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LOCAL REVIEW BODY MONDAY, 17 DECEMBER 2018

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 17 DECEMBER 2018 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

10 December 2018

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Continuation of Review of decision to grant permission subject to conditions in respect of alterations and extension to dwellinghouse and erection of detached garage/workshop at 61 West High Street, Lauder. 18/00580/FUL. 18/00029/RCOND.</p> <p>Copies of the following papers attached:-</p>	
	(a) Further information from applicant	(Pages 3 - 4)
	(b) Statement from Planning Officer	(Pages 5 - 6)
	<p>(c) Review papers</p> <p>Copies of papers re-circulated as follows:-</p> <p style="margin-left: 40px;">Notice of Review - page – 7</p> <p style="margin-left: 40px;">Decision Notice - page – 15</p> <p style="margin-left: 40px;">Officer’s report - page – 19</p> <p style="margin-left: 40px;">Papers referred to in report - page – 23</p> <p style="margin-left: 40px;">Consultations - page – 29</p> <p style="margin-left: 40px;">List of Policies - page – 35</p>	(Pages 7 - 40)
5.	<p>Consider request for review of refusal of application in respect of replacement of shop front windows and door screens at Scotts View Take-Away, Main Street, St Boswells. 18/01010/FUL. 18/00032/RREF.</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 41 - 52)

	Including:- Decision Notice – page – 45	
	(b) Officer's Report	(Pages 53 - 56)
	(c) Papers referred to in Officer's Report	(Pages 57 - 64)
	(d) List of Policies	(Pages 65 - 68)
6.	Any Other Items Previously Circulated	
7.	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

Scottish Borders Council
Local Review Body
Newtown St Boswells
TD6 0SA

Ms Fiona Duff
Per Christopher Thomson Design
63 Queen Charlotte Street
Edinburgh
Scotland
EH6 7EY

Email.

1 December 2018

Planning Ref. 18/00580/FUL
Appeal Ref. 18/00029/RCOND
Elsielea, 61 West High Street, Lauder, Scottish Borders TD2 6TF

To whom it may concern

In response to further information requested by the Local Review Body:

In expressing concern about the height and design of the proposed detached garage/workshop and without details of the proposed internal layout, Members asked if there was a particular reason for the height proposed and for the choice of a mono-pitched roof as against a dual-pitched roof which they considered may better suit the character of the surrounding buildings and be lower in ridge height.

One reason for buying the house was to have a garage/workshop which will be used for carpentry involved in renovating the house and kitchen and ongoing. Enough height is needed for timber and tool storage, as we currently have to rent a garage plus shipping container. As the original mono-pitched drawing was passed at this height, we were not aware this was an issue, only the proposed orientation.

Four out of five of the surrounding outbuildings are mono-pitched therefore we chose this in order to suit the character better. Given the history of the property, and neighbouring property, having had adjoining mono-pitch or lean-to byres, we feel this is more in-keeping with the vernacular.

As previously outlined, we think it's more aesthetically pleasing and keeps the highest point to the one side where it is disguised by the trees and the proximity to the gable-end (window-less) of the neighbouring house. In addition, the aim is to grow fruit and vegetables in the garden (another reason for buying the house) and a mono-pitch overshadows less of the garden, and that of the next-door neighbour at 59.

Yours faithfully

Fiona Duff

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Walling, Fiona

From: Hayward, Julie
Sent: 07 December 2018 11:25
To: Walling, Fiona
Subject: RE: Application 18/00580/FUL. LRB ref 18/00029/RCOND 61 West High St Lauder

Hi

I would say that it would be possible to achieve the required headroom and storage space with a dual pitched roof; this would be more traditional and improve the appearance of the building and so lessen the impact on the character of the Conservation Area and setting of the Listed Building.

Julie

Julie Hayward
Team Leader
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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NOTICE OF REVIEW

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Fiona Duff
Address Elsielea, 61 West High Street, Lauder

Postcode TD2 6TF

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
E-mail* [REDACTED]

Agent (if any)

Name Christopher Thomson Design
Address 63 Queen Charlotte Street

Postcode EH6 7EY

Contact Telephone 1 07801 515 781
Contact Telephone 2 [REDACTED]
E-mail* chrisjthomson@btinternet.com

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

Yes No

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

Planning authority Scottish Borders

Planning authority's application reference number 18/00580/FUL

Site address Elsielea, 61 West High Street, Lauder, Scottish Borders TD2 6TF

Description of proposed development

Alterations and extension to dwellinghouse and erection of detached garage/workshop

Date of application 9th May 2018

Date of decision (if any) 17th July 2018

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

Nature of application

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

Reasons for seeking review (tick one box)

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

With regard to condition 2; to amend Drawing Number 005 for the proposed garage/workshop so that the mono-pitched roof shall be reversed so that the tall blank elevation faces north and the lower eaves elevation faces south.

We respectfully request reconsideration of this as we feel strongly that, in the current plans as submitted, the tall blank elevation will be better disguised, particularly from the vantage point of the High Street and western approach into Lauder; and less in sight lines of neighbours at 59 West High Street and Wayside on Castle Wynd (both of whom are supportive of the currently proposed orientation).

Our aim in proposing a mono-pitched roof with this orientation, rather than standard pitch, as well as being aesthetically more pleasing, was to help conceal - and thereby ensure a building appropriate to the conservation area - the high point in a similar position to the existing shed; allowing for this and largest mass to be hidden by the existing trees and wall, and also following the line down from the neighbouring house.

Conversely, if reversed, it would be more obtrusive due to the highest point being in full view, together with the expanse of the roof sloping up, particularly when viewed from the High Street, the Lauderdale Hotel and western approach.

To help visualise, we have provided photographs of a 4m pole showing an approximation of the height and dominance of the reversed roof/blank elevation from various sight lines.

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

Yes No

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

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Compilation of photographs, in word document, with 4m pole to represent an approximation of the height and dominance of reversed roof/elevation from various sight lines.

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

Checklist

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

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

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

Declaration

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

Signed



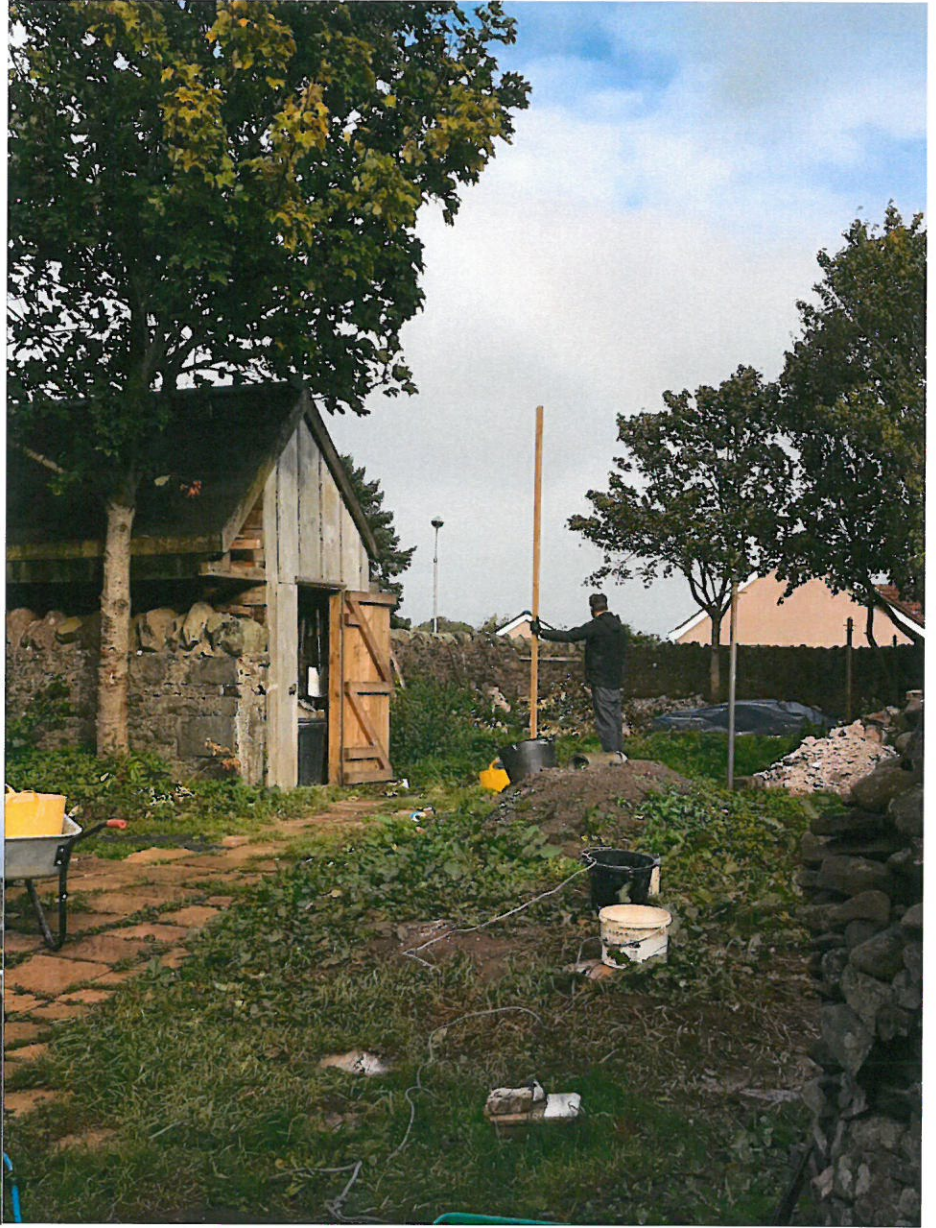
Date

2 October 2018

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk







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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/00580/FUL

**To : Miss Fiona Duff per Christopher Thomson Design 63 Queen Charlotte Street Edinburgh
Scotland EH6 7EY**

With reference to your application validated on **9th May 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Alterations and extension to dwellinghouse and erection of detached
garage/workshop**

at : Elsielea 61 West High Street Lauder Scottish Borders TD2 6TF

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

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

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

**Dated 17th July 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 18/00580/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
001	Location Plan	Approved
002	Existing Layout	Approved
003	Floor Plans	Approved
004	Elevations	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 2 Drawing Number 005 - Proposed Garage/Workshop (dated 22.04.18) submitted with the application is not covered by this grant of planning consent. No development shall commence until amended drawings of the proposed garage/workshop are submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the revised drawings unless otherwise agreed in writing by the planning authority. The mono-pitched roof over the proposed garage/workshop shall be reversed so that the tall blank elevation faces north and the lower eaves elevation faces south.
Reason: To ensure a satisfactory form of development appropriate to the conservation area.
- 3 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 4 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 5 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction, and the protective fencing/barrier shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
- Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

FOR THE INFORMATION OF THE APPLICANT

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

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

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

Notice of Completion of Development

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

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

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

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

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

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

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00580/FUL

APPLICANT : Miss Fiona Duff

AGENT : Christopher Thomson Design

DEVELOPMENT : Alterations and extension to dwellinghouse and erection of detached garage/workshop

LOCATION: Elsielea
61 West High Street
Lauder
Scottish Borders
TD2 6TF

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
001	Location Plan	Approved
002	Existing Layout	Approved
003	Floor Plans	Approved
004	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

RPS: No objection

CC: No objection

Heritage Officer: I am content with the addition of a new conservation pattern rooflight matching an existing one (which is to be slightly increased in size). The rear of the property is concealed from public view. I am content with the design approach adopted in providing a small scale single storey extension to the rear in a contemporary style. I have no objections to the principle of a replacement garage / workshop in place on a smaller shed. It is partially concealed by an existing stone wall. The use of an monopitch roof has resulted in a tall (4m high) blank timber wall to the S which is the side of the building most visible from the High Street. I think that I would prefer to see the monopitch reversed with the lower eaves on the side nearest the High Street.

Overall I am content that the proposed works will not have an adverse impact on the character or appearance of the Lauder Conservation Area.

Archaeology: At some point during the medieval period Lauder was walled with gates, or ports, at its eastern and western ends. According to the Lauder Burgh Survey, the suspected site of the western port is approximately where The Loan and The Row intersect with the A68. There are hints in historical documents of projecting walls on now demolished buildings on the south-east side of the Row perhaps

indicating the line of the town wall. However all of this is conjectural. There has been to date no archaeological evidence for the line of the wall or, indeed, of medieval and later settlement in this area.

The Ordnance Survey 1st Edition map (c.1858) suggests that there was an earlier building on the site which may be of 17th or 18th century date. This appears as a roughly T-shaped building behind the line of the existing terrace. The nature of the building is unknown, but it was present on the 1829 Town Plan of Lauder, and possibly is represented on less accurate maps of the 18th century. The western 1/3 of the building is approximately in the area of the proposed extension and it is likely that buried archaeology associated with this will be encountered during development.

There is therefore a moderate to high potential for encountering buried archaeological features or deposits beneath or behind properties along The Row.

Based on the above, I recommend that excavations in previously undisturbed sub-soils require archaeological monitoring during a watching brief.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2
Policy PMD5
Policy HD3
Policy EP7
Policy EP8
Policy EP9
Policy EP13

Other Considerations

SBC SPG Privacy and Sunlight Guide
SBC SPG Tress and Development

Recommendation by - Andrew Evans (Planning Officer) on 17th July 2018

61 West High Street forms part of a terrace of early to mid-19th century houses, with a later rear extension and alterations. It was added to the statutory list in 2001 at category C as part of a resurvey of Lauder Burgh. The property lies within the Lauder Conservation Area close to the junction of West High Street and The Row. The property fronts West High Street and the rear garden area extends north towards Castle Wynd. Loan View defines the west boundary of the rear garden, beyond which lies the Lauderdale Hotel.

This is a combined report for both planning and listed building consent although the recommendations are specific to the relevant application.

It is proposed to carry out a number of internal and external alterations to the property, to extend the dwelling to provide a new living space and to add a free standing garage/workshop within the rear garden area replacing an existing timber shed.

Internal alterations include the installation of a wet room on the 2nd floor, shower room at first floor level and WC on the ground floor (accessed from the garden). Alterations are also proposed on the ground floor to allow for improved access from the existing house to the proposed extension. New roof lights are proposed on the front elevation and a single storey lean-to style extension in a contemporary style would be formed on the rear elevation. A mono-pitched garage/workshop is proposed to replace the existing pitched roof timber shed.

The internal alterations are modest in scale and would not alter the fabric of the building to a point where it would have an adverse impact on the listed status of the dwelling. The proposed rooflights would be of a conservation style and would be centred above the windows below. The rear extension would measure approx. 5m by 4.5 m and would feature a shallow mono-pitched lean-to style roof. It would be finished in

Siberian larch cladding with a standing seam roof coloured anthracite grey. Windows and doors would be dark grey aluminium framed double glazed.

The proposed replacement garage/workshop would also be finished in Siberian larch cladding but would have a metal profile roof and upvc rooflights. Doors and windows would be timber. The proposed garage would have a mono-pitched roof sloping south (4m) to north (2.4m). Access would be taken from the existing vehicular access off Loan View.

I would agree with our Heritage Officer that the internal works and the works to the front elevation and rear elevation, including the new extension would not have an adverse impact on the special architectural or historic interest of this listed building. The alterations are modest in scale and the rear elevation will be concealed from public view. The extension would sit below the high mutual boundary wall between the application site and the neighbouring garden and would appear subservient to the host building. There would be no adverse impact on the character or appearance of the conservation area and would be consistent with Policy EP9.

I note the comments raised by AHSS but do not consider the proposed rooflights to be too large for the front elevation. This is a large dwelling with a relatively large roof slope which can easily accommodate the proposed rooflights.

The proposed garage/workshop would replace an existing dilapidated garden shed. I have no objections in principle with the proposed mono-pitched roof over the new garage but would agree with our heritage officer that the mono-pitched roof is reversed with the lower eaves level orientated to the side nearest the High Street. This would move the high blank wall to the north elevation, away from the south elevation which is the side of the building most visible from Loan View and the High Street. I have discussed this with the agent and he is content for the suggested change to be incorporated into his design. I have agreed that this can be covered by condition.

RESIDENTIAL AMENITY

In terms of residential amenity I am satisfied that there will be no adverse impacts on neighbouring dwellings as a result of overlooking or shadowing or loss of privacy and loss of daylight. There have been no third party representations. The proposals comply with Policy HD3 of the LDP

ARCHAEOLOGY

The Council's archaeologist has confirmed that there is archaeological potential for encountering evidence of medieval and post medieval settlement within the application site. There is a moderate to high potential for encountering buried archaeological features and it is recommended that archaeological monitoring during a watching brief is carried out in previously undisturbed sub-soils. To ensure consistency with Policy EP8, this matter can be covered by condition.

ACCESS/PARKING

No objections have been raised by our Roads Planning Service.

TREES

There are two trees within the rear garden area of the application site which are located close to the existing shed. They are shown on the site plan and garage/workshop plans for retention. I would be keen for these trees to be retained as they contribute to the character of the conservation area. The trees should be retained and protected in the normal manner and should be conditioned accordingly.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved subject to conditions

- 1 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

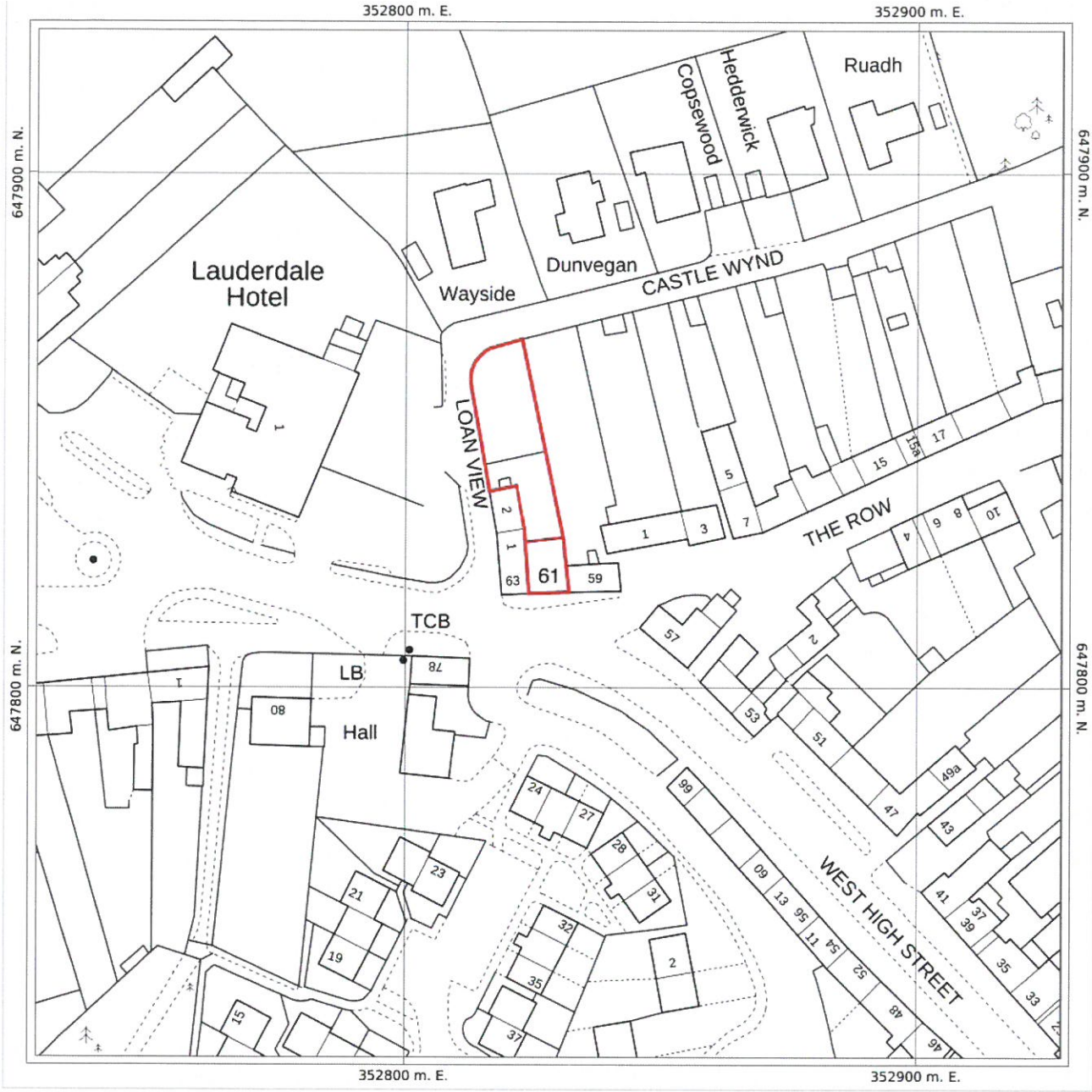
- 2 Drawing Number 005 - Proposed Garage/Workshop (dated 22.04.18) submitted with the application is not covered by this grant of planning consent. No development shall commence until amended drawings of the proposed garage/workshop are submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the revised drawings unless otherwise agreed in writing by the planning authority. The mono-pitched roof over the proposed garage/workshop shall be reversed so that the tall blank elevation faces north and the lower eaves elevation faces south.
Reason: To ensure a satisfactory form of development appropriate to the conservation area.

- 3 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 4 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.

- 5 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction, and the protective fencing/barrier shall be removed only when the development has been completed. During the period of construction of the development:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

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



18/00580/FUL
17/07/2018

Date of Production: April 2nd, 2018

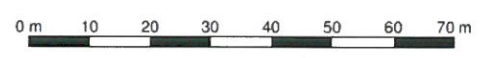
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The representation of a road, track or path is no evidence of a right of way. The representation of features a lines is no evidence of a property boundary.



Ground Scale: 1:1250
Bottom Left: 352728 647728 Top Right: 352928 647928
Center: 352828 647828
Area: 200m x 200m

61 WEST HIGH STREET
LAUDER
TD2 6TF

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

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subject to the
requirements of the
associated Decision
Notice

PLANNING		Drawing No 001
Client	Miss Fiona Duff & Mr D. Frankland	
Project	Proposed Extension, Garage/Workshop plus alterations at 61 West High Street, Lauder TD2 6TF	
Title	LOCATION PLAN	
Job No	DF/ 01	
Sheet size	A4	
Amended		
Christopher Thomson D.A. (Edin.) ARCHITECTURE + DESIGN 63 Queen Charlotte Street Edinburgh EH6 7EY m: 07801 515 781 e: christthomson@btinternet.com		
Date	Scale	Drawn
22.04.18	1:1250	CT

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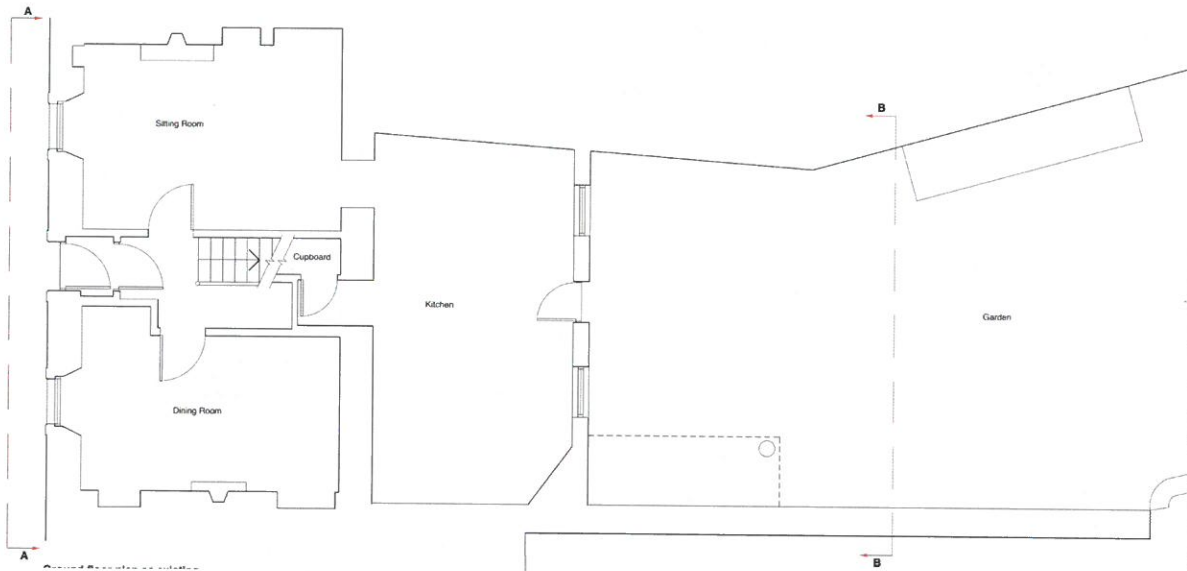
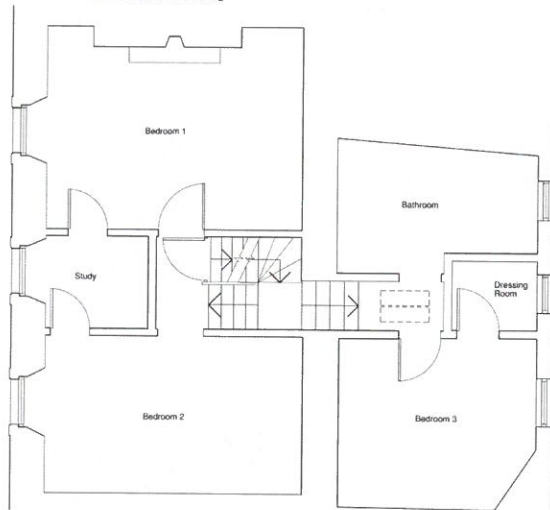
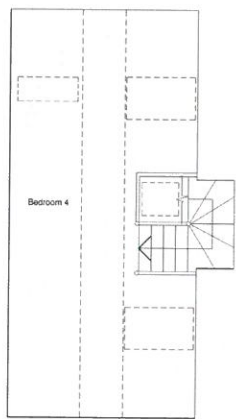
18/00580/FUL
17/07/2018

002

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

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associated Decision
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Page 25



Drawing status		
PLANNING		
Drawing No 002		
Client	Mr & Mrs D.F. & Mr D. Francisland	
Project	Proposed Extension, Garage/Workshop (plus alterations) at 61 West High Street, Leith, TD1 6TF	
Title	PLANS AS EXISTING	
Job No	DF/01	
Sheet size	A1	
Amended		
Christopher Thomason D.A. (Edin.)		
ARCHITECTURE + DESIGN		
63 Queen Charlotte Street Edinburgh EH3 7JY t: 07801 513 761 e: info@christopherthomason.com		
Date	Scale	Sheet
22.04.18	1:50	03

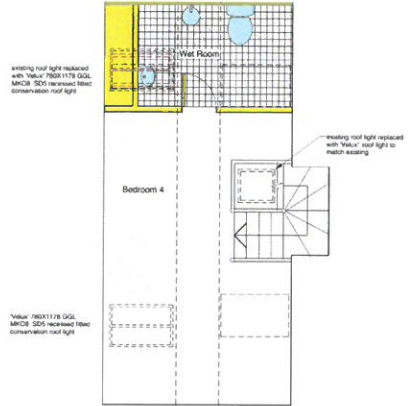
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17/07/2018

003

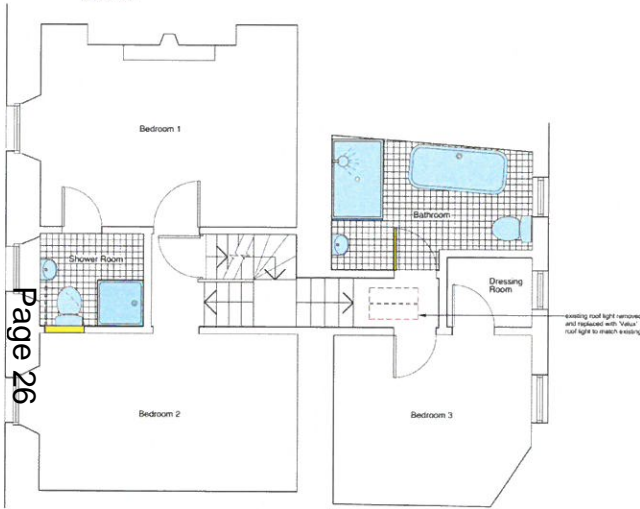
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1997

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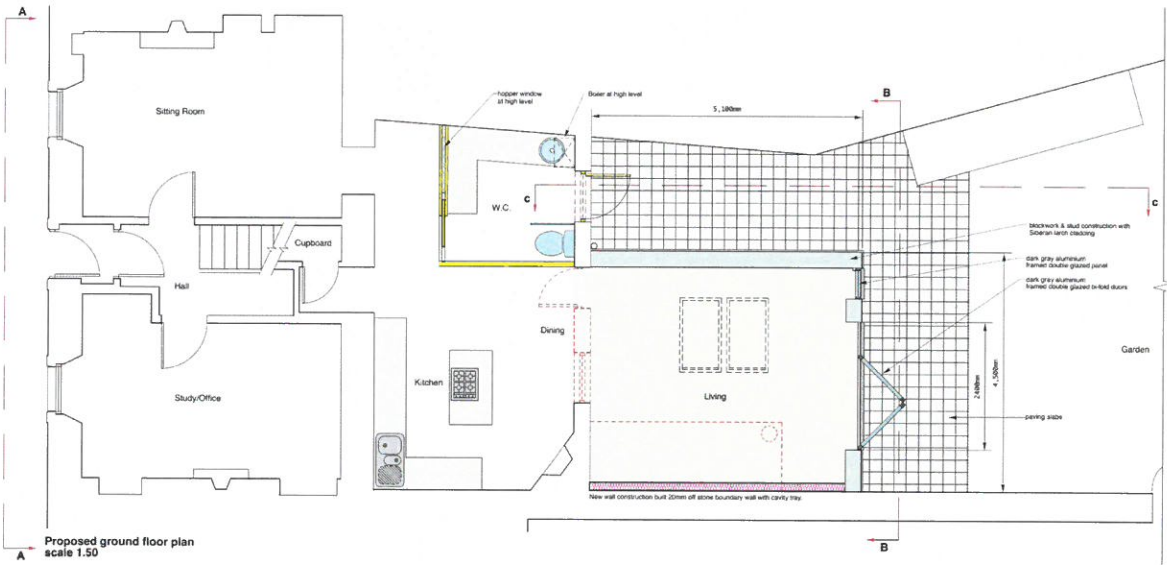
subject to the
requirements of the
associated Decision
Notice



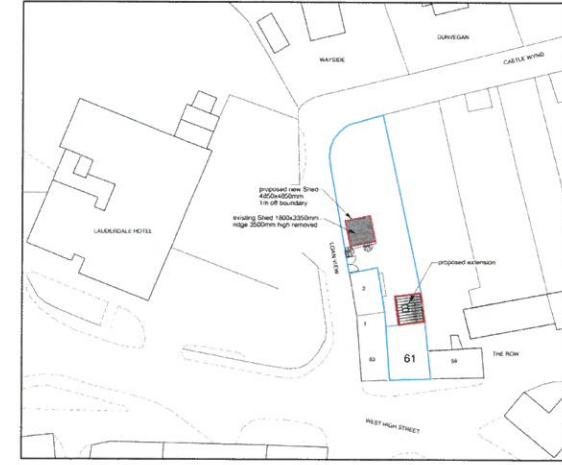
Proposed 2nd floor plan
scale 1:50



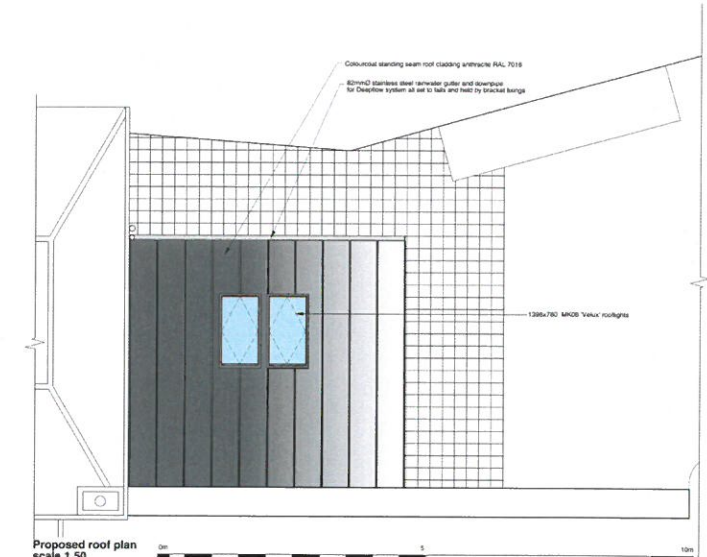
Proposed 1st floor plan
scale 1:50



Proposed ground floor plan
scale 1:50



Site plan
scale 1:500



Proposed roof plan
scale 1:50

Note: All removals are shown in a red broken line.

DELIVERED STATUS
PLANNING Drawing No 003

Client: Miss Fone O'Leary & Mr D. Frankland
Project: Proposed Extension, Garage/Workshop plus alterations at 61 West High Street, Laidkirk TD2 5TF
Title: PROPOSED PLANS

Job No: DF/01
Sheet size: A1
Amended:

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Edinburgh EH3 7JY
t: 07801 515 751
e: c.thomson@christopherthomson.com

Date: 20/04/18 Scale: 1:50 1:500 Drawn: CT

Page 26

18/00580/FUL
17/07/2018

- Schedule of materials**
1. Concrete standing seam roof cladding with RAL 7016
 2. Timber batten
 3. Severn Larch cladding
 4. Dark grey aluminium framed double glazed doors
 5. Dark grey aluminium framed double glazed panels
 6. 1300x760 4000 Series - rooflight
 7. 700x1175 6000 Series 50% recessed fixed conservation roof light
 8. Timber external pass door and landing
 9. (Should) stainless steel rainwater gutter and downpipes for Deepflow system set to fall and fixed by bracket bungs

004

Scottish Borders Council
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Planning (Scotland) Act
1997

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Elevation A-A as existing



Proposed Elevation A-A

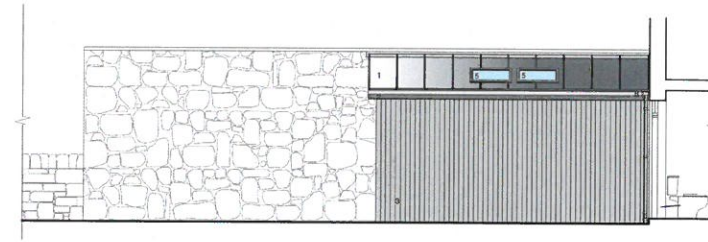
Page 27



Elevation B-B as existing



Proposed Elevation B-B



Sectional Elevation C-C

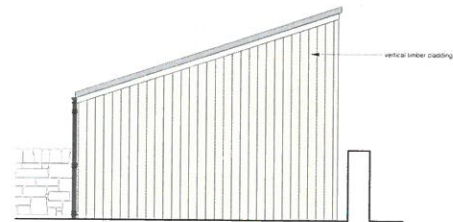
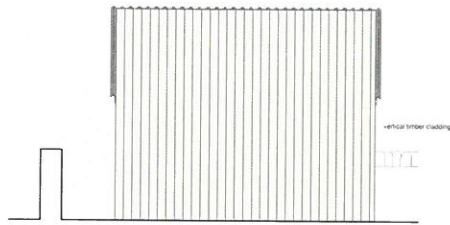
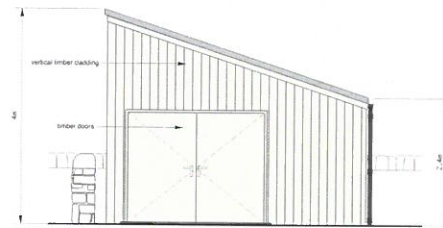
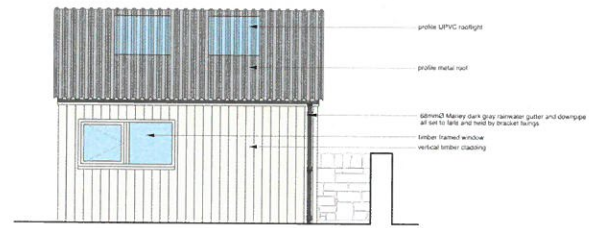
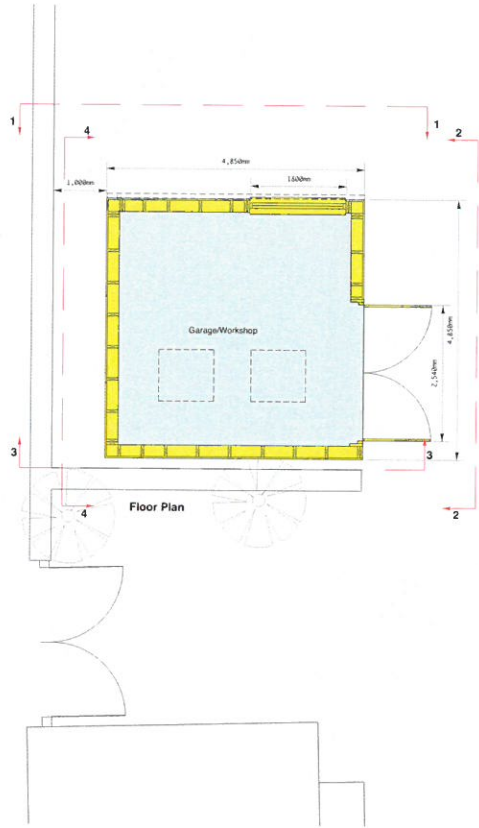
Note: All removals are shown in a red broken line.

PLANNING STATUS	Drawing No 004
Case	Miss Fiona Duff & Mr D. Frankland
Project	Proposed Extension - Garage/workshop (and alterations) at 61 West High Street, Leith, LE1 5TF
Title	ELEVATIONS
Job No	DF/01
Show size	A1
Amended	

Christopher Thomson D.A. (Edin.)
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Edinburgh LE1 5TF
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e: cthomson@christopherthomson.com

Date: 27.04.18 Scale: 1:50 Sheet: 01





005

DRAWING STATUS		Drawing No 005
PLANNING		
Client	Miss Faye Duff & Mr G. Franzl	
Project	Proposed Extension: Garage/Workshop (and alterations) at 81 Wood Hops Street, Leith, TQ1 8TT	
Title	PROPOSED GARAGE/WORKSHOP	
Job No	DF/01	
Sheet size	A1	
Amended		
ARCHITECTURE + DESIGN		
63 Queen's Quay Street, Edinburgh, EH2 1JY		
t: 01793 515 781		
e: info@thomsonda.com		
Date	Scale	Drawn
22/04/18	1:30	CT



Comments for Planning Application 18/00580/FUL

Application Summary

Application Number: 18/00580/FUL

Address: Elsielea 61 West High Street Lauder Scottish Borders TD2 6TF

Proposal: Alterations and extension to dwellinghouse and erection of detached garage/workshop

Case Officer: Andrew Evans

Customer Details

Name: Mrs Anne Hogarth

Address: Mosshouses, Galashiels, Scottish Borders TD1 2PG

Comment Details

Commenter Type: Community Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Lauderdale Community Council has no objection to this application.

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Archaeology Officer Officer Name: Dr Christopher Bowles	Contact e-mail/number: archaeology@scotborders.gov.uk		
Date of reply	28 May, 2018			
Planning Application Reference	18/00580/FUL	Case Officer: Andrew Evans		
Proposed Development	Alterations and extension to dwellinghouse and erection of detached garage/workshop			
Site Location	Elsielea 61 West High Street Lauder Scottish Borders TD2 6TF			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	<p>I have reviewed our Historic Environment Record and historic maps in assessing this application. I can confirm that there is an archaeological potential within the development area.</p> <p>The application site is on the edge of what we suspect to be the medieval core of Lauder.</p>			
Key Issues (Bullet points)	<ul style="list-style-type: none"> • There is archaeological potential for encountering evidence of medieval and post-medieval settlement or Lauder's town wall within the site. 			
Assessment	<p>At some point during the medieval period Lauder was walled with gates, or ports, at its eastern and western ends. According to the Lauder Burgh Survey, the suspected site of the western port is approximately where The Loan and The Row intersect with the A68. There are hints in historical documents of projecting walls on now demolished buildings on the south-east side of the Row perhaps indicating the line of the town wall. However all of this is conjectural. There has been to date no archaeological evidence for the line of the wall or, indeed, of medieval and later settlement in this area.</p> <p>The Ordnance Survey 1st Edition map (c.1858) suggests that there was an earlier building on the site which may be of 17th or 18th century date. This appears as a roughly T-shaped building behind the line of the existing terrace. The nature of the building is unknown, but it was present on the 1829 Town Plan of Lauder, and possibly is represented on less accurate maps of the 18th century. The western 1/3 of the building is approximately in the area of the proposed extension and it is likely that buried archaeology associated with this will be encountered during development.</p> <p>There is therefore a moderate to high potential for encountering buried archaeological features or deposits beneath or behind properties along The Row.</p> <p>Based on the above, I recommend that excavations in previously undisturbed sub-soils require archaeological monitoring during a watching brief.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

<p>Recommended Conditions</p>	<p>If consented, I recommend the following condition:</p> <p>No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.</p> <p>Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.</p>
<p>Recommended Informatives</p>	

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Mark Douglas Lead Officer Built Heritage & Design	Contact e-mail/number: mtdouglas@scotborders.gov.uk 01835 826563 (direct dial)		
Date of reply	25/05/2018			
Planning Application Reference	18/00580/FUL	Case Officer: Andrew Evans		
Proposed Development	External alterations and new garage			
Site Location	Elsiela, 61 West High Street, Lauder			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description	<p>61 West High Street forms part of a terrace of early to mid-19th century houses, with a later rear extension and alterations. It was added to the statutory list in 2001 at category C as part of a resurvey of Lauder Burgh.</p> <p>No Design Statement has been submitted</p> <p>A parallel application has been submitted for LBC</p>			
Key Issues (Bullet points)	<ul style="list-style-type: none"> Impact on character or appearance of the Lauder Conservation Area 			
Assessment	<p><u>Works to the front elevation</u> I am content with the addition of a new conservation pattern rooflight matching an existing one (which is to be slightly increased in size)</p> <p><u>Works to rear, including new extension</u> The rear of the property is concealed from public view. I am content with the design approach adopted in providing a small scale single storey extension to the rear in a contemporary style.</p> <p><u>New garage /workshop</u> I have no objections to the principle of a replacement garage / workshop in place on a smaller shed. It is partially concealed by an existing stone wall. The use of an monopitch roof has resulted in a tall (4m high) blank timber wall to the S which is the side of the building most visible from the High Street. I think that I would <u>prefer</u> to see the monopitch reversed with the lower eaves on the side nearest the High Street.</p> <p>Overall I am content that the proposed works will not have an adverse impact on the character or appearance of the Lauder Conservation Area.</p>			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Roads Planning Service		Contact e-mail/number:	
Officer Name and Post:	Keith Patterson Roads Planning Officer		kpatterson@scotborders.gov.uk 01835 826637	
Date of reply	14 th June 2018			
Planning Application Reference	18/00580/FUL	Case Officer: Andrew Evans		
Proposed Development	Alterations and Extension to Dwellinghouse and Erection of Detached Garage/Workshop.			
Site Location	Elsielea, 61 West High Street, Lauder.			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)				
Assessment	I have no objections to this proposal.			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

Signed : Alan Scott

List of Policies

Local Review Reference: 18/00029/RCOND

Planning Application Reference: 18/00580/FUL

Development Proposal: Alterations and extension to dwellinghouse and erection of detached garage/workshop

Location: Elsielea, 61 West High Street, Lauder

Applicant: Miss Fiona Duff

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,

List of Policies

- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY PMD5: INFILL DEVELOPMENT

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

POLICY 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:

List of Policies

- 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 EP7: LISTED BUILDINGS

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

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

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

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

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

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

POLICY EP8: ARCHAEOLOGY

(A) National Archaeological Sites

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

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

List of Policies

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

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:

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

List of Policies

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 Trees and Development 2008
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

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RECEIVED

Notice of Review

16 NOV 2018

NOTICE OF REVIEW

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name Mr Abby Lazim

Name Hamish Hunter, Hunter Architecture

Address Scotts View Take Away Main Street St Bo

Address 231 Galashiels Road Stow

Postcode TD6 0AP

Postcode TD1 2RE

Contact Telephone 1

Contact Telephone 1 01578730510

Contact Telephone 2

Contact Telephone 2 07970465627

E-mail*

E-mail*

hamish@hhunter.co.uk

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

Yes No

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

Planning authority Scotts Borders Council

Planning authority's application reference number 18/01010FUL

Site address Scotts View Takeaway, Main Street, St Boswells TD6 0AP

Description of proposed development

Replacemnet of shop front windows and door screen

Date of application 2nd August 2018

Date of decision (if any) 17th October 2018

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

Nature of application

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

Reasons for seeking review (tick one box)

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

In 2017, the applicant replaced the shop front windows and door of his take away shop with white Upvc units. At the time, he was unaware of the Conservation Area restrictions. Following this, he was reported to the Planning Enforcement team who, in turn, started proceedings to have the windows replaced. The applicant is now fully aware that his replacement shop front did not have the necessary consents; he instructed me to make a Planning Application on his behalf to have the front window screens replaced with timber frames units and the recessed window and door retained in UPVC. This application was refused on the grounds that the UPVC recessed side panel and door will not conform with policies PMD2 and EP9.

The replacement Upvc window screens have already cost the applicants a considerable amount. The replacement of the front prominent screens as proposed in his application is a costly operation which will tax his business. The cost of replacing the recessed side panel and door would add considerably to, what is already going to be a very expensive exercise.

There are many examples of recent replacement windows within Conservation Areas which do not conform with guidance mentioned above. The Post Office directly across the road from the applicants property has had its windows replaced in materials which do not conform with the guidance.

The applicant has accepted his error and is clearly prepared to replace the prominent windows on his shop front with windows that will conform with the guidance. However, insisting on the less visible recess door and side screen to be changes to timber is unreasonable.

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

Yes No

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

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

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

Checklist

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

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

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

Declaration

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

Signed

Date

12.11.18

The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to localreview@scotborders.gov.uk

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/01010/FUL

To : Mr Abbay Lazim per Hunter Architecture 231 Galashiels Road Stow Scottish Borders TD1 2RE

With reference to your application validated on **7th August 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Replacement of shop front windows and door screens

At : Scotts View Take-Away Main Street St Boswells Scottish Borders TD6 0AP

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

**Dated 17th October 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



Depute Chief Planning Officer

APPLICATION REFERENCE : 18/01010/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
1349.PI.1	Location Plan	Refused
1349.PI.2 REV A	Elevations	Refused

REASON FOR REFUSAL

- 1 The UPVC door and side panels, by reason of their design and material, are contrary to policies PMD2 and EP9 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Replacement Windows and Doors 2015 in that they are harmful to the character and appearance of the Conservation Area and would set an undesirable precedent for similar doors which would further erode the character and appearance of the Conservation 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.

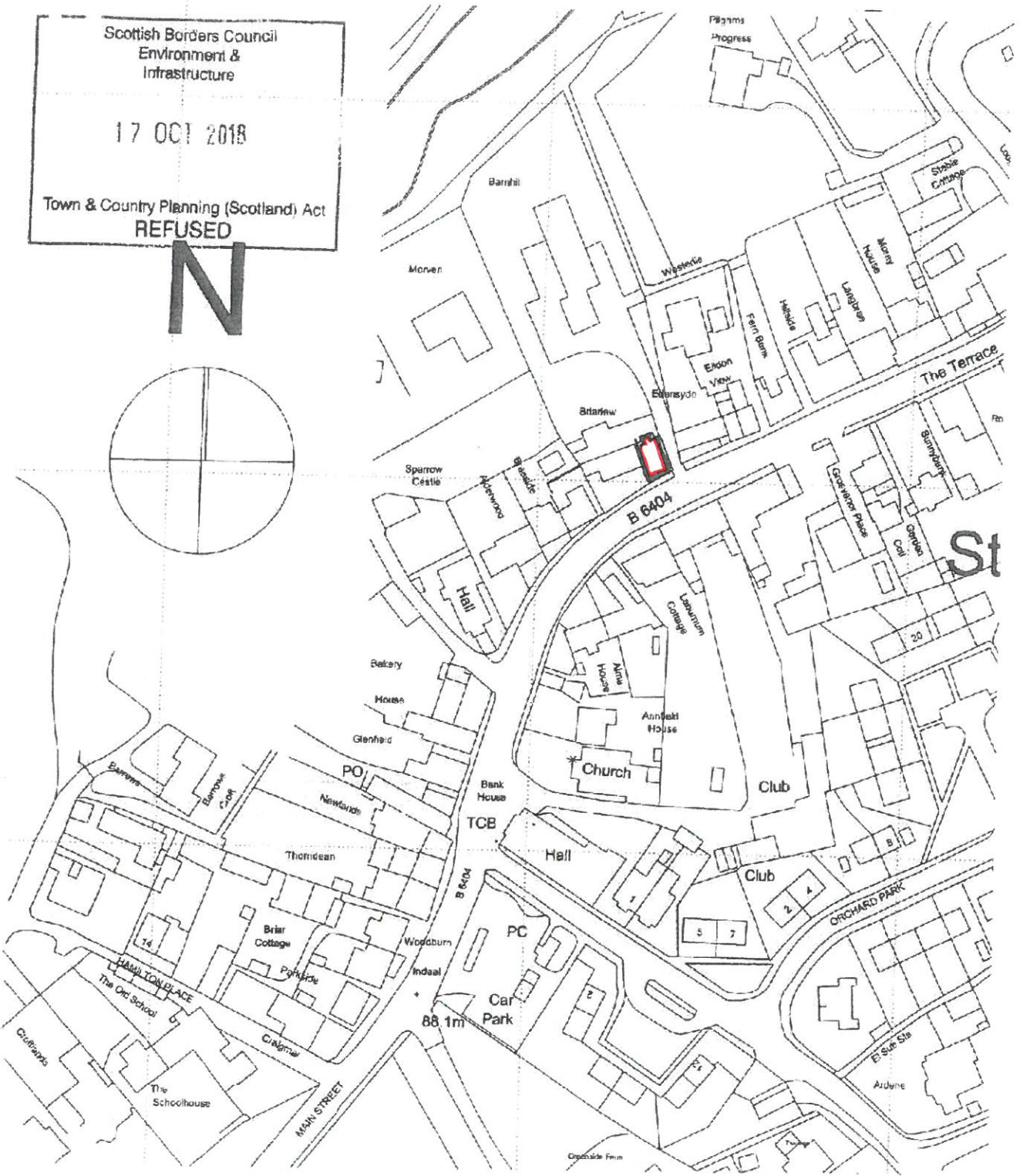
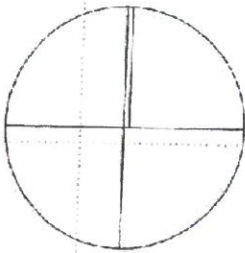
Visit <http://eplanning.scotborders.gov.uk/online-applications/>

Scottish Borders Council
 Environment &
 Infrastructure

17 OCT 2018

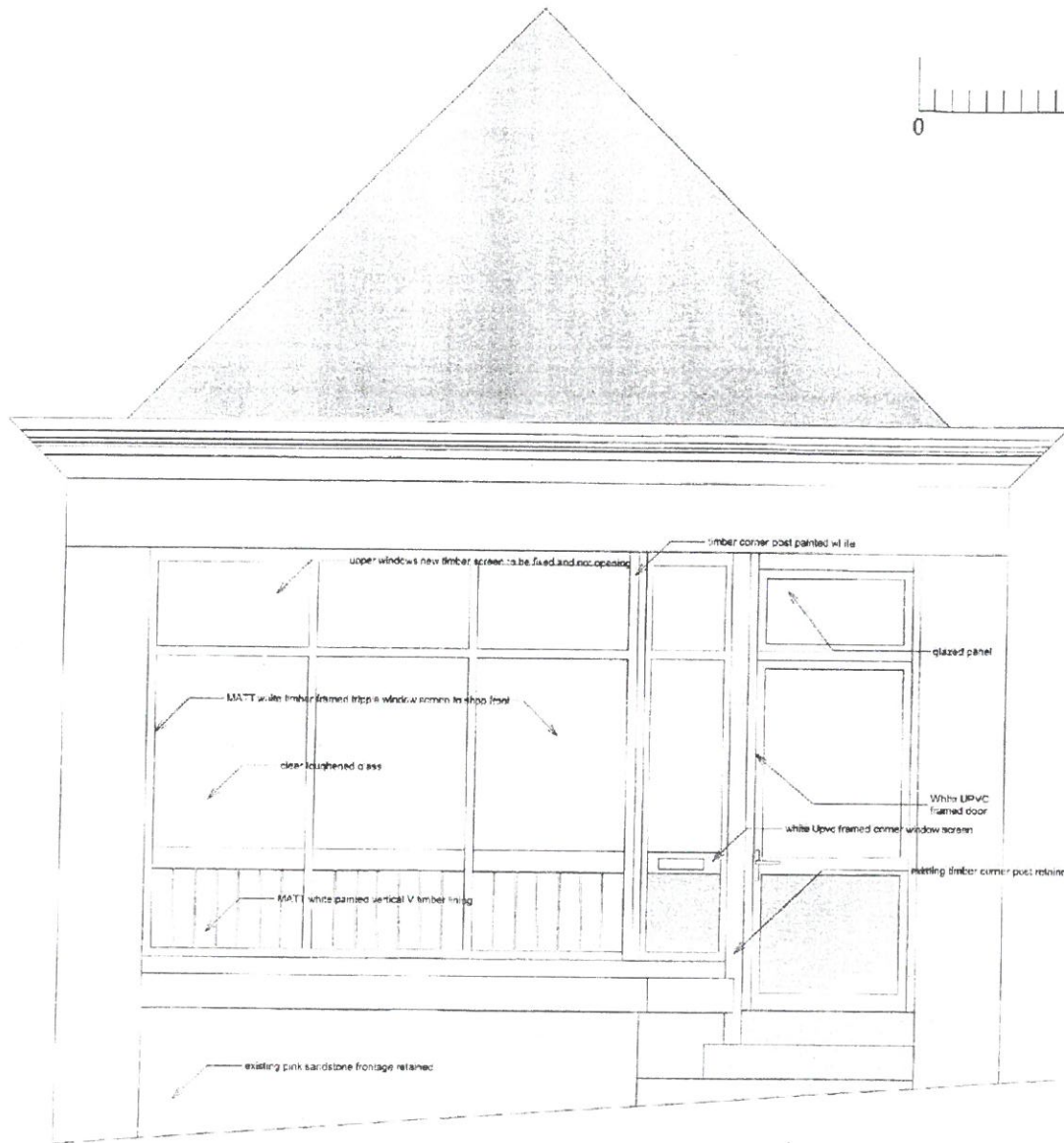
Town & Country Planning (Scotland) Act
REFUSED

N



HUNTER ARCHITECTURE 231 Galashiels Road Stow Galashiels TD1 3RF T 01578736500 E info@hunter.co.uk www.hunter.co.uk	Project Name Peplacemnet Shop Front Scotts View Takeaway St Boswells	Drawing Name Location Plan
		Drawing Scale 1:1250
Clients Name Abbas Lazim		

1349.PI.2 Rev A
3 10 18
10/10/18

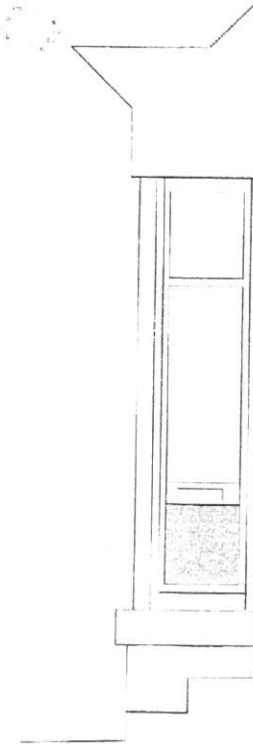


Front Elevation

Scottish Borders Council
Environment &
Infrastructure


17 OCT 2018

Town & Country Planning (Scotland) Act
REFUSED



Side Elevation

A2 10/18
10/18



HUNTER ARCHITECTURE
231 Castle Street
Dunfermline
Dunfermline TD1 1SR
01463 221111
E: info@hunter.co.uk
www.hunter.co.uk

Project Name
**Peplacemnet Shop Front
Scotts View Takeaway
St Boswells**

Client Name
Abbas Lazim

Drawing Name
Proposed Elevations

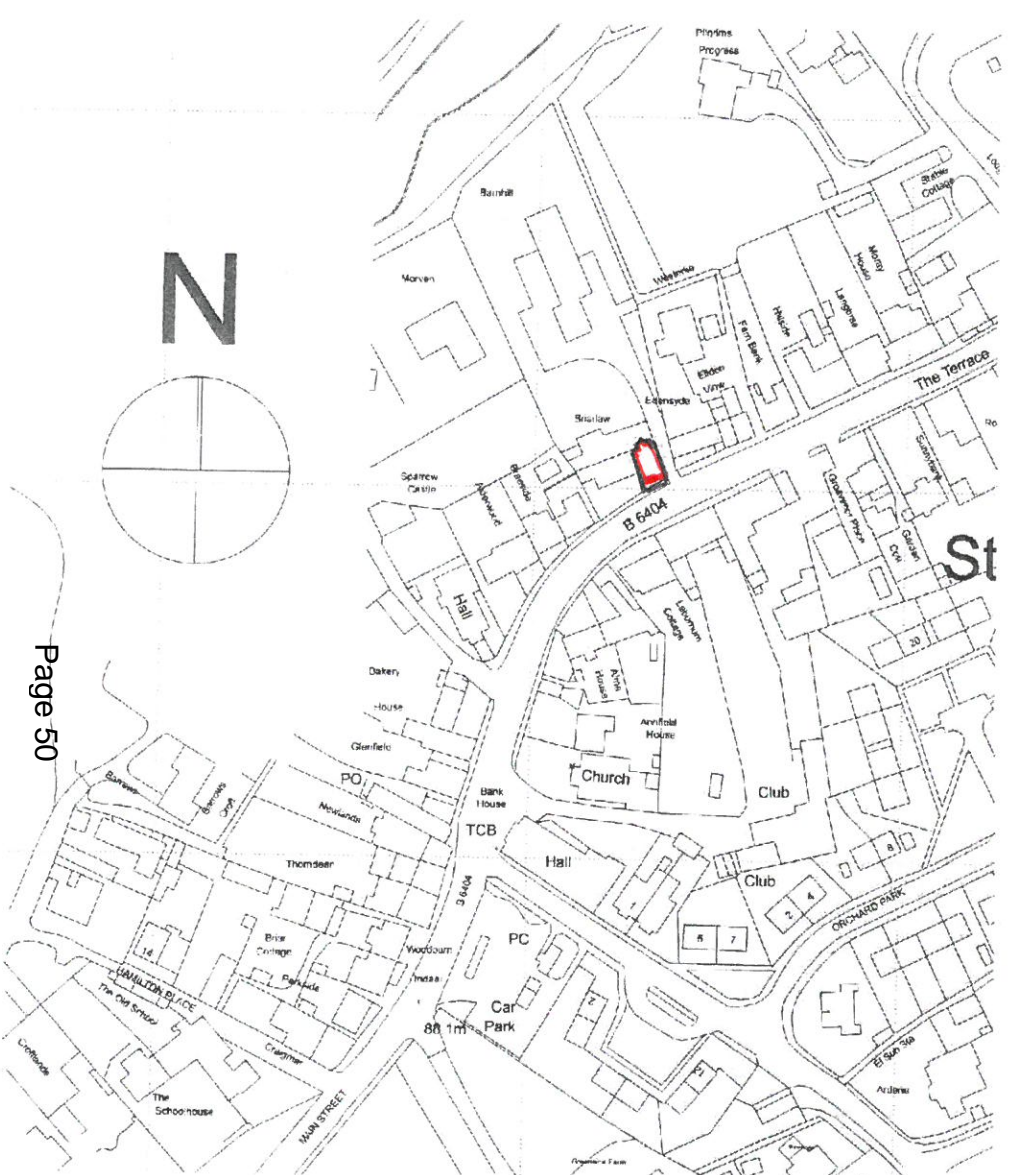
Drawing Status

Drawn by
#CAD Technician Full Name Date

Checked by
#Contract Full Name Date

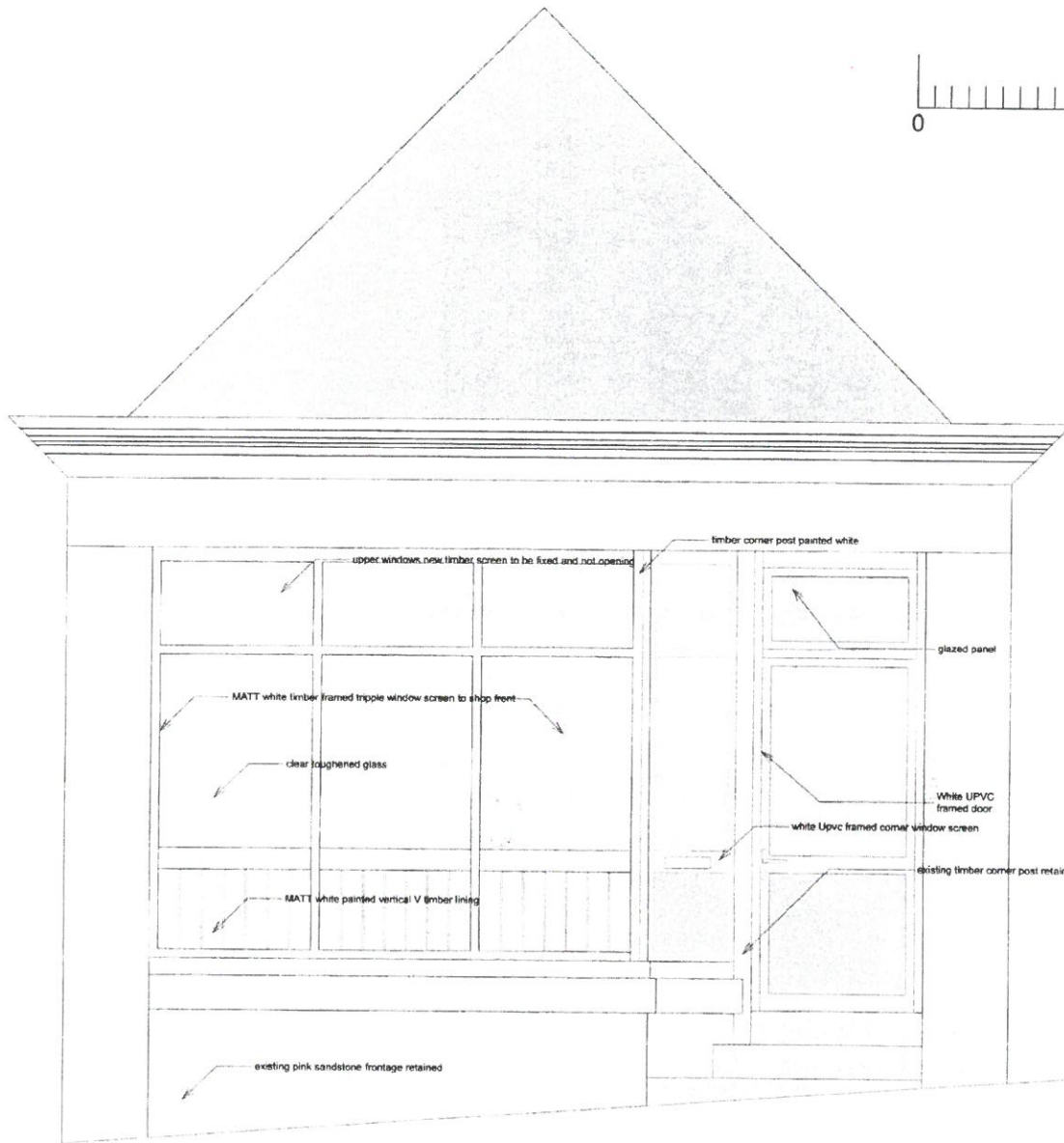
Drawing Scale
1:20

Layers ID
1349.PI.2 Rev A

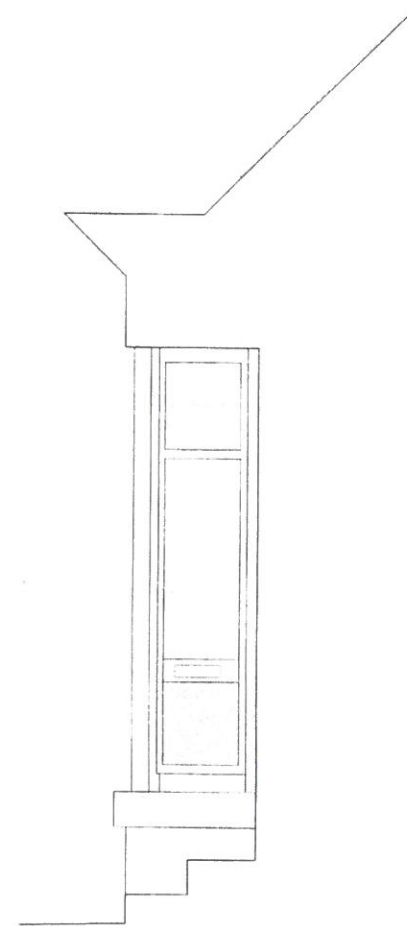


Page 50


HUNTER ARCHITECTURE 251 Galambek Road Stow, Galashiels, TD1 2JF 01578730516 info@hunter.co.uk www.hunter.co.uk	Project Name Peplacemnet Shop Front Scotts View Takeaway St Boswells	Drawing Name Location Plan
	Clients Name Abbas Lazim	Drawing Scale 1:1250



Front Elevation



Side Elevation

A3 10.18 Date Version	
 HUNTER ARCHITECTURE 231 Galashay Road Stranraer Galashiels, TD11 2RE T: 01539 595510 E: info@hunter.co.uk www: hunter.co.uk	
Project Name Peplacemnet Shop Front Scotts View Takeaway St Boswells	
Client Name Abbas Lazim	
Drawing Name Proposed Elevations	
Drawing Status	
Drawn by #CAD Technician Full Name	Date
Checked by #Contact Full Name	Date
Drawing Scale 1:20	
Layout ID 1349.PI.2	Status Revision

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01010/FUL

APPLICANT : Mr Abbay Lazim

AGENT : Hunter Architecture

DEVELOPMENT : Replacement of shop front windows and door screens

LOCATION: Scotts View Take-Away
Main Street
St Boswells
Scottish Borders
TD6 0AP

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1349.PI.1	Location Plan	Refused
1349.PI.2 REV A	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Community Council: No response.

Principal Officer (Heritage and Design): No response.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

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

Supplementary Planning Guidance:

Shop Fronts and Shop Signs 2011
Replacement Windows and Doors 2015

Recommendation by - Julie Hayward (Lead Planning Officer) on 17th October 2018

Site and Proposal

The property is a single storey building situated on the northern side of Main Street within the St Boswells Conservation Area. It currently has a UPVC framed shop front which has been installed without Planning Permission and is the subject of enforcement action. The shop front has top hung windows, panels below the windows advertising the take away and a half UPVC and half glazed door.

The proposal is for a replacement white painted timber shop front with vertical timber lining below and the retention of the UPVC door and side panel.

Planning History

97/00430/COU: Change of use to hot food takeaway and erection of chimney. Approved 12th February 1998.

99/00102/ADV: Erection of illuminated signs. Approved 25th June 2001.

15/00049/UNDEV: Replacement windows (enforcement case).

18/00212/PREAPP: Replacement windows and screens.

Planning Policy

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. The policy contains a number of standards that would apply to all development.

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.

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Supplementary Planning Guidance on Household Developments provides advice on light and privacy.

The Council's Supplementary Planning Guidance on Shop Fronts and Shop Signs advises that transom lights and the clerestory should be retained and display windows should be subdivided by mullions. Materials, colours and finishes should be compatible with the surrounding area.

The site is within the Prime Frontage/Core Area of the Conservation Area. The Council's Supplementary Planning Guidance on Replacement Windows and Doors states that in such areas where the original doors are no longer present replacement doors that better represent the period of the building or enhance the historic location of the building will be encouraged. Composite or timber doors in a style that better reflects the historical character of the building will be acceptable but standard white UPVC doors will not be acceptable on public elevations in such areas. Doors should be painted a dark or muted colour and bright glosses should be avoided.

Design, material and the Impact on the Conservation Area

The Main Street of St Boswells is characterised by predominantly timber shop fronts and the original shop front for this premises had a timber frame (painted white and then black).

The previous shop front was white painted timber divided into two large windows and with a fully glazed door. There were no top hung windows or panels above the stall riser. This was replaced by the current shop front that does not benefit from Planning Permission.

The current proposal seeks to replace the shop front with a timber frame painted white. The division of the window with mullions is acceptable as this avoids an excessive expanse of glazing. The panels below the windows would be white painted timber.

The door and side panel would remain UPVC. This is contrary to the advice within the Supplementary Planning Guidance on replacement doors within prime Frontages and Core Areas of the Conservation Area.

The preference would be for the whole of the shop front to be timber with a matt painted finish. A more traditional timber door with a solid lower panel and glazed upper half would also be more appropriate and in keeping with the character of the Conservation Area.

The agent has been requested to reconsider the proposal and replace the UPVC door with a more traditional timber door. He advises that there are many examples of recent replacement windows within Conservation Areas which do not conform with the Council's guidance and the applicant feels that insisting on the less visible recess door and side screen to be changed to timber is unreasonable.

The Core Area of the Conservation Area in St Boswells retains many of the traditional timber doors and window frames. The UPVC door detracts from the character of the Conservation Area and so this element of the proposal cannot be supported. Approving this door would set an undesirable precedent for similar doors within the Conservation Area that would further erode its character.

Impact on Residential Amenities

The proposal is for a replacement shop front and would not harm the light or privacy of neighbouring properties.

REASON FOR DECISION :

The UPVC door and side panels, by reason of their design and material, are contrary to policies PMD2 and EP9 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Replacement Windows and Doors 2015 in that they are harmful to the character and appearance of the Conservation Area and would set an undesirable precedent for similar doors which would further erode the character and appearance of the Conservation Area.

Recommendation: Refused

- 1 The UPVC door and side panels, by reason of their design and material, are contrary to policies PMD2 and EP9 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Replacement Windows and Doors 2015 in that they are harmful to the character and appearance of the Conservation Area and would set an undesirable precedent for similar doors which would further erode the character and appearance of the Conservation Area.

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



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: 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 100129435-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Replacement of the existing shop front windows and door screens

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The applicant was unaware that Planning Consent was required for this work. The existing door and screens have been removed and replaced with units with UPVC frames.

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:	Hunter Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hamish	Building Name:	Hunter Architecture
Last Name: *	Hunter	Building Number:	
Telephone Number: *	01578730510	Address 1 (Street): *	Galashiels Road
Extension Number:		Address 2:	Stow
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 2RE
Email Address: *	hamish@hhunter.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Scotts View takeaway
First Name: *	Abbey	Building Number:	
Last Name: *	Lazim	Address 1 (Street): *	Main Street
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	St Boswells
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD6 0AP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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)

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

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.

Site Area

Please state the site area:

75.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Fast Food Takeaway

Access and Parking

Are you proposing a new 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 propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

0

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)? *

0

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, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

.Not applicable with this application

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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: Hamish Hunter

On behalf of: Mr Abbay Lazim

Date: 01/08/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Hamish Hunter

Declaration Date: 01/08/2018

Payment Details

Cheque: 00, 00

Created: 01/08/2018 11:57

List of Policies

Local Review Reference: 18/00032/RREF

Planning Application Reference: 18/01010/FUL

Development Proposal: Replacement of shop front windows and door screens

Location: Scott's View Take-Away, Main Street, St Boswells

Applicant: Mr Abbay Lazim

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,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

List of Policies

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

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

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

POLICY 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.

List of Policies

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:

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

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Shop Fronts and Shop Signs 2011
- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

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