to the roots. TERRAM GEOCELL is ideal for "No-Dig" situations.

Typical Applications

- Permanent Woodland Trails
- Paths & Cycleways
- Driveways*
- Roads
- Access Routes*
- Parking Areas

*See Arboricultural Advisory and Information Services (AAIS) 12: Driveways close to trees

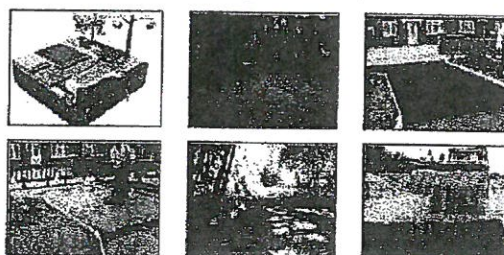
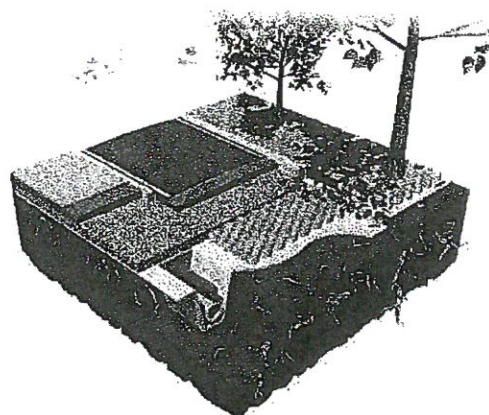
TERRAM GEOCELL is supplied as flat packed panels which are opened to form the honeycomb-like structure. These are positioned and pinned to the ground using fixing pins and filled with a suitable, permeable infill.

TERRAM GEOCELL confines the infill and ensures that downward forces are spread laterally, reducing pressure on the sub-base. Without this cellular system, the surface would become rutted and compacted with the traffic loads, damaging the tree roots and potentially resulting in the death of the tree.

GEOCELL in the Spotlight

Find out what our Solutions Sales Manager Pete Stevens has to say about the applications, technical support and benefits of using TERRAM Geocells:

TERRAM Solution Spotlight: GEOCELLS



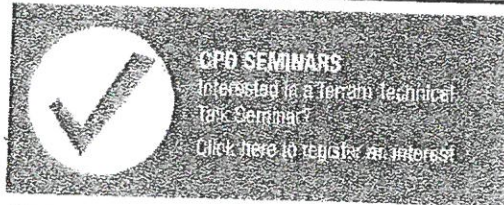
Product Details

PRODUCT	PANEL SIZE (m)	CELL Dia & DEPTH (mm)	PANEL WEIGHT	TYPICAL LOADING
GEOCELL 25/10	5 x 7	250 dia x 100	17kg	Pedestrian cycle*
GEOCELL 25/15	5 x 7	250 dia x 150	25kg	Light vehicles*
GEOCELL 22/20	6 x 3	220 dia x 200	20kg	Optimum for heavier vehicles or more frequent traffic*

* These are typical profiles only.

In recognition of the fact that trees are sensitive to disturbance, the British Standards Institution has published recommendations on how to protect them during their development. BS 5837:2005 recommends that there should be a root protection area in which development should not be permitted.

In 2007 the Arboricultural Advisory and Information Service published Arboricultural Practice Note 12: Driveways Close to Trees (APN12) which suggested that driveways could be installed within the root protection area subject to roots and the soil not being damaged. APN12 advises that an above-ground, no-dig construction should be used. This advice was incorporated into the recent British Standard which recommended that the most effective means of achieving this was through the use of three-dimensional cellular confinement system, such as a Terram Geocell.



CPD SEMINARS

Interested in a Terram Technical Talk Seminar about Geocells?

- Manufacturing overview
- Geocell applications
- Case studies
- Design & specification support

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TERRAM
Railways



TERRAM
GEOCELL
Brochure

SEMINAR 2

TERRAM GEOCELLS



- Manufacturing overview
- Applications
- Case studies
- Design & specification support

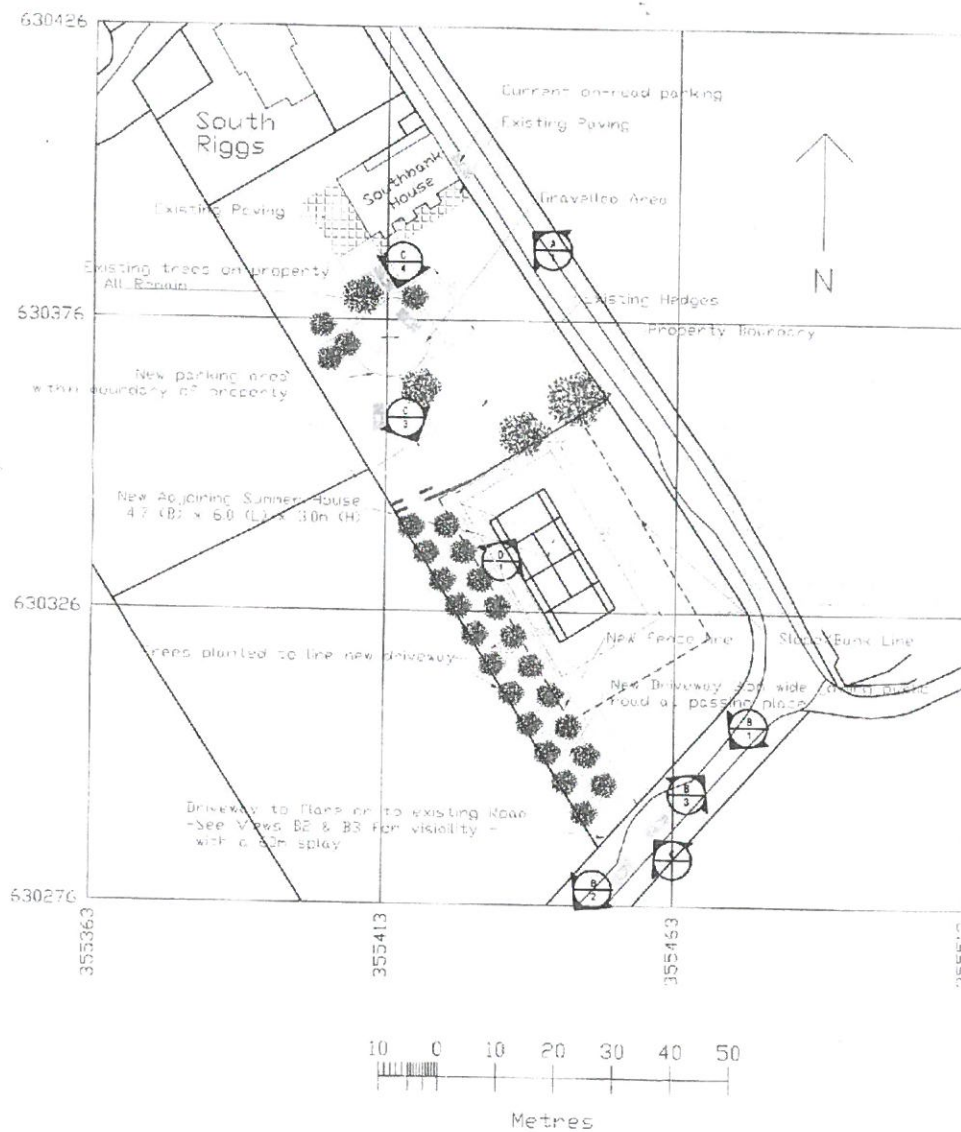
17/01362/FUL

21/02/2018

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

REFUSED

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requirements of the
associated Decision
Notice





South
Riggs

Southbank
House

Section of gravel drive incorporating a
Terram Geocell root protection system.

new 3.5m wide drive

new gravel driveway

Existing field gate

new fence line

40m visibility splay

Existing field gate

Existing passing place

60m visibility splay

All materials, components, design, methods of construction or operations to conform to a British Standard or to be based on the recommendations of a British Standard code of practice. All works to comply with the Building Standards (Scotland) Regulations 2009, including all current amendments. All parties to the contract must comply with the CDM Regulations 2007, including all current amendments. All works to be in strict accordance with the Design Certificate and any appendix notes and drawings produced by the Consultant Structural Engineer. All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. All works to be carried out under M5/Scott (2011) 6/2009 Minor Works Building Contract.

DO NOT SCALE FROM THIS DRAWING. USE
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for town & country

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113 Channel Street
Glasgow
G1 1NA
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Email: info@boydellarchitecture.com
Web: www.boydellarchitecture.com

Issue	Date	Description	Drawn by
1			
Project: Proposed New Access Drive at Southbank, Bowden, TD6 9ST			
Client: Mrs S Wilkinson			
Title: Site Layout Plan			
Scale:	Sheet size:	Drawn by:	Drawn:
1:500	A3	DP	18.04.18
Project no:	Drawing no:	Issue:	



1252 S01 A



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SOUTHBANK, BOWDEN
MELROSE, TD6 0ST
DRIVEWAY & TENNIS COURT PLANNING APPLICATION

Photo Reference – Please refer to Driveway & Tennis Court Plan

A – Existing Parking

VIEW A1

To space to park fully off the road is not sufficient to enable being able to get out of the car both sides. With elderly and young relatives, alternative parking is required to improve car access and reduce congestion on the road.



B - External Views of Proposed Driveway Entrance

VIEW B1

View looking South West down the road at the proposed new driveway entrance



SOUTHBANK, BOWDEN
MELROSE, TD6 0ST
DRIVEWAY & TENNIS COURT PLANNING APPLICATION

VIEW B2

View from Proposed new entrance looking South West towards Bowden Kirk bridge



VIEW B3

View from Proposed new entrance looking North East towards corner from Bowden village



SOUTHBANK, BOWDEN
MELROSE, TD6 0ST
DRIVEWAY & TENNIS COURT PLANNING APPLICATION

C – Internal to Property Boundary Proposed Modifications

View C1 - Looking North-North West from driveway entrance into the property – Hedge removal for driveway route clouded red



VIEW C2 (Left) – Looking South-South East down paddock at proposed driveway entrance – clouded in red. Red line shows rough location of new fence line to split driveway from remaining paddock



VIEW C3 (Above) – Looking South-South East. Existing gate location is where summer house is proposed and red cloud shows opening for driveway through hedge.

SOUTHBANK, BOWDEN
MELROSE, TD6 0ST
DRIVEWAY & TENNIS COURT PLANNING APPLICATION

VIEW C4 – Internal hedge to be removed between the trees to allow for driveway / parking area.



VIEW D1 – Tennis court location – Levelled by using earth removed through creation of driveway.



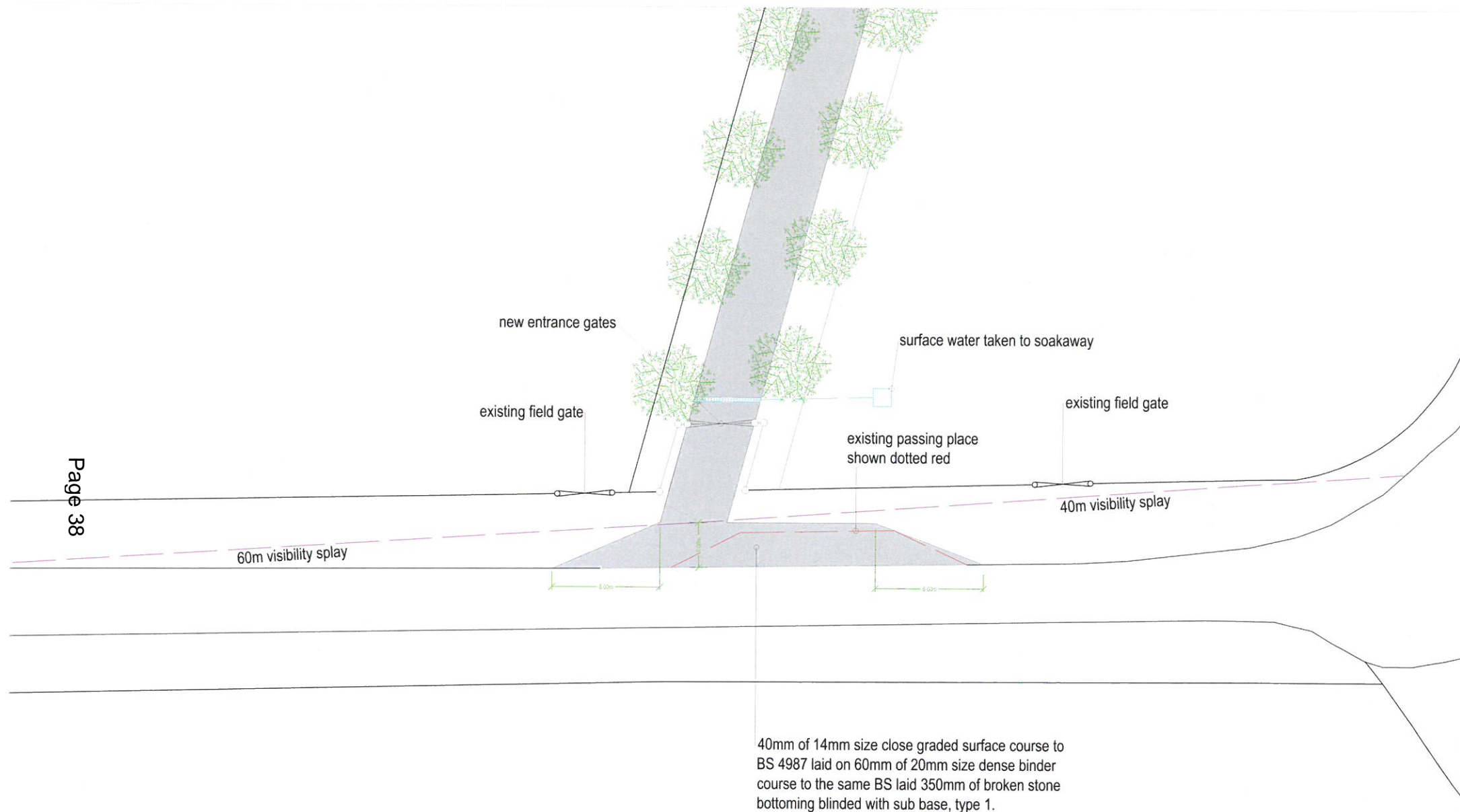
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DRAFT PLAN FOR COMMENT 18.04.18

All materials, components, design, methods of construction or operations to conform to a British Standard is to be based on the recommendations of a British Standard code of practice. All works to comply with the Building Standards (Scotland) Regulations 2009, including all current amendments. All parties to the contract must comply with the CDM Regulations 2007, including all current amendments. All works to be in strict accordance with the Design Certificate and any appendices notes and drawings produced by the Consultant Structural Engineer. All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. All works to be carried out under MHS/Scot (2011) E-00001 Minor Works Building Contract For Use in Scotland.

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Boydell Architecture Ltd
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Glasgow
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Scotland
Tel: 0141 204 4000
Fax: 0141 204 4001
Email: info@boydellarchitecture.com
Web: www.boydellarchitecture.com



Sheet	Date	Description	Revised by
1		Proposed New Access Road at Southbank, Bowden, TD6 0ST	

Title: Site Layout Plan (new access detail)			
Scale	Page no.	Drawn by	Date
1:500	A3	DP	18.04.18
Project No.	Drawing No.		

1252 S03 A

21/02/2018

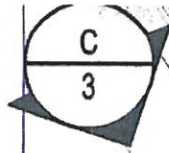
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and compacted. A 100mm layer of
compacted to give a final height. A
will then be laid over the top.
The area of the gravel will be const
similar method with 10-20mm red g
being laid.
Water run off will be a drain channe
entrance leading to a soak away via

22.67



2.65

18.00

34.00

3.72

3.50

72.63

New fence line

Slope/Bank Line

New Driveway 3.5m wide joining public
road at passing place

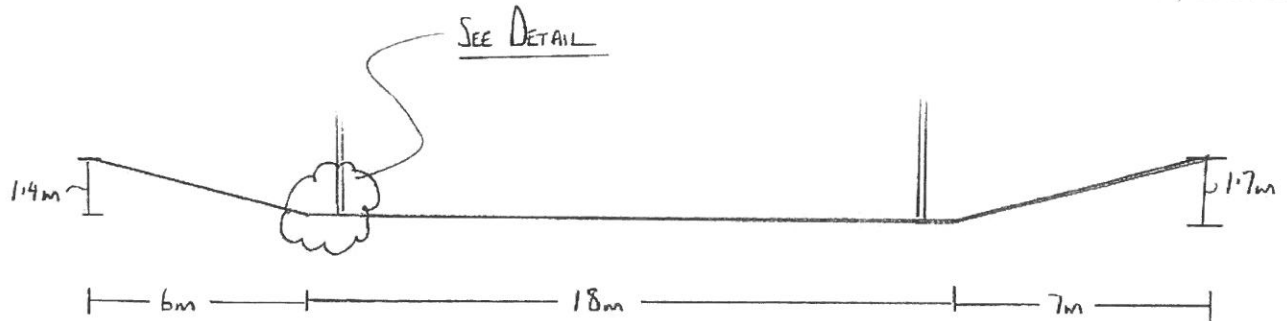
Summer House
(L) x 3.0m (H)

Page 39

ees planted to line new driveway

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CROSS SECTIONS



SECTION A

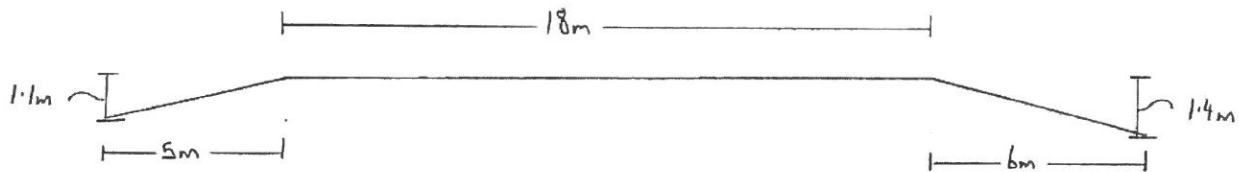
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SECTION B

Doe Sport (North) Limited
Quayside House
Dock Road
Methil Dock Business Park
Methil, Fife, KY8 3SR
Tel No: 01333 422205

Doe Sport (North) Limited
Quayside House, Dock Road
Methil Dock Business Park, Methil, Fife KY8 3SR
T 01333 422205
F 01333 424340
E doe@doenorth.co.uk

Registered Office: Quayside House, Dock Road, Methil Dock Business Park, Methil, Fife KY8 3SR
Registered in Scotland: No. SC 164621. VAT Reg. No. 671 108454
Page 41
MacLean, C Elliott



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17/01362/FUL

21/02/2018

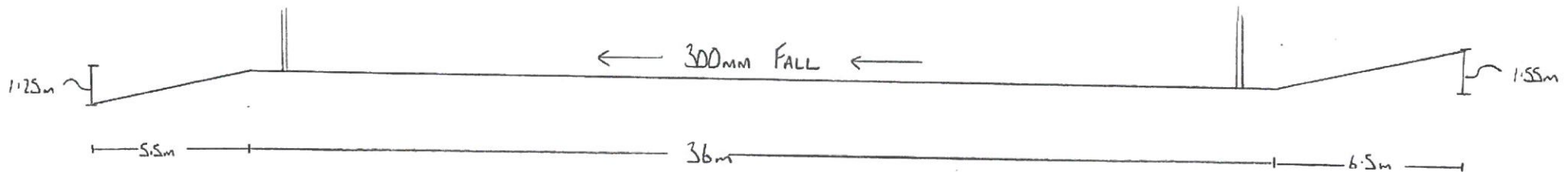
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Section C

Page 43



Doe Sport (North) Limited
Quayside House
Dock Road
Methil Dock Business Park
Methil, Fife, KY8 3SR
Tel No: 01333 422205

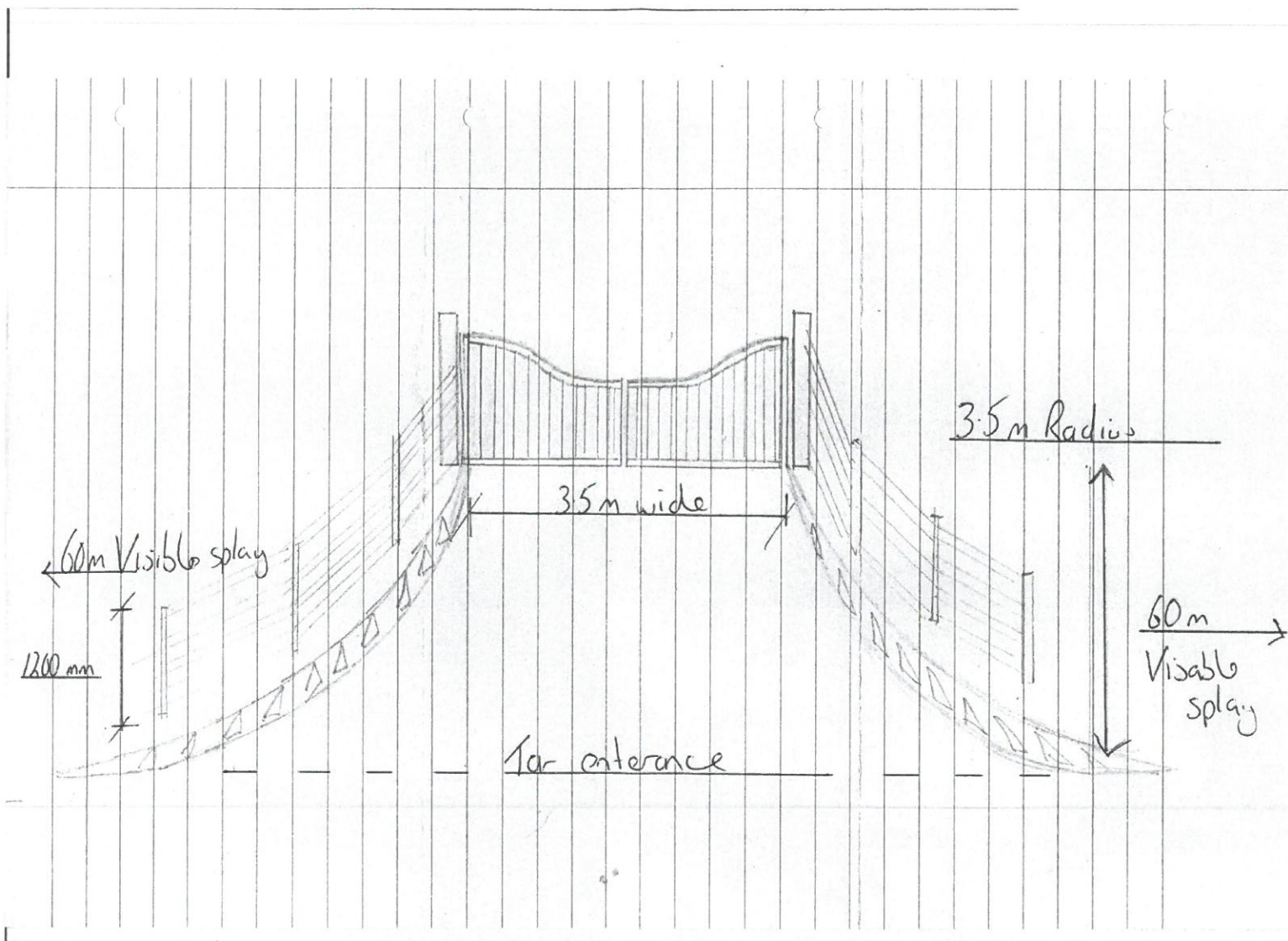
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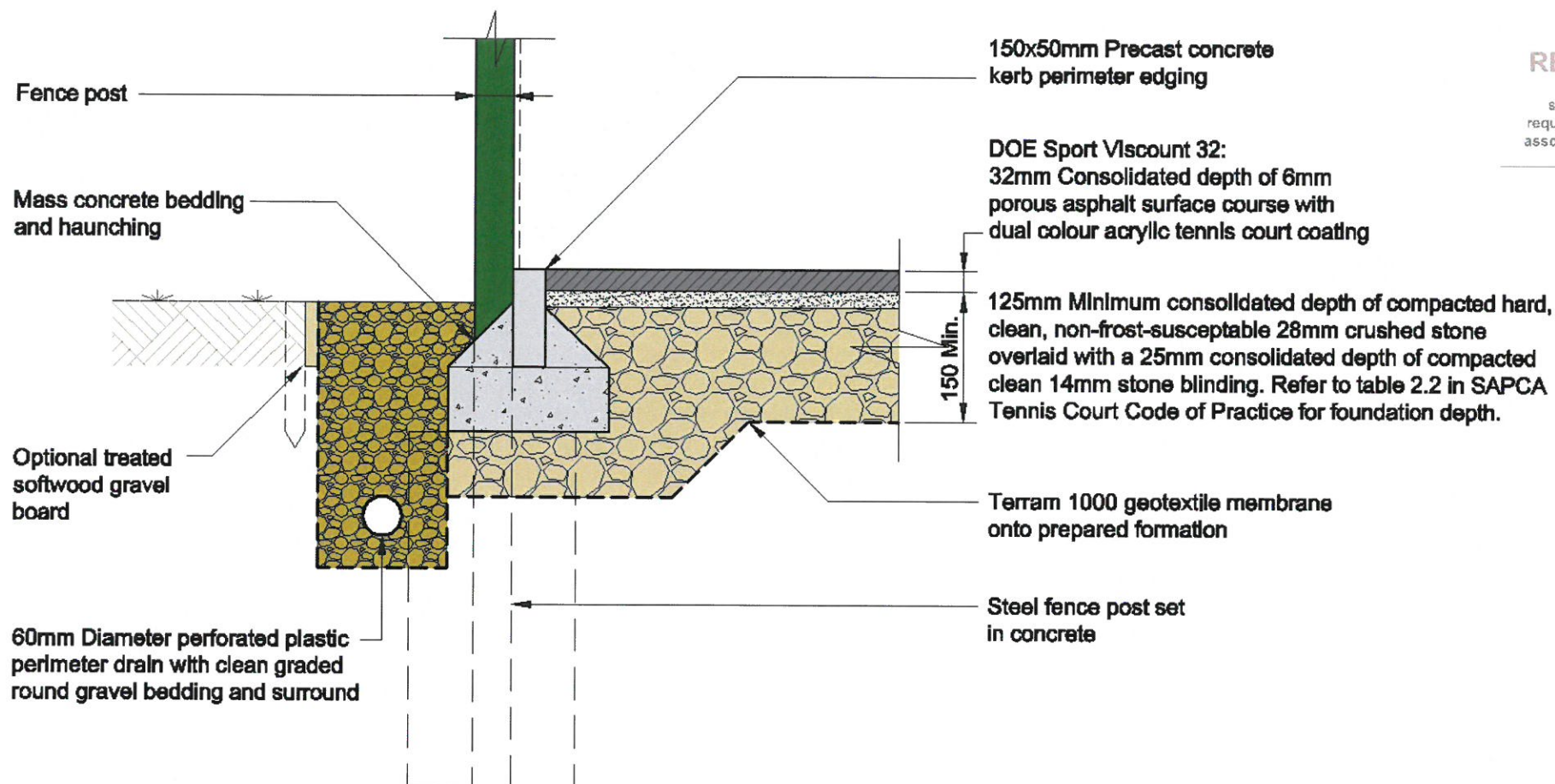
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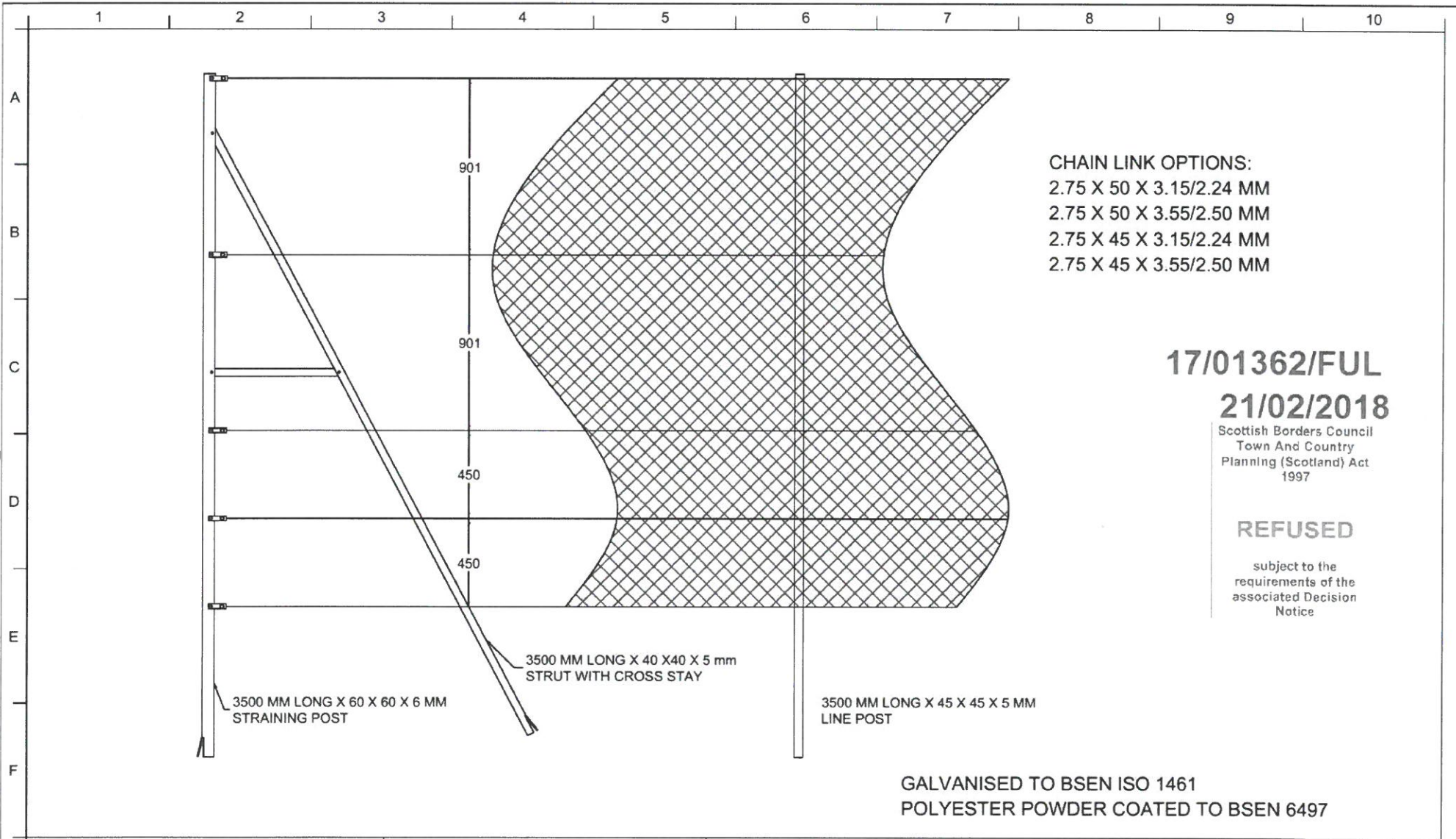
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JB Corrie & Co. Limited
 Fencing Contractors & Manufacturers



Frenchmans Road
 Petersfield

Hants
 GU32 3AP

Email: fencing@jbcorrie.co.uk

Tel: 01730 237100

Fax: 01730 264915

Web: www.jbcorrie.co.uk

JBC Ref.: XXX

Contractor : XXX

Drg. no.: XXX

Scale: Not to Scale

Drawn by & date:

XXX

Paper Size: A4

Reviewed by & date:

XXX

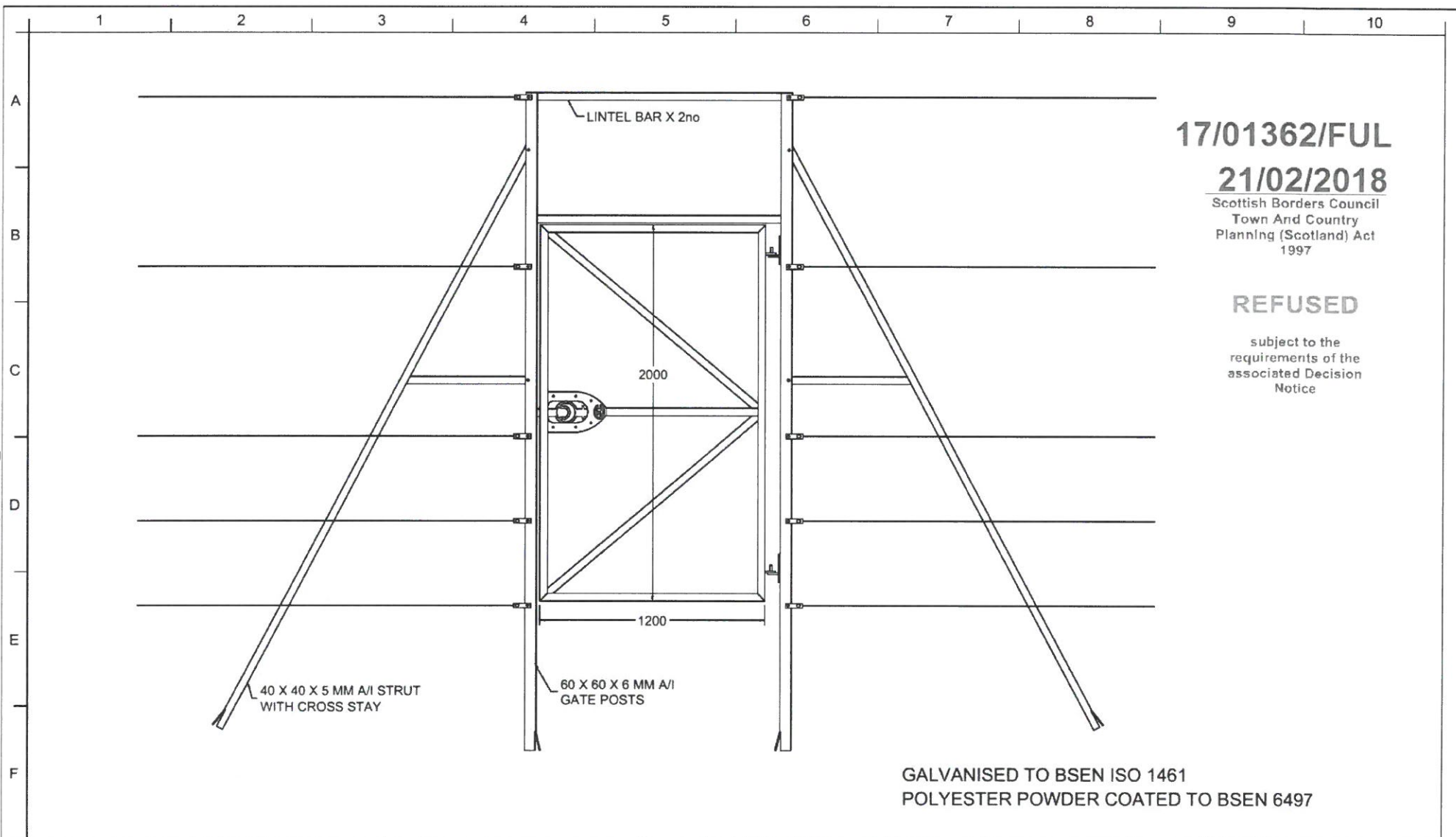
Description: XXX

Site: XXX

Revision history:

Notes:

1. All dimensions in mm unless otherwise indicated.



JB Corrie & Co. Limited
Fencing Contractors & Manufacturers



Frenchmans Road
Petersfield
Hants
GU32 3AP
Email: fencing@jbcorrie.co.uk

Tel: 01730 237100
Fax: 01730 264915
Web: www.jbcorrie.co.uk

JBC Ref.: XXX

Contractor : XXX

Drg. no.: XXX

Scale: Not to Scale

Drawn by & date:

XXX

Paper Size: A4

Reviewed by & date:

XXX

Description: XXX

Site: XXX

Revision history:

Notes:

1. All dimensions in mm unless otherwise indicated.

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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100067227-001

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

Description of Proposal

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

Part 1) To remove requirement to park on the road alongside the house, thus improving safety and ease of access, by creating a new driveway to the house by adding an additional gated entrance off Manse Brae (between B6398 and A699 from Bowden to Bowden kirk) . The driveway will be tree-lined. No existing trees are required to be removed or modified. Part 2) To landscape & add a tennis court and summer house within the paddock area South of the house within the property boundary.

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

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Southbank
First Name: *	Sarah	Building Number:	
Last Name: *	Wilkinson	Address 1 (Street): *	Bowden
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Melrose
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	TD6 0ST
Fax Number:			
Email Address: *			

Site Address Details

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

Please identify/describe the location of the site or sites

--	--

Nothing	630400	Eastings	355417
---------	--------	----------	--------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Planning permission required due to the area being within a conservation area.

Title:

Mr

Other title:

First Name:

Craig

Last Name:

Johnston

Correspondence Reference
Number:

N/A

Date (dd/mm/yyyy):

13/09/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

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

☒ Yes ☐ No

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

Access and Parking

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

☒ Yes ☐ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

4

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Sarah Wilkinson

On behalf of:

Date: 29/09/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mrs Sarah Wilkinson

Declaration Date: 29/09/2017

Payment Details

Online payment: XM0100001589
Payment date: 29/09/2017 16:53:00

Created: 29/09/2017 16:53

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01362/FUL

APPLICANT : Mrs Sarah Wilkinson

AGENT :

DEVELOPMENT : Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

LOCATION: Southbank And Paddock South East Of Southbank
Bowden
Melrose
Scottish Borders
TD6 0ST

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Refused
2	Site Plan	Refused
3	Sections	Refused
4	Sections	Refused
5	Elevations	Refused
6	Specifications	Refused
7	Specifications	Refused
8	Elevations	Refused
9	Site Plan	Refused
C11 A	Specifications	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Landscape Architect: The site is part garden ground and part paddock immediately adjacent and south of the garden to Southbank. Southbank is located on the south side of Bowden and within the Conservation Area, which extends southwards from the village to include Bowden Kirk, the Manse and Bowden Mill and also the large field to the east of the minor road to the Kirk.

Driveway and Parking

To establish that the new parking area amongst the existing garden trees will not damage those trees, all of which are to be retained, we need to see a drawing showing the location of these trees in relation

to the works and showing their individual Root Protection Areas (RPAs) calculated in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. If any of the works lie within the RPA of retained trees it must be demonstrated that the proposed driveway and parking could be achieved using a 'no -dig' method of construction within the RPAs.

Accordingly, the first action should be to establish RPAs of all trees adjacent to the proposed works and with this information, consider whether the proposals can be achieved with 'no - dig' construction or if an amended layout might be required.

New Gated Access

It appears that some excavations to the banking may be required to form an access from the public road into the paddock and this will require some local grading to accommodate any such excavation. Given the rural location, the gated access should be as simple as possible, ideally using a double agricultural gate or a wooden gate that reflects the style of the gate into garden, next to the house.

Tennis Court

I understand that a 2.7m high fence will be erected around the tennis court. Given that the minor road is within the Conservation Area and leads to the Kirk, I would be keen to see some planting to mitigate the impact of this new fence and tennis court on users of this laneway. It could simply be a mixed native hedge or if a hedge was not desirable, tree planting along the eastern boundary. This would not only mitigate the impact of the new tennis court and fence but would also provide a measure of shelter to the tennis court.

Archaeology Officer: There are no known implications for this proposal.

Bowden Village Committee: Have a number of concerns:

- o Access to the proposed car-parking and tennis courts would be alongside an existing passing place that was formed to allow ease of access to a business at Bowden Mill, we are unsure as to the safety of this and whether this is permitted. There are no plans indicated to shift existing lay-bys.
- o Object to the change of use from agricultural land to domestic/amenity use as this affords no protection to future proposals to build a residential property on the same site.
- o The site is within a Conservation Area and this should be considered when looking at the overall extension of the domestic/amenity area of the property.
- o Road safety issues in relation to sight lines east and west of the proposed entrance to the property.
- o There is no information regarding current trees in the Conservation Area or plans for new planting.
- o The drawings and information are of poor quality and this makes it difficult to ascertain the materials being used, the types of vegetation being planted and any sense of the visual impact.
- o The site is outwith the developmental boundary for Bowden Village and significantly extends the "built" areas of the village, which are traditionally on a ribbon-development model, there are no other residences that extend this far.

Principal Officer (Heritage and Design): No response.

Roads Planning Service: Whilst I have no objections to the principle of this application, I shall require further details regarding the access. I shall require a drawing showing in more detail how the new access is to tie in with the existing passing place. I note there have been concerns raised regarding the location of the access, however I am satisfied, due to the low traffic figures on the road and the tight geometry in the vicinity. I will not object to the application subject to the additional information being satisfactory.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
PMD4: Development Outwith Development Boundaries
HD3: Protection of Residential Amenity
EP4: National Scenic Areas
EP9: Conservation Areas
EP13: Trees, Woodland and Hedgerows
IS7: Parking Provisions and Standards

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 20th February 2018

Site and Proposal

Southbank is situated on the southern edge of Bowden within the Conservation Area. It is a two storey property with white rendered walls and a slate roof, with the gable end facing the minor public road from the main street. There is a high stone wall on the boundary with the road and a stone wall, hedge and fence on the southern garden boundary. There are mature trees within the garden ground. There is a hardsurfaced area adjacent to the gable end used for car parking.

To the rear is a paddock, at a higher level than the road that slopes down to the south, with a post and wire fence on the boundaries. The public road runs along the eastern boundary of the paddock before curving round along the southern boundary to Bowden Mill, Bowden Kirk and the Manse to the south west. There is a passing place on the road to the east of the paddock and one to the south.

The application relates to the residential property and to the rear paddock. The following works are proposed:

- o The change of use of the paddock to residential curtilage and the formation of a tennis court, with an asphalt surface and enclosed by a 3.5m chain link fence with gate.
- o A new 3.5m wide vehicular access with visibility splays would be formed onto the public road through the passing place and the southern boundary of the paddock. A driveway would be formed along the western boundary of the paddock and would lead to a new gravel parking and turning area within the existing garden ground. This would necessitate the removal of two sections of hedge.
- o The erection of gates at the new vehicular entrance.
- o Tree planting either side of the new access.
- o The erection of a new fence to separate the driveway from the remainder of the paddock.
- o The erection of a summerhouse (4.7m by 6m and 3m high) adjacent to the tennis court within the paddock. This would have timber walls and a felt roof.

Planning History

There is no planning history for this site.

Planning Policy

The proposal is for an access, driveway, tennis court with fence and gate and a summer house within the paddock to the south of the property. The paddock is situated outwith the Development Boundary for Bowden.

Policy PMD4 states that where Development Boundaries are defined on Proposal Maps they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary and will normally be refused.

Exception approvals may be granted provided that strong reasons can be given that:

- a) It is a job generating development in the countryside that has an economic justification;
- b) It is an affordable housing development that can be justified in terms of policy HD1;
- c) There is an identified shortfall in the effective 5 year housing land supply identified by the Housing Land Audit;
- d) The development would offer significant community benefits that outweigh the need to protect the Development Boundary.

This proposal is to incorporate the paddock into the garden ground of the property and provide structures associated with a domestic curtilage, such as the summerhouse and tennis court. The development would not create jobs and there is no economic justification for it. The proposal is not for housing, affordable or otherwise, and the proposal would not offer significant community benefits as the tennis court is for private use.

The southern boundary of Southbank is well defined by the stone wall, mature hedge and mature trees and the proposal would be to remove a section of the beech hedge and extend the garden ground into the paddock and down to the road to the south. This is a significant encroachment of the built-up area beyond the Development Boundary. The proposal would set an undesirable precedent, if approved, for other properties to do the same, eroding the Development Boundary.

The proposal would be contrary to policy PMD4.

Impact on the National Scenic Area, Conservation Area and Visual Amenities of the Area

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. In particular developments should have a sense of place, based on a clear understanding of the context, the scale and height should be appropriate to its surroundings, it respects the character of the surrounding area and provides appropriate boundary treatments to ensure attractive edges that will integrate the development with its surroundings.

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The main focus of the Conservation Area is the distinct layout centred on the Green, with continuous properties of high quality architectural detailing and materials. However, the Conservation Area does include the fields to the south of the village and extends down to Bowden Kirk, the Mill and Manse. The Local Development Plan profile states that given the sensitivity of the character and setting of Bowden, there is very little scope for additional development.

The proposal would introduce structures associated with a domestic garden into this rural paddock. Although the southern areas of the Conservation Area are fields and paddock, they do contribute to the setting of the village.

The proposed driveway would be lined with trees, but no accurate details of the number, species or spacing have been provided and these will take time to grow and mature to provide adequate screening. No details

of the fencing along the driveway have been submitted. The paddock slopes down to the road and is at a higher level and so the driveway would be prominent until the trees are established.

A vehicular access would be formed onto the public road. The paddock is at a significantly higher ground level than the road and so excavations to the banking and regrading would be required to provide a level surface and the 3.5m wide access and 60m visibility splays. No section drawings of existing and proposed levels have been provided to demonstrate what works are required to form the access and to fully assess the visual impact. A heavily engineered approach would not be appropriate for this rural area.

A sketch of the gates has been provided but no indication of the height, material/finish or distance from the road. The sketch shows the gates would have a suburban appearance, whereas a gate similar to the existing agricultural five-bar gate would be more suitable for this rural location.

The paddock would need to be levelled to provide a level surface for the tennis court. Two section drawings have been submitted but it is not clear what sections of the paddock they relate to. The engineering works required to provide the level surface would be out of keeping with the rural nature of the paddock. The tennis court would cover the majority of the paddock and would be surrounded by a 3.5m high mesh fence; no colours for the surfacing material, fencing or gate have been provided. This aspect of the proposal would be visually intrusive within this rural area and highly prominent when viewed from the public road.

Part f) of policy PMD2 requires appropriate landscaping to help integration with the surroundings and the wider environment. The Council's Landscape Architect advises that planting to mitigate the impact of this new fence and tennis court on users of the public road is required, in the form of a mixed native hedge or tree planting along the eastern boundary. This could be controlled by condition.

It is not clear from the site plan where the summerhouse is to be positioned, though it appears to be within the tennis court fence. This would be a small scale, domestic structure but more appropriate to the existing garden ground than to the open paddock. Details of the colour finish for the walls and colour of the roofing felt are required.

The application is lacking in accurate, scaled drawings and detail in terms of colour/finishes and planting. However, it is considered that, overall, the proposed development in this paddock would be out of keeping with the character of this rural, edge-of-village location, contrary to policy PMD2. It is accepted that appropriate planting would lessen the impact on the character and appearance of the Conservation Area and National Scenic Area and this would need to be controlled by condition if the application was approved. However, the proposal would result in the encroachment of development outwith the Development Boundary, eroding the rural character of the area and adversely affecting the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

Trees

Policy EP13 seeks to protect trees from development. There are a number of mature trees within the garden ground of the property.

The proposal is to form a gravel parking and turning area amongst the existing garden trees. These would be retained and are protected by the Conservation Area status. The Council's Landscape Architect has requested a drawing showing the location of these trees in relation to the works and showing their individual Root Protection Areas (RPAs). If any of the works lie within the RPA of retained trees it must be demonstrated that the proposed driveway and parking could be achieved using a 'no -dig' method of construction within the RPAs.

The applicant has not been requested to provide this drawing, as the principle of the development is not in accordance with relevant Local Development Plan policies, so this would need to be secured by a condition, if the application is approved.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Advice is found with the Supplementary Planning Guidance on light and privacy.

The site is outwith the Development Boundary and there are no properties adjacent to the site that would be affected by the development.

Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

An area of parking and turning is proposed within the existing garden ground of the property, accessed by the new driveway. This would replace the parking adjacent to the public road, which the applicant describes as insufficient in width, resulting in congestion on the public road. The off-street parking would be an obvious benefit of the proposal.

The Roads Planning Service has no objections to the proposal but requires further details regarding the access to demonstrate how the new access is to tie in with the existing passing place. They note that there have been concerns raised regarding the location of the access, however they are satisfied with the proposal, due to the low traffic figures on the road and the tight geometry in the vicinity.

The applicant has not been requested to provide this information as the principle of the development is not in accordance with relevant Local Development Plan policies, so this would need to be secured by a condition, if the application is approved.

REASON FOR DECISION :

The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary.

The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

Recommendation: Refused

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary.
- 2 The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission****Reference : 17/01362/FUL****To : Mrs Sarah Wilkinson Southbank Bowden Melrose United Kingdom TD6 0ST**

With reference to your application validated on **3rd January 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

At : Southbank And Paddock South East Of Southbank Bowden Melrose Scottish Borders TD6 0ST

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

**Dated 21st February 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed**Depute Chief Planning Officer**

APPLICATION REFERENCE : 17/01362/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Refused
2	Site Plan	Refused
3	Sections	Refused
4	Sections	Refused
5	Elevations	Refused
6	Specifications	Refused
7	Specifications	Refused
8	Elevations	Refused
9	Site Plan	Refused
C11 A	Specifications	Refused

REASON FOR REFUSAL

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary.
- 2 The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

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.

JH



TOWN AND COUNTRY
PLANNING (SCOTLAND) ACT
1997 (AS AMENDED)

For Office Use Only:

Application Number: 17/01362/FUL

Date Registered: 3.1.18

PLANNING APPLICATION

1. Name and Address of applicant	Name and Address of Agent
SARAH WILKINSON SOUTHBANK, BOWDEN, MELLORSE Post Code: TD6 8ST	
Tel. No. [REDACTED]	Tel. No.
E-mail address [REDACTED]	E-mail address.....

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

AS ABOVE

Is this address a flat?
Yes ☐ No ☒

3. Brief Description of Proposed Development

INTRODUCTION OF DRIVEWAY THROUGH Paddock TO REMOVE ROADSIDE PARKING ON NARROW ROAD. ADDITION OF TENNIS COURT WITHIN REMAINING AREA OF Paddock.

4. Type of Application (tick one box only)

(a) Full application for new building works and/or a change of use and/or engineering works	<input type="checkbox"/>
(b) Full application for a change of use not involving any building works	<input checked="" type="checkbox"/>
(c) Planning permission in Principle	<input type="checkbox"/>
(d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)	<input type="checkbox"/>
(e) Application for removal or variation of a condition on a planning permission previously granted (Please indicate reference number of previous application)	<input type="checkbox"/>
(f) Application for renewal of a limited period permission (Please indicate reference number of previous application)	<input type="checkbox"/>
(g) Application for renewal of an unimplemented permission You need only answer Questions 16 and 17) (Please indicate reference number of previous application)	<input type="checkbox"/>

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

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

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

All Conditions (please tick) ☐ or Condition Numbers

6. Pre-Application Discussion and Consultation

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

Yes ☒

No ☐

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

Officer Name:

CAROLINE LAW

Date:

Council Reference:

17/01362/FUL

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

Yes ☐

No ☐

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

7. Site Area

..... hectares

8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)

Yes

☐

No

☐

9. Existing/Proposed Uses

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

Existing	Proposed
Paddock	DRIVEWAY / TENNIS COURT.

10. Commerce and Business

(A) Floorspace

Please indicate the total amount of floorspace (in square metres) to which this application relates

Existing -

Proposed -

(A) Employment

Please indicate the number of staff employed (including part-time):

Existing -

Proposed -

(B) Traffic Flow

What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)

Existing -

Proposed -

(C) Industrial Processes

In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:

(D) Storage of Hazardous Substances

Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES, please state materials and quantities below:

11. Car Parking

Please indicate car parking facilities/spaces:

Existing: ON STREET / ROAD

Proposed: IN GARDEN.

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

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

13. Trees

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

14. Drainage and Water Supply

(A) Please state how surface water will be disposed of: DRAINAGE CHANNEL LEADING TO SOAKAWAY.

(B) How will foul sewage be dealt with?

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

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

Public mains supply ☐ Private source ☐

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

Yes ☐ No ☐

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

15. Materials

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

	EXISTING	PROPOSED
Exterior Walls		
Roof		
Windows		

16. Additional Information

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

17. Declaration

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

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

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

Signed..... on behalf of SARAH WILKINSON Date 3/1/18

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

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

I certify that:

☒ At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner¹ of all of the land to which the application relates

OR

☐ The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner¹ of any part of the land to which the application relates, as listed below:

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

Signed..... on behalf of..... Date 3/1/18

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

I certify that:

☒ At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;

OR

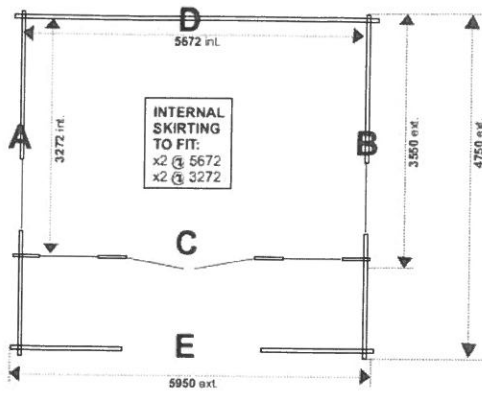
☐ The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

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

Signed..... on behalf of..... Date 3/1/18

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

FLOORPLAN:



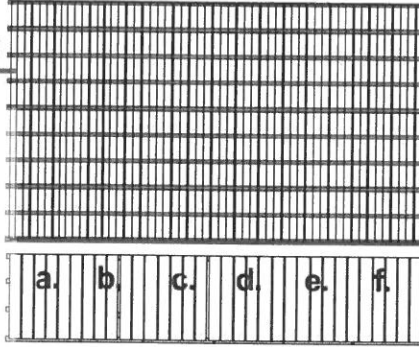
20x16w Sigma 44mm
2016SIG-44



EAVES HEIGHT: 2192mm
APEX HEIGHT: 3010mm
gross base size 5760 x 4560
gross size with roof overhangs 5950 x 4950

12x20w FLOOR 44mm

Gross base size 3360 x 5760
20x Tanbat @ 2380mm
51 x Floorboards @ 3267mm



17/01362/FUL
21/02/2018

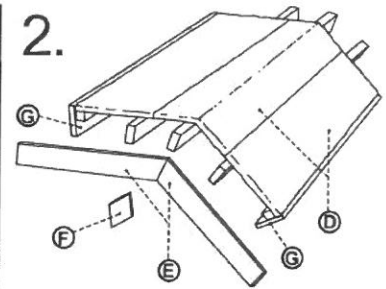
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

4ft Veranda
in x6 Sections
Subject to the
associated Decision
Notice

ROOF:

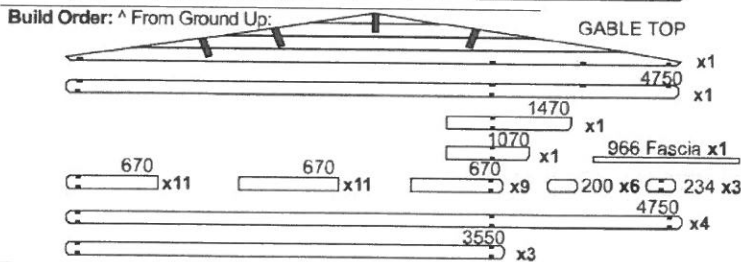
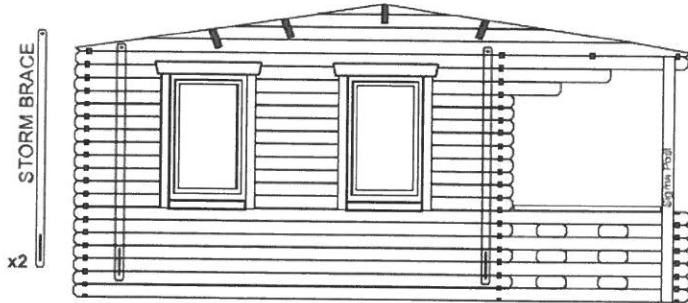


A> ROOF BOARDS - x106 (@ 2627)
B> ROOF PURLINGS - x5 (@ 5950)
C> ROOF BATONS - x4 (@ 2975)

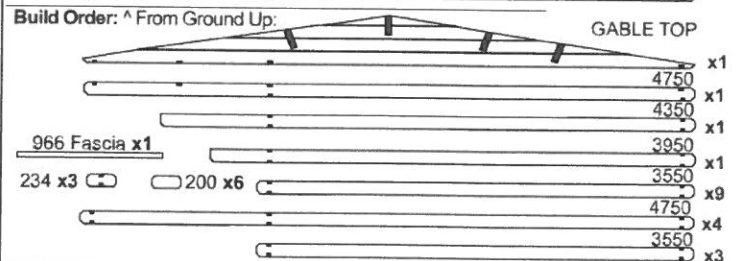
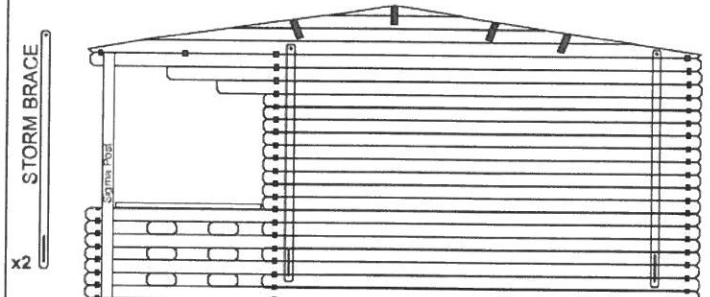


D> FELT/ROOF COVERING - OPTIONAL
E> FASCIA BOARDS - x4 (@ 2727)
F> PEAK - x2 (@ 150)
G> SKIRTING - x4 (@ 2975)

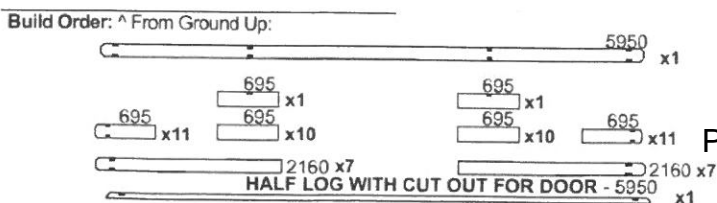
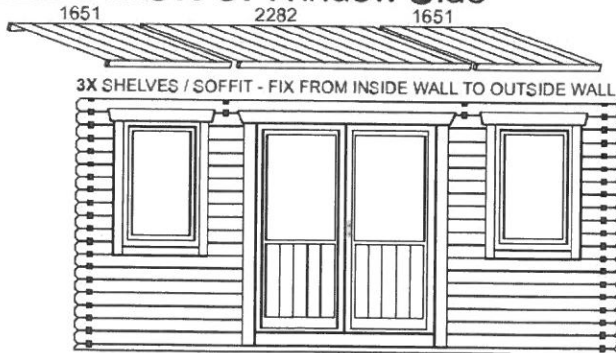
ELEVATION A: Blank Gable



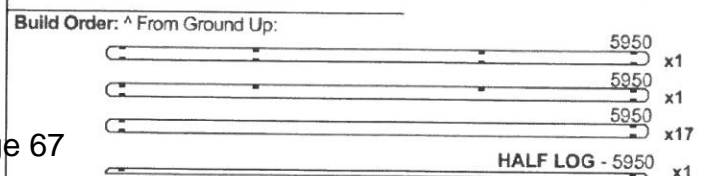
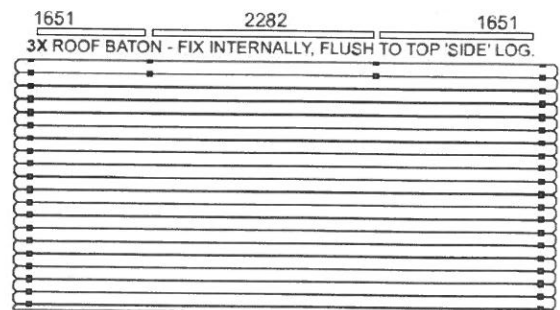
ELEVATION B: Blank Gable



ELEVATION C: Window Side



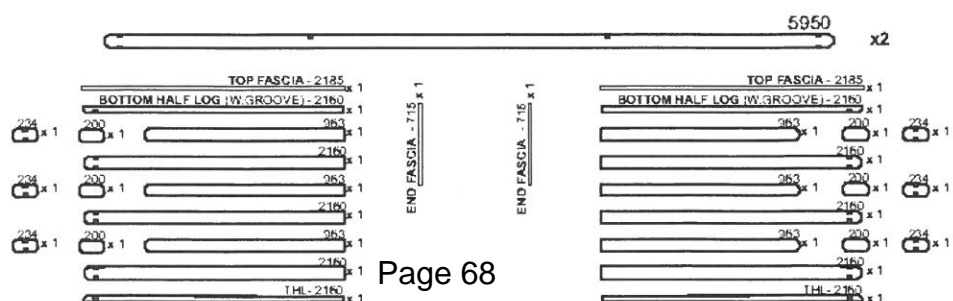
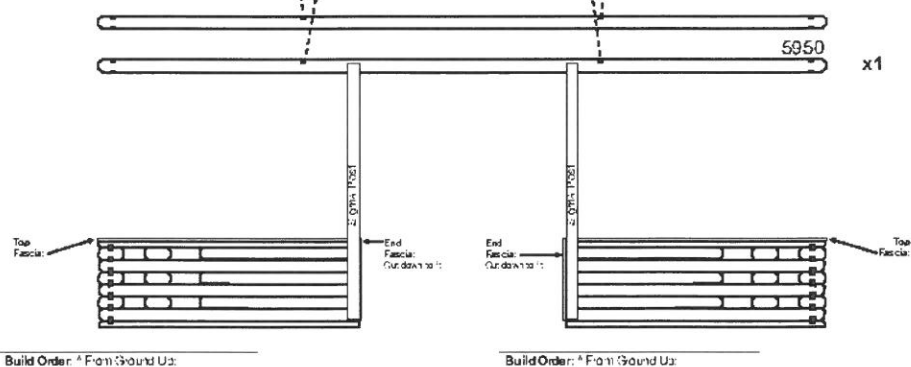
ELEVATION D: Blank Side



Internal Gables



ELEVATION E: Front Deck



From: Andrea Beavon [REDACTED]
Sent: 31 January 2018 20:20
To: Hayward, Julie; Andrea Beavon
Subject: Re: Community Council Consultation

Good evening Julie

I have gone on to record our comments re Southbank planning application and I have had to reset the password and not received an e mail confirmation as yet, given the closing dates, we wish to make the following comments on the planning application for Southbank:

Bowden Village Committee - comments on planning application: Southbank

1. We have concerns about access to the proposed car-parking and tennis courts being alongside an existing passing place that was erected to allow ease of access to a business at Bowden Mill, we are unsure as to the safety of this, and whether this is permitted?
2. We object to the change of use from agricultural land to domestic/amenity use, we feel that this affords no protection to future proposals to build a residential property on the same site.
3. the residence in question is within a Conservation area, and we feel that this should be considered when looking at the overall extension of the domestic/amenity area of the property.
4. we feel that there is a road safety issue in relation to sight lines east and west of the proposed entrance to the property
5. there is no information regarding current trees in the Conservation area, or plans for new planting?
6. we feel the drawings and information are of poor quality and makes it difficult to ascertain the materials being used, the types of vegetation being planted and any sense of the visual impact
7. There seems to be no plans indicated to shift existing lay-by's - see point 1

8. The current proposed plans are outwith the developmental boundary for Bowden Village and significantly extend the "built" areas of the village, which are traditionally on a ribbon-development model, there are no other residences that extend this far?

I hope that this is easily uploaded onto the electronic planning platform Julie, and had I had more time I would do as soon as the e mail confirmation of the password reset comes through!

Many thanks

Andrea

Regards

Andrea Beavon

Secretary,

Bowden Village Committee (*Trustees of Bowden Common*)

From: JHayward2@scotborders.gov.uk <JHayward2@scotborders.gov.uk>

Sent: 05 January 2018 13:34

To: [REDACTED]

Subject: Community Council Consultation

Please see attached document

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REGULATORY SERVICES



To: **Development Management Service**
FAO Mrs. J. Hayward, Council H. Q.

Date: **5th Feb. 2018**

From: **Roads Planning Service**

Contact: **A. Scott**

Ext: **6640**

Ref: **17/01362/FUL**

Subject: Formation of access, drive, parking area and tennis court
Southbank, Bowden, Melrose – 17/01362/FUL

Whilst I have no objections to the principle of this application, I shall require further details regarding the access. I shall require a drawing showing in more detail how the new access is to tie in with the existing passing place. I note there have been concerns raised regarding the location of the access, however I am satisfied that due to the low traffic figures on the road and the tight geometry in the vicinity, I will not object to the application subject to the additional information being satisfactory.

DJI

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 5th January 2018

Contact: Julie Hayward ☎ 01835 825585

Ref: 17/01362/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 26th January 2018, 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 26th January 2018, 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: Mrs Sarah Wilkinson

Agent: N/A

Nature of Proposal: Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

Site: Southbank And Paddock South East Of Southbank Bowden Melrose
Scottish Borders TD6 0ST

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no known implications for this proposal.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 5th January 2018

Contact: Julie Hayward ☎ 01835 825585

Ref: 17/01362/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 26th January 2018, 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 26th January 2018, 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: Mrs Sarah Wilkinson

Agent: N/A

Nature of Proposal: Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

Site: Southbank And Paddock South East Of Southbank Bowden Melrose
Scottish Borders TD6 0ST

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

The site was visited on 19th January.

The site is part garden ground and part paddock immediately adjacent and south of the garden to Southbank. Southbank is located on the south side of Bowden and within the Conservation area which extends southwards from the village to include Bowden Kirk, the Manse and Bowden Mill and also the large field to the east of the minor road to the Kirk.

The proposal is to form a new driveway accessed off the minor road to the south of the house and garden and to build a tennis court with associated summerhouse in the paddock.

Driveway and Parking

To establish that the new parking area amongst the existing garden trees will not damage those trees, all of which are to be retained, we need to see a drawing showing the location of these trees in relation to the works and showing their individual Root Protection Areas (RPAs) calculated in accordance with **BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations**. If any of the works lie within the

RPA of retained trees it must be demonstrated that the proposed driveway and parking could be achieved using a 'No –dig' method of construction within the RPAs.

Accordingly, the first action should be to establish RPAs of all trees adjacent to the proposed works and with this information, consider whether the proposals can be achieved with 'No – dig' construction or if an amended layout might be required.

New Gated Access

It appears that some excavations to the banking may be required to form an access from the public road into the paddock and this will require some local grading to accommodate any such excavation. Given the rural location, the gated access should be as simple as possible, ideally using a double agricultural gate or a wooden gate that reflects the style of the gate into garden, next to the house.

Tennis Court

I understand that a 2.7m high fence will be erected around the tennis court. Given that the minor road is within the Conservation Area and leads to the Kirk, I would be keen to see some planting to mitigate the impact of this new fence and tennis court on users of this laneway. It could simply be a mixed native hedge or if a hedge was not desirable, tree planting along the eastern boundary. This would not only mitigate the impact of the new tennis court and fence but would also provide a measure of shelter to the tennis court.

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Local Review Reference: 18/00012/RREF

Planning Application Reference: 17/01362/FUL

Development Proposal: Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts

Location: Southbank, Bowden

Applicant: Mrs Sarah Wilkinson

Scottish Borders Local Development Plan 2016

POLICY PMD2: QUALITY STANDARDS

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

Sustainability

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

Placemaking & Design

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

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- 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 PMD4: DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and

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- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

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 EP4: NATIONAL SCENIC AREAS

Development that may affect National Scenic Areas will only be permitted where:

- a) the objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or
- b) any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

POLICY EP9: CONSERVATION AREAS

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and

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- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

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 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.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Landscape and Development 2008