

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 16 DECEMBER 2019

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 16 DECEMBER 2019 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

5 December 2019

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<p><b>Consider request for review of refusal of application for erection of dwellinghouse on land North East of Maxton House, St Boswells. 19/01178/PPP. 19/00025/RREF.</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Notice of Review and associated documents</b>	(Pages 5 - 34)
	(b) <b>Decision Notice</b>	(Pages 35 - 38)
	(c) <b>Officer's Report</b>	(Pages 39 - 46)
	(d) <b>Papers referred to in officer's report</b>	(Pages 47 - 92)
	(e) <b>Consultations</b>	(Pages 93 - 100)
	(f) <b>Support &amp; general comments</b>	(Pages 101 - 104)
	(g) <b>Objection comments</b>	(Pages 105 - 128)
	(h) <b>Additional representation</b>	(Pages 129 - 130)
	(i) <b>List of Policies</b>	(Pages 131 - 140)
5.	<b>Consider request for review of the decision to grant approval subject</b>	

	<b>to conditions of application to erect porch and replacement boundary fence at 4 Lauder Road, Earliston. 19/01018/FUL. 19/00027/RCOND.</b>	
	Copies of the following papers attached:-	
	(a) <b>Notice of Review and associated photographs</b>	(Pages 141 - 160)
	(b) <b>Decision Notice</b>	(Pages 161 - 166)
	(c) <b>Officer's Report</b>	(Pages 167 - 170)
	(d) <b>Papers referred to in officer's report</b>	(Pages 171 - 196)
	(e) <b>Consultations</b>	(Pages 197 - 200)
	(f) <b>List of Policies</b>	(Pages 201 - 204)
6.	<b>Consider request for review of refusal of application for demolition of existing dwellinghouse and erection of replacement dwellinghouse at Folly Cottage, Woodside Farm, Kelso. 19/00965/FUL. 19/00028/RREF</b>	
	(a) <b>Notice of Review and associated documents</b>	(Pages 205 - 296)
	Including:- Decision Notice – page 285 Officer's Report – page 289	
	(b) <b>Papers referred to in officer's report</b>	(Pages 297 - 350)
	(c) <b>Consultations</b>	(Pages 351 - 362)
	(d) <b>List of Policies</b>	(Pages 363 - 372)
7.	<b>Any Other Items Previously Circulated</b>	
8.	<b>Any Other Items which the Chairman Decides are Urgent</b>	

**NOTE**

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

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

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scolborders.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 100176150-002

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

### Applicant or Agent Details

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

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Liston Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David"/>	Building Name:	<input type="text" value="3F2"/>
Last Name: *	<input type="text" value="Liston"/>	Building Number:	<input type="text" value="33"/>
Telephone Number: *	<input type="text" value="0131 556 5757"/>	Address 1 (Street): *	<input type="text" value="London Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH3 6LY"/>
Email Address: *	<input type="text" value="david@listonarchitects.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Richard and Alison"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Thomas"/>	Address 1 (Street): *	<input type="text" value="Chemin des Perrailles"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perroy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Switzerland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="1166"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Address 4:	<input type="text"/>		
Address 5:	<input type="text"/>		
Town/City/Settlement:	<input type="text"/>		
Post Code:	<input type="text"/>		
Please identify/describe the location of the site or sites			
<input type="text" value="Land North East of Maxton House, Maxton"/>			
Northing	<input type="text" value="630441"/>	Easting	<input type="text" value="360551"/>

## Description of Proposal

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

Erection of dwellinghouse

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The proposed site is a logical addition to the cluster. The new house would respect a similar distance as others in the cluster, from the oldest and largest house in the group, Maxton house. The existing houses within the cluster are Lodge House, which is 120m from Maxton house, The Beeches which is 91m from Maxton House, and Stable House which is 75m from Maxton House. The proposed house is 96m from Maxton house. This is consistent with precedent and respects the primacy of Maxton House.

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

Yes  No

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

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

1863 Map of Maxton Cottage (now Maxton House)

### Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/01178/PPP

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

09/08/2019

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

03/10/2019

### Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

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

### Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant? \*  Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*  Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*  Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*  Yes  No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*  Yes  No

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

### Declare – Notice of Review

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

Declaration Name: Mr David Liston

Declaration Date: 16/10/2019

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**KIRK ROAD HOUSE, NEAR MAXTON HOUSE**

**SUPPORTING STATEMENT**

**PLANNING PERMISSION IN PRINCIPLE FOR NEW HOUSE**

**03/05/2019**

**Liston Architects RIAS**

**INTRODUCTION**

This statement is to support the application for Planning Permission in Principle to build a new house off Kirk Road near St Boswells.

**LOCATION**

The site is next to the group of houses around Maxton house, between St Boswells and Maxton village. It is near the ruins of the old parish church of St Boswells.



Overhead photo of site and surroundings (houses highlighted red)

## NEIGHBOURING HOUSES

There are several houses of between 1 and 3 storeys near the site. They have differing architectural styles and scales. Disposition and orientation of these houses is irregular.



Mansfield House. 2-3 storeys, harling with dressed stone window surrounds



Maxton House. 2 storeys, dressed sandstone and harling



Stable House (elevated view over 2m high hedge). 2 storeys, squared sandstone rubble walls with dressed quoins and rybats

## RELATIONSHIP TO ROAD

Apart from the former gatehouse to Maxton house, the houses are relatively hidden from the road. Many of the houses achieve this with a long driveway access. Those closer to the road, are partially hidden with high hedges (ca. 2m tall) and trees.



Location plan highlighting typical driveways



Photo along Kirk Road showing high hedges (ca. 2m tall)

**SITE**

The site is between Maxton House and Mansfield house off the Kirk Road and is a grassy paddock sloping gently down to the St. Boswells burn. There is an existing vehicular access onto the site through a field gate which is to be removed. A belt of mature trees screens the site from Mansfield house and a driveway is proposed alongside these trees.



Aerial Photo of site

**NEIGHBOURING TREES**

The mature trees to the North West of the site are an important part of the landscape. The root protection areas of these trees will be fully respected, and the proposed driveway is to be built using a “no-dig” method. The proposed water supply will not interfere with the root protection area. Please refer to the tree survey which accompanies this application.

**HIGH-QUALITY SINGLE-FAMILY HOUSE**

The application is for planning permission in principle for a high-quality, single-family, four-bedroom house. It will be carefully designed and well adapted to the site.

### **PROPOSED HOUSE DESIGN**

The design will be guided by the principle of associating and adapting the dwelling to the place and landscape beyond. The house will be carefully designed to a very high specification using traditional materials, with simple contemporary architectural forms and detailing.

### **SUSTAINABILITY**

Ecological sustainability will be fundamental to the design. Very high levels of thermal insulation are proposed, and the house will benefit from solar gains in the winter, controlled by thermal mass, external shutters and shading for high summer sun angles. Renewable/low energy systems will be explored early in the design process.

### **MATERIALS**

Sandstone is a strong traditional characteristic of the place. It is widely used, both exposed and rendered on nearby houses and some boundary walls. It can also be seen in the massive ruined walls of the neighbouring old St Boswells Parish Church and more elaborately at Dryburgh Abbey.



Massive ruined walls of neighbouring old St. Boswells Parish church



Ruins of nearby Dryburgh Abbey



Nearby Stone boundary wall at Benrig

## INDICATIVE PROPOSALS

A design for a two-storey house is described in the attached plans, section and elevations. Please note that this is indicative only.

Informed by the characteristic stone walls from nearby houses and ruins, a single thick sandstone wall runs along the upper part of the site on North West side of the house. This wall of squared rubble, with dressed quoins and rybats around narrow windows, presents a formal elevation to the driveway. The living side of the house with larger windows, is clad in timber and opens onto the South East side facing the shallow valley of the St Boswells burn.



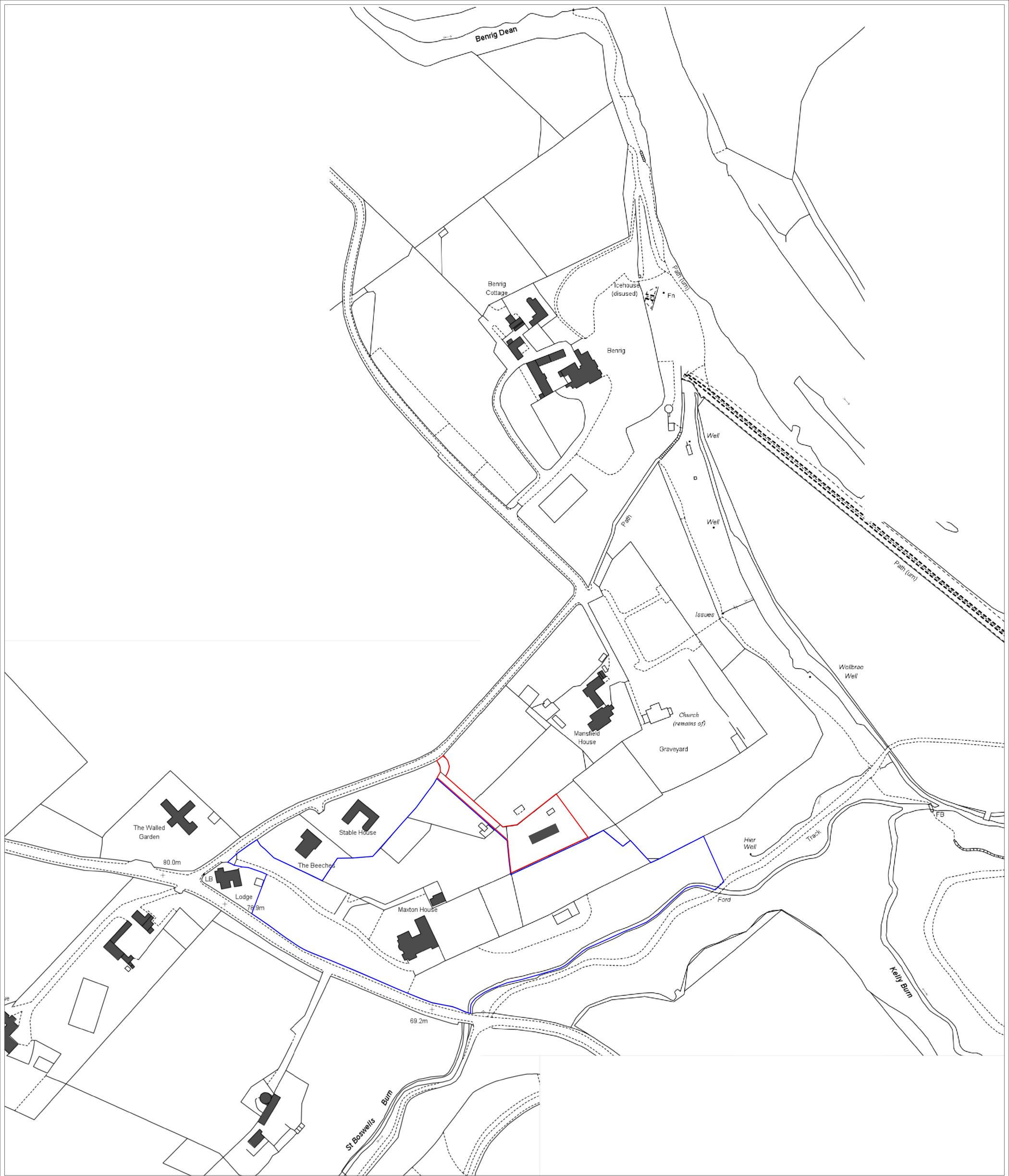
Perspective montage from North West



Perspective montage from South East

## CONCLUSION

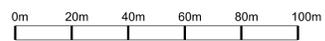
The site fits well into the pattern of the group of houses between St. Boswells and Maxton village and is well suited for development. Using traditional materials and contemporary architectural forms, the new house will be well-adapted to its site and sensitively designed to enhance the place.



Key:

- Site boundary
- Neighbouring land under same ownership as site

Scale bar:

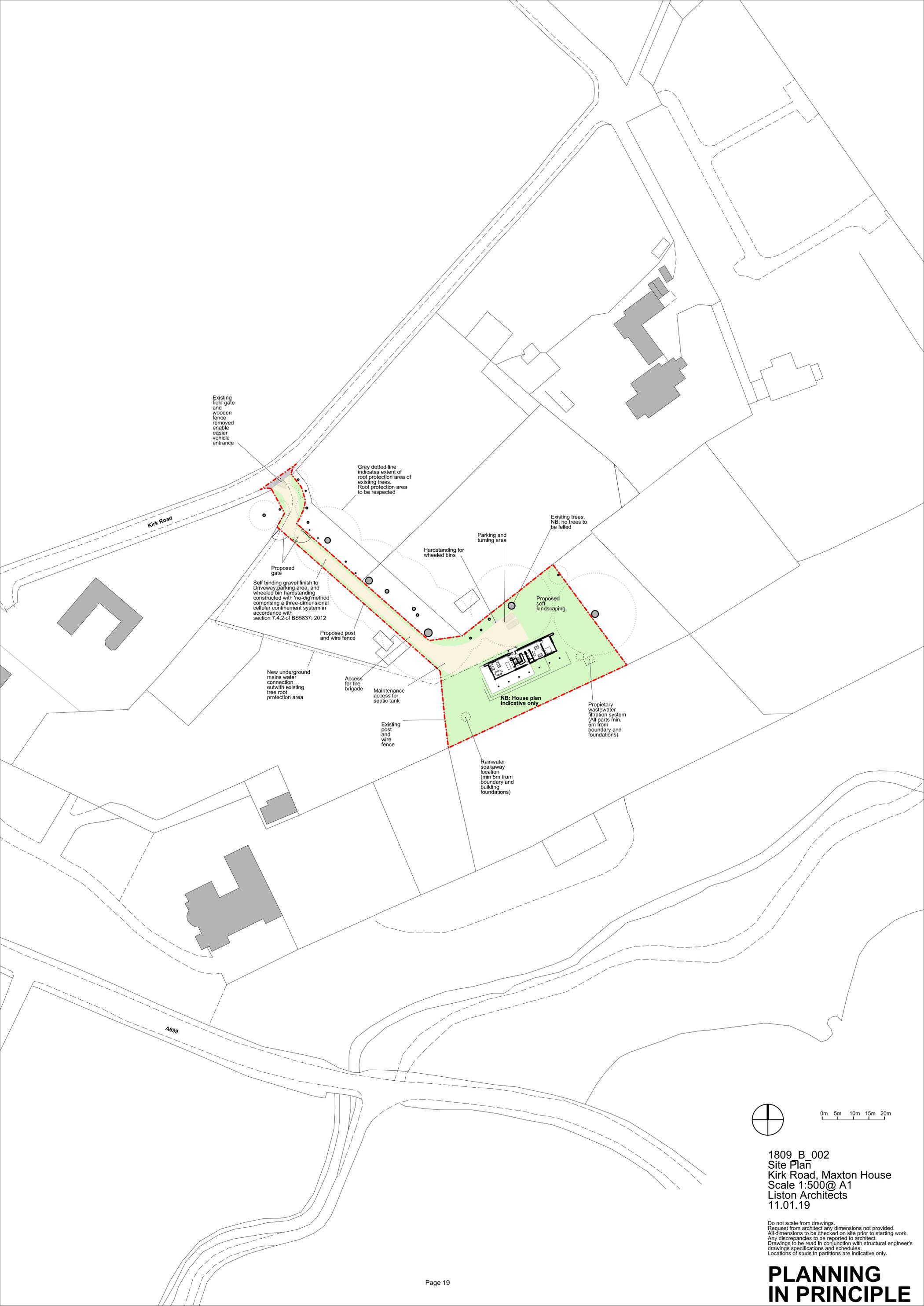


1809\_B\_001  
 Proposed Location Plan  
 Kirk Road, Maxton House  
 Scale 1:2500@ A3  
 Liston Architects  
 23.04.19

Do not scale from drawings.  
 Request from architect any dimensions not provided.  
 All dimensions to be checked on site prior to starting work.  
 Any discrepancies to be reported to architect.  
 Drawings to be read in conjunction with structural engineer's  
 drawings specifications and schedules.  
 Locations of studs in partitions are indicative only.

**PLANNING IN  
 PRINCIPLE**

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Existing field gate and wooden fence removed enable easier vehicle entrance

Kirk Road

Grey dotted line indicates extent of root protection area of existing trees. Root protection area to be respected

Existing trees. NB: no trees to be felled

Proposed gate  
Self binding gravel finish to Driveway parking area, and wheeled bin hardstanding constructed with 'no-dig' method comprising a three-dimensional cellular confinement system in accordance with section 7.4.2 of BS5837: 2012

Parking and turning area

Hardstanding for wheeled bins

Proposed soft landscaping

Proposed post and wire fence

New underground mains water connection outwith existing tree root protection area

Access for fire brigade

Maintenance access for septic tank

NB: House plan indicative only

Proprietary wastewater filtration system (All parts min. 5m from boundary and foundations)

Existing post and wire fence

Rainwater soakaway location (min 5m from boundary and building foundations)

A699



0m 5m 10m 15m 20m

1809 B\_002  
Site Plan  
Kirk Road, Maxton House  
Scale 1:500@ A1  
Liston Architects  
11.01.19

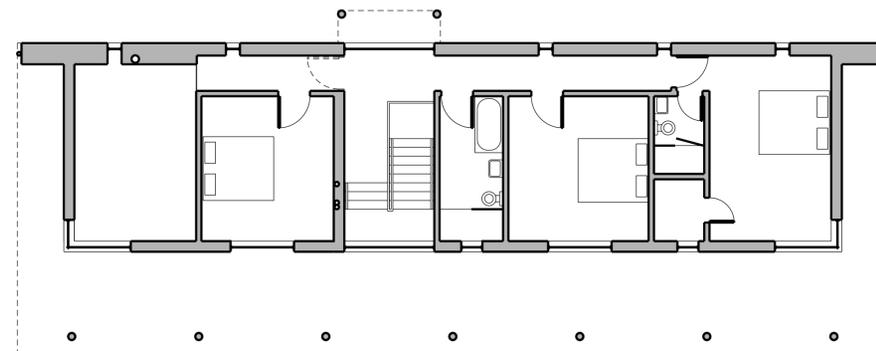
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Locations of studs in partitions are indicative only.

**PLANNING  
IN PRINCIPLE**

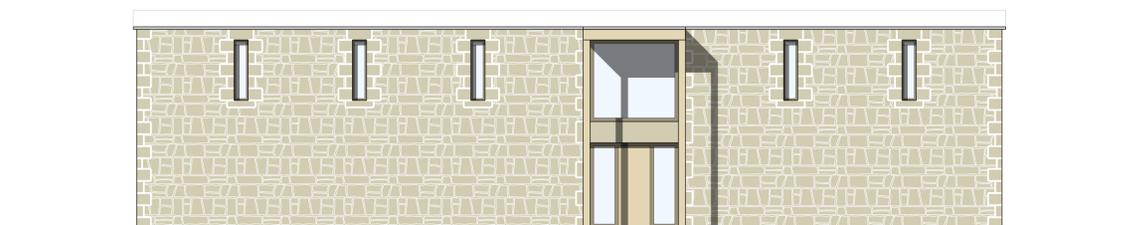
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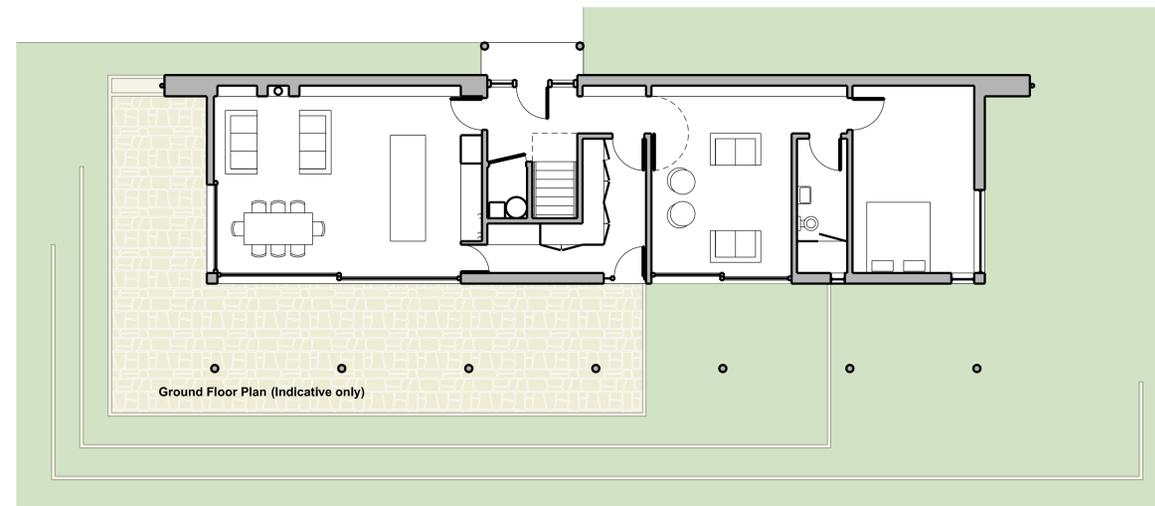
South East Elevation (Indicative only)



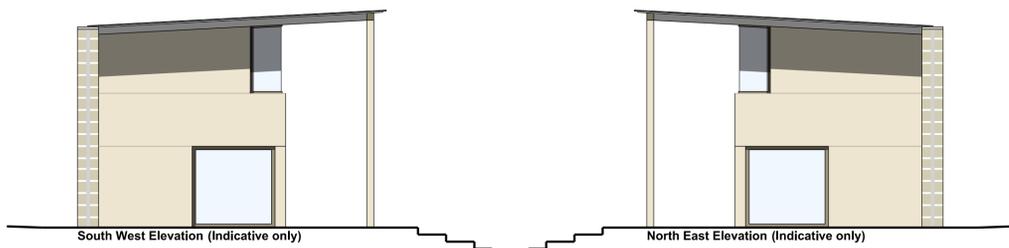
First Floor Plan (Indicative only)



North West Elevation (Indicative only)



Ground Floor Plan (Indicative only)



South West Elevation (Indicative only)

North East Elevation (Indicative only)

Materials:  
 North West elevation- Squared, coursed random rubble sandstone with dressed quoins and rybats  
 Other elevations- Factory coated western red cedar cladding, timber columns  
 Windows and doors- Timber framed with natural timber finish  
 Roof- Standing seam pre-weathered Quartz Zinc



0m 1m 2m

1809 B 100  
 Elevations and Floor Plans  
**INDICATIVE ONLY**  
 Kirk Road, Maxton House  
 Scale 1:100@ A1  
 Liston Architects  
 11.01.19

Do not scale from drawings.  
 Request from architect any dimensions not provided.  
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 Drawings to be read in conjunction with structural engineer's  
 drawings specifications and schedules.  
 Locations of studs in partitions are indicative only.

**PLANNING IN  
 PRINCIPLE**

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# Tree Consultancy Group

Arboriculture - Urban Forestry - Planning

## PRELIMINARY ARBORICULTURAL APPRAISAL

PROPOSED DEVELOPMENT SITE  
AT  
MAXTON HOUSE,  
MAXTON,  
SCOTTISH BORDERS

Client : Liston Architects

Date: 22nd April 2019

Ref: MH0419



Crownhead, Stobo,  
Scottish Borders, EH45 8NX  
t: 01721 760268  
e: [mail@treeconsultancygroup.com](mailto:mail@treeconsultancygroup.com)  
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Principal Consultant:  
Kenneth Harvey MICFor MArborA Dip.For.  
Chartered Arboriculturist

## CONTENTS

	Page No.
<b>1 INTRODUCTION</b>	1
Instructions	1
Documents Supplied	1
Site Visit	1
<b>2 GENERAL SITE DESCRIPTION</b>	1
<b>3 THE TREES</b>	1
Scope of Tree Survey	2
<b>4 OBSERVATIONS AND ADVICE</b>	2
Access Driveway	2
Services	2
Sunlight and Shading	2
<b>5 CONCLUSIONS</b>	3

APPENDIX 1

TREE CONSTRAINTS PLAN No. MF0419

## **1 INTRODUCTION**

### **Instructions**

- 1.1 We have been instructed by Liston Architects, on behalf of their clients, to carry out a preliminary assessment of the arboricultural constraints on a proposed development at Maxton House, Maxton. We understand that an application is to be made to Scottish Borders Council for Planning Permission in Principle for the site, and our initial observations and advice are required to assist with the design and planning processes. We have not been supplied with details of any proposals other than the location and means of access, and assume it is intended to be a single residential plot.

### **Documents Supplied**

- 1.2 We have been supplied with a digital location plan of the site marked with the proposed boundaries.

### **Site Visit**

- 1.3 We carried out a ground level, visual assessment of the trees at the site on 9th April 2019, when the weather was clear and dry. All arboricultural information contained in this report was gathered in the course of that visit.

## **2 GENERAL SITE DESCRIPTION**

- 2.1 The proposed development site comprises a small irregularly-shaped grassed site extending to approximately 0.18ha within the grounds of Maxton House adjacent to the boundary with Mansfield House, the neighbouring property to the north. The site would be accessed via a new driveway leading off Kirk Road, entering through an existing field gate. The site is currently used as a paddock and is generally level with a slight drop down from north-west to south-east.
- 2.2 There are no trees within the site itself, but there is a screening belt of mature trees supported by younger plantings within the curtilage of Mansfield House adjacent to the route of the proposed access drive into the site. This continues around the north-western boundary of the development site itself, where it may be within the curtilage of Maxton House. There are post and wire fences running down each side of the woodland belt to exclude livestock and it is unclear where the boundary between the two properties lies.
- 2.3 The site does not lie within a designated Conservation Area and none of the trees are subject to a Tree Preservation Order.

## **3 THE TREES**

- 3.1 The trees form a mature screening belt between Maxton House and Mansfield House. Species include Horse chestnut, Douglas fir, lime, sycamore and Lawson cypress. These are supported by younger plantings of mixed species including Horse chestnut, lime, cherry and Norway maple. Although only a brief visual assessment was carried out, the majority appear to be in satisfactory condition although the Horse chestnuts are more variable with at least one reaching the end of its safe life expectancy. Collectively they form a distinctive feature in the local landscape and have high visual amenity value.

### **Scope of Tree Survey**

- 3.2 Only the most significant trees in the vicinity of the proposed development site were included in the survey. As no access into the grounds of Mansfield House was authorised or sought, the survey was carried out entirely from within the proposed development site. The approximate locations of trees were plotted from within the boundaries of Maxton House using a GPS unit linked to a laser rangefinder. Their trunk diameters were visually estimated to allow calculation of notional root protection areas in accordance with section 4.6 of BS5837: 2012 "*Trees in relation to design, demolition and construction - Recommendations*". These are the minimum recommended areas around the trees within which no construction, excavation, soil stripping, levels changes or other potentially harmful activities should take place unless appropriate precautions or techniques are employed to avoid root damage.
- 3.3 The trees' approximate locations and the notional root protection areas are shown on Plan No. MF0419 attached at Appendix 1.

### **4 OBSERVATIONS AND ADVICE**

- 4.1 As the root systems of the majority of the trees will extend over much of the proposed access and a large part of the site, any development should take appropriate precautions to avoid, or mitigate, any potentially damaging activities. In addition, most of the trees crowns overhang the access and site to a variable extent, although this is generally to a lesser degree than the likely root spreads. While some shortening of lower branches would be required to achieve adequate overhead clearance for the passage of vehicles, the extent of this would be relatively minor and would not necessitate the removal of major primary branches.

#### **Access Driveway**

- 4.2 As can be seen on Plan No. MF0419, the roots of many of the trees are likely to extend under the proposed new access driveway. Site conditions indicate that it would be feasible to install an access but it should be constructed entirely on a 'no-dig' basis comprising a three-dimensional cellular confinement system in accordance with section 7.4.2 of BS5837: 2012 where it crosses the recommended root protection areas. Some reduction or removal (crown lifting) of lower branches would be required to achieve adequate overhead clearance.

#### **Services**

- 4.3 Underground services should be installed outside the recommended root protection areas if possible. If incursion into the protective areas is unavoidable, any works will need to be undertaken in accordance with the requirements of NJUG Volume 4 "*Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees*".

#### **Sunlight and shading**

- 4.4 The trees would not cast any significant shade on the development. The site has an open southerly aspect and would receive full solar penetration during the day and evenings throughout the summer months.

## 5 CONCLUSIONS

- 5.1 The site could be developed to accommodate a dwelling without having a deleterious effect on the existing tree cover. Any proposed buildings should be located outside the root protection areas, the new driveway would have to be constructed on a 'no-dig' basis to avoid potentially damaging excavations or soil compaction, and underground services would either need to be located away from trees or otherwise be designed to avoid excessive root damage. All of these constraints can be adequately addressed following the relevant sections of BS5837: 2012 and NJUG Volume 4, and be conditioned as part of any grant of planning permission.

Kenneth Harvey MICFor. MArborA. Dip.For.  
Chartered Arboriculturist  
for Tree Consultancy Group

22nd April 2019

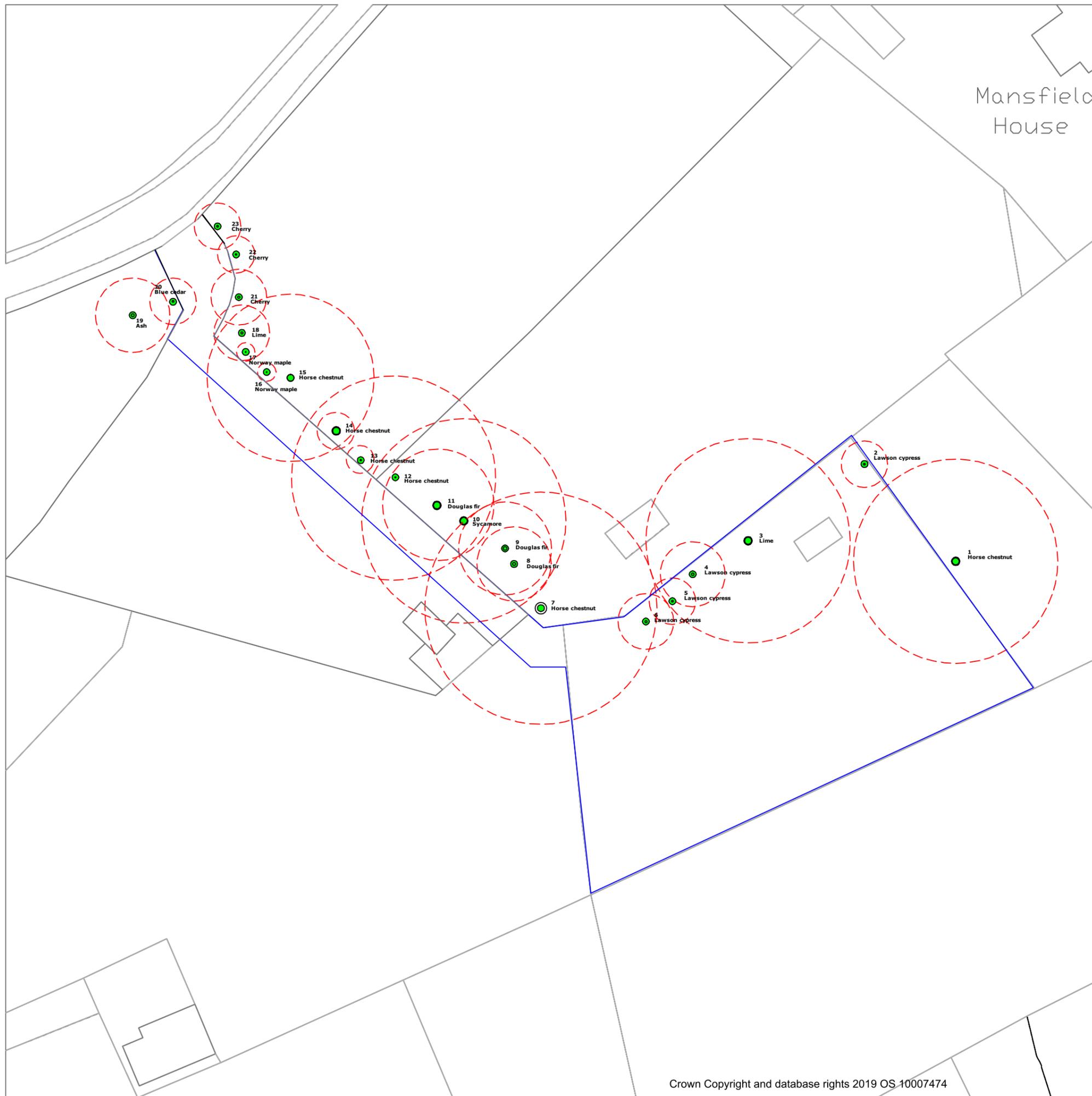


Fig.1 - View along proposed access route.



Fig.2 - Proposed development site .

**Appendix 1**  
**Tree Constraints Plan**



**Note:** All tree positions shown are approximate and should be regarded as being indicative only until verified by a surveyor. Root protection areas are shown as 12 x the visually estimated trunk diameters at approximately 1.5m above ground level.



<b>Tree Consultancy Group</b> Crownhead, Stobo, Scottish Borders EH45 8NX Tel: 01721 760268 mail@treeconsultancygroup.com www.treeconsultancygroup.com	
CLIENT	Liston Architects
SITE	Maxton House field, Maxton
DRAWING	Tree Constraints Plan
SCALE	DATE
1:500 @ A3	04/2019
DRAWING NO.	REVISION
MF0419	



Mr and Mrs Richard and Alison Thomas  
per Liston Architects  
Per David Liston  
3F2  
33 London Street  
Edinburgh

**Please ask for:** Julie Hayward  
01835 825585  
**Our Ref:** 19/01178/PPP  
**Your Ref:**  
**E-Mail:** JHayward2@scotborders.gov.uk  
**Date:** 3rd October 2019

Dear Sir/Madam

**PLANNING APPLICATION AT Land North East of Maxton House St Boswells**

**PROPOSED DEVELOPMENT:** Erection of dwellinghouse

**APPLICANT:** Mr and Mrs Richard and Alison Thomas

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at  
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

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

**Application for Planning Permission**

**Reference : 19/01178/PPP**

**To : Mr and Mrs Richard and Alison Thomas per Liston Architects Per David Liston 3F2 33 London Street Edinburgh EH3 6LY**

With reference to your application validated on **9th August 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of dwellinghouse**

**At : Land North East of Maxton House St Boswells Scottish Borders**

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

**Dated 2nd October 2019  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/01178/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1809_B_001	Location Plan	Refused
1809_B_002	Proposed Site Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposal is contrary to policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Houses in the Borders Countryside 2008 in that the site is outwith the Development Boundaries of St Boswells and Maxton and is not a logical extension to any building group, is divorced from the existing housing, outwith that sense of place. In addition, the proposal would break into a previously undeveloped field and the location would not respect the spacing between existing properties within the building group.

Furthermore, the need for a house at this particular location has not been adequately demonstrated as being a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. The erection of a dwellinghouse on this site would lead to an unjustified and sporadic expansion of residential development into the open countryside and within the area designated as Countryside Around Towns.

**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 (as amended) within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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

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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 :** 19/01178/PPP  
**APPLICANT :** Mr and Mrs Richard and Alison Thomas  
**AGENT :** Liston Architects  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land North East Of Maxton House  
 St Boswells  
 Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1809_B_001	Location Plan	Refused
1809_B_002	Proposed Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 12**

**SUMMARY OF REPRESENTATIONS:**

Ten representations have been received objecting to the application and raising the following issues:

- o Kirk Road is narrow, twisty, unclassified and busy, used by pedestrians, cyclists, cars and farm traffic and cannot cater for more traffic, which would be to the detriment of current users and road safety and contrary to policy PMD2;
- o There are problems when there is a funeral at the cemetery, with cars parking along the road and a new access would reduce places to park;
- o Kirk Road is rarely gritted in winter or serviced by a snow plough and so the road can be slippery and dangerous;
- o Visibility from the proposed access is poor due to the hedge and bend in the road, putting vehicles and pedestrians at risk;
- o The boundary hedge and trees would need to be removed to provide adequate visibility at the junction onto the public road;
- o The site is within a field and the development would appear incongruous with the rural setting;
- o The scale, design and materials of the proposed dwellinghouse are out of keeping with houses in the immediate area and the rural landscape;

- o The grounds of Maxton house would be diminished, which would not be consistent with a house of this size;
- o One house in a field not connected to other houses would set a precedent for further houses;
- o The site is in an exposed location surrounded by fields and would have a significant adverse impact on the special qualities of the special Landscape Area (policy EP5);
- o The proposal does not comply with housing in the countryside policies as the house is not well related to a building group and there is no agricultural justification for it in this isolated rural location;
- o A habitat survey should be requested to identify any ecological sensitivities within the site;
- o There have been previous applications for residential plots within the grounds of Maxton House, which have been refused by the Council and dismissed on appeal to Scottish Ministers;
- o Adverse impact on the setting of Maxton House and Mansfield House;
- o The site is within the area designated as Countryside Around Towns (policy EP6) and there are no social or economic benefits of the development;
- o The proposed drive is long, running the length of the woodland and the proposal will disturb wildlife, upsetting the ecological balance.

One representation in support of the application has been received from the owners of Maxton House:

- o The proposed house would have a minimal impact on the surrounding area;
- o The house is for relatives so that they can live close to each other;
- o The site is on a gentle slope, which will help keep a low profile;
- o The design is indicative but is a careful and intelligent modern design of a high quality and ecologically sound and not visible from neighbouring dwellings;
- o Trees would be planted to screen the site;
- o A mirror placed on the opposite side of the road would deal with any visibility issues;
- o Journeys can be made without the car due to the proximity of the village, school and bus service.

One general comment has been received:

- o This would be a wonderful place to locate a family home and new families would be welcome;
- o Two additional cars would not make any difference to the local area;
- o If local and natural materials are used, the design would be acceptable and the siting conceals the house and minimises its impact on the environment;
- o This is an opportunity to construct a house that is environmentally friendly.

#### CONSULTATIONS:

Community Council: No response.

Roads Planning Service: Whilst I have no objections to the principle of a dwelling on this site, there are several matters which will have to be resolved to the satisfaction of the Council through the planning process:

- o Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to occupation and retained thereafter in perpetuity.
- o Visibility splays of 2.4m x 59m must be provided in either direction at the junction with the public road.
- o Improvements to the forward visibility available to any driver waiting to turn right into the site must be carried out. This is to ensure the driver waiting to turn right has adequate visibility of approaching vehicles. Forward visibility of a minimum of 59m must be provided.
- o The width of public carriageway at the site entrance must be increased to accommodate a service vehicle and the initial 3m of the access must be constructed to our specification.

The 59m mentioned above equates to the visibility required for a vehicle speed of 37mph. The public road adjacent to the site is covered by the national speed limit (60mph), however due to the constrained nature in terms of width and geometry, I am satisfied that 37mph is an appropriate speed to use when calculating these distances.

The plan indicates that the access route would appear to be approximately 6m in width. Whilst this is not expected to be fully taken up by an access, I would expect the access to be single track with appropriate passing opportunities provided.

Director of Education and Lifelong Learning: The proposed development is within the catchment area for St Boswells Primary School and Earlston High School. A contribution of £2,612 is sought for the Primary School and £3,672 for the High School, making a total contribution of £6,284.

Landscape Architect: No response.

Access Officer: Part of Core path 141 is a Core Path link on SBC adopted road on the Kirk Road at the north of this application site. Walkers, cyclists and horse riders will use the Core path link on the road.

Scottish Water: No response.

#### APPLICANT'S SUPPORTING INFORMATION:

- o Supporting Statement
- o Preliminary Arboricultural Appraisal

#### PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

- PMD1: Sustainability
- PMD2: Quality Standards
- HD2: Housing in the Countryside
- HD3: Protection of Residential Amenity
- EP5: Special Landscape Area
- EP6: Countryside Around Towns
- EP13: Trees, Woodland and Hedgerows
- IS2: Developer Contributions
- IS7: Parking Provisions and Standards
- IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

- Placemaking and Design 2010
- Householder Development (Privacy and Sunlight) 2006
- Trees and Development 2008
- Landscape and Development 2008
- Development Contributions updated January 2018
- New Housing in the Borders Countryside 2008

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 1st October 2019

#### Site and Proposal

The site is a field grazed by sheep located to the south east of St Boswells and the north west of Maxton. Mansfield House is to the north east and Maxton House and three houses (the Lodge, The Beeches and Stable House) are to the south west. The site is within the Special Landscape Area. There are mature trees overhanging and within the site and along the route of the proposed access.

The proposal is to erect a dwellinghouse on the site. Indicative drawings show that a two storey, modern house is proposed with three bedrooms. This would have a mon-pitch standing seam, zinc roof and sandstone and cedar clad walls.

The dwellinghouse would be served by Kirk Road, the minor road from the A 699 to the B6404. An existing field entrance would be widened and a driveway would be formed along the field to the north west. Two on-site parking spaces and a turning area would be provided within the site.

#### Planning History

There is no planning history for this site.

The following applications relate to the grounds of Maxton House:

90/01238/OUT: Plot B Maxton House St Boswells - Erection of dwellinghouse. Refused 15th August 1990 and dismissed on appeal.

93/01204/OUT: Plot A Maxton House St Boswells - Erection of single storey dwellinghouse. Refused 11th October 1993 and dismissed on appeal.

93/01205/OUT: Plot B Maxton House St Boswells - Erection of single storey dwellinghouse. Refused 11th October 1993 and dismissed on appeal.

#### Planning Policy

The site is outwith the Development Boundary for St Boswells and Maxton and so the proposal has to be assessed against the Council's housing in the countryside policies.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

It is accepted that there is a building group centred around Maxton House, as there are more than three existing houses contained within a sense of place. The building group comprises of a historic core based around Maxton House, its lodge house, Stables House with the Beeches, a more modern house. Mansfield House to the north east is not considered to be part of this building group.

This site does not appear to be a logical addition to the building group as the site is part field and part woodland with no relationship with the public road and divorced from the existing housing, separated by fields, some distance from those existing houses, outwith that sense of place. In addition, the proposal would break into a previously undeveloped field and its location would not respect the spacing between existing properties within the building group.

Part F of policy HD2 supports housing with a location essential for business needs if the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.

There appears to be no business operating from this site and no economic or agricultural justification for the proposed dwellinghouse has been submitted.

The proposal therefore fails to comply with policy HD2 and Supplementary Planning Guidance on New Housing in the Borders Countryside.

The site is within the area designated as Countryside Around Towns. Policy EP6 states that development will only be considered for approval if it meets one of the exceptions, such as the essential requirement for a rural location, the conversion of an existing building of traditional character, the siting within a building group, it enhances the landscape, trees, woodland, natural and man-made heritage, access or recreational facilities or the development has a national or strategic need.

The proposal meets none of these exceptions. No supporting statement has been submitted by the agent and so there appears to be no economic or agricultural justification for the construction of a new dwellinghouse on this site, outwith the building group. The proposal is therefore contrary to policy EP6.

It is acknowledged that there were previous refusals for the erection of dwellinghouses on land at Maxton House in the 1990's. However, this current application has to be assessed against current Local Development Plan 2016 policies and Supplementary Planning Guidance and on its own merits.

#### Siting and Design

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 Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

This application is for Planning Permission in Principle but indicative drawings have been submitted showing the location, design and materials of the proposed dwellinghouse. The proposed dwellinghouse would be sited in the centre of the field, the position dictated by the mature trees within and overhanging the site. The indicative drawings show a two storey dwellinghouse of a modern design, with a mono-pitch roof that projects out beyond the rear elevation, large areas of glazing in the rear elevation and minimal glazing in the front elevation. The building would be constructed of sandstone, cedar cladding, timber framed windows and doors and a standing seam quartz zinc roof.

It is felt that a contemporary approach would be acceptable on this site but that further discussions would be required before any detailed application is submitted to ensure that an acceptable design is achieved for this site, especially in respect of the front (north west) elevation. The materials, subject to samples, would be acceptable in this location.

#### Impact on Visual Amenities

The site is within the Special Landscape Area and policy EP5 seeks to safeguard the landscape quality of the area. Proposals that have a significant adverse impact will only be permitted where the landscape impact is outweighed by social or economic benefits.

The site benefits from a significant level of screening from mature trees and hedges and is set back some distance from the public road. It is considered that the site is not prominent in the landscape and with an acceptable design and the retention of the trees and hedges, the proposal would not have a detrimental impact on the visual amenities of the area or on the special qualities of the Special Landscape Area.

It is considered that with an acceptable scale and design, a dwellinghouse on this site would not adversely impact the setting of Mansfield House or Maxton House (neither are Listed Buildings or set within Designed Landscapes), due to the separation distance and mature trees and woodlands in between.

#### Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The proposed house would be sited some distance from the existing houses (Maxton House: over 30m, Stables House: over 50m and Mansfield House: over 40m) and there is a degree of screening from existing trees and vegetation. The proposed house may be visible from these existing properties but given the distance, the proposal would not affect the light or privacy of occupants of these properties.

#### Access, Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The indicative site plan shows that the existing field access from Kirk Road would be upgraded to provide an access to serve the site. A long access road is proposed through the adjacent field to serve two on-site parking spaces.

Several representations have been received raising concerns about the nature of Kirk Road and whether the traffic generated by the development can be safely accommodated and also about the visibility from the proposed access.

The Roads Planning Service has no objections to the proposal provided that the on-site parking and visibility splays of 2.9m by 59m at the junction with the public road can be provided, forward visibility can be improved to 59m and the carriageway width can be increased at the site entrance to accommodate a service vehicle.

These requirements would be secured by a condition to ensure that acceptable details and drawings are submitted at the Approval of Matters Specified in Conditions or detailed application stage. However, it is not clear how these requirements can be achieved as the adjacent hedgerows and trees would have to be removed or cut back and these are outwith the ownership and control of the applicants.

It is for the applicant to demonstrate that these requirements can be met, though this may prove to be problematic as stretches of neighbouring hedgerows belong to parties who have objected to the application. No visibility splays are shown on the indicative site plan. The application would be contrary to policies PMD2 and IS7 if an adequate and safe access and on-site parking cannot be provided.

The length of the access road required to serve the site, the visual impact of this and the impact on the mature trees are also concerns.

## Trees

Policy EP13 seeks to protect trees, woodlands and hedgerows from development. There are a number of mature trees within and overhanging the site and these are shown on the site plan.

A tree survey has been submitted that concludes that the trees are in a satisfactory condition and form a distinctive feature in the local landscape and have a high amenity value. The site could be developed to accommodate a dwelling without having a deleterious effect on the existing tree cover. Any proposed buildings should be located outside the root protection areas, the new driveway would have to be constructed on a 'no-dig' basis to avoid potentially damaging excavations or soil compaction and underground services would either need to be located away from trees or otherwise be designed to avoid excessive root damage. Some reduction or removal (crown lifting) of lower branches would be required to achieve adequate overhead clearance.

The trees contribute to the visual amenities of the area and should be protected and retained in accordance with policy EP13.

## Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

The agent has not been requested to go to the expense of carrying out a preliminary ecological appraisal as the principle of the development is considered to be contrary to the Council's housing in the countryside policies and the application cannot be supported. Surveys for protected species such as badger and bats (if trees are to be reduced or felled) would be required should the application be approved.

## Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to the mains water supply and foul drainage would be to a filtration system and soakaway discharging to land. The exact details would be agreed by condition and through the Building Warrant process.

## Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3.

Contributions are required towards St Boswells Primary School, Earlston High School and the Borders Railway. These would be secured by a legal agreement.

## **REASON FOR DECISION :**

It is considered that the site is not a logical addition to the building group, with no relationship with the public road and divorced from the existing housing, outwith that sense of place. In addition, the proposal would break into a previously undeveloped field and its location would not respect the spacing between existing properties within the building group. There is no economic or agricultural justification for a dwellinghouse on this site, which is within the area designated as Countryside Around Towns. The proposal is therefore contrary to policies HD2 and EP6 of the Local Development Plan 2016.

Furthermore, it is not clear whether the Roads Planning Service's requirements for visibility splays and forward visibility can be achieved as the adjacent hedgerows and trees would have to be removed or cut back and these are outwith the ownership and control of the applicants. The application would be contrary to policies PMD2 and IS7 if an adequate and safe access and on-site parking cannot be provided.

**Recommendation:** Refused

- 1 The proposal is contrary to policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Houses in the Borders Countryside 2008 in that the site is outwith the Development Boundaries of St Boswells and Maxton and is not a logical extension to any building group, is divorced from the existing housing, outwith that sense of place. In addition, the proposal would break into a previously undeveloped field and the location would not respect the spacing between existing properties within the building group.

Furthermore, the need for a house at this particular location has not been adequately demonstrated as being a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. The erection of a dwellinghouse on this site would lead to an unjustified and sporadic expansion of residential development into the open countryside and within the area designated as Countryside Around Towns.

**“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: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@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 100176150-001

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)

Construct new house

Is this a temporary permission? \*  Yes  No

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

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

- No  Yes – Started  Yes - Completed

### Applicant or Agent Details

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

## Agent Details

Please enter Agent details

Company/Organisation:	Liston Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	3F2
Last Name: *	Liston	Building Number:	33
Telephone Number: *	0131 556 5757	Address 1 (Street): *	London Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH3 6LY
Email Address: *	david@listonarchitects.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Richard and Alison	Building Number:	9
Last Name: *	Thomas	Address 1 (Street): *	Chemin des Perrailles
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Perroy
Extension Number:		Country: *	Switzerland
Mobile Number:		Postcode: *	1166
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Scottish Borders Council

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

Land North East of Maxton House, Maxton

Northing

630441

Easting

360551

## 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)

Concern over position of site in relation to existing group of houses (letter). The intent to produce a high quality design (no material details were given by the applicant) for the client to inhabit was viewed positively (meeting).

Title:

Mrs

Other title:

First Name:

Julie

Last Name:

Hayward

Correspondence Reference Number:

19/00068/PREAPP

Date (dd/mm/yyyy):

14/03/2019

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:

2326.00

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)

Field. Occasional paddock

## 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.

## Water Supply and Drainage Arrangements

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

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Proprietary wastewater filtration system and soakaway.

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.

## 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

Are you able to identify and give appropriate notice to ALL the other owners? \*  Yes  No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: \*

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: David Liston

On behalf of: Mr and Mrs Richard and Alison Thomas

Date: 08/08/2019

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)

Supporting Statement

## **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 David Liston

Declaration Date: 08/08/2019

## **Payment Details**

Online payment: XM0100003158

Payment date: 08/08/2019 17:02:00

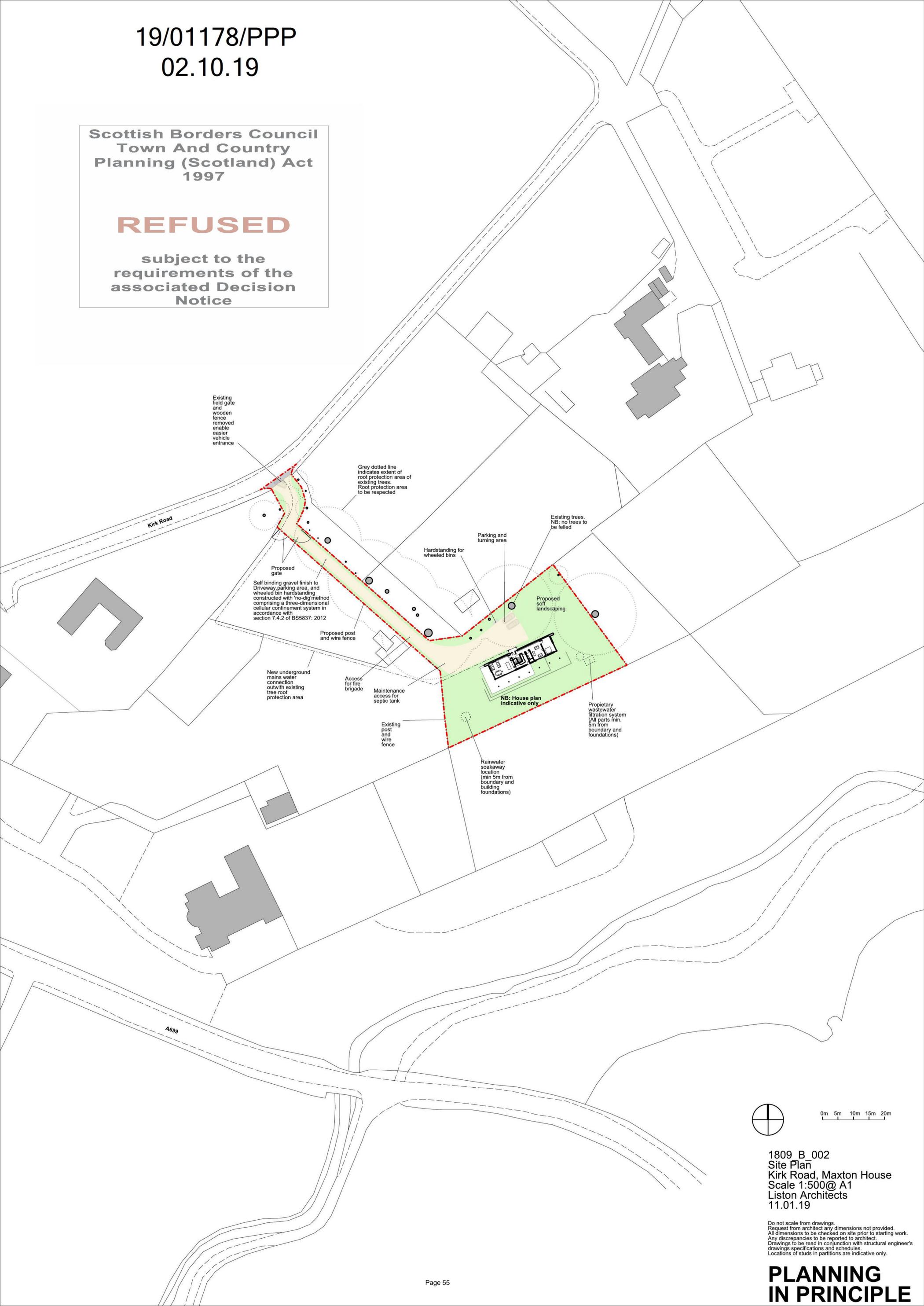
Created: 08/08/2019 17:02

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



0m 5m 10m 15m 20m

1809 B\_002  
Site Plan  
Kirk Road, Maxton House  
Scale 1:500@ A1  
Liston Architects  
11.01.19

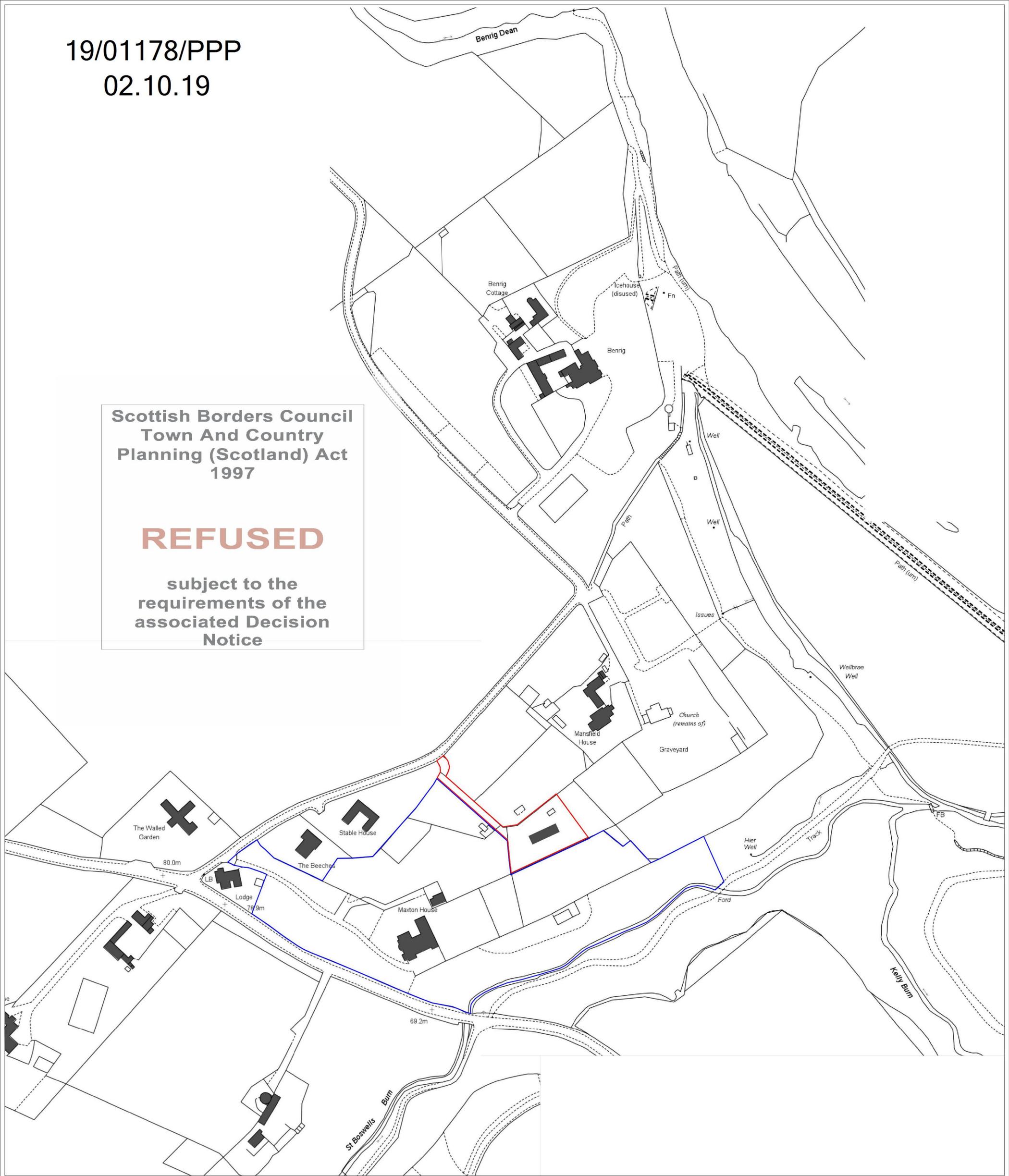
Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineers'  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING  
IN PRINCIPLE**

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



Key:

- Site boundary
- Neighbouring land under same ownership as site

Scale bar:



1809\_B\_001  
Proposed Location Plan  
Kirk Road, Maxton House  
Scale 1:2500@ A3  
Liston Architects  
23.04.19

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING IN  
PRINCIPLE**



































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90/01238/OUT

REFUSAL OF OUTLINE PLANNING CONSENT

REF E283/90

BORDERS REGIONAL COUNCIL

Town and Country Planning (Scotland) Act 1972

To Mr D W Alexander Rowanbank, Leyden Road Kirknewton Mid Lothian:

With reference to your application registered on 18th June 1990 for outline planning permission under the above-mentioned Act for the following development, viz:-

Erection of dwellinghouse

at

Maxton House (Plot B) Maxton St Boswells

the Borders Regional Council in exercise of their powers under the above-mentioned Act hereby refuse outline planning permission for the said development.

The reasons for the Council's decision are on the attached Schedule.

Dated 13th August 1990

Regional Headquarters  
Newtown St Boswells  
MELROSE TD6 0SA

.....  
 Director of Planning and Development

SCHEDULE

01

The proposal would be detrimental to the setting, character, and established amenity of Maxton House and the building group in the surrounding area.





THE SCOTTISH OFFICE

Inquiry Reporters

16 Waterloo Place  
Edinburgh EH1 3DN

Telephone 031-244  
Fax 031-244 3972

Messrs Peter P C Allan  
Consultant Town Planner  
29 Stafford Street  
EDINBURGH  
EH3 7BT

Your ref: GAP/559-1

Our ref: P/PPA/B/248

13 May 1991

Dear Sirs

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972: SECTION 33  
AND SCHEDULE 7

APPEAL BY MR D W ALEXANDER: PROPOSED DWELLING HOUSE,  
PLOT B, MAXTON HOUSE, ST BOSWELLS

1. I refer to your client's appeal, which I have been appointed to determine, against the refusal of Borders Regional Council to grant outline planning permission for the erection of a dwelling house on a site described as Plot B which forms part of the policies of Maxton House, Maxton, St Boswells. I made an accompanied inspection of the site and the surroundings on 20 February 1991 and have considered the written submissions of the parties and of neighbours. These were completed on 21 March 1991.

2. Maxton House is in the countryside, on the A699 road just over 1km south-east of St Boswells and about 300m from a loop in the River Tweed. Houses in the vicinity include Maxton House and its Lodge House, a recently built bungalow in a former walled garden, stables tastefully converted into a house, and a site between Maxton House and the Stables House for which planning permission has been recently given on appeal for another house to be built. These are all in a group on or near to the A699 road. Others at a distance to the north include Mansfield and Benrig House both in their own grounds and with paddocks. The policies of Maxton House extend northwards to the walled boundary of Benrig House but exclude the ruins of the old St Boswells Church and its old graveyard and the northern modern extension of the graveyard known as Benrig Cemetery. Woodland, including on both sides of the St Boswells Burn, forms an arc in the southern part of the policies of Maxton House from the Stables House and the Lodge on the western side, south of Maxton House and through to the River Tweed in the east. The driveway to Maxton House runs from the Lodge through this woodland to the south-east side of Maxton House; a branch runs northwards to Stables House.

3. The appeal site lies between part of the south-eastern boundary of Stables House and part of the boundary of a paddock next to Mansfield. At its northern corner it has a short frontage to the unclassified narrow road which runs from the A699 road at Maxton House by a tortuous route to the B6404 road east of St Boswells. The south-western and

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1.

031-244 3972

south-eastern boundaries of the site are not defined on the ground and the half-acre site is part of the lawn on the northern side of Maxton House. The proposed access is from the unclassified road, at the northern frontage of the site where it is opposite to a bend in the road and where a tarmac passing place has been formed in the highway on the site side, replacing a former grass margin there.

4. Another appeal relates to Plot A Maxton House, which is some 210m north-east of Plot B and which is the subject of a separate decision letter (reference P/PPA/B/247).

5. The planning authority's reasons for refusal were that the proposed development would be detrimental to the setting, character, and established amenity of Maxton House and the building group in the surrounding area.

6. You say that the planning authority's policies for this area are to encourage the development of infill and other small sites in settlements and of infill sites in established building groups in the countryside. The planning authority accepts that Maxton House and the surrounding buildings and spaces do constitute an established building group where there are opportunities for infill development which would comply with their policy relating to housing in the countryside. The other houses in the group are set within significant areas of ground which maintain the character of this group. The appeal site is specified to be 0.5 acre in extent, similar in size to the adjacent plot where planning permission was recently given on appeal. In giving that decision the Reporter stated "further sites would appear to remain in the immediate vicinity which could be developed under the same policy guidelines". The northern boundaries of the appeal site are defined by a ranch-style fence and by a 2m high timber fence. Only the southern boundaries facing Maxton House are undefined on the ground and this can be overcome by screen planting on these boundaries and a condition of planning permission could require this. The form of the existing building group is characterised by the random orientation of buildings. The scale, siting and design of the proposed building which would determine the sympathetic relationship between the proposed house and Maxton House and its setting, remain at this outline stage under the control of the planning authority. A sympathetic relationship can be assured when granting approval later from the details of the development. There is no lack of relationship between the site and the surrounding buildings, walls, trees and identifiable garden spaces.

7. You also say that satisfactory visibility is obtainable along the unclassified road from the centre line of the proposed access, particularly if the visibility is measured 2m from the original edge of the carriageway and not from the edge of the recently-formed passing place. (You also doubt the correctness of forming this passing place on land which belongs to your client). You say that your client would be entitled to cut back part of the beech hedge and part of the 2m high timber fence bounding Stables House clear of a triangle of ground that is under his control on the west side of the access, and that this would further improve visibility from the access. In your opinion it would be inappropriate to dismiss this appeal on road safety grounds. Nevertheless, if it is thought that access should not be taken from the unclassified road, it would be possible to gain access to the site by way of the existing driveway to Maxton House and a condition of planning permission could be imposed to secure this. The proposal meets the 4 criteria for permission to develop

an infill site in a recognised established building group in the countryside.

8. In your view the planning authority have failed to give sound and clear cut reasons for refusing planning permission, they reached their decision without due consideration of all materials considerations and they failed to take into account comments made by a Reporter in a previous appeal decision. They have acted unreasonably and you apply for an award of expenses against Borders Regional Council.

9. Borders Regional Council say that the plan attached to the application defined an area of ground for Plot B which is calculated at about 0.25 acre. It is within the grounds of Maxton House, with high hedge and fencing on the side next to Stables House, a fence and a landscaping strip containing new and mature trees on the side next to the paddock of Mansfield but it presents an open aspect to Maxton House. Access from the unclassified road is directly to the site through a break in the fencing and at the end of a line of beech hedge.

10. The approved structure plan and the adopted local plan do not authorise development in the countryside or outwith designated settlements except in abnormal cases, which do not apply here. A more recent policy has been adopted for housing in the countryside intended to attract population back to the countryside and in particular to encourage infill development in appropriate cases within or adjacent to building groups in the countryside, provided that the development meets 4 criteria. They are:-

- No loss of agricultural land
- No detriment to the countryside amenity
- No difficulty with access and other road requirements, and
- No lack of water and drainage facilities.

11. It is accepted that the site is within an existing loose building group and it is right to consider to what extent the proposal would fit in with the intentions of the policy for housing in the countryside. Limited infill opportunities exist in and adjacent to this group and they are illustrated in a land use plan which was prepared for discussion purposes, but they do not include this appeal site. This site bears an unsympathetic relationship with the remainder of the buildings, trees and forms of enclosure within the building group. With its lack of clearly defined natural boundaries on the south-east and south-west and only a thin tree screen on the north-east a house on this small site would be unduly dominant within the building group and would be detrimental to countryside amenity. The location and alignment of the site are factors just as important as the positioning and design of a house within it, in assessing the impact of the development upon the character and setting of Maxton House.

12. The whole surrounding area is of high amenity with large amounts of mature woodland, impressive detached houses, well kept gardens and paddocks and an air of rural seclusion. The appeal site would arbitrarily remove a corner of open paddock with an alignment which would not respect the alignment or setting of Maxton House. The proposed house would intrude upon the setting of Maxton House and detract from the open aspect and vistas across the paddocks. It would detrimentally affect the setting, character and established amenity of Maxton House. The coherence of the remaining grounds around Maxton House ought to be preserved. If the proposed development were permitted it would set an

undesirable precedent for further encroachment and reduction of the grounds.

13. The roads department of the regional council does not accept the suitability of the proposed access on the outside of a bend in the unclassified road where the road is narrow and the visibility is restricted. Although the roads department would not object to taking access to this site from the existing entrance and driveway which serve Maxton House, there would be implications in planning terms of loss of amenity if a lengthy access driveway to the appeal site had to be formed across the paddock. That in turn could also lead to pressure for further development within the grounds and the risk of further detriment to the coherence and amenity of those grounds and the setting of Maxton House. Water and drainage would be unlikely to present problems.

14. It was a plot adjacent to the driveway near its entrance and between there and Stables House which was granted outline planning permission on appeal in 1989. That is a plot which was definable as a building space which could be developed without detriment to the character and amenity of the remainder of the group. The original application for outline planning permission there was recommended for approval, although it was later refused by the council. In his decision letter the Reporter remarked upon the availability of other (unidentified) sites within the group, but his comment should not be seen as an overriding justification for approving the development of this appeal site.

15. Unreasonable behaviour on the part of Borders Regional Council is denied and your application for the award of expenses is resisted.

16. Upon the usual statutory consultations being made, the local regional councillor objected to the proposal because the formation and use of the access from the narrow public road would prejudice public safety and because he opposes the loss of further policy land from Maxton House. The roads department object to the proposed access as has been stated above. Other objections were made by St Boswells Community Council, the Association for the Protection of Rural Scotland and from 4 local residents.

17. Those objections support the planning authority's case and also make some additional points. It is said that the appeal site is too close to Stables House and its development would unfavourably change the spacious distribution of residential buildings around Maxton House: the site is too small for development of appropriate character: the proposed development would be too intrusive and would detract from the amenity of Stables House and Maxton House. At the northern boundary of the appeal site where the access is proposed to be formed, the unfenced length has already been widened by the removal of the fence and by cutting back a 7 ft length of beech hedge. The local residents know from years of experience that the unclassified road is dangerous in use due to its narrowness and they say that further turning movements into and out of the appeal site could add to the current dangers.

18. Borders Regional Council are clearly desirous of balancing a need to prevent rural depopulation with the conservation of the very beautiful Borders countryside. Although with the council's informal policy for housing in the countryside, the planning authority wish to encourage some development in building groups in the countryside, the preservation of the amenity is also an important consideration and so is the avoidance

of sporadic development and the uncontrolled infill of building groups which might be detrimental to countryside amenity. There is no local shortage of opportunities for house building.

19. From my inspection of the site and from the written submissions I have reached several conclusions. First, the application clearly states that the proposal is the development of approximately 0.5 acre. The plan which accompanied the application, not prepared by an expert or professional person, indicated the location of the site and its boundaries on a plan which was drawn to scale; the area of the portion so marked was calculated by the regional council to be about 0.25 acre. In such a case of conflict between the written document and a drawing, the information in the written document must take precedence. The boundaries shown on the drawing, where they do not represent the physical features on the ground, must be presumed to have been marked in the wrong places. The south-west and south-east boundaries should have been placed further south so as correctly to enclose 0.5 acre. My ruling is that the drawing must be interpreted with this in mind.

20. I conclude also that the determining issues are whether the appeal site is within or adjacent to an existing building group in terms of the planning authority's non-statutory policy for housing development in the countryside; and if so, whether it is an appropriate site for development without loss of agricultural land, without detriment to countryside amenity, without difficulty with access and other roads requirements; and with no lack of water and drainage facilities.

21. On the first issue, all parties are agreed that the site is within or adjacent to a group of buildings with Maxton House as the centre-piece. Although I am doubtful that the group should be considered to be so wide as to include Mansfield, Benrig Cemetery and Benrig House, this is immaterial to the present case as the site is part of the close group of buildings. I am satisfied that it is right further to consider this site in relation to the non-statutory policy of the planning authority.

22. On the second issue, the site is part of the parkland of Maxton House and is not agricultural land. There is no reason to expect a lack of water or drainage facilities. The proposed access has become a more complicated issue because of the argument whether the passing place is part of the carriageway or not. I accept the submissions made by the regional council upon this as the road comprises the carriageway and the margins on both sides and is bounded by the hedges or fences on either side. Thus 2m back from the edge of the tarmacadam surface is the point at which the visibility in both directions along the public road should be assessed and it is severely limited by hedges on both sides of the gap not in the control of your client. If the visibility were reckoned from the former edge of the carriageway before the passing place was formed, the visibility from the access would be less restricted, but the visibility along the unclassified road from left and right would be limited by the bend in the road and would be insufficient for road safety, especially as the road here is narrow and it is said, at some times to be fairly busy.

23. You have said that your client would, in the last resort, be able to form an access from the existing Maxton House driveway. But to form a branch from the driveway to the appeal site would cut across the grassland of the policies and would detrimentally affect the amenity of the policies of Maxton House. The site itself would represent an arbitrarily chosen intrusion into the parkland where nothing could screen a house on

it if it were large enough and of such quality of design and materials as would be in character with the surrounding buildings. It is not enough, in my opinion, to ignore the consequences of a grant of outline planning permission in this case. They would inevitably be the erection of a building which would by its presence be harmful to the amenity and setting of a fine old house in beautiful countryside. My conclusion is that the proposed development would be detrimental to countryside amenity and the construction of a driveway across the parkland to it would increase that detriment.

24. Considering all these points together I consider it is not a case where outline planning permission should be given contrary to the policies of the structure and local plans as it would not fit well enough the aims of the planning authority's liberal non-statutory policy for housing in the countryside in groups of buildings.

25. I have taken into account all the other matters raised but they do not outweigh the matters that led to my overall conclusions. For these reasons and in exercise of the power delegated to me I hereby dismiss your client's appeal and refuse to grant planning permission.

26. The foregoing decision is final, subject to the right of any person aggrieved by this decision to apply to the Court of Session within 6 weeks of the date hereof conferred by Sections 231 and 233 of the Town and Country Planning (Scotland) Act 1972; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1971 or of any orders, regulations or rules made under these Acts.

27. Copies of this letter have been sent to Borders Regional Council and to objectors or their agents. A further letter will be sent concerning your application for the award of expenses.

Yours faithfully

S ROBERTSON ESQ FRICS  
Reporter

93/01204/OUT

REFUSAL OF OUTLINE PLANNING CONSENT

REF E292/93

BORDERS REGIONAL COUNCIL

Town and Country Planning (Scotland) Act 1972

To Mr Robert Bowey Maxton House Maxton St Boswells

With reference to your application registered on 4th August 1993 for outline planning permission under the above-mentioned Act for the following development, viz:-

Erection of single storey dwellinghouse

at

Plot 1, Maxton House Maxton St Boswells

the Borders Regional Council in exercise of their powers under the above-mentioned Act hereby **refuse outline planning permission** for the said development.

The reasons for the Council's decision are on the attached Schedule.

Dated 11th October 1993

Regional Headquarters  
Newtown St Boswells  
MELROSE TD6 0SA

.....  
*Asst.* Director of Planning and Development

REFUSAL OF OUTLINE PLANNING CONSENT

REF E292/93

SCHEDULE

01

The proposal would be detrimental to the setting character, and established amenity of Maxton House and the countryside in the surrounding area, and would contravene Policy 7 of the Ettrick & Lauderdale Local Plan.

93/01205/00T.

BORDERS REGIONAL COUNCIL  
PLANNING AND DEVELOPMENT COMMITTEE - 11 OCTOBER 1993  
APPLICATION FOR PLANNING PERMISSION

REF: 26/E293/93

APPLICANT : Mr Robert Bowey  
AGENT : None  
DEVELOPMENT : Erection of single storey dwellinghouse  
LOCATION : Plot 2, Maxton House, Maxton  
TYPE : Outline

---

COUNCILLOR : Mr.A.J.C.Hewat  
ADVERTISEMENT : No  
LISTED BUILDING : Not Listed  
CONSERVATION AREA : Not Applicable

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BACKGROUND REPORTS AND POLICIES

STRUCTURE PLAN : R11  
LOCAL PLAN : Ettrick & Lauderdale L.P. Policy 7, 62, 63  
OTHER : None

---

CONSULTEES AND RESPONDENTS:

Regional Councillor  
Director of Roads & Transportation  
St Boswells Community Council

Director of Water & Drainage  
Tweed River Purification Board  
Eight respondents

---

RECOMMENDATION:

That the application be refused for the following reason(s):

SEE OVER

REASON

01

The proposal would be detrimental to the setting character, and established amenity of Maxton House and the countryside in the surrounding area, and would contravene Policy 7 of the Etrick & Lauderdale Local Plan.

BORDERS REGIONAL COUNCIL

PLANNING AND DEVELOPMENT DEPARTMENT

Supplementary Statement of Observations By Director of Planning and Development on the Appeal by Cameron-Farningham Associates on behalf of Mr Robert Bowey Against the Refusal of Planning Permission by Borders Regional Council for the Erection of Two Dwellinghouses at Plots 1 & 2 Maxton House, Maxton, Near St Boswells.

1.0 Introduction

1.1 In general the appellants agents statement raises no fundamentally new issues in this case. The Regional Council feel that the case against the development of the land at Maxton House has been adequately outlined at the previous appeal and in the current Regulation 6 statement. However, it is consider necessary to make specific reference to some of the points raised in the appellants statement of evidence.

2.0 Comments on Grounds of Appeal

2.1 It is correct that the Regional Council has been engaged in the process of reviewing of its Local Plans and also its housing in the countryside policy. This review has not, however, altered the fundamental basis of the policy. The outcome of this review process has been the adoption in the Finalised version of the Ettrick and Lauderdale Local Plan of Policy 7 (copy attached as Production 1) and also the publication in December 1993 of the "New Housing in the Borders Countryside - Policy and Guidance Note" (copy attached as Production 2). It was within this policy context that the two planning application for Plots 1 & 2 were determined.

2.2 The Council would dispute the statement in para. 2.4 that the "principle of development at this location is not an issue." Policy 7 lists the preferred building groups at which new housing will be encouraged within and adjacent to and it should be noted that Maxton is not included in this preferred list. It also states that limited development may also be permitted within or adjacent to existing building groups provided a list of policy criteria are met. This means that the Regional Council have to make a determination firstly whether there is a group and secondly the suitability of the group to absorb new development.

2.3 The Council accepts that Maxton House and its environs form a building group, as defined in the policy and in the Guidance Note, however the Council contended that the group is not capable of successfully absorbing the development proposed. In the circumstances as the site does not meet the necessary criteria in this respect then clearly the principle of the development is in question. In particular the Council contend that the development is contrary to criteria 2 and 6. The Council's view that the development of the site would be contrary to countryside amenity was clearly supported by the Reporter at the earlier appeal.

6. I continue to maintain that development in the open parkland to the north of Maxton House would not be an appropriate way in which to infill in this building group, and would be detrimental to countryside amenity and would not respect the substantial and spacious nature of the surrounding development pattern. The current proposal for two houses rather than one previously proposed, only strengthens my views.

Recommendation by Director of Planning and Development

7. For these reasons, and to be consistent with a previous decision, I would recommend refusal of these applications.

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## PLANNING CONSULTATION

To: Education & Lifelong Learning (Neil Hastie)

From: Development Management

Date: 12th August 2019

Contact: Julie Hayward ☎ 01835 825585

Ref: 19/01178/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd September 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd September 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr and Mrs Richard and Alison Thomas

**Agent:** Liston Architects

**Nature of Proposal:** Erection of dwellinghouse

**Site:** Land North East Of Maxton House St Boswells Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b> Estate Strategy Surveyor	<b>Contact e-mail/number:</b> <a href="mailto:estatemangement@scotborders.gov.uk">estatemangement@scotborders.gov.uk</a>	
	Education & Lifelong Learning (Neil Hastie)		
<b>Date of reply</b>	14 August 2019	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	19/01178/PPP	<b>Case Officer:</b> Julie Hayward	
<b>Applicant</b>	Mr and Mrs Richard and Alison Thomas		
<b>Agent</b>	Liston Architects		
<b>Proposed Development</b>	Erection of dwellinghouse		
<b>Site Location</b>	Land North East Of Maxton House St Boswells Scottish Borders		
<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>			
<b>Background and Site description</b>			
<b>Key Issues (Bullet points)</b>			
<b>Assessment</b>	<p>I refer to your request for Educations view on the impact of this proposed development which is within the catchment area for St Boswells Primary School and Earlston High School.</p> <p>A contribution of £2,612 x 1 is sought for the Primary School and £3,672 x 1 for the High School, making a total contribution of £6,284.</p> <p>Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders area.</p> <p>This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.</p> <p>Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index, therefore, we reserve the right to vary the level of contributions.</p> <p>If you require any further information please do not hesitate to contact me by emailing <a href="mailto:estatemangement@scotborders.gov.uk">estatemangement@scotborders.gov.uk</a></p>		
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>
			<input type="checkbox"/> <b>Further information required</b>

<b>Recommended Conditions</b>	
<b>Recommended Informatives</b>	

## PLANNING CONSULTATION

To: Access Officer

From: Development Management

Date: 12th August 2019

Contact: Julie Hayward ☎ 01835 825585

Ref: 19/01178/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd September 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd September 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr and Mrs Richard and Alison Thomas

**Agent:** Liston Architects



**Nature of Proposal:** Erection of dwellinghouse

**Site:** Land North East Of Maxton House St Boswells Scottish Borders

### CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Access Officer Susan Gray	Outdooraccess@scotborders.gov.uk
Date of reply	22 Sept 2019	Consultee reference:
Planning Application Reference	19/01178/PPP	Case Officer:
		Julie Hayward
Applicant	Mr and Mrs Richard and Alison Thomas	
Agent	Liston Architects	
Proposed Development	Erection of dwellinghouse	
Site Location	Land North East Of Maxton House St Boswells Scottish Borders	

***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.***

## Background and Site description

Part of Core path 141 is a Core Path link on SBC adopted road on the Kirk Road at the North of this application site



<b>Key Issues (Bullet points)</b>	•			
<b>Assessment</b>	Roads planning have been consulted and replied in relation to roads planning for this application in relation to the public road.			
<b>Recommendation</b>	<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
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>	Part of Core path 141 is a Core Path link on SBC adopted road on the Kirk Road at the North of this application site. Walkers cyclists and horse riders will use the Core path link on the road.			

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Roads Planning Service</b>	<b>Contact e-mail/number:</b>
<b>Officer Name and Post:</b>	<b>Alan Scott Senior Roads Planning Officer</b>	<a href="mailto:ascott@scotborders.gov.uk">ascott@scotborders.gov.uk</a> <b>01835 826640</b>
<b>Date of reply</b>		<b>Consultee reference:</b>
<b>Planning Application Reference</b>	19/01178/PPP	<b>Case Officer:</b> Julie Hayward
<b>Applicant</b>	Mr. & Mrs. R. Thomas	
<b>Agent</b>	Liston Architects	
<b>Proposed Development</b>	Erection of dwelling	
<b>Site Location</b>	Land north east of Maxton House, St. Boswells	
<b><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></b>		
<b>Background and Site description</b>		
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access</li> <li>• Parking</li> <li>• Junction visibility</li> </ul>	
<b>Assessment</b>	<p>Whilst I have no objections to the principle of a dwelling on this site, there are several matters which will have to be resolved to the satisfaction of the Council through the planning process.</p> <ul style="list-style-type: none"> <li>• Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to occupation and retained thereafter in perpetuity.</li> <li>• Visibility splays of 2.4m x 59m must be provided in either direction at the junction with the public road.</li> <li>• Improvements to the forward visibility available to any driver waiting to turn right into the site must be carried out. This is to ensure the driver waiting to turn right has adequate visibility of approaching vehicles. Forward visibility of a minimum of 59m must be provided.</li> <li>• The width of public carriageway at the site entrance to be increased to accommodate a service vehicle and the initial 3m of the access must be constructed to the specification shown below.</li> </ul> <p>The 59m mentioned above equates to the visibility required for a vehicle speed of 37mph. The public road adjacent to the site is covered by the national speed limit (60mph), however due to the constrained nature in terms of width and geometry, I am satisfied that 37mph is an appropriate speed to use when calculating these distances.</p> <p>The plan indicates that the access route would appear to be approx. 6m in width. Whilst this is not expected to be fully taken up by an access, I would expect the access to be single track with appropriate passing opportunities provided.</p> <p>The condition shown below should be attached to any approval issued.</p>	

<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p>A scheme of details must be submitted for approval showing improvements to the public carriageway width, visibility and surfacing at the junction with the public road. The approved scheme must thereafter be completed prior to any works commencing on site and be retained in perpetuity.</p> <p>Reason: To ensure the development hereby approved is served by an appropriate form of access and that traffic flow on the public road is not unduly disrupted.</p>			
<b>Recommended Informatives</b>	<p>All works within the public road boundary must be carried out by a contractor first approved by the Council. This includes surfacing works and works to roadside vegetation.</p>			

**Signed:**

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## Comments for Planning Application 19/01178/PPP

### Application Summary

Application Number: 19/01178/PPP

Address: Land North East Of Maxton House St Boswells Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

### Customer Details

Name: Dr Anna Dall

Address: Maxton House, Maxton, St Boswells Melrose, Scottish Borders TD6 0EX

### Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: 7th September 2019

Reference 19/01178/PPP

Dear Sir / Madam

I write in support of the planning application for a dwelling house to be erected in our field.

I live in Maxton House together with my husband and our 4 children. We border some beautiful houses, some of a similar vintage to our own, others built much more recently. With careful positioning, even the more incongruent additions have had minimal impact on the overall look of the surrounding area and I believe the proposed site and building would achieve the same.

My sister and brother in law (Alison and Richard Thomas) have applied for outline planning with our full support. Our motivation to explore that site was a desire to live close to each other, share everyday life and allow our children to grow up in each other's company. We have no interest in selling the land on to a third party or further developing the site in question.

The site is on a gentle slope which will help nestle the building in and keep it as low a profile as possible. The design given is indicative. It demonstrates the key features that would be reflected in the final build - careful and intelligent modern design, high quality and ecologically sound. Knowing Ali and Rich's eye for design and attention to detail, I anticipate the end result will be something amazing and quite beautiful. Even so, we do not anticipate it will be visible from any of the surrounding dwellings and visible to the north east only from the outer boundary of that property.

This was one of the primary concerns when selecting the site in the first place.

Ali and Rich are keen to landscape and enhance the surrounding grounds and would look to plant trees to screen the build further from view. As current owners we would be happy to facilitate planting in advance of any building work. This could be explored together with our neighbours to ensure it was done in a mutually acceptable way.

I do not anticipate the proposed access to Kirk Road will pose a problem. The neighbouring property to the south west has a large hedge which reduces visibility of the road in that direction. The view could easily be restored by a simple mirror placed on the opposite side of the road. Other houses in the immediate area, including those whose drives open on to the busier A699, use the same approach.

Living so close to the village, the local school and to the borders bus service, many journeys can be made without a car. When transport is required, we are in a great position to car share with 3 adjacent neighbours with kids of similar age.

We would be happy to meet with any members of the planning team to discuss in more detail.

Yours Sincerely

Anna Dall

# Comments for Planning Application 19/01178/PPP

## Application Summary

Application Number: 19/01178/PPP

Address: Land North East Of Maxton House St Boswells Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

## Customer Details

Name: Mr Gareth Cook

Address: The Lodge, Maxton House, St Boswells Melrose, Scottish Borders TD6 0EX

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: To whom it may concern,

I am writing to make comments regarding planning application 19/01178/PPP. Having viewed the proposed plans for the plot in question and after reading other neighbours concerns my comments are as follows.

1. As an immediate neighbour to Maxton House and its grounds I believe the proposed site would be a wonderful place to situate a family home and would welcome another family to this area who are prepared to invest their time, money and future into this beautiful part of the borders.
2. So far as access is concerned I genuinely do not believe that the increase in traffic relating to the construction and habitation of the proposed dwelling house will make any difference to the local area. As is to be expected living in a rural/ agricultural area there is a significant amount of large agricultural machinery regularly using the road. Therefore in my opinion two more potential cars will not make any difference.
3. The local area surrounding Kirk road is beautiful and I can understand peoples reservations around the contemporary design of the proposed dwelling . However whilst the design is not typical of the surrounding area if natural, local and "in keeping" materials are used i could not disagree with it. Also if the properties impact on its surroundings is considered both to conceal its outline from neighbours who may have a view of the property and minimise its impact on the landscape then again I could not disagree with its placement.
4. I also believe that this is an opportunity to construct a house that is far more environmentally friendly with regard to insulation, solar power, glazing etc and therefore less polluting to the surrounding area.

If this application is to be decided by councillors I would be happy to speak in person if required but would need advanced warning as i work full time and have young children.

Yours faithfully

Gareth Cook

MANSFIELD COTTAGE, KIRK ROAD, ST. BOSWELLS. TD60EX

3/09/2019

The Chief Planning Officer  
Council Headquarters  
Newtown St. Boswells  
TD60SA

RECEIVED

05 SEP 2019

Dear Sir/Madam,

**Planning Application 19/01178/PPP**

**Erection of dwellinghouse at land North East of Maxton House St. Boswells**

In respect of the above planning application I think that the planned access on Kirk Road to the potential house site above, would add another risk and burden to a single track road that already suffers from heavy vehicle 'through' use. There are also the existing residents, plus Benrig cemetery visitors and St. Cuthbert's Way dog and recreational walkers (who park on the corner at the cemetery entrance) using Kirk Road on a daily basis to consider.

Sadly the upkeep of Kirk Road is poor and in winter it is rarely (if ever) gritted or serviced by a snow plough when required and in consequence the road can be very slippery and dangerous.

At harvest time ( July/August/September) there are various large farm vehicles using the road back and forwards, sometimes X 50 at least, per day, with agricultural vehicles (tractors, trailers, teleporters, combines, sprayers, JCBs etc) using the narrow road regularly at other times throughout the year to gain access to the adjacent fields. It is a regular occurrence to meet at least one of these vehicles on Kirk Road and have to reverse several yards to allow passing, which is a danger in itself given the corners and lack of sightline on the road at points.

As a resident of Kirk Road, I object to the application on the basis that the road is simply not up to additional traffic and that, taking the above points into consideration, the proposed vehicular access, on the corner, halfway along Kirk Road from the Maxton Road to Benrig would add significantly to safety issues for all road users.

Yours faithfully,



Mrs Lorna Peterson

✓

BENRIG  
ST BOSWELLS  
ROXBURGHSHIRE  
TD6 OEX

28/8/2019

Reference: 19/01178/PPP

To whom it may concern:-

As Vice-President of The Borders Arts Society & vice-chairman of The Arts Society, Scotland I have a keen interest in the arts.

The design for the new proposed house on land north-east of Maxton House would fit well in a town or city where there are other contemporary buildings.

Alternatively, it could be sited in the side of a hill where it could become part of the landscape. However, sited in a field between

Maxton House and Mansfield the design is totally out of keeping with the neighbouring buildings and would not fit in with the rural landscape.

The proposed entrance onto Kirk Road does not have clear visibility and with the increased number of cyclists, walkers, cars and farm vehicles that use Kirk Road an accident could easily happen.



RECEIVED 30 AUG 2019 ✓

BENRIG  
ST BOSWELLS  
ROXBURGHSHIRE TD6 0EX

28th August 2019.

Reference 19/01178/PPP

Dear Sirs,

I wish to make an objection to the proposed new house on land north east of Maxton House St Boswells. I live close by at Benrig House and am aware of the following local problems.

The reasons why I wish to object are in no particular order:

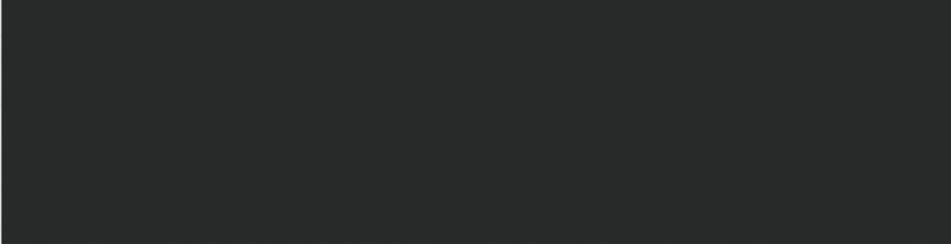
1. The entrance is unsighted by the large hedge to the west of the entrance which would mean vehicles pulling out into the road to see if there was any oncoming traffic.
2. Kirk road is already very busy and is used by a lot of vehicles as a way to avoid St Boswells High Street. My office overlooks the road and I know from observing over many years there a large number of agricultural vehicles using the road and also an increasing number of large lorries use it to avoid the high street in St Boswells.
3. More vehicles using the road would be to the detriment of walkers who use it to exercise themselves and their dogs, the road is known as the 'lungs' of St Boswells and with even more vehicles the chance of an accident increases.
4. There have already been three accidents at least that I am aware of over the past few years at the sharp bend to the north of Benrig, one involving myself and numerous near misses.
5. We already have problems with parking when there is a big funeral in the churchyard, cars park along the side of the road in either direction from the churchyard, another entrance would reduce further the places to park.
6. I have looked at the proposed drawing of the house on the Council's website and it is completely out of keeping with the area and the other

houses already there.

7. One house in the field not connected to any other houses might easily lead to planning applications for further houses in the same field in the future, in other words a precedent is being set.

If you wish to contact myself regarding any points above I am happy to meet or discuss any of it with the planning authority.

Yours faithfully,



[Sender  
Name  
Address]

St. Boswells  
Bank  
St. Boswells  
TAB DEX

[Date]

27.8.19

Planning and Regulatory Services  
Scottish Borders Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA

Dear Sir/Madam

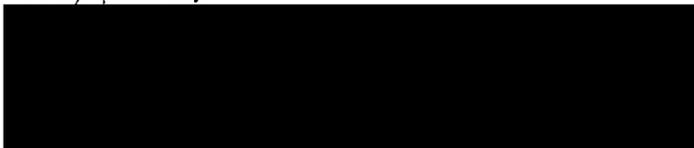
**Reference – 19/01178/PPP (Alternative Reference 10176150-001)**  
**Address – Land North East of Maxton House, St Boswells, Scottish Borders**

I wish to state my objection to the above application for planning permission at Maxton House.

The reasons for my objection include the following concerns:

- Kirk Road is a small road used by many pedestrians. It does not require to have further residential traffic. The proposed new driveway entrance is located close to a corner, visibility in both directions from the drive would be poor which could put both pedestrians and other vehicles at risk.
- The location of the proposed house is in the middle of a field and would appear incongruous in a rural setting.
- The proposed design is totally out of keeping with other residential buildings in the immediate vicinity.
- The grounds around Maxton House would be further diminished, which would not be consistent with a house of its size.

Yours sincerely



Sally McCorquodale

10 Walton Street  
London  
SW3 1RE

JH . (0)

12 September 2019

Planning and Regulatory Services  
Scottish Borders Headquarters  
Newtown St Boswells  
TD6 0SA

Dear Sirs,

**Reference 19/01178/PPP  
Land North East of Maxton House, St Boswells**

I am writing to register my objection to the planning application referenced above.

I regularly visit St Boswells (several times a year) and frequently walk on Kirk Road, both doing a circuit to and from the village as well as accessing walks by the river and St Cuthbert's Way. I can state that over the 20 or so years I have been visiting, I have noticed an increase in usage of the road by both pedestrians and vehicles. The proposed drive entrance will certainly not enhance the experience of walking and, in my opinion, given its location, it is potentially dangerous as visibility is limited for cars exiting and for those turning in.

In addition, this is an area of great rural beauty and more building will certainly not do anything to maintain this rural feel, not least as the proposed drive is long and will run down the length of a woodland strip which currently borders a field. It will disturb wildlife of all types, will upset the ecological balance and will appear as a manmade scar in this delightful countryside setting. Furthermore, the proposed design of the house lacks any understanding of what would be regarded as sympathetic to a Scottish rural style.

Yours faithfully,



Tanis Kawkabani



# Comments for Planning Application 19/01178/PPP

## Application Summary

Application Number: 19/01178/PPP

Address: Land North East Of Maxton House St Boswells Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

## Customer Details

Name: Mr Tim Wishart

Address: The Glebe House, Maxton, Scottish Borders TD6 0RN

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Increased traffic
- Noise nuisance
- Road safety
- Trees/landscape affected

Comment: I am writing to object to this planning request. I live in the area and regularly walk my dogs down the Kirk Road. Over recent years this has become busier and now can be dangerous to all walkers and their dogs. The inhabitants of the area are restricted as to where to walk due to the busy A68 on one side and the river Tweed on the other. This means that this particular area is very popular for walkers. Over recent years the traffic has increased and in particular the agricultural traffic has increased. My belief is that it has already become dangerous and I am worried that an increase in traffic would make this worse when the small road simply is not designed for this activity. This would be especially bad if there was to be a new construction. There is already a new building in the old curtilage of Maxton House. A further new property would put more pressure on such a small area which was never designed to cope with an increase. Also, the immediate vicinity of the proposed property being next to the Tweed would affect the general beauty of the area and also put further pressure on the wildlife which is generally under threat. Finally, if the access to the property was directly onto the Kirk road, I believe this would be dangerous as any car pulling out would not be able to see the oncoming traffic.

Mansfield House  
St Boswells  
Roxburghshire  
TD6 0EX

(JH)(C)

10 September 2019

Planning and Regulatory Services  
Scottish Borders Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 OSA

REFERENCE – 19/01178/PPP  
Maxton House – Land North East of Maxton House, St Boswells

Dear Sir/Madam

### **Objection to Planning Application**

**Location of Driveway:** At the existing passing point, and along a woodland.

This country road has become increasingly busy over the last fifteen years, being used by more (and larger) vehicles, as well as more people out walking, some with (small) children, and with or without dogs, as part of a circular walk connected to the village. For reasons of visibility, restriction and narrowness of the road at the proposed location of the drive, it would be more dangerous for pedestrians, and vehicles alike. It is apparent that further turning movements in and out of the appeal site could add to the current dangers.

The location of the entrance is an important passing point for traffic. The well-used, narrow, unclassified country road is the sole means to Benrig Cemetery. When burials occur, there is huge pressure on passing and parking. Neighbouring agricultural land requires the use of the road as a throughway for large equipment, and transportation of livestock.

In 1990/91 there was an application for a house to be built in the grounds of Maxton House (reference 90/01238/OUT) which was refused by the Borders Regional Council and on subsequent appeal by the Scottish Office. In 1993/94 a new application was put in for the construction of two houses in the grounds of Maxton House (reference 93/01204/OUT and 93/01205/OUT) which was also refused by the Borders Regional Council and on subsequent appeal by the Scottish Office. In both instances safety concerns about the proposed access route (the same as that in the current application) and the effect additional buildings would have upon the general amenity of Maxton House and its grounds were listed as reasons for refusing planning permission.

I am doubtful of the relevance of the mention in the planning permission application, of the premise that there are other long drives in the area. On the A699 end of the road, Maxton House has the longest drive. The drive to Mansfield, which provided access for the church, (dating back to 1652 and predated by an earlier church and manse) is not such a long drive, and is not visible to other houses. The proposed drive will be a much longer L-shape, or

effectively a C-shape, all around and along the full length of the strip of trees. Winding around and along the woods will disturb the natural habitat and wildlife.

Unduly close to Stable House and its short drive, the site of the proposed drive would be extremely unfortunate and effectively cut this property from its rural setting and isolate the house with roads/drives along all sides.

**Location and Style of House:**

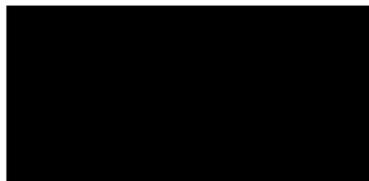
The location of the proposed house, isolated in the middle of adjoining fields is inappropriate, in style and location. Maxton House and the surrounding houses would suffer from such an additional building being constructed; particularly, Maxton House, Mansfield House and Stable House.

The proposed location: At the farthest end of Maxton House's field, upon the boundary itself to Mansfield House, built in 1791. The proposed modern Swiss style house would be both close and visible to Mansfield House, garden, paddock, and woodland. Mansfield House is carefully maintained in keeping with its style. This building scheme is unsuitable to the character and context of the pleasant rural Border countryside.

The applicant's premise is that the sisters want to live close, but not too close. I'm not sure what the relevance is of who might or might not live there, for a few years or more. However, building in the middle of agricultural land would set a precedent of potential further construction. The quality of the Maxton House policies is fragile and could be easily ruined by excessive or inappropriately sited development. This potential development will detract from the attractiveness and desirability of the house and its policies, given its size, importance and location.

If you would like to discuss any of this further, please do contact me via email or telephone.

Yours sincerely,



Eryl Forsyth





FAO:  
Julie Hayward  
Development Management  
Scottish Borders Council HQ  
Newtown St Boswells  
By Melrose  
TD6 0SA

5<sup>th</sup> September 2019

Dear Sir/Madam,

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**OBJECTION TO PLANNING APPLICATION: 19/01178/PPP**

**Land North East of Maxton House, St Boswells, Scottish Borders**

**Erection of Dwellinghouse**

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## Executive Summary

This objection letter has been prepared by Ferguson Planning for submission to Scottish Borders Council ("SBC") on behalf of our retained client, **Mr Lorne Forsyth**, who has received a notification letter from SBC as he resides at Mansfield House, St Boswells, TD6 0EX, located adjacent to the subject site. Its contents have been agreed and approved by Mr Forsyth and accurately represent his views.

This letter provides background to the proposal which we have assessed in terms of previous application case history from Maxton House and in relation to the overall compliance with SBC's planning policy and supplementary guidance.

Our client is not averse to rural housing when appropriately sited and strongly related to an existing building group or in relation to agriculture operations. This proposal does not meet either of those principles and seeks to construct a mainstream residential home in an isolated rural location, nor does it comply with the associated rural housing planning policies. It could set a dangerous development precedent in sensitive rural locations such as this.

We believe the proposal is **not in compliance** with the Scottish Borders Local Development Plan and that there are no other material reasons that would outweigh current planning policy and guidance. The application before the Council, should therefore be **refused**.

## Site Context

The proposed site is positioned approximately 0.3 miles east of St Boswells and located well beyond the settlement confines. It is therefore classified as falling within the countryside, being of prime agricultural land and is located within a Special Landscape Area (SLA) – ‘Tweed Lowlands’.

The proposal is for a mainstream residential home not tied to any agricultural or rural enterprise. The site aerial photo (replicated below) lodged with the application helps to show the isolated nature of the plot.



## Proposed Plot

The dwelling is proposed in a standalone agricultural field with significant distance between it and Maxton House and the neighbouring grouping of houses to the west of the subject site. The plot does not append or relate itself to any existing building group, is disjointed by the fields that would then surround it and has no real containment of note.

It appears to have been positioned as far away from the Maxton House as possible but in so doing has been placed in a more sensitive and isolated location, and which will then be highly visible from our Client’s home and garden grounds.

The proposed access is sought from a field gate on Kirk Road. It is situated on a precarious bend which is currently a much needed passing place for tractors and cars passing on this very narrow road. A mature hedgerow exists on either side of the access which gives rise to significant visibility and safety concerns on access/exit.

### Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

### NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

W [www.fergusonplanning.co.uk](http://www.fergusonplanning.co.uk)



## Planning Application Forms/Drawings

We have the following observations concerning the planning application forms/drawings:

- We note that there were pre-application discussions with the planning department some time ago and it appears that initial advice concurs with ours where it is stated that there was **“concern over position of site in relation to existing group of houses”**.
- The use of high quality design materials can relate to any form of building context. It does not then directly mean the principle or acceptability of a house in this location (which is the first step in understanding overall compliance).
- We seek clarity on the ownership notice as it appears not to match with the date lodged being some three months prior. In addition we understand that certain neighbours did not receive neighbour notification of the application. We hope such people will be afforded additional time to make representations where relevant.
- Given the nature of the site and adjoining trees one would expect a Habitat Survey to be required as part of any planning application package to clarify any ecology sensitivities with this site and as per LDP Planning Policy: EP3 – Local Biodiversity.

## Planning History

Before addressing the relevant planning policies, and why we consider this proposal does not comply with them, we believe it appropriate to outline the previous planning history of this site/area. The points quoted are strong material considerations in the determination of this particular application.

There have been a number of previous applications seeking to develop residential plot(s) in the grounds of Maxton House. **These were all rejected by the Council and Scottish Ministers (Appeal).** (They do not appear to be recorded on the Planning portal).

The Scottish Office case references and pertinent conclusions are quoted below:

**P/PPA/B/248: Appeal by Mr D W Alexander: Proposed Dwelling House, Plot B, Maxton House, St Boswells, 13<sup>th</sup> May 1991**

- ***5. The planning authority’s reasons for refusal were that the proposed development would be detrimental to the setting, character and established amenity of Maxton House and the building group in the surrounding area.***
- ***11. This site bears an unsympathetic relationship with the remainder of the buildings, trees and forms of enclosure within the building group. With its lack of clearly defined natural boundaries on the south-east and south-west and only a thin tree screen on the north-east a house on this small site would be unduly dominant within the building group and would be detrimental to countryside amenity. The location and alignment of the site are factors just as important as the positioning and design of a house within it, in assessing the impact of the development upon the character and setting of Maxton House.***



- **12. The whole surrounding area is of high amenity with large amounts of mature woodland, impressive detached houses, well kept gardens and paddocks and an air of rural seclusion. The appeal site would arbitrarily remove a corner of open paddock with an alignment which would not respect the alignment or setting of Maxton House and detract from the open aspect and vistas across the paddocks.**

*It would detrimentally affect the setting, character and established amenity of Maxton House. The coherence of the remaining grounds around Maxton House ought to be preserved. If the proposed development were permitted it would set an undesirable precedent for further encroachment and reduction of the grounds.*

- **13. The roads department of the regional council does not accept the suitability of the proposed access on the outside of a bend in the unclassified road where the road is narrow and the visibility is restricted.**
- **21. ...I am doubtful that the group should be considered to be so wide as to include Mansfield, Benrig Cemetery and Benrig House.**
- **22. ...I accept the submissions made by the regional council upon this as the road comprises the carriageway and the margins on both sides and is bounded by the hedges or fences on either side. Thus 2m back from the edge of the tarmacadam surface is the point at which the visibility from the access would be less restricted, but the visibility along the unclassified road from left to right would be limited by the bend in the road and would be insufficient for road safety, especially as the road here is narrow and it is said, at some times to be fairly busy.**
- **23. The site itself would represent an arbitrarily chosen intrusion into the parkland where nothing could screen a house on it if it were large enough....They would inevitably be the erection of a building which would by its presence be harmful to the amenity and setting of a fine old house in beautiful countryside. My conclusion is that the proposed development would be detrimental to the countryside amenity and the construction of a driveway across the parkland to it would increase that detriment.**



**P/PPA/B/375 & 376: Appeals by Robert Bowey – Plots 1 & 2, Maxton House, St Boswells, 24<sup>th</sup> October 1994**

Two applications were made for two dwelling houses on plots at Maxton House. It appears that access was being proposed via Maxton House and “possible access” via the field gate on Kirk Road (presumably taking into account the concerns about this entrance which had formed part of the decision for the refusal in 1991).

The applications were conjoined and again went to Appeal with the salient conclusions from the Council’s reason to refuse and the Scottish Office Inquiry Reporters set out below:

- **3. Identical reasons were given for refusing each application. “The proposal would be detrimental to the setting, character and established amenity of Maxton House and the countryside in the surrounding area and would contravene Policy 7 of the Ettrick and Lauderdale Local Plan.**
- **6. The regional council submits that the policy changes since the 1991 appeal decision do not make the current proposals acceptable.**
- **7. Even with the extensive landscaping and the passage of time to allow it to mature, the unfortunate relationship would not be ameliorated.**
- **11. The policy guidance note makes it clear under Building Groups that, having established the presence of a group, it is still necessary to test the suitability of that group to absorb new development.**
- **12. I do not consider the development of either or both of these proposed houses would respect the character of the existing group. In my view, such development in this field would have an adverse effect on the setting of Maxton House and on the amenity of the surrounding area.**

*I have had regard to all the matters raised but none outweighs the considerations leading to my decision. In particular, I note that your preferred access for both plots is by way of the Maxton House drive. If you had maintained the proposal to take access to Plot 2 from the north east corner (ie. current proposed access), I would find that access to be unacceptable.*

*Although traffic emerging on the outside of the bend would have clear visibility on to the unclassified road, vehicles entering the site from the direction of the A699 would not have sight of approaching traffic beyond the bend until the driver had commenced the right turn into the site. Widening the access in the direction of the A699 would not cure that defect.*

- **13. In the exercise of the authority delegated to me, I hereby dismiss your client’s appeals and refuse to grant planning permission for dwellinghouses on either of these plots.**



## Planning Policy Compliance

This section provides an overview of key planning policies relevant to the proposed development and whether or not it complies with such policies. While the previous refused cases fell under previous local plans the principles of building dwellings in the countryside have remained largely unchanged.

Key policy observations are outlined below:

### Policy HD2 Housing in the Countryside

Much of the Housing in the Countryside policy relates to justifiable single dwellings in the countryside, justifiable generally meaning within close proximity to, or infill of, existing rural building groups or the conversion of existing buildings or brownfield sites that already sit well within the rural context.

They require to be of a scale, layout and design suitable for their intended location. We do not consider that the proposed residential dwelling on this open prime agricultural field does comply with the associated policy.

To be acceptable a dwelling requires to relate to, and largely be contained by, an existing group. This proposal seeks to take itself away from the form of building group around Maxton House by some distance. It cannot be considered to be part of that building group particularly as it would be surrounded on all sides by fields pre and post build.

Previous refusals by the Council and Reporter's Unit at Appeal have ruled on this issue on more than one occasion. They have also ruled that housing in this general area would indeed impact on the character and setting of Maxton House. The principles or application of guidance in this regard have not changed and still apply to the current Local Development Plan.

Therefore, the first starting part of Policy HD2 is not met and would merit the refusal of the application in its own right. Another very important issue concerns the requirement for suitable roads access. The proposed access is potentially hazardous in our opinion and was stated to be unsafe in previous rulings.

The proposed access overlaps with a very important and much needed passing place on a sharp bend. On exiting the proposed entrance, visibility to the west is non-existent until a vehicle pulls out onto the middle of the road. Previous rulings have noted that, even had hedgerow been cut back, it would still not satisfy road safety concerns raised. Traffic on this road has increased as has the number of recreational walkers, not least as a result of housing developments in and around St Boswells since previous rulings. Road safety concerns will have therefore increased, rather than diminished, in the intervening years and the road has remained unaltered since previous applications.



In summary, the subject site does not have a strong relationship with an existing building group, does not have a form of containment, gives rise to road safety concerns and would have an adverse or negative impact on the character and setting of both Maxton House and Mansfield as well as the Special Landscape Area in which it is set.

### Design

We do not find the proposed design of the house to be appropriate. Its flat roof, two storey height, scale and massing is wholly out of keeping with the landscape and does not blend in well with the surroundings. This is exacerbated by the choice of an isolated plot by the applicant. It does not fit in to the “context” compared to other houses in the general area and is not in the least sympathetic with the very sensitive landscape that surrounds it.

The house will be clearly visible from our client’s home/garden at Mansfield and exposed to the west and south. It will also be exposed to, and impact upon, the character and setting of Maxton House. Landscaping would not be sufficient enough to diminish or reduce the impact of such a box style / modern home.

Houses of modern design must relate well within the context that they are set and relate closely to existing built form. The proposal falls short on both those counts.

**For the reasons outlined above in this section addressing Policy HD2, and those outlined in previous rulings, this proposal fails to meet this Policy in full. In our view, the proposal therefore merits refusal on those grounds alone.**

### Policy PMD2: Quality Standards

The above policy covers wide ranging requirements that seek to ensure development of the highest quality. The proposal does not comply with key criteria for many of the reasons previously noted (lack of landscaping, not respecting the characteristics of the surrounding area, adverse impact on the general amenity etc).

Beyond this there are the necessary requirements within criterion ‘q’ that relates to accessibility. It seeks to ensure that there is no adverse impact on road safety particularly in relation to taking access to, or from, a public road.

As we have noted previously there are a considerable number of road safety concerns regarding the site access. These include the fact that that there is no exit visibility to the west, that the access is used as a passing place, which is very much needed given the heavy use of the road for large agricultural vehicles as well as the ever-increasing level of road user traffic. Additionally, pedestrian use has increased very significantly, at all times of day, and into the evening.

The appropriate visibility splays needed cannot be achieved due to the high hedgerow looking in both directions. Pulling blindly out into the middle of the road would be dangerous and should not be permitted for safety reasons as it puts both pedestrians and passing vehicles at risk.



Previous case law supports this position and the rulings have also indicated that small amendments such as cutting back some hedgerow would still not be sufficient to address all the related road safety concerns.

**In short, the proposal fails to comply with Policy PMD2: Quality Standards.**

### **Policy EP5: Special Landscape Areas (SLA) & Policy EP6: Countryside Around Towns**

The subject site falls within a Special Landscape Area and Countryside Around Towns designation which adds an extra layer of sensitivity when proposing new development within.

The policy seeks to safeguard landscape quality and pays particular attention to understanding associated landscape impacts. Where developments are found to have significant adverse impact they will normally be refused unless outweighed by social/economic benefits of national or local importance.

The proposal has sought to locate itself away from the Maxton House grouping and set itself within an isolated and rural plot. As previous rulings have concluded, this proposal will also have a significant landscape impact on the local area and setting of Maxton House and Mansfield. It provides no social or economic benefits that would justify the landscape impact it would cause. Consequently, our view is that the proposal fails to meet Policy EP5 due to the significant negative impact it would have upon the SLA and local landscape.

**There is no essential or rural requirement for the plot and it does not adhere to Policy HD2 and thus the proposal also falls short in complying with Policy EP6 of the LDP.**

## **Conclusion**

In conclusion, the application before the Council does not comply with the following key LDP Planning Policies:

**Policy HD2: Housing in the Countryside**

**Policy PMD2: Quality Standards**

**Policy EP5: Special Landscape Areas**

**Policy EP6: Countryside Arouns Towns**

Similarly, it does not fully adhere to the relating Supplementary Guidance and, taken as a whole, we therefore believe it should lead to a decision of **refusal**.

We trust that the matters we raise in this letter will be taken into consideration during the determination of the application. We reserve the right to comment further on any new or further submissions lodged by the applicant.

F E R G U S O N  
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Should you wish to discuss further the content of this letter then please do not hesitate to contact Tim Ferguson (Managing Director) either by telephone (07960003358 or 01896 668744) or email (tim@fergusonplanning.co.uk).

Yours Sincerely



**FERGUSON PLANNING**

**On behalf of Mr Lorne Forsyth, Mansfield, St Boswells, TD6 0EX**

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Page 121

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**From:** Ian Dalziel

**Sent:** 11 Sep 2019 09:23:22 +0100

**To:** Planning & Regulatory Services

**Subject:** Application number 19/01178/PPP Land North East of Maxton House, St Boswells.

Dear Sirs,

My objections to this proposal are general and specific.

In general terms, the absence of any contact between the applicant and/or her agent is a matter to be regretted.

As an immediate and affected neighbour I would have welcomed a meeting. I understand the applicant is non-resident but an effort to meet the neighbours would have been appreciated. This is even more unusual because clearly the idea to build a house on agricultural land has been formulated over a period of several months. As it was, I was advised informally by a note delivered to my house by the applicant's niece on July 19th and only received official notification from the Council on August 30th.

Another general concern is the likely intention of the applicant. Were her circumstances to change and for whatever reason a decision was taken not to take up residence in Scotland then the applicant would be fully entitled to sell the site, with outline planning, to a third party, assuming the application is successful. I am not doubting the applicant's integrity but should a decision be made not to relocate and specifically to Maxton, the rationale contained in Dr Anna Dall's submission would be overtaken by events.

Maxton House and Cottage is a substantial property. A further diminution of the extent of its surrounding grounds, by the loss of this proposed site, is in sharp contradiction to the accepted notion as to what is traditionally regarded as commensurate for a period house of this size and design. I refer to *The Buildings Of Scotland, Borders* edited by Cruft, Dunbar and Fawcett, 2006.

More specifically my objections are:

- Kirk Road is a narrow road. Passing places are poorly delineated and the 20mph signs virtually invisible.
- the creation of an entry/exit to the proposed dwelling would be narrow with less than ideal visibility
- a number of long established trees and hedges would have to be destroyed to eliminate this lack of visibility
- there is a steady stream of farm vehicles, often in convoy. They seem to get wider, heavier and longer every year
- this traffic can cause passenger cars to back up as the drivers of the large farm vehicles cannot easily reverse in such tight corners
- the damage to the hedges, verges and road surface is clear to see, as are the many pot holes
- Kirk Road is located in an area of general amenity enjoyed by many
- walkers, children, bikers, dogs and those accessing the Tweed and St Cuthbert's Way would be affected
- the general amenity of the area would be adversely impacted by any additional traffic associated with this proposed build
- the house which is the subject of the Application is uniquely unattractive and totally out of character with the local architectural vernacular
- the materials, appearance and style of this dwelling are clearly influenced by housing not associated with rural Scotland and our climate

Yours faithfully

Ian Dalziel

Stable House

Maxton

St Boswells TD6 OEX

RECEIVED

02 SEP 2019

Laretburn Farm House  
St. Boswells  
Melrose  
TD6 0DJ

29<sup>th</sup> August 2019

Planning and Regulatory Services  
Scottish Borders Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA

Dear Sir/Madam

**Reference – 19/01178/PPP (Alternative Reference 10176150-001)**  
**Address – Land North East of Maxton House, St Boswells, Scottish Borders**

We are writing with regard to the above application for planning permission within the grounds of Maxton House. We wish it to be recorded that we are objecting to this application.

Our objection is based on the following:

- The proposed access point does not have clear visibility and would be hazardous both for other vehicles and for pedestrians on a road which is much utilised for recreational walking. The road is also the principal access to Benrig Cemetery, and we would not like to see damage to our ancient hedges on that road.
- The further intensive use of vehicles which the development would bring on the unclassified road which runs from the A699 passed Maxton House by a twisting route to the B6404 road east of St Boswells.
- The undesirability of further development in a dispersed building group such as exists at Maxton.
- The proposed building is in an exposed location and is on agricultural land with fields on all sides. It would not be a good precedent for such a development to be approved particularly, within what is a Special Landscape Area.

Yours sincerely

  
James and Claire McCorquodale

# Comments for Planning Application 19/01178/PPP

## Application Summary

Application Number: 19/01178/PPP

Address: Land North East Of Maxton House St Boswells Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

## Customer Details

Name: Miss Jennifer Shelley

Address: Temple Farmhouse, St Boswells, Melrose, Scottish Borders TD6 0EX

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Land affected
- Loss of view
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment:

9 September 2019

Temple Farm

St Boswells

TD6 0EX

19/01178/PPP Erection of dwellinghouse | Land North East Of Maxton House St Boswells Scottish Borders

Dear Sirs

I feel I have to object to the proposed new house on land north east of Maxton House.

In no particular order:

Access to Kirk Road is potentially dangerous. However slowly you come out onto Kirk Road, pedestrians, dogs, vehicles will be very difficult to see.

The proposed site is not part of any "grouping" but stand alone and therefore stand out and will not enhance the amenity or agricultural land of Maxton House

The proposed building does not seem to blend in with existing buildings, by it's shape, materials etc

Previously in the '90s planning permission was refused for most if not all of the above.

Yours faithfully

Jennifer Shelley

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FAO: Louise McGeoch  
Clerk to the Local Review Body  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

1<sup>st</sup> November 2019

Dear Ms McGeoch,

**APPEAL REFERENCE: 19/00025/RREF**

**Land North East of Maxton House, St Boswells, Scottish Borders: Erection of Dwellinghouse**

We are writing on behalf of our retained client, **Mr Lorne Forsyth**, the owner of Mansfield House (located adjacent to the subject site) and with regard to your letter dated 17<sup>th</sup> October 2019 informing us of the above appeal.

As you will be aware we have made a number of representations to the application and we would be grateful if they can be carried forward and presented to the Local Review Body in advance of the determination of this case.

This letter does not seek to repeat points previously made in any great detail, but we do wish to take the opportunity afforded to us to respond to the Appeal submission. The Appeal Statement appears to be limited to a number of sentences within the appeal form itself. Our response is set out below using the key headings of: **'Building Group' and 'Access'**.

**1. Building Group**

We consider that the Appellants' position of seeking to build in an isolated location is not consistent with the requirements of the relatively stringent Building Group Policy as applied by the Scottish Borders Local Development Plan (LDP) Policy HD2 and related Supplementary Planning Guidance (new Housing in the Borders Countryside). The Appeal refers to the concept of a 'cluster' but our understanding is that the concept of a 'cluster' is not how the LDP policy applies itself in the Scottish Borders nor in its review on whether to allow new houses in the countryside.

Policy HD 2 'Housing in the Countryside' seeks to ensure the existence of a building group (three closely related dwellings) and that any plot has a suitable and safe road access. It must also not adversely affect the character of the area or landscape.

Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the site. In this instance there is a significant open field between the proposed house and the existing dwelling at Maxton House and other dwellings toward the end of the driveway. The Appellants themselves note it being some 96 metres away. It has no strong relationship with any existing buildings and it goes beyond existing screening/containment in and around Maxton House and neighbouring dwellings.

The point about distance, as laid out in the appeal submission, is not consistent with Policy HD2 which addresses the relationship and siting with an existing building group (should one exist) with the subject site then being a logical addition. Neither have been proven to be the case here.

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We fully endorse the Case Officer's assessment to refuse the application. The reasons given broadly match those that were contained within our own representations. These are that the proposal:

- Is not a logical extension to any building group and is divorced from the existing houses and thus out with the sense of place.
- Will break into open undeveloped field that does not relate or respect the character of the local area or built form. It would lead to an unjustified and sporadic expansion of residential dwellings in the open countryside and one which is set within a sensitive and designated landscape.

## 2. Access

We consider that a further strong and material reason on why this appeal should be refused is the lack of suitable and safe access to the subject site.

Within the representation made by the Council's Roads Officer it was stated that, for safety reasons, a condition for the proposed driveway access would be the requirement for a visibility splay with dimensions of 2.4 metres x 59 metres in either direction before it could then be deemed to comply with the required safety standards. In our opinion, that should be regarded as a minimum threshold.

We have taken third party independent surveying advice to determine what this condition implies. From the registered boundary line between Mansfield and Maxton House by Kirk Road it is estimated that at least 10 metres of Mr Forsyth's hedging would need to be removed in order to achieve the necessary visibility splay (as laid out by the Roads Department).

As the Case Officer's Report highlights, the hedge is not located on land controlled, or owned, by the Applicant, so it is not clear how the Roads Department's condition could be achieved. The hedging is on land belonging to Mansfield.

The removal of 10 metres of hedging would substantially change the boundary condition of Mansfield and is not acceptable to Mr Forsyth, meaning that it cannot be achieved. Furthermore, it is in a protected local landscape. We therefore do not see how the principle of safe and appropriate access can be provided which is a further reason as to why this appeal should be dismissed.

In summary, it is our considered opinion that the proposal before the Local Review Body does not comply with the related LDP Policies and we do not see any other material planning reasons that would merit the reversal of the Case Officer's decision to refuse the proposal.

Yours sincerely,



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## List of Policies

**Local Review Reference:** 19/00025/RREF

**Planning Application Reference:** 19/01178/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Land North-East of Maxton House, St Boswells

**Applicant:** Mr and Mrs Richard and Alison Thomas

### Scottish Borders Local Development Plan 2016

#### POLICY PMD1: SUSTAINABILITY

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

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

#### POLICY PMD2: QUALITY STANDARDS

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

##### Sustainability

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

## List of Policies

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

### Placemaking & Design

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

### Accessibility

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

### Greenspace, Open Space & Biodiversity

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

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

## **POLICY HD2: HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,

## List of Policies

- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

### (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

### (B) DISPERSED BUILDINGS GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

## List of Policies

### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

### (D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

### (E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

### (F) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued

## List of Policies

use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and

- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

### **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 EP1: INTERNATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES**

Development proposals which will have a likely significant effect on a designated or proposed Natura site, which includes all Ramsar sites, are only permissible where:

- a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- b) there are no alternative solutions, and
- c) there are imperative reasons of overriding public interest including those of a social or economic nature

Where a development proposal is sited where there is the likely presence of an EPS, the planning authority must be satisfied that:

- a) there is no satisfactory alternative, and
- b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment, and
- c) the development is not detrimental to the maintenance of the population of a EPS at a favourable conservation status in its natural range.

### **POLICY EP2: NATIONAL NATURE CONSERVATION AND PROTECTED SPECIES**

## List of Policies

Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest or habitat directly supporting a nationally important species will not be permitted unless:

- a) the development will not adversely affect the integrity of the site, and
- b) the development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site.

The developer will be required to detail mitigation, either on or off site, of any damage that may be caused by development permissible under the exception criteria.

### **POLICY EP3: LOCAL BIODIVERSITY**

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance.

### **POLICY EP5: SPECIAL LANDSCAPE AREAS**

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

### **POLICY EP6: COUNTRYSIDE AROUND TOWNS**

Within the area defined as Countryside Around Towns, proposals will only be considered for approval if they meet the following considerations:

- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural, horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or,
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or

## List of Policies

- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

### **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 IS2: DEVELOPER CONTRIBUTIONS**

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the

## **List of Policies**

council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

### **POLICY IS3: DEVELOPER CONTRIBUTIONS RELATED TO THE BORDERS RAILWAY**

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

### **POLICY IS5: PROTECTION OF ACCESS ROUTES**

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

#### **WASTE WATER TREATMENT STANDARDS**

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

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

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

Development will be refused if:

## **List of Policies**

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

### **SUSTAINABLE URBAN DRAINAGE**

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

### **OTHER MATERIAL CONSIDERATIONS**

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Guidance on New Housing in the Borders Countryside 2008

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Notice of Review



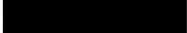
**NOTICE OF REVIEW**

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

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

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

**Use BLOCK CAPITALS if completing in manuscript**

<b>Applicant(s)</b>	<b>Agent (if any)</b>
Name Bryan Moore	Name Kevin Andison
Address 4 Lauder Road Earliston	Address Mitchell Glass Currie Road Galashiels
Postcode TD4 6EE	Postcode TD1 2BP
Contact Telephone 1 	Contact Telephone 1 01896 752628
Contact Telephone 2 	Contact Telephone 2
E-mail* 	E-mail* Kevin@mitchellglass.co.uk
	Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>
	Yes No
* Do you agree to correspondence regarding your review being sent by e-mail?	<input checked="" type="checkbox"/> <input type="checkbox"/>

Planning authority Scottish Border Council

Planning authority's application reference number 19/01018/FUL

Site address 4 Lauder Road Earliston TD4 6EE

Description of proposed development Erection of porch and replacement boundary fence

Date of application 10th July 2019 Date of decision (if any) 25 October 2019

**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.

I am appealing the decision by Scottish Border council on not allowing a 1.8 metre high boundary fence to the front of my property I think I have the right to privacy within my front garden and a fence to the height of 1.2 metres as recommended would not give me any privacy.

No neighbours have any objections to a 1.8 metre boundary high fence. My next door neighbour (6 Lauder Road ) has a high fence to the front of his garden and has access to the house by patio doors in complete privacy and when in his garden also has complete privacy.

On the A68 road in Earlston there are a few high boundary fences on the side of the pavements next to the road (will insert photos on email ) my house is not next to the main A68 road it is next to the layby that runs parallel with the A68.

In other towns and villages in the Scottish Border high boundary fences have been erected to the front of house next to main roads. (will insert photos on email)

As I have been given permission to erect a porch to the front elevation of the house I will have no privacy in the porch without a 1.8 metre high boundary fence.

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.

Photos attached to email when submitting 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

***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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Mr Bryan Moore  
per R Mitchell Glass Ltd  
Per Kevin Andison  
Currie Road Industrial Estate  
Galashiels  
Scottish Borders  
TD1 2BP

**Please ask for:** Julie Hayward  
**☎** 01835 825585  
**Our Ref:** 19/01018/FUL  
**Your Ref:**  
**E-Mail:** JHayward2@scotborders.gov.uk  
**Date:** 25th October 2019

Dear Sir/Madam

**PLANNING APPLICATION AT 4 Lauder Road Earlston Scottish Borders TD4 6EE**

**PROPOSED DEVELOPMENT: Erection of porch and replacement boundary fence**

**APPLICANT: Mr Bryan Moore**

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>. Please see the requirement for notification of initiation and completion of development as well as for Street naming and numbering as appropriate.

It should be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

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

**Application for Planning Permission**

**Reference : 19/01018/FUL**

**To : Mr Bryan Moore per R Mitchell Glass Ltd Per Kevin Andison Currie Road Industrial Estate  
Galashiels Scottish Borders TD1 2BP**

With reference to your application validated on **10th July 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of porch and replacement boundary fence**

**At : 4 Lauder Road Earlston Scottish Borders TD4 6EE**

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 (as amended), 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 25th October 2019  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/01018/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
27766(MOORE)PL01	Location Plan Proposed Plans	Approved 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 porch hereby permitted shall not be carried out otherwise than in complete accordance with the drawing (Number: 27766(Moore) PL01), materials and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
  
- 2 The fence and gate to be erected on the front and side boundaries of the front garden facing the A68 to be no more than 1.2m in height (the fence on the north/side boundary to be no higher than the existing fence).  
Reason: To safeguard visual amenities.

**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 1997 (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 available on the Council's website for this purpose.

### Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) 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, 4<sup>th</sup> 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 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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 (as amended).

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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 :** 19/01018/FUL

**APPLICANT :** Mr Bryan Moore

**AGENT :** R Mitchell Glass Ltd

**DEVELOPMENT :** Erection of porch and replacement boundary fence

**LOCATION:** 4 Lauder Road  
Earlston  
Scottish Borders  
TD4 6EE

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
27766(MOORE)PL01	Location Plan Proposed Plans	Approved Approved

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

There are no representations.

**CONSULTATIONS:**

Roads Planning Service: It should be noted that the road and footway adjacent to this property is deemed part of the trunk road network and, as such, the comments of Transport Scotland should be sought. Were the road and footway the responsibility of the Council, I would expect the footway across the frontage of the property to be amended to provide a full upstand to the kerbing rather than the dropped kerbs (appropriate for the vehicular access) which currently exist. Any works within the footway would have to be carried out to the satisfaction of Transport Scotland as Roads Authority. I am also of the opinion that the area to the north of the property will be able to cater for the loss of the private parking space, however this is again a matter for Transport Scotland to comment on as the relevant Roads Authority.

Transport Scotland: No objections.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards  
HD3: Protection of Residential Amenity  
IS7: Parking Provision and Standards

Supplementary Planning Guidance:

Placemaking and Design January 2010  
Guidance on Householder Developments July 2006

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 24th October 2019

#### Site and Proposal

The property is a semi-detached, two storey dwellinghouse situated to east of the A68. It fronts onto a spur road off the A68 and backs onto Huntshaw Road.

The property has dry dash walls, UPVC windows and doors and a slate roof. The front curtilage is bound by a dwarf wall, railings, timber fence and black metal gates and there is a vehicular access onto Huntshaw Road and onto the A68 spur. There is a single storey building on the south elevation, formerly the police station, and garages to the rear, which appear to be outwith the ownership of the applicant.

The proposal is to erect a porch onto the front elevation. This would have a Fyfe stone basecourse, dry dash render to the dwarf walls and a white UPVC frame. It would be 3.2m by 3.2m and 8.9m high. A 1.8m timber fence would be erected along the boundaries of the property.

#### Assessment

The proposed porch is large in scale, larger than the average porch would be expected to be, and reads as a conservatory on the front elevation of the property. Normally such a proposal would not be appropriate for a front elevation in such a prominent position. However, the design and materials are considered to be acceptable in this location and the proposal would have a neutral impact on visual amenities.

The proposed porch would not affect the light to the neighbour to the north or result in any direct overlooking. The police station appears vacant but the porch would not affect the light or privacy of occupants of this building.

The proposal is to erect a 1.8m fence around the front boundary. An image has been provided showing the fence around the front garden. This indicates that the fence would be highly prominent in the streetscene and out of keeping with the other boundary treatments for this row of properties, which are predominantly walls and hedges (although there are higher fences on the boundary with side gardens). A lower fence would be more appropriate. The applicant has been requested to lower the fence but wishes the application to be determined as submitted. Rather than refusing the application, and thereby consent for the porch, a condition is recommended that will restrict the fence and gate to 1.2m in height (in keeping with the existing fence) on the road and side boundaries of the front garden, to safeguard visual amenities.

The parking space to the front of the property would be lost but the Roads Planning Service considers the area to the rear to be sufficient for on-site parking. No objections have been received from Transport Scotland.

#### **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 porch hereby permitted shall not be carried out otherwise than in complete accordance with the drawing (Number: 27766(Moore) PL01), materials and specifications approved by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

- 2 The fence and gate to be erected on the front and side boundaries of the front garden facing the A68 to be no more than 1.2m in height (the fence on the north/side boundary to be no higher than the existing fence).  
Reason: To safeguard visual amenities.

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

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@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 100172966-001

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)

Erection of glazed porch and replacement fencing.

Is this a temporary permission? \*  Yes  No

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

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

- No  Yes – Started  Yes - Completed

### Applicant or Agent Details

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

## Agent Details

Please enter Agent details

Company/Organisation:	Mitchell Glass		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	Mitchell Glass
Last Name: *	Andison	Building Number:	
Telephone Number: *	01896 752628	Address 1 (Street): *	Currie Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 2BP
Email Address: *	Kevin@mitchellglass.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:	
First Name: *	Bryan	Building Number:	4
Last Name: *	Moore	Address 1 (Street): *	Lauder Road
Company/Organisation	R. Mitchell Glass Ltd.	Address 2:	
Telephone Number: *	01896 752628	Town/City: *	Earlston
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD4 6EE
Fax Number:			
Email Address: *	kevin@mitchellglass.co.uk		

## Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

4 LAUDER ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EARLSTON

Post Code:

TD4 6EE

Please identify/describe the location of the site or sites

Northing

638633

Easting

357268

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

136.48

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)

Dwelling House

## 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?

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)? \*

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?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

N/A

## 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: Kevin Andison

On behalf of: Mr Bryan Moore

Date: 09/07/2019

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 Kevin Andison

Declaration Date: 09/07/2019

## Payment Details

Online payment: XM0100003070  
Payment date: 09/07/2019 11:20:00

Created: 09/07/2019 11:20

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**APPROVED**

subject to the  
requirements of the  
associated Decision  
Notice

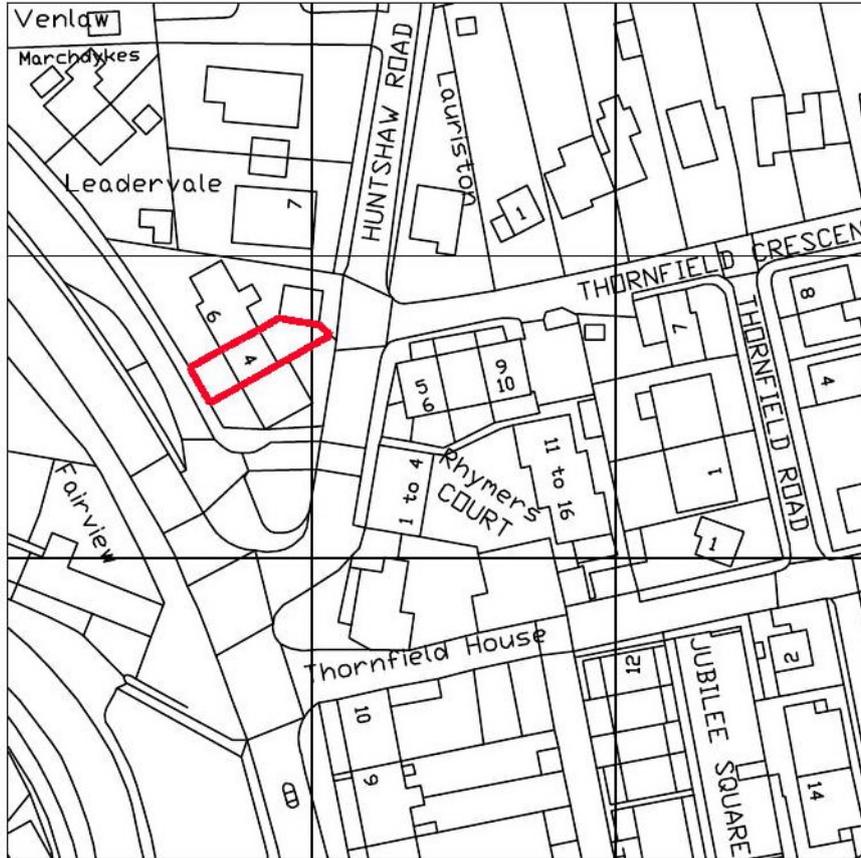
19/01018/FUL  
25.10.2019

# SITE LOCATION PLAN

4 LAUDER ROAD  
EARLSTON

TD4 6EE

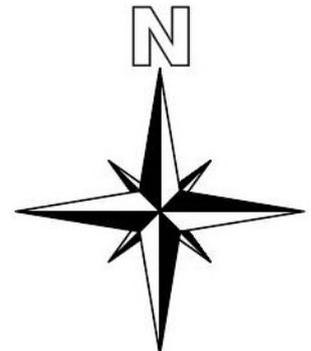
Scale. 1:1250



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Scale Bar ~  
1:1250



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Currie Road  
Galashiels  
TD1 2BP  
01896 752628  
www.mitchellglass.co.uk



Detail:

**Location Plan**

Drawn:

**KMA**

Scale:

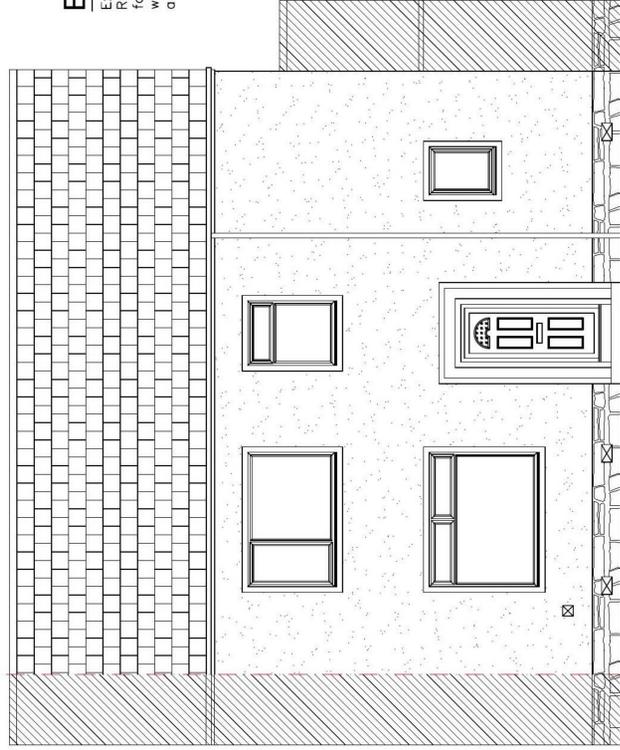
**1:1250 @ A4**

**APPROVED**

subject to the  
requirements of the  
associated Decision  
Notice

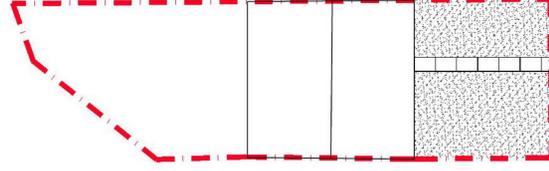
**Existing**

Existing, traditional built dwelling on Lauder Road on the outskirts of Earlston. South West facing front elevation finished with white uPVC windows and door, buff coloured dry dash walls above DPC level and fyre stone below DPC.



**Existing SW Elevation**

Scale. 1:150

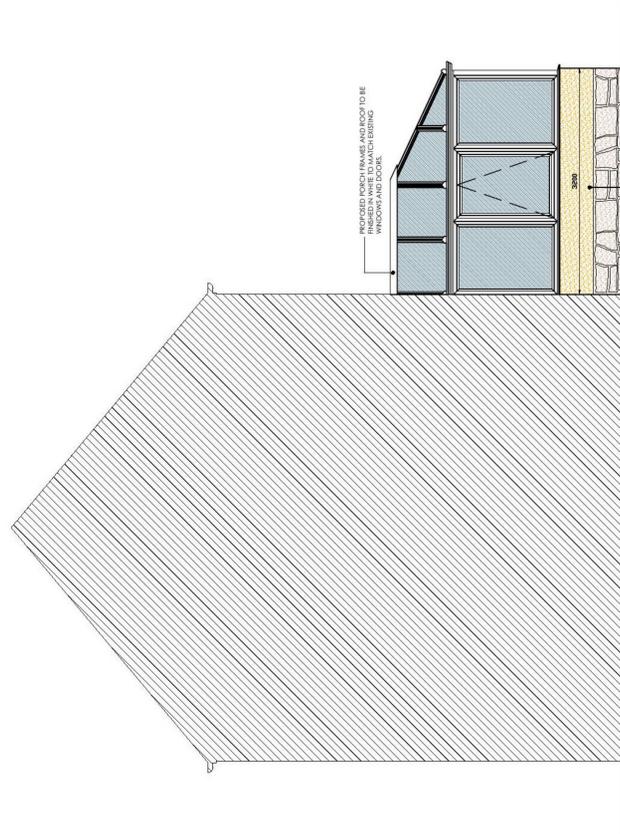


**Existing Block Plan**

Scale. 1:150



Scale Bar ~  
1:1250

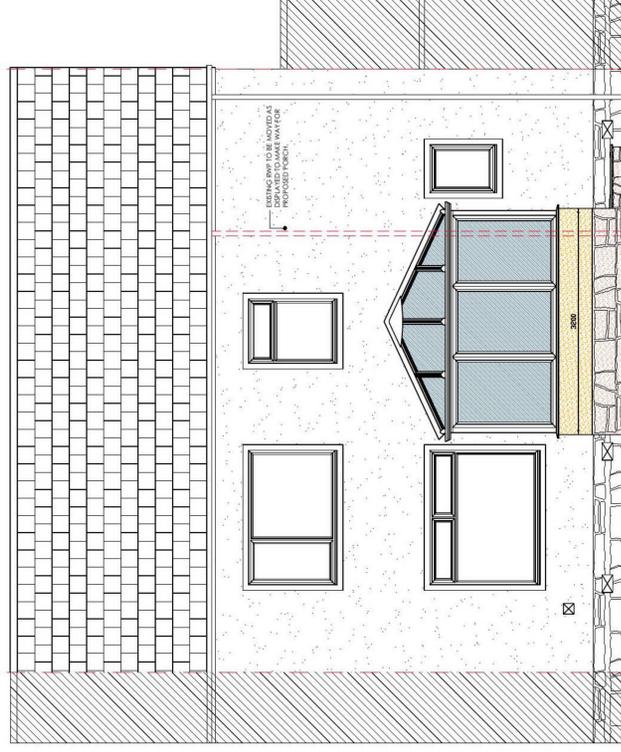


**Proposed NW Elevation**

Scale. 1:50



Scale Bar ~  
1:50



**Proposed SW Elevation**

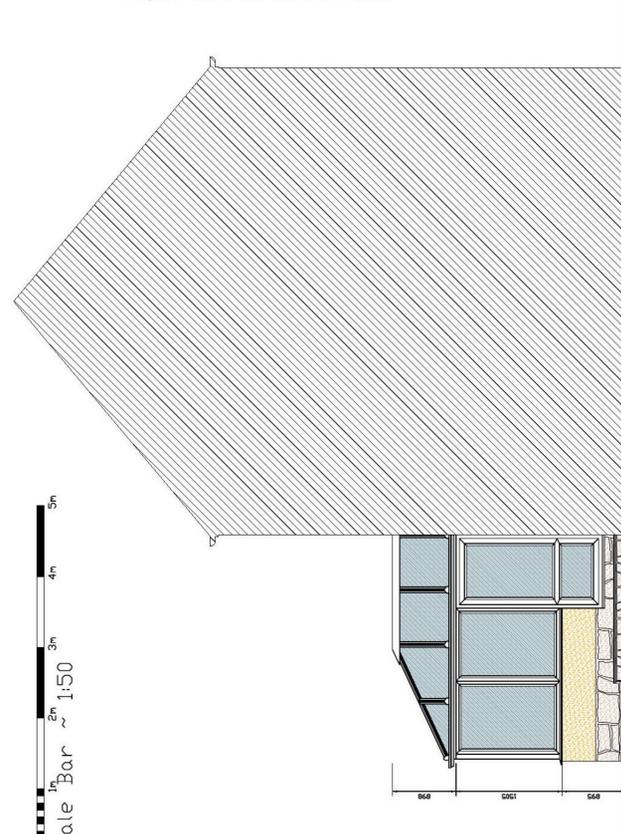
Scale. 1:50

**Proposal**

Proposed new porch to 4 Lauder Road Earlston to be positioned on front, South West facing elevation.

Porch to be finished to match existing dwelling with fyre stone base course, colour matched dry dash to dwarf walls and windows and roof coloured white as existing windows and door. All damage to be made good and matched with existing dwelling.

Windows and door of proposed porch to be double glazed with low-e glass and achieve a U-value of 1.6W/m<sup>2</sup>K.  
Existing Fencing around boundary of dwelling to be replaced with 1.8m timber fence painted and maintained annually.

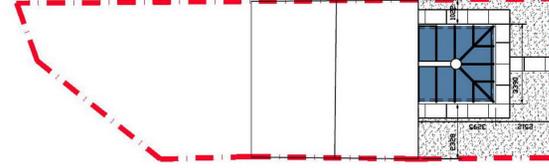


**Proposed SE Elevation**

Scale. 1:50



Scale Bar ~  
1:1250



**Proposed Block Plan**

Scale. 1:150

Status:  
**Planning**

Note:  
Mitchell Glass does not accept liability for accuracy or veracity of survey information provided by others and used in the preparation of this drawing.

All vertical and horizontal dimensions and levels must be checked and verified on site.

Drawings are to be read in conjunction with Structural Engineers specification where applicable.

Unless otherwise assigned, the copyright of this drawing is reserved by Mitchell Glass.

Do not scale from this drawing, refer to stated dimensions only.

Amendments:

First Issue.

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Currie Road  
Galashiels  
TD1 2BP



01896 752628  
www.mitchellglass.co.uk

Project:  
**Mr & Mrs Moore**  
4 Lauder Road  
Earlston, TD4 6EE

Drawing:  
**Proposed**

Date:  
July 2019

Scale:  
Noted @ A1

Drawn:  
KMA

Checked:  
SS

Drawing No.  
27766(Moore)PL01



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Page 179

Detail:

Existing Photo

Drawn:

KMA

Scale:

NTS @ A4

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Page 181

Detail:

Proposed Photo

Drawn:

KMA

Scale:

NTS @ A4

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**Response On Development Affecting Trunk Roads and Special Roads**

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0S	Council Reference:-	19/01018/FUL
	TS TRBO Reference:-	SE/92/2019

Application made by Mr Bryan Moore per R Mitchell Glass Ltd, Per Kevin Andison Currie Road Industrial Estate Galashiels Scottish Borders TD1 2BP and received by Transport Scotland on 02 October 2019 for planning permission for erection of porch and replacement boundary fence located at 4 Lauder Road Earlston Scottish Borders affecting the A68 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Area Manager (A68) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	SOUTH EAST
Address:-	6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
Telephone Number:-	0800 0420188
e-mail address:-	OCCR.SESCOTLAND@amey.co.uk

**Transport Scotland Response Date:-** 11-Oct-2019

**Transport Scotland Contact:-** Shaun Phillips

**Transport Scotland Contact Details:-**

Roads - Development Management  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
Telephone Number:  
e-mail: development\_management@transport.gov.scot

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Roads Planning Service</b>		<b>Contact e-mail/number:</b>	
<b>Officer Name and Post:</b>	<b>Alan Scott Senior Roads Planning Officer</b>		<a href="mailto:ascott@scotborders.gov.uk">ascott@scotborders.gov.uk</a> <b>01835 826640</b>	
<b>Date of reply</b>	9 <sup>th</sup> August 2019		<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	19/01018/FUL		<b>Case Officer:</b> Julie Hayward	
<b>Applicant</b>	Mr. B. Moore			
<b>Agent</b>	R. Mitchell Glass Ltd.			
<b>Proposed Development</b>	Erection of porch and boundary fence			
<b>Site Location</b>	4 Lauder Road, Earlston			
<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>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Loss of parking</li> <li>• Footway crossing</li> </ul>			
<b>Assessment</b>	<p>It should be noted that the road and footway adjacent to this property are deemed part of the trunk road network and, as such, the comments of Transport Scotland should be sought. Were the road and footway the responsibility of the Council, I would expect the footway across the frontage of the property to be amended to provide a full upstand to the kerbing rather than the dropped kerbs (appropriate for the vehicular access) which currently exist. Any works within the footway would have to be carried out to the satisfaction of Transport Scotland as roads authority. I am also of the opinion that the area to the north of the property will be able to cater for the loss of the private parking space, however this is again a matter for Transport Scotland to comment on as the relevant roads authority.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

Signed: DJI

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## List of Policies

**Local Review Reference:** 19/00027/RCOND

**Planning Application Reference:** 19/01018/FUL

**Development Proposal:** Erection of porch and replacement boundary fence

**Location:** 4 Lauder Road, Earlston

**Applicant:** Mr Bryan Moore

### 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 IS7: PARKING PROVISION AND STANDARDS**

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

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

In town centres where there appear to be parking difficulties, the Council will consider the

## **List of Policies**

desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

### **OTHER MATERIAL CONSIDERATIONS**

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@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 100198642-001

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

### Applicant or Agent Details

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

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Tim"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="Ferguson"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01896 668 744"/>	Address 1 (Street): *	<input type="text" value="54 Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="TD1 1HR"/>
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="54"/>
First Name: *	<input type="text" value="Roddy"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Jackson"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="C/o Ferguson Planning Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="01896668744"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Folly cottage, Woodside Farm, Kelso, Scottish Borders"/>
--

Northing	<input type="text" value="624210"/>	Easting	<input type="text" value="380969"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

REPLACEMENT DWELLING OF AN EXISTING BUILDING AND ERECTION OF A SINGLE DETACHED GARAGE

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See Appeal Statement

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

Yes  No

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

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

See Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/00965/FUL

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

02/07/2019

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

04/09/2019

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 05/11/2019

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## APPEAL STATEMENT (CD 1)

### SITE ADDRESS

**FOLLY COTTAGE WOODSIDE FARM, KELSO, SCOTTISH  
BORDERS**

### PROPOSAL

**APPEAL AGAINST REFUSAL OF REPLACEMENT DWELLING  
AND ERECTION OF A SINGLE DETACHED GARAGE**

**APPLICATION REF: 19/00965/FUL**

### APPLICANT

**MR AND MRS JACKSON**

**NOVEMBER 2019**



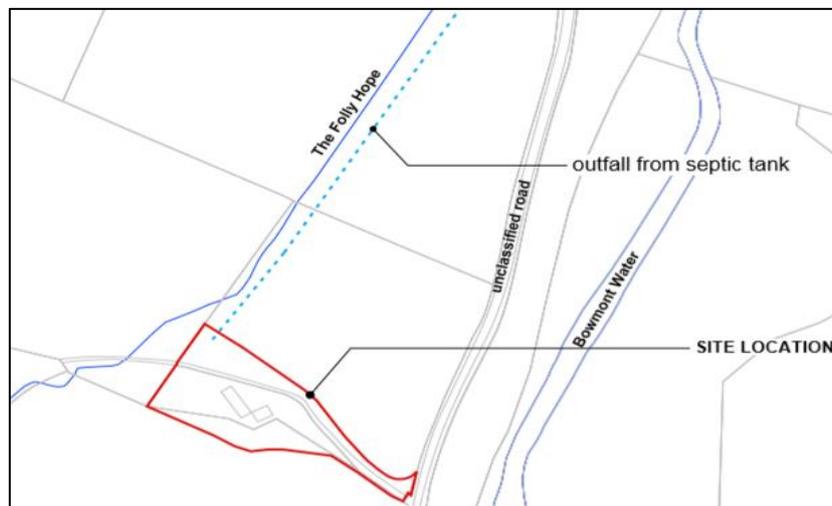
## CONTENTS

1. INTRODUCTION AND PROPOSAL DESCRIPTION
2. PLANNING POLICY CONTEXT
3. POLICY COMPLIANCE
4. GROUNDS OF APPEAL
5. CONCLUSIONS

## APPENDIX 1: CORE DOCUMENTS

## 1. INTRODUCTION AND PROPOSAL DESCRIPTION

- 1.1 This statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Appellant, Mr and Mrs Jackson. Appendix 1 also provides the core documents that form the remaining evidence base used in support of the proposal.
- 1.2 The purpose of this Statement is to provide a good level of understanding of the appeal site and the context within which it lies, before providing background to the proposed development and its compliance with planning policy and relevant Grounds of Appeal (GOA).
- 1.3 The proposal seeks a replacement dwelling due to constructional and sustainability issues that have emerged with the previously consented and enacted conversion development, in particular destabilising risks to the remaining walls and a deficiency in energy standards. The new build provides the opportunity to address these concerns while also ensuring build safety and improvements in energy efficiency.
- 1.4 The site is situated within the Bowmont valley, 3 miles south of Town Yetholm, on the lower eastern slopes of Crookedshaws Hill, overlooking the Bowmont Water. A track leads uphill from the roadside (the eastern boundary), where the building sits is on an elevation above The Folly Hope Burn, which forms the western boundary of this site. The southern boundary rises and is laid to improved grass, enclosed in a stock fence. The site is also situated with the Cheviot Foothills SLA.
- 1.5 The extract below indicates in red the defined plot for the purpose of the single dwellinghouse and associated works.





### **Proposal**

- 1.6 Careful consideration has been given to the design and layout of the proposal to ensure the scale and character of the dwelling is in keeping with that of the original farmhouse. The existing external walls of the existing farmhouse are linear in nature with a separate former outbuilding adjoining creating a rough L shape format.
- 1.7 The proposed dwelling follows the existing linear farmhouse footprint, with the removal of the square L section on the south eastern side of the original dwelling. The proposal includes external extensions to the north and south as smaller subservient single storey elements (west wing and east wing).
- 1.8 There is a detached garage proposed towards the north west of the subject site, situated adjacent the hedge line on the northern boundary.
- 1.9 With a completely new building being proposed the constructional detailing has been amended to achieve very high standards of thermal and energy efficiency. This has been achieved by:
  1. Increasing the thermal performance of the external envelope (ground floor, external walls, roofs, windows and doors)
  2. Careful detailing to improve air tightness and installation of a MVHR unit (mechanical ventilation with heat recovery)
  3. Detailing to reduce/eliminate cold bridging at external junctions
- 1.10 The effect of the above measures along with the use of an air source heat pump for heating and hot water along with the installation of Solar PV panels means the house as now designed achieves a carbon dioxide emission rate which is 50% lower than that required by the current building regulations.

### **Planning History**

- 1.11 The principle of residential development on the site was approved back in 2010 (10/00655/FUL) for the reinstatement, alterations and extensions to derelict farmhouse. Development regarding the conditions on this application had commenced and works included the implementation of an agricultural steel net stock fencing and plantation of a mixed species hedgerow along the northern boundary. Works commenced also included the service lay-by and bellmouth entrance have been formed in bitmac.
- 1.12 A further application was submitted and approved for the reinstatement, alterations and extension of former dwellinghouse and erection of detached garage (17/00104/FUL). The Apellant remains the same as the Applicant for the previous 2017 application.



- 1.13 The design and positioning of the dwelling consented previously remains the same as that proposed. It is noted here the only difference is the scale of the proposed dwelling as a 12.5 sq. reduction than that approved in the previous application.
- 1.14 The consented proposal has been enacted or started with alterations to the road access and provision of a lay-by in accordance with a planning condition but, for reasons outlined, the revised proposal before Members for which consent is now sought is deemed the most sustainable option. The design and layout of the single dwelling, as now proposed, is the same as that approved save a small reduction in scale.



## 2. PLANNING POLICY CONTEXT

2.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of this application. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

### Scottish Planning Policy (SPP) 2014

2.2 SPP encourages rural development that supports prosperous and sustainable communities and businesses, whilst protecting and enhancing environmental quality. SPP provides that, where appropriate, the construction of single houses outwith settlements should be supported provided such are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

2.3 A key focus for SPP is the creation of well-designed, sustainable places and supporting sustainable economic growth and regeneration. SPP creates a presumption in favour of development that contributes to sustainable development.

2.4 Policies and decisions will be guided by key principles, including:

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure;
- supporting climate change mitigation and adaptation;
- having regard to the principles of sustainable land use;
- protecting, enhancing and promoting access to cultural and natural heritage;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.



## Scottish Borders Local Development Plan 2016

- 2.5 The Scottish Borders Development Plan was adopted in 2016 and represents the most up to date development plan. It contains planning policies against which applications are assessed by the Planning Authority.
- 2.6 The key planning policies in this instance being:
- **HD2 Housing in the Countryside**
  - **PMD2 Quality Standards**
  - **EP5: Special Landscape Area**
  - **EP8: Archaeology**
  - **EP13: Trees, Woodlands and Hedgerows**

### Policy HD2 Housing in the Countryside

- 2.7 The policy aims to allow appropriate conversions, restoration, and replacement in the countryside.

#### (E) Replacement Dwellings

- 2.8 Policy HD2, Part E, of the Local Development Plan 2016 supports replacement dwellings which fit the following criteria:
- A) *The siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting.*
  - B) *The proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character.*
  - C) *Significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.*

### Policy PMD2 Quality Standards

- 2.9 This policy aims to ensure that all new development is of high quality and respects the environment within which it is contained. It covers a wide range of issues including sustainability, design and accessibility.



**EP5: Special Landscape Area**

2.10 In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact.

**EP8: Archaeology**

2.11 The aim of this policy is to give strong protection to any archaeological or historic assets from any potentially damaging development. Archaeological assets and historic buildings represent an irreplaceable part of the Scottish Borders heritage and environment. In addition to their inherent historical importance, they are of great interest and value for educational, recreational and tourism purposes.

**New housing in the Borders Countryside Supplementary Planning Guidance**

2.12 In assessing proposals for the rebuilding of existing dwellings and for the construction of new dwellings on derelict residential sites, the standard policy criteria will be applied. In these cases, there is also a requirement that:

- there is substantial evidence of residential use on site.

Substantial evidence would require that:

- the walls of the former residential property are substantially intact.



### 3. POLICY COMPLIANCE

#### Replacement Dwelling

- 3.1 The principle of residential development on the site has already been deemed acceptable by the 10/00655/FUL application. The design and layout of this proposal has also already been deemed acceptable by the 17/00104/FUL application.
- 3.2 The main difference being between both proposals is what policy the proposal has been assessed against. The previous application was approved on its compliance with policy HD2 (C) Conversions of Buildings to a house and this application is instead assessing the proposal against Policy HD2 (E) Replacement Dwellings.
- 3.3 Following receipt of planning permission (ref: 17/00104/FUL) for the *“Re-instatement, alterations and extensions of former dwelling house and erection of detached garage”* at Folly Cottage work began on the detail design required for a building warrant application and tendering/construction purposes.
- 3.4 It was only during this stage that the full extent of re-building and remodelling required to the existing structures became apparent and appreciated. Two main areas of concern were identified which could affect the feasibility and practicality of safely working with the existing building.
- 3.5 The areas of concern were:
1. Excavations required for the ground floor slab and new foundations adjacent to the building.
- 3.6 The combined impact of the constructional depth of the new floor slab and depth of adjacent foundations could potentially undermine and destabilise the remaining walls. Large foundation stones which project beyond the face of the wall compound this problem as these would also need to be removed. The only safe solution to the above would be to underpin all areas of wall affected.
2. New and altered door and window openings within existing walls:
- 3.7 The arrangement of new and altered openings requires large areas of existing walling to be removed. With only shallow sections of wall above these openings remaining the feasibility of propping and retaining such small areas of wall is questionable. In practical terms it's likely areas above openings would be completely removed leaving only small stubs of wall retained between openings.
- 3.8 Once the above came to light an assessment was made on the overall feasibility of working with the existing structure. This assessment determined that even if the drawings and tender/construction documentation showed underpinning, propping and retention of the



existing structures most contractors would be unwilling or unable to undertake these due to the constructional difficulties involved and safety concerns.

- 3.9 With the above in mind it was clear that the most sustainable solution lay in demolition and rebuilding, albeit retaining the appearance and form of the building for which consent had been granted.
- 3.10 The drawings now being submitted for planning permission differ only in that the footprint is smaller due to a reduction in accommodation now being proposed. In all other aspects the external appearance, location and materials being proposed are identical to those already approved. In reality, when built, the building as submitted will appear identical to that previously approved and therefore already comply with Policy PMD2- Quality Standards.
- 3.11 A further reasoning for the replacement dwelling is in increasing the sustainability credentials of the house. Ensuring it will be design close to passive house standards and being much more energy efficient. It will also look to use renewable technologies such as air source heat pump and in sustainable drainage solutions.
- 3.12 The proposal is also compliant with Housing in the Borders Countryside SG as there is evidence there was previous residential use on the site. Beyond this the latest planning consented for a residential building has been established or started securing the principle or acceptance of a residential dwelling on the site.

#### **Access and servicing**

- 3.13 Access to the site will be taken from the existing track and access off the narrow public road. The service lay-by and bellmouth entrance have also been formed in bitmac, as was requested by a planning condition on application 10/00655/FUL.
- 3.14 It is intended that the dwelling will be serviced by public water supply and a private septic tank with discharge via surface water soakaway. Details of these arrangements have been provided in the supporting documents.

#### **Residential Amenity**

- 3.15 There will be no residential impact as there are no residential properties nearby.

#### **Design**

- 3.16 It is acknowledged that the site sits within the sensitive landscape designation of Cheviot Hills. The design and scale of the dwelling has not changed from that given permission in 17/00104/FUL and it was accepted here that the presence of the cottage has been established and accepted in the isolated rural setting for a long time.
- 3.17 Despite its elevated location appropriate landscaping has been proposed to ensure the dwelling will not be overly prominent in the landscape.



- 3.18 This is a former dwelling therefore we do not consider its rehabilitation to harm the landscape setting: its presence has long been established and accepted in this rural and isolated valley. Appropriate landscaping will ensure that, throughout time, the appearance will not be overly prominent. The design is traditional in form therefore in keeping with vernacular.

**Landscaping**

- 3.19 The application proposes intense landscaping around all boundaries of the site. Tree planting will include native tree planting such as Gean Cherry, Rowan, Hornbeam, Hazel, Birch, Crab Apple and Field Maple. Hedge planting is to include the following native species; Hawthorn, Blackthorne and Dogrose.
- 3.20 The site had previously been enclosed in agricultural steel net stock fencing and a mixed species hedgerow had been planted along the northern boundary in compliance with a condition attached to application 10/00655/FUL.

**Flooding**

- 3.21 Review of the Indicative River & Coastal Flood Map (Scotland) prepared by SEPA indicates that the proposed development site lies out with the area assessed as having high, medium or low flood risk.



## 4. GROUNDS OF APPEAL

### Refusal Reasoning

4.1 Turning to the Grounds of Appeal (GOA). The Case Officer, within his report, has detailed that there have been **no objections by consultees** to the proposal. We did note the archaeology officer's request for related survey/watching brief. The Appellant is willing to accept a condition on this related matter. Again, necessary ecology surveys have already taken place together with strategy regarding the Barn Owl. The related report from the Appellant can be found within **Core Document 5** and which would be adhered to at all times and in accordance with guidance agreed with the Council's Ecology Officer.

4.2 There was only a single reason put forward as to why the application was refused. That being as quoted below:

***The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment.***

4.3 Based on the above reasoning and wider context contained with the Officer's Report we have now set out below our Grounds of Appeal below.

### Grounds of Appeal: 1

4.4 Our position on the reasoning for refusal has been wrongly applied and the interpretation, as described, of Policy HD 2 E has been wrongly enforced. The reasoning for refusal has gone beyond that sought by the policy itself. Previous permission and works undertaken to enact a residential use and purpose has already been established on the subject site.

4.5 The Appellant has clearly explained the reasoning as to why the conversion of the building was deemed not to be cost effective and how the new build would enable a more energy efficient building as per Policy HD 2 E requirements.

4.6 Returning to the application of the aforementioned policy the Appellant has sought legal opinion on the stance taken within the reasoning for refusal. The full letter from legal practice Anderson Strathern can be found within **Core Document 2**.



- 4.7 The determining issue for an assessment of this Application should have been whether or not the existing building can be considered to be an “existing dwellinghouse” in terms of Policy HD2 (E).
- 4.8 Previous permissions on the site have ruled and given much weight to it being a dwellinghouse. The application of the policy and whether or not a building, should for the purposes of Policy HD2 (E), be an existing dwellinghouse must first involve examining both what is physically on the ground and the extent to which the building has any existing use right to be a dwellinghouse conferred (1) over time or (2) through the implementation of a valid planning permission.
- 4.9 Firstly, there are substantial existing building on the ground and where previous permissions have been granted and started relating to residential use. The Planning Officer focuses primarily on the habitability but in the assessment fails to take fully into account the planning use rights conferred on the building through Permission 10/00655/ FUL which has been implemented.
- 4.10 The Planning Officer in his Report, whilst accepting an existing dwellinghouse, in terms of Permission 10/0065/FUL (in which development has commenced) and in terms of previous habitation the Officer’s report then places little or any weight on this important factor and rather focusses solely on current state or habitability of the building which is not the test required by Policy HD2 (E).
- 4.11 The Officer Report states:
- “In 2010, 10/00655/FUL, a permission for reinstatement, alterations and extensions was approved for what was described as a “derelict farmhouse”. This has commenced and now a live permission exists for re-instatement, alterations and extension, 17/00104/FUL.”*
- 4.12 The building became an “existing dwellinghouse” when development authorised under permission 10/00655/FUL was lawfully commenced.
- 4.13 In authorising development that Permission 10/00655/FUL granted a change of use from the building to a dwellinghouse. It is not habitable in its present condition but that does not prevent it being an existing dwellinghouse because there are substantial buildings in existence which have use rights for residential purposes conferred by Permission 10/00655/FUL.
- 4.14 It is not necessary for all of the building operations (as opposed to the “use”) authorised under Permission 10/00655/FUL to have taken place all though some of these operations have been undertaken in implementation of the permission. The remaining operations could be undertaken at any future time as Permission 10/00655/FUL, because it has lawfully commenced, will not expire. Again, there is no legal test or requirement within the policy that a house empty must be so for a set or certain period of time or it would then somehow no longer be considered as being a house.



- 4.15 The Officer’s report has placed undue emphasis on the issue of physical state of the building rather than recognising the fact that the change of use of the building to use as a dwelling house has in fact taken place.
- 4.16 The habitability of the building is irrelevant and so is the prior agricultural use if indeed there was any such use.
- 4.17 All that Policy HD(2) requires is that there is an “existing dwellinghouse” and it should have been considered as such for the planning assessment of Application 19/00965/FUL .
- 4.18 The reason for refusal fundamentally misunderstands Policy HD2 (E) as it asserts “that the building is not a **habitable dwellinghouse**”. Compliance with Policy HD2 (E) depends not on the habitability of a building but on the existence of a dwellinghouse.
- 4.19 Whether a building is habitable (as opposed to a building being an existing dwellinghouse) can be two very different things. An existing dwellinghouse may or not be habitable for a whole host of reasons and could equally to be a short or long term thing. As such, to base or interpret on that basis is the wrong policy test.
- 4.20 This proposal will not present undue or worrying precedent as alluded. Firstly, because there is no such thing in planning as precedence as each application will ultimately be determined on its individual merits and secondly, because the proposal complies with the policy as described. The reasoning for refusal has been made on an interpretation of said policy that has gone well beyond that described of being required by the policy wording.

## Grounds of Appeal: 2

- 4.21 Policy HD2 E acknowledges as part of the reasoning or allowance for new build replacement homes that conversions can be expensive and can often hinder energy efficiency and use of renewables as advocated by wider sustainable and planning policies.
- 4.22 This appears to only have been briefly commented upon but crucially an important aspect behind this proposal. It has been nonetheless been accepted by the Case Officer and further reasoning for the proposal’s overall compliance with Policy HD2 E.
- 4.23 The Case Officer’s report is quoted as saying: ***I acknowledge the Agent's arguments in terms of energy efficiency, cost, and even safety.***
- 4.24 The application outlined the reasoning as to why the conversion is not a cost effective solution and it has been agreed that the policy is met in terms of allowing for a better and more energy efficient build to take place.

- 4.25 It is not creating a laissez-faire approach to housing in the countryside. The proposal is seeking to replace a residential building with another residential building in the same locale and to which was previously approved. It is strongly refuted that this proposal will therefore somehow have some or indeed any significant impact on the local countryside/landscape.
- 4.26 The build will be located in the same position and in fact will be smaller in scale than that previously approved and where one will not notice the difference between the two.
- 4.27 The Appellant's Architect has produced a number of elevation comparators which shows the difference between that recently approved by the Planning Department and that before the Local Review Body. Refer to **Core Document 3** for full appreciation of all elevations with key ones presented below.



NORTH EAST ELEVATION, as previously consented



NORTH EAST ELEVATION, as most recently refused



SOUTH WEST ELEVATION, as as previously consented



SOUTH WEST ELEVATION, as most recently refused

- 4.28 To proposition that the proposal will lead to wholesale loss to local built character is grossly exaggerating the context and failing to recognise that the building is not listed and that the permitted scheme also involves significant alteration to the existing structure. Further to this, it is plain to see there is little difference between that recently accepted and that now proposed. In fact the building or structure will be smaller in scale.



## 5. CONCLUSION

- 5.1 The principle of residential development on the site has already been accepted on the approval of application 10/00655/FUL. Further to this, the design and layout of the proposal has also already been approved in application 17/00104/FUL.
- 5.2 In an assessment of the feasibility of undertaking the development in the consented application 17/00104/FUL, a number of constructional issues became clear. Concerns regarding destabilising risks to remaining walls and to retention of only stub walls from the formation of door and window openings in existing walls were highlighted. Demolition and rebuilding addresses these concerns.
- 5.3 Enhanced standards of thermal and energy efficiency can be achieved over those possible under the previous consented proposal. These elements will achieve a carbon dioxide emission rate which is 50% lower than that required by the current building regulations
- 5.4 The rebuilding of the cottage would allow a property once used as a dwelling come back into residential use in a way that is safe to construct and is respectful of the sensitive landscape within which is it situated.
- 5.5 Considerable time has been put into the design due to its location with the Cheviot Hills Special Landscape Designation. Sensitive external materials have been selected to ensure the dwelling can be visually integrated to an acceptable manner within the surrounding landscape.
- 5.6 The design has also taken into careful consideration the layout and positioning of the previous farmhouse and has ensured alterations and extensions to the footprint are minimal in nature and do not disrupt the original layout of the dwelling. It is also noted the proposed footprint is smaller than previously approved schemes.
- 5.7 The site can be safely accessed via an existing access and track off the minor public road. The service lay-by and entrance have already been surfaced in bitmac as a requirement of a condition on the 10/00655/FUL application.
- 5.8 The proposal includes the introduction of landscaping as indicated on the Site Plan which will help to assimilate the plot into the landscape, as well as forming a robust boundary on all edges of the subject site.
- 5.9 Satisfactory private drainage arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.
- 5.10 The Local Review Body is respectfully requested to approve this application which will provide the replacement of the dilapidated Folly cottage into a residential dwelling matching the design, layout and character of the original property.



## APPENDIX 1: CORE DOCUMENTS

- 1. Appeal Statement**
- 2. Legal Position Statement**
- 3. Approved-Proposed Comparator Elevations**
- 4. Planning Statement**
- 5. Ecology Survey**
- 6. Location Plan**
- 7. Proposed Site Plan**
- 8. Proposed Plans**
- 9. Proposed Elevations**
- 10. Proposed Plans**
- 11. Decision Notice/Officer's Report**

Mr Roderick & Mrs Rachel J Jackson  
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OUR REF AJMC/JAC0156.0005/CC  
YOUR REF  
23 October 2019

Dear Mr and Mrs Jackson,

**Planning Application (reference 19/00965/FUL) for demolition of existing dwellinghouse and erection of a replacement dwellinghouse at Folly Cottage Woodside Farm Kelso Scottish Borders**

I refer to your request for advice concerning the refusal of the above Application on 4 September 2019.

I note that you intend to make an application for a Review against the refusal of planning permission to Scottish Borders Councils' Local Review Body (LRB).

I can confirm that I have examined the Decision Notice and the Planning Officer's Report of Handling for this Application. It is my considered opinion that the Planning Officer has misinterpreted the development plan and carried this error into the reason for refusal. My reasoning for this and the correct approach for the LRB to adopt is set out below.

The reason for refusal given in the Decision Notice is as follows:-

*"The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment"*

**Planning Officer's Assessment**

All applications must be decided in accordance with an adopted development plan (which in this case is Scottish Borders Council Local Development Plan 2016) unless material considerations indicate otherwise<sup>1</sup>. The relevant provisions of the development plan are Policy HD2 (E) and Housing in the Countryside and "New Housing in Borders Countryside Supplementary Guidance 2008".

The determining issue for an assessment of this Application should have been whether or not the existing building can be considered to be an "existing house" in terms of Policy HD2 (E). In my opinion it can.

<sup>1</sup> Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997

In my opinion, whether or not a building should for the purposes of Policy HD2 (E) be an “existing house” must involve examining both what is physically on the ground and the extent to which the building has any existing use rights for use as a house conferred either (1) over time (the “four year rule”) or alternatively (2) through the implementation of a valid planning permission.

Firstly, as is evident from the photographs on the Application file there is a substantial existing building on the ground which clearly contains the elements and characteristics of a house. The Planning Officer focuses primarily on the habitability but in his assessment he fails to take fully into account the planning use rights conferred on the building through Permission 10/00655/ FUL which authorises its use as a house, and which has been lawfully implemented.

The Planning Officer in his Report, whilst accepting that existing house has planning permission in terms of Permission 10/0065/FUL (in which development has commenced) places little or any weight on this important factor and focusses solely on habitability which is not the test required by Policy HD2 (E). The Planning Report states

*“In 2010, 10/00655/FUL, a permission for reinstatement, alterations and extensions was approved for what was described as a “derelict farmhouse”. This has commenced and now a live permission exists for reinstatement, alterations and extension, 17/00104/FUL.”*

The building became an “existing house” when the development authorised under permission 10/00655/FUL (use as a house) was lawfully commenced.

In authorising development, Permission 10/00655/FUL granted a change of use from the building to a house. It is not habitable in its present condition but that does not prevent it being an existing house for the purposes of Policy HD2(E) because there is a substantial building in existence which has use rights for residential purposes conferred by Permission 10/00655/FUL. It is not necessary for all of the building operations (as opposed to the “use”) authorised under Permission 10/00655/FUL to have taken place all though some of these operations have been undertaken in implementation of the permission. The remaining operations could be undertaken at any future time as Permission 10/00655/FUL, because it has lawfully commenced, will not expire.

The Planning Officer has mistakenly placed undue emphasis on his own view of the physical condition of the building rather than recognising the fact that the change of use of the building to use as a house has in fact taken place. The habitability of the building is irrelevant and so is its prior use. All that Policy HD2(E) requires is that there is an “existing house” and it should have been considered as such for the purposes of the planning assessment of Application 19/00965/FUL.

#### **Reasons for Refusal**

The reason for refusal fundamentally misunderstands Policy HD2 (E) as it asserts “*that the building is not a **habitable dwellinghouse***”. Compliance with Policy HD2 (E) depends not on the habitability of a building but on the existence of a “house”. Whether a building is habitable (as opposed to a building being an existing house) can be two very different things. An existing house may or not be habitable. The wrong policy test has been applied in the Planning Officer’s determination.

22656882\_1

**Conclusion**

The Planning Officer has misinterpreted the key provision of the development plan (Policy HD2 (E)) and carried this error into the reason for refusal. His reasoning is therefore fundamentally flawed. In my opinion the LRB should in its determination accept that the building on the site is an "existing house" and Policy HD2 (E) is therefore applicable, for all of the reasons set out above.



Partner  
Legal Associate of the RTPI  
Law Society Accredited Specialist in Planning Law  
Anderson Strathern LLP

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**NORTH EAST ELEVATION, as previously consented**

Page 231



**NORTH EAST ELEVATION, as most recently refused**



**SOUTH WEST ELEVATION, as as previously consented**

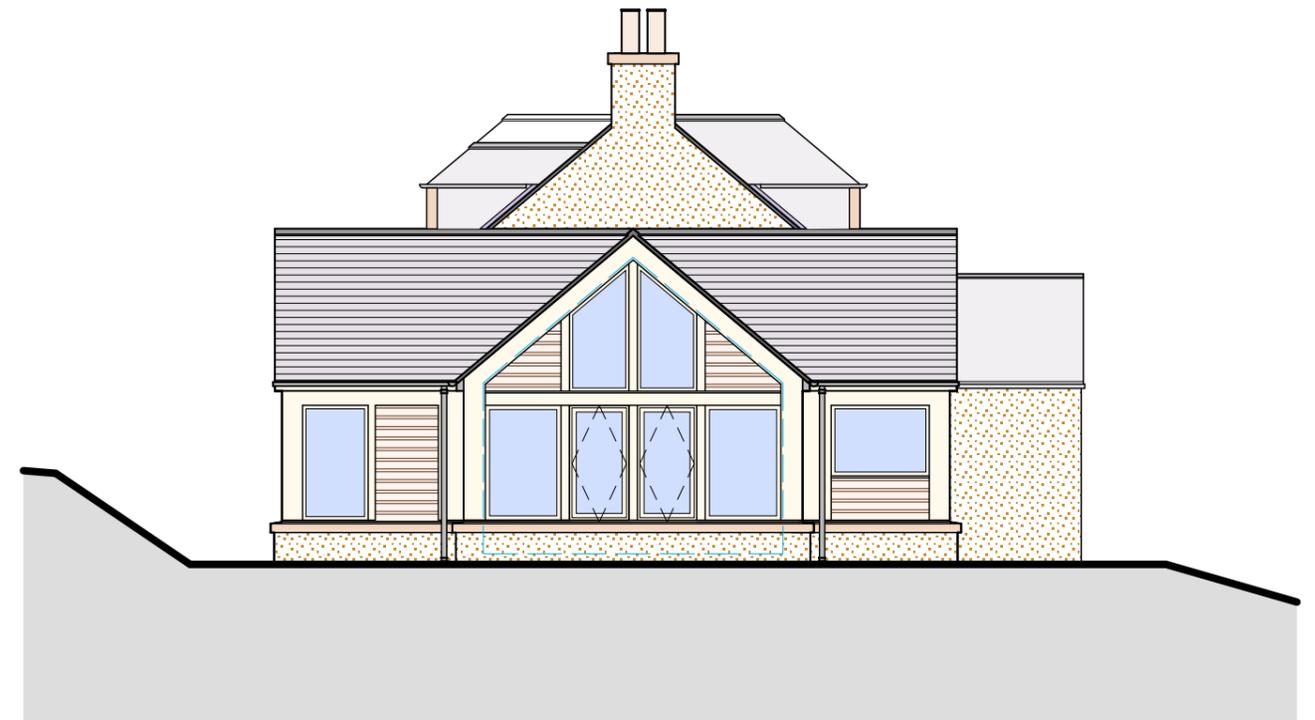
Page 232



**SOUTH WEST ELEVATION, as most recently refused**

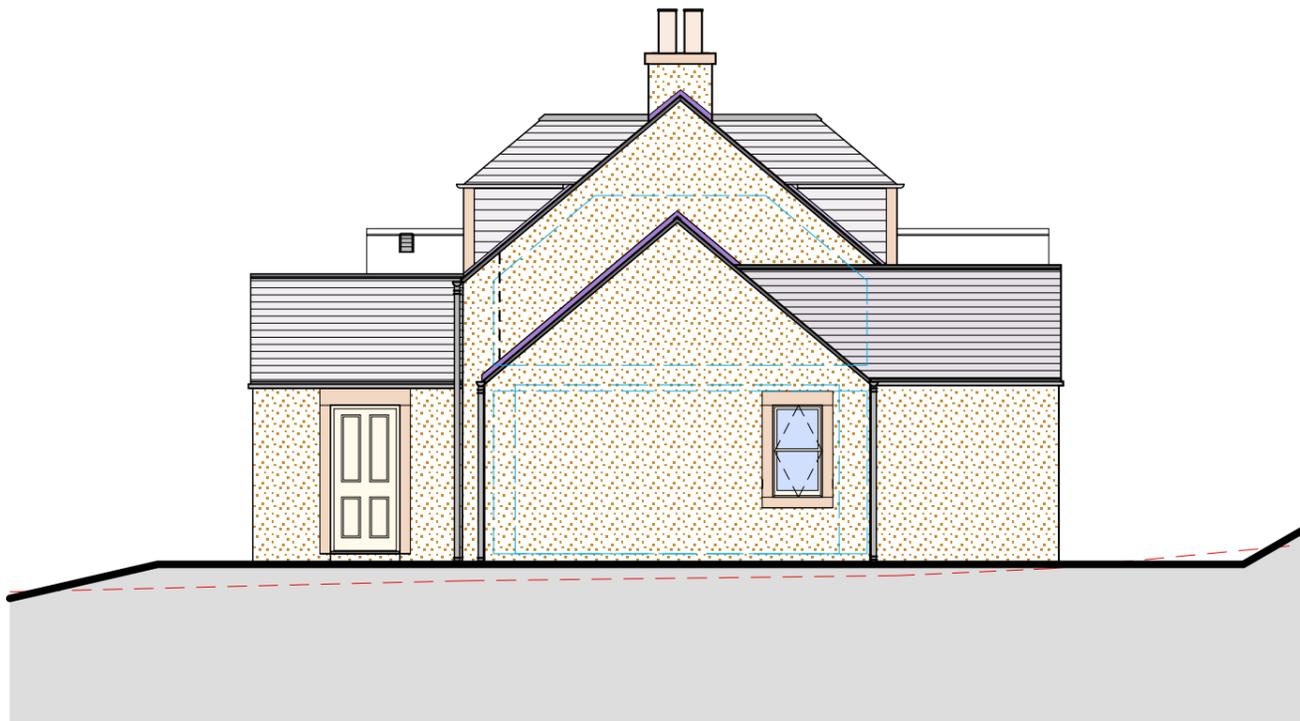


**NORTH WEST ELEVATION, as as previously consented**



**SOUTH EAST ELEVATION, as as previously consented**

Page 233



**NORTH WEST ELEVATION, as most recently refused**



**SOUTH EAST ELEVATION, as most recently refused**





## PLANNING STATEMENT

### SITE ADDRESS

**FOLLY COTTAGE WOODSIDE FARM, KELSO, SCOTTISH  
BORDERS**

### PROPOSAL

**REPLACEMENT DWELLING OF AN EXISTING BUILDING AND  
ERECTION OF A SINGLE DETACHED GARAGE**

### APPLICANT

**MR AND MRS JACKSON**

**JULY 2019**

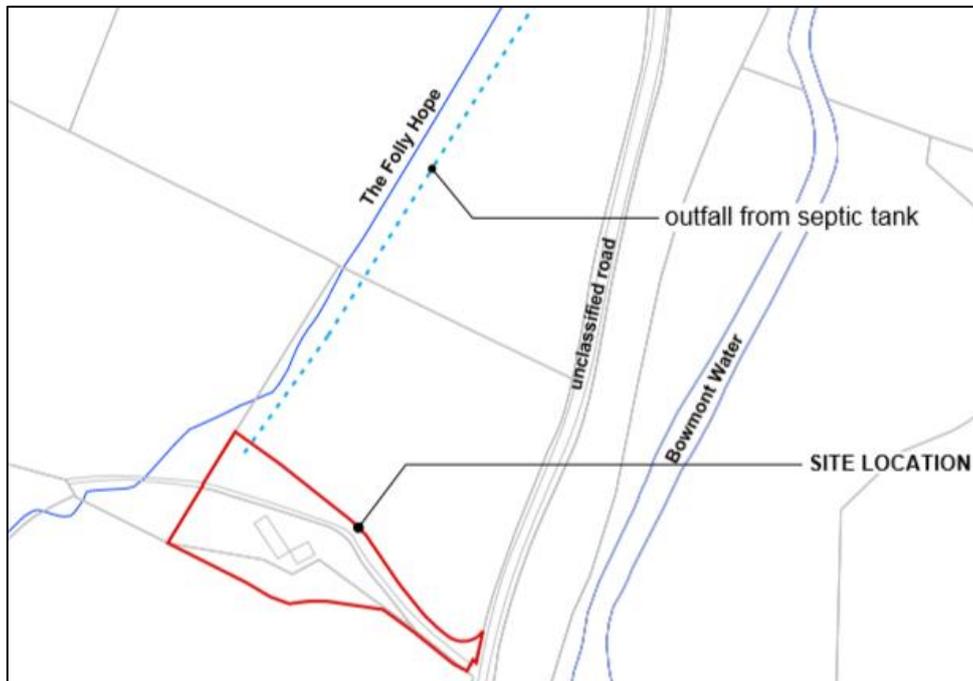


## CONTENTS

1. INTRODUCTION AND PROPOSAL DESCRIPTION
2. PLANNING POLICY CONTEXT
3. ASSESSMENT OF DEVELOPMENT PROPOSAL
4. CONCLUSIONS

## 1. INTRODUCTION AND PROPOSAL DESCRIPTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicants, Mr and Mrs Jackson. Keith Renton Architects have submitted a full drawing pack outlining the proposal at Folly Cottage, Kelso.
- 1.2 The purpose of this Statement is to provide a good level of understanding of the application site and the context within which it lies, before providing background to the proposed development and its compliance with planning policy.
- 1.3 The site is situated within the Bowmont valley, 3 miles south of Town Yetholm, on the lower eastern slopes of Crookedshaws Hill, overlooking the Bowmont Water. A track leads uphill from the roadside (the eastern boundary), where the building sits is on an elevation above The Folly Hope Burn, which forms the western boundary of this site. The southern boundary rises and is laid to improved grass, enclosed in a stock fence. The site is also situated with the Cheviot Foothills SLA.
- 1.4 The extract below indicates in red the defined plot for the purpose of the single dwellinghouse and associated works.





## Proposal

- 1.5 Careful consideration has been given to the design and layout of the proposal to ensure the scale and character of the dwelling is in keeping with that of the original farmhouse. The existing external walls of the existing farmhouse are linear in nature with a separate former outbuilding adjoining creating a rough L shape format.
- 1.6 The proposed dwelling follows the existing linear farmhouse footprint, with the removal of the square L section on the south eastern side of the original dwelling. The proposal includes external extensions to the north and south as smaller subservient single storey elements (west wing and east wing).
- 1.7 There is a detached garage proposed towards the north west of the subject site, situated adjacent the hedge line on the northern boundary.
- 1.8 With a completely new building being proposed the constructional detailing has been amended to achieve very high standards of thermal and energy efficiency. This has been achieved by:
  1. Increasing the thermal performance of the external envelope (ground floor, external walls, roofs, windows and doors)
  2. Careful detailing to improve air tightness and installation of a MVHR unit (mechanical ventilation with heat recovery)
  3. Detailing to reduce/eliminate cold bridging at external junctions
- 1.9 The effect of the above measures along with the use of an air source heat pump for heating and hot water along with the installation of Solar PV panels means the house as now designed achieves a carbon dioxide emission rate which is 50% lower than that required by the current building regulations.
- 1.10 The remainder of this statement considers relevant planning policy and thereafter provides a reasoned justification within the policy context. In addition to this statement the following drawings have been submitted as part of this application:
  - Location Plan Existing
  - Floor Plan Existing
  - NE and SE Elevations
  - Existing NW and SW Elevations
  - Proposed Ground Floor Plan
  - Proposed First Floor Plan
  - Proposed NE & NW Elevations
  - Proposed SW & SE Elevations
  - Proposed Garage Drawings



### Planning History

- 1.11 The principle of residential development on the site was approved back in 2010 (10/00655/FUL) for the Reinstatement, alterations and extensions to derelict farmhouse. Development regarding the conditions on this application had commenced and works included the implementation of an agricultural steel net stock fencing and plantation of a mixed species hedgerow along the northern boundary. Works commenced also included the service layby and entrance at bellmouth have been formed in bitmac.
- 1.12 A further application was submitted and approved for the Re-instatement, alterations and extension of former dwellinghouse and erection of detached garage (17/00104/FUL). The Applicant for this application remains the same as the Applicant for the previous 2017 application. The design and positioning of the dwelling consented previously remains the same as that proposed. It is noted here the only difference is the scale of the proposed dwelling as a 12.5 sq. reduction than that approved in the previous application.
- 1.13 Therefore, the design and layout of the single dwelling has already been deemed acceptable.



## 2. PLANNING POLICY CONTEXT

2.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of this application. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

### Scottish Planning Policy (SPP) 2014

2.2 SPP encourages rural development that supports prosperous and sustainable communities and businesses, whilst protecting and enhancing environmental quality. SPP provides that, where appropriate, the construction of single houses outwith settlements should be supported provided such are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

2.3 A key focus for SPP is the creation of well-designed, sustainable places and supporting sustainable economic growth and regeneration. SPP creates a presumption in favour of development that contributes to sustainable development.

2.4 Policies and decisions will be guided by key principles, including:

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure;
- supporting climate change mitigation and adaptation;
- having regard to the principles of sustainable land use;
- protecting, enhancing and promoting access to cultural and natural heritage;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

### Scottish Borders Local Development Plan 2016

2.5 The Scottish Borders Development Plan was adopted in 2016 and represents the most up to date development plan. It contains planning policies against which applications are assessed by the Planning Authority.



2.6 The key planning policies in this instance being:

- **HD2 Housing in the Countryside**
- **PMD2 Quality Standards**
- **EP5: Special Landscape Area**
- **EP8: Archaeology**
- **EP13: Trees, Woodlands and Hedgerows**

**Policy HD2 Housing in the Countryside**

2.7 The policy aims to allow appropriate conversions, restoration, and replacement in the countryside.

(E) Replacement Dwellings

2.8 Policy HD2, Part E, of the Local Development Plan 2016 supports replacement dwellings which fit the following criteria:

- A) *The siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting.*
- B) *The proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character.*
- C) *Significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.*

**Policy PMD2 Quality Standards**

2.9 This policy aims to ensure that all new development is of high quality and respects the environment within which it is contained. It covers a wide range of issues including sustainability, design and accessibility.

**EP5: Special Landscape Area**

2.10 In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact.



### **EP8: Archaeology**

2.11 The aim of this policy is to give strong protection to any archaeological or historic assets from any potentially damaging development. Archaeological assets and historic buildings represent an irreplaceable part of the Scottish Borders heritage and environment. In addition to their inherent historical importance, they are of great interest and value for educational, recreational and tourism purposes.

### **New housing in the Borders Countryside Supplementary Planning Guidance**

2.12 In assessing proposals for the rebuilding of existing dwellings and for the construction of new dwellings on derelict residential sites, the standard policy criteria will be applied. In these cases, there is also a requirement that:

- there is substantial evidence of residential use on site.

Substantial evidence would require that:

- the walls of the former residential property are substantially intact.



### 3. POLICY COMPLIANCE

#### Replacement Dwelling

- 3.1 The principle of residential development on the site has already been deemed acceptable by the 10/00655/FUL application. The design and layout of this proposal has also already been deemed acceptable by the 17/00104/FUL application.
- 3.2 The main difference being between both proposals is what policy the proposal has been assessed against. The previous application was approved on its compliance with policy HD2 (C) Conversions of Buildings to a house and this application is instead assessing the proposal against Policy HD2 (E) Replacement Dwellings.
- 3.3 Following receipt of planning permission (ref: 17/00104/FUL) for the *“Re-instatement, alterations and extensions of former dwelling house and erection of detached garage”* at Folly Cottage work began on the detail design required for a building warrant application and tendering/construction purposes.
- 3.4 It was only during this stage that the full extent of re-building and remodelling required to the existing structures became apparent and appreciated. Two main areas of concern were identified which could affect the feasibility and practicality of safely working with the existing building.
- 3.5 The areas of concern were:
1. Excavations required for the ground floor slab and new foundations adjacent to the building.
- 3.6 The combined impact of the constructional depth of the new floor slab and depth of adjacent foundations could potentially undermine and destabilise the remaining walls. Large foundation stones which project beyond the face of the wall compound this problem as these would also need to be removed. The only safe solution to the above would be to underpin all areas of wall affected.
2. New and altered door and window openings within existing walls:
- 3.7 The arrangement of new and altered openings requires large areas of existing walling to be removed. With only shallow sections of wall above these openings remaining the feasibility of propping and retaining such small areas of wall is questionable. In practical terms it’s likely areas above openings would be completely removed leaving only small stubs of wall retained between openings.
- 3.8 Once the above came to light an assessment was made on the overall feasibility of working with the existing structure. This assessment determined that even if the drawings and tender/construction documentation showed underpinning, propping and retention of the existing structures most contractors would be unwilling or unable to undertake these due to



the uncertainties involved and safety concerns. The response would likely be either a significant cost premium added to the tender or suggestions to knock down and re-build.

- 3.9 With the above in mind it was clear that the most practical way forward was to prepare Warrant and construction drawings on the basis of demolition and rebuilding, albeit retaining the appearance and form of the building which had been granted consent.
- 3.10 The drawings now being submitted for planning permission differ only in that the foot print is smaller due to a reduction in accommodation now being proposed. In all other aspects the external appearance, location and materials being proposed are identical to those already approved. In reality when built the building as submitted will appear identical to that previously approved and therefore already comply with Policy PMD2- Quality Standards.
- 3.11 A further reasoning for the replacement dwelling is in increasing the sustainability credentials of the house. Ensuring it will be design close to passive house standards and being much more energy efficient. It will also look to use renewable technologies such as air source heat pump and in sustainable drainage solutions.
- 3.12 The proposal is also complies with Housing in the Borders Countryside SG as there is evidence there was previous residential use on the site through the walls of the former cottage being substantially intact but in a state of disrepair.

**Access and servicing**

- 3.13 Access to the site will be taken from the existing track and access off the narrow public road. The service layby and entrance at bellmouth have also been formed in bitmac, as was requested by a planning condition on application 10/00655/FUL.
- 3.14 It is intended that the dwelling will be serviced by public water supply and a private septic tank with discharge via surface water soakaway. Details of these arrangements have been provided in the supporting documents.

**Residential Amenity**

- 3.15 There will be no residential impact as there are no residential properties nearby.

**Design**

- 3.16 It is acknowledged that the site sits within the sensitive landscape designation of Cheviot Hills. The design and scale of the dwelling has not changed from that given permission in 17/00104/FUL and it was accepted here that the presence of the cottage has been established and accepted in the isolated rural setting for a long time.
- 3.17 Despite its elevated location appropriate landscaping has been proposed to ensure the dwelling will not be overly prominent in the landscape.



- 3.18 This is a former dwelling therefore we do not consider its rehabilitation to harm the landscape setting: its presence has long been established and accepted in this rural and isolated valley. Appropriate landscaping will ensure that, throughout time, the appearance will not be overly prominent. The design is traditional in form therefore in keeping with vernacular.

#### **Landscaping**

- 3.19 The application proposes intense landscaping around all boundaries of the site. Tree planting will include native tree planting such as Gean Cherry, Rowan, Hornbeam, Hazel, Birch, Crab Apple and Field Maple. Hedge planting is to include the following native species; Hawthorn, Blackthorne and Dogrose.
- 3.20 The site had previously been enclosed in agricultural steel net stock fencing and a mixed species hedgerow had been planted along the northern boundary in compliance with a condition attached to application 10/00655/FUL.

#### **Flooding**

- 3.21 Review of the Indicative River & Coastal Flood Map (Scotland) prepared by SEPA indicates that the proposed development site lies out with the area assessed as having high, medium or low flood risk.



## 4. CONCLUSION

- 4.1 The principle of residential development on the site has already been accepted on the approval of application 10/00655/FUL. Further to this, the design and layout of the proposal has also already been approved in application 17/00104/FUL.
- 4.2 In an assessment of the feasibility of undertaking the development in the consented application 17/00104/FUL, a number of issues became clear that would be too difficult to overcome without great expense and labour were identified. Concerns regarding excavation works and door and window openings in existing walls were highlighted as being highly problematic. With this in mind it was recommended the derelict farmhouse was instead demolished and rebuilt as a safer alternative and one which can be more energy efficient.
- 4.3 The rebuilding of the cottage would allow a property once used as a dwelling come back into residential use in a way that is safe to construct and is respectful of the sensitive landscape within which is it situated.
- 4.4 Considerable time has been put into the design due to its location with the Cheviot Hills Special Landscape Designation. Sensitive external materials have been selected to ensure the dwelling can be visually integrated to an acceptable manner within the surrounding landscape.
- 4.5 The design has also taken into careful consideration the layout and positioning of the previous farmhouse and has ensured alterations and extensions to the footprint are minimal in nature and do not disrupt the original layout of the dwelling. It is also noted the proposed footprint is smaller than previously approved schemes.
- 4.6 The development is proposing additional high standards of thermal and energy efficiency that had previously not been incorporated into the previous application. These elements will achieve a carbon dioxide emission rate which is 50% lower than that required by the current building regulations.
- 4.7 The site can be safely accessed via an existing access and track off the minor public road. The service layby and entrance have already been surfaced in bitmac as a requirement of a condition on the 10/00655/FUL application.
- 4.8 The proposal includes the introduction of landscaping as indicated on the Site Plan which will help to assimilate the plot into the landscape, as well as forming a robust boundary on all edges of the subject site.
- 4.9 Satisfactory private drainage arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.



4.10 The Planning Authority is respectfully requested to approve this application which will provide the replacement of the dilapidated Folly cottage into a residential dwelling matching the design, layout and character of the original property.

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**BCM Environmental Services Limited**

# **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**



# **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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**Title:** Breeding Bird Survey – Folly Cottage, by Town Yetholm – August 2019

**Author:** Brian Minshull

**Date:** 5<sup>th</sup> September 2019

# **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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## **Professional responsibility**

This report regarding a Breeding Bird Survey and Protection Plan reflects the objective opinions of **BCM Environmental Services Limited, (BCMESL)**, of the facts found in relation to the instruction received and information available based upon the methodology, assumptions and constraints detailed within this report.

## **Accuracy of the report**

This report has been compiled based on the information available at the time of the site visit as detailed and also the professional experience of BCMESL and reflects the situation found at the time of the site visit as accurately as possible.

# Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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## SUMMARY

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This report describes the findings of a breeding bird survey conducted at the site of Folly Cottage south of Primsidemill, by Town Yetholm, on behalf of the owners, Mr and Mrs Roddy and Rachel Jackson. This was required as part of the applicable planning consent under which the existing buildings are to be demolished and a new building is to be constructed.

In June 2013 a Barn Owl Mitigation Strategy was prepared for the proposed refurbishment of the same site.

Survey evidence from June 2013 (in addition to annual monitoring for the past few years) confirmed the building as a nesting site for a pair of barn owl; although a barn owl nest box had been erected within the main building the nest site involved was behind large straw bales stored within the building, as had been suspected in past years.

As the refurbishment of Folly Cottage would therefore result in the loss of a barn owl nesting site and the works have potential to result in direct impacts on barn owls (either adults and / or young) or barn owl eggs, if these are present when works are carried out a mitigation strategy was required.

This presented measures to be taken to avoid / reduce potentially adverse impacts on barn owl, and compensate for the loss of a nesting site in order to guide works such that the direct impacts are avoided and ensure that suitable alternative nesting / roosting sites (temporary and permanent) are provided on site.

Although this was not a recommendation of the Barn Owl Mitigation Strategy, some while after this had been provided and submitted to the Scottish Borders Council it had been decided that both the barn owl nest box and the straw bales should be removed from the derelict building to reduce the chances of barn owl nesting there again. The nest box was re-sited in nearby farm-buildings.

Subsequently, the ownership of the existing property changed to Mr and Mrs Roddy and Rachel Jackson, and they submitted a renewed planning application (19/00965/FUL).

Given the presence of breeding barn owl in 2013 a breeding bird survey (and dependent on the findings of the same a renewed Barn Owl Mitigation Strategy and / (Breeding Bird) Species Mitigation Plan was recommended by the Scottish Borders Council Ecology Officer, Andy Tharme.

Therefore, a breeding bird survey was commissioned from BCM Environmental Services Limited (who had completed the original Barn Owl Mitigation Strategy).

This was undertaken on the 20<sup>th</sup> August 2019. It discovered very limited evidence of breeding birds now using the site (confined to feral pigeons) and no evidence of barn owls (or any other bird species) using the building for breeding purposes. As such, this report includes some recommended mitigation measures (by the way of providing a (bird) species mitigation plan).

In summary, the proposed mitigation measures involve demolishing the existing building outwith the (extended) bird breeding season. In addition, it is also recommended that the mitigation measures detailed in the original Barn Owl mitigation Strategy (which are technically still applicable) are implemented as far as practicable.

**TABLE OF CONTENTS**

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<b>SUMMARY .....</b>	<b>4</b>
<b>1. INTRODUCTION.....</b>	<b>7</b>
1.1 INTRODUCTION.....	7
<b>2. BACKGROUND – THE PREVIOUS BARN OWL MITIGATION STRATEGY.....</b>	<b>8</b>
2.1 INTRODUCTION.....	8
2.2 SECTIONS OF THE PREVIOUS BARN OWL MITIGATION STRATEGY .....	9
2.3 SUMMARY OF MITIGATION MEASURES ACTUALLY IMPLEMENTED .....	10
<b>3. RESULTS OF THE BREEDING BIRD SURVEY .....</b>	<b>11</b>
3.1 SITE DESCRIPTION.....	11
3.2 FINDINGS OF THE BREEDING BIRD SURVEY .....	11
<b>4. MITIGATION – SPECIES PROTECTION PLAN .....</b>	<b>16</b>
<b>5. CONCLUSION .....</b>	<b>18</b>

**References**

**Acknowledgements**

<b><u>Plates</u></b>	<b><u>Page</u></b>
Plate 3.1a, View of the north-western elevation of Folly Cottage (showing the gable end that has been removed).	11
Plate 3.1b, View of the south-west elevation of Folly Cottage, and the largely intact roof, etc..	11
Plate 3.2a and b, View of the straw bales which were stored in the main building at the time of the previous site visit in May 2013 (the barn owl nest site was to the left side of the building between the bales and a view of the same at the time of the recent site visit in August 2019.	12
Plate 3.2c, The floor beam holes used as nesting cavities by feral pigeons.	13
Plate 3.2d, A freshly hatched feral pigeon egg amongst the pigeon dropping debris that litters the floor of Folly Cottage.	13

## **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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**Plate 3.2e, View of the floor of Folly Cottage, showing the accumulated pigeon droppings, etc., beneath the roof beams. 14**

**Plate 3.2f, The remains of a fallen jackdaw nest at the far end of the building. 14**

# Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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## 1. INTRODUCTION

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### 1.1 INTRODUCTION

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In mid-August 2019 Brian Minshull of BCM Environmental Services Limited (BCMESL) was contacted by Mr Roddy Jackson, the Factor of the Roxburghe Estate, regarding the undertaking of a breeding bird survey at Folly Cottage, which is south of Primsidemill, by Town Yetholm<sup>1</sup>. More specifically, the location involved is at national grid reference NT809 241, and just west of the minor road running directly south of Primsidemill on the west side of the Bowmount Water valley.

In June 2013 BCMESL prepared and provided a detailed Barn Owl Mitigation Strategy<sup>2</sup> in relation to the same property. This document should be referred to in terms of providing more detailed background material relating to this current report.

Mr and Mrs Roddy and Rachel Jackson purchased Folly Cottage from the Roxburghe Estate in around 2017 and have re-visited the drawings submitted in support of the existing planning approval for the refurbishment of the property, in conjunction with their architect, Keith Renton, of Keith Renton Architects.

This process resulted in various changes in the design of the refurbished property, necessitating a renewed planning application for the demolition of the 'existing dwellinghouse and erection of a replacement dwellinghouse'. This planning application is denoted as 19/00965/FUL.

As a consequence, Andy Tharme, the Ecology Officer at the Scottish Borders Council (SBC), was consulted by the SBC Planning Case Officer involved, Euan Calvert.

Andy Tharme recommended that a breeding bird survey was completed and reported (incorporating, as necessary, a renewed barn owl mitigation strategy and species protection plan). Specifically, this was recommended, 'as more than 2-3 years has elapsed since the last breeding bird survey at the site, in accordance with good practice it would be reasonable to require as a condition of any new consent an updated bird survey to inform a Species Protection Plan for breeding birds'.

Having been contacted by Mr Roddy Jackson on the 12<sup>th</sup> August 2019, Brian Minshull consulted both Andy Tharme and Malcolm Henderson (the bird ringer who was involved during the previous phases of Barn Owl investigation and mitigation-related work at Folly Cottage) prepared and provided a fee bid for the required work and was commissioned to undertake the breeding bird survey and species protection plan required on the 17<sup>th</sup> August 2019.

The required breeding bird survey was completed on the 20<sup>th</sup> August 2019.

This report describes the findings of the same, and also provides recommendations for mitigation of any undue impacts on breeding birds (*i.e.*, the required species protection plan).

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<sup>1</sup> Roddy Jackson had previously contacted Brian Minshull regarding the same in mid-April 2019, but at this time Brian Minshull was on an extended holiday in New Zealand.

<sup>2</sup> BCM Environmental Services Limited, (2013), *Barn Owl Mitigation Strategy – Folly Cottage, by Town Yetholm* – June 2013.

# Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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## 2. BACKGROUND – THE PREVIOUS BARN OWL MITIGATION STRATEGY

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### 2.1 INTRODUCTION

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By way of providing context, this section summarises the previously prepared and submitted Barn Owl Mitigation Strategy. It also summarises the mitigation work that was undertaken subsequently.

This Barn Owl Mitigation Strategy related to the measures which are proposed to protect the status of barn owl (*Tyto alba*) at and around Folly Cottage, during and following the refurbishment of the property.

The Mitigation Strategy related to Planning Approval 10/00655/FUL, which was for the demolition reinstatement, alterations and extensions to derelict farmhouse at Folly Cottage, Woodside Farm, Yetholm, Scottish Borders, TD5 8PU.

The principle of the building being reinstated to a dwelling had already been accepted by the Department via application 06/00992/FUL.

Two planning conditions applicable to the original Planning Approval were of particular relevance.

In order to ensure the protection of species protected by the Wildlife and Countryside Act, 1981 (as amended) Planning Condition 14 states:

*“Before development on the site begins, a survey of the building for birds shall be undertaken and a scheme for the protection of any birds found within the building shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme”.*

Also, in order to achieve compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning, etc., (Scotland) Act 2006) Planning Condition 1 states:

*“The development hereby permitted shall be begun before the expiration of three years from the date of this permission”.*

The date when the original planning approval lapsed was the 9<sup>th</sup> September 2013.

The Mitigation Strategy was prepared on the basis of available information regarding the status of barn owl at the site prior to the refurbishment of the property.

Evidence of barn owl activity at the site exists from protected species surveys conducted in June 2013, and also, prior to this, from monitoring of barn owl breeding activity which has been carried out annually by Malcolm Henderson for at least the past few years (Malcolm Henderson, *pers. comm.*, June 2013).

The main aim of the Strategy was to maintain the current status of barn owl at the site, through a combination of consideration of refurbishment proposals, provision of alternative nest sites and implementation of future management of the site in terms of potential hunting habitat resources for barn owl.

The objectives of the Strategy were to provide alternative ‘temporary’ and permanent nesting sites for barn owl, and guide works such that any direct impact on barn owl / young / eggs is avoided.

## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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Specifically, this was required as it is necessary to ensure compliance with the appropriate legal provisions afforded to barn owl under the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004.

As described in the original Barn Owl Mitigation Strategy, in principle, all wild bird species, their nests and eggs in the UK are protected by law.

As such, it is an offence under the terms of the Wildlife and Countryside Act 1981 to, for example, *“intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built”*. Further, although the Wildlife and Countryside Act is still applicable in Scotland, the Nature Conservation (Scotland) Act 2004 has strengthened these provisions such that it is now an offence to, for example, *“intentionally or recklessly take, damage or destroy or otherwise interfere with the nest of any wild bird while it is in use or being built”*.

Therefore, in order to avoid any such offences, it is even more implicit on developers and their agents (and also on contractors, etc.) to ensure that no nests are affected by works at construction sites in Scotland.

Further, barn owl is listed in Part 1 of Schedule I of the Wildlife and Countryside Act. Such species are afforded special protection such that, *“It is illegal to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest-building or is at or near a nest with eggs or young; or disturb the dependent young of such a bird”*.

The Strategy therefore provided the details of mitigation and compensation measures, and a plan for implementation of these measures which are designed to minimise the risk of causing adverse impact on barn owl and to ensure that ongoing status of this species at the site.

The following sub-section summarises the content of the previous Barn Owl Mitigation Strategy for cross-referencing purposes (*i.e.*, it is not intended to replicate the details incorporated in the original Barn Owl Mitigation Strategy here, rather this document should be referred to as necessary).

### 2.2 SECTIONS OF THE PREVIOUS BARN OWL MITIGATION STRATEGY

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In summary, the original Barn Owl Mitigation Strategy for Folly Cottage included the following sections and content:

- Section 1 detailed the context necessitating the preparation of the document;
- Section 2 provided background information relating to the site and the proposed works which are relevant to barn owl. As such, it included figures using maps and aerial imagery to illustrate the location of the site, described the site itself and the habitats in the surrounding area and used photographs to illustrate the same, summarised the proposed works and outlined the purpose of the strategy;
- Section 3 describes existing evidence of barn owl activity. It described in some detail the buildings involved, and detailed how, during a bat survey completed in June 2013 a Barn Owl was flushed from with the derelict buildings at Folly Cottage. It continued to detail how the resultant report recommended that a Barn Owl Mitigation Strategy was prepared and outlined what this would involve. It then described the findings of a survey visit which was completed by Brian Minshull in conjunction with Malcolm Henderson, which located the actual nest-site and also investigated both the site itself and the wider area in relation to how suitable it was for Barn Owls;

## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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- Section 4 involved a brief consideration of the potential alternatives to planned proposals for the site which could reduce impacts on barn owl;
- Section 5 examined and assessed the potential impacts of current proposals on barn owl and / or the existing nesting site, (in the absence of mitigation), based upon professional judgement and with reference to the guidance published by English Nature and the Barn Owl Trust; and,
- Section 6 outlined the mitigation and compensation, and associated methods which it was proposed would be accordingly adopted in order to avoid / minimise impacts to an acceptable low level of significance, together with proposals for future monitoring.

### 2.3 SUMMARY OF MITIGATION MEASURES ACTUALLY IMPLEMENTED

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The original Barn Owl Mitigation Plan detailed various mitigation measures to minimise any impacts on breeding barn owls should the proposed development take place.

These included, in particular, the:

- Provision of alternative nesting sites, to provide suitable options for breeding barn owls when the Folly Cottage site was demolished. These were to be sited on nearby mature trees, or, as necessary, specially acquired and erected surplus telegraph poles;
- Inclusion of an architectural feature allowing access to an enclosed barn owl nest box within the roof space of the new building; and,
- Demolition of the existing building outside the barn owl breeding season.

In addition, there were other proposed mitigation measures involving improving local foraging habitats, minimising external lighting, monitoring, *etc.*. In effect, these recommendations are still applicable / appropriate.

Once the Barn Owl Mitigation Strategy had been submitted, BCMESL had no further involvement with the implementation of the recommended mitigation measures.

Demolition of the existing buildings (and construction of a new one) has yet to take place.

However, several measures were implemented sometime after the preparation of the Barn Owl Mitigation Strategy aimed at ensuring barn owls (and other bird species) no longer use the site for breeding (Malcolm Henderson, *pers. comm.* August 2019).

Malcolm Henderson was engaged by the Roxburgh Estates to remove the barn owl nest box from the derelict Folly Cottage and re-site it at the nearby Woodside Farm. Further, as already mentioned, the storage of round straw bales in the building was discontinued once the bales already stored there had been gradually removed and used. In addition, it was suggested that the open gable end was to be made bird-proof using wire netting.

As such, Malcolm Henderson hasn't monitored the Folly Cottage site for breeding barn owl in the years since the removal of the barn owl nest box.

# Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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## 3. RESULTS OF THE BREEDING BIRD SURVEY

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### 3.1 SITE DESCRIPTION

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The previous Barn Owl Mitigation Strategy described (and illustrated) in some detail the derelict buildings which comprise the Folly Cottage site.

Fundamentally, these buildings are largely in the same state as they were when they were visited in June 2013. However, importantly, the roofed building is no longer used for the storage of straw bales, *etc.*, and the barn owl nest-box which was previously situated within the beamed roof void has been removed. No recent repairs or maintenance would appear to have been carried out (although a water supply appears to have been installed nearby).

In summary then, the buildings involved were originally a house and outbuildings, which are situated on the side of Crookedshaws Hill facing north east, some 100 m west of the public road leading from Primsidehill to Cocklawfoot, at a point a mile and a half south of Primsidehill and three miles south of Town Yetholm. There is a rough track leading up from the public road from a gated field access.

Folly Cottage itself is a single storey cottage with stone-built walls comprised of rubble block and a pitched and gabled roof tiled with grey slate.

Although largely intact, the entire north-western gable end is missing, presumably having been removed to create an agricultural storage area (for example, the building was previously used for storage of straw bales, *etc.*) and a shelter for sheep. Conversely, the roof and other walls of the building are still functional. It has had its first floor, and all interior fittings and linings, removed. A new concrete floor slab has been laid. The roof is in poor condition, with rainwater goods missing and timberwork damaged by rot, *etc.* Existing windows and door openings have been blocked.

The building is structurally unsound as a result of the collapsed and / or removed gable end. For example, the remaining standing structure includes numerous broken or rotten roof timbers. Internally, as suggested, the building is open to the roof, exposing a collar beamed roof void which is lined with wooden sarking.

The skylights on the south-western aspect of the roof are largely intact, and the original windows and doors of the cottage have been sealed with red brick. As such, the open gable end is the only access for barn owl into the building.

The unroofed structure to the south is in very poor structural condition, and only has three remaining walls, the other one having been largely removed to create a large opening.

The state of the buildings involved is illustrated in Plates 3.1a and 3.1b.

### 3.2 FINDINGS OF THE BREEDING BIRD SURVEY

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The breeding bird survey was undertaken on the 20<sup>th</sup> August 2019. As described, fundamentally, the buildings are in a broadly similar state to what they were in June 2013, with the important exception that the barn owl nest box and the straw bales (*e.g.*, behind which a nest was located in 2013) had been removed (see Plates 3.2a and 3.2b).

The buildings were thoroughly visually checked for evidence of breeding birds both internally and externally, using binoculars as necessary.

## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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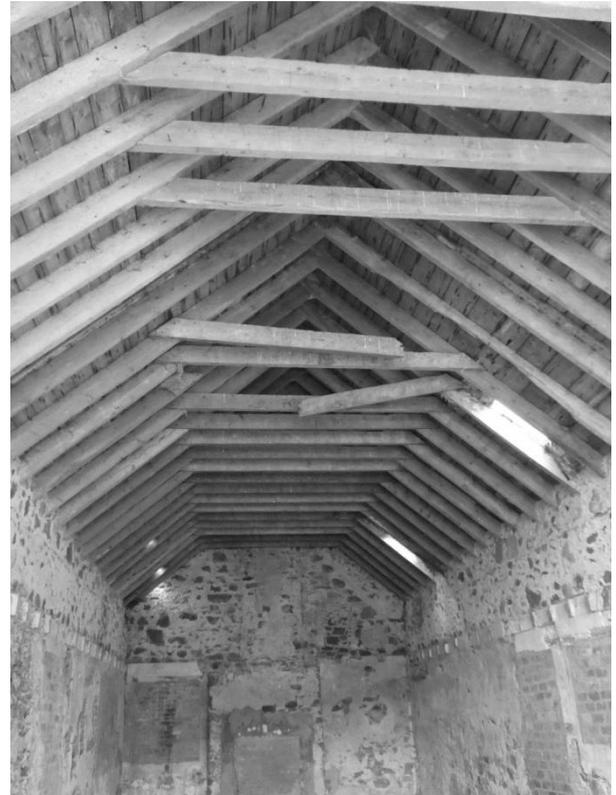
Plate 3.1a, View of the north-western elevation of Folly Cottage (showing the gable end that has been removed).



Plate 3.1b, View of the south-west elevation of Folly Cottage and the largely intact roof, etc..

## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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**Plate 3.2a and b, View of the straw bales which were stored in the main building at the time of the previous site visit in May 2013 (the barn owl nest site was to the left side of the building between the bales and a view of the same at the time of the recent site visit in August 2019).**

No evidence of barn owl was located<sup>3,4</sup>. This was not surprising, as since the successful breeding attempt in 2013 both the barn owl nest-box and the straw bales behind which the nest was located had been removed in order to prevent further such breeding attempts.

The only birds present were a few feral pigeons (*Columba livia*).

These were undoubtedly breeding in the floor beam holes (see Plate 3.2c). For example, recently hatched eggshells were seen on ground nearby (see Plate 3.2d).

Further, they were obviously roosting in the roof beams. Several centimetres of droppings, feathers, etc., were very evident beneath the central roof beams (see Plate 3.2e).

Beyond this there were the fallen remains of a jackdaw (*Corvus monedula*) nest at the far end of the building (see Plate 3.2f).

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<sup>3</sup> Any survey work involving disturbing Barn Owls would be conducted under the terms of a bird licence (bird licence number 124621) issued to Brian Minshull by Scottish Natural Heritage on the 12<sup>th</sup> July 2018.

<sup>4</sup> Brian Minshull completed some 60 and 25 Barn Owl site checks in summer 2018 in summer 2019, and as such was well-placed to undertake this survey.

## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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However, there were no other signs of potential breeding species such as swallow (*Hirundo rustica*) and jackdaw.

Finally, a fresh (juvenile?) kestrel (*Falco tinnunculus*) feather was located, suggesting that a kestrel had recently roosted on the beams at the open gable end of the building.



Plate 3.2c, The floor beam holes used as nesting cavities by feral pigeons.



**Plate 3.2d, A freshly hatched feral pigeon egg amongst the pigeon dropping debris that litters the floor of Folly Cottage.**



## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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Plate 3.2e, View of the floor of Folly Cottage, showing the accumulated pigeon droppings, etc., beneath the roof beams.



Plate 3.2f, The remains of a fallen jackdaw nest at the far end of the building.

### 4. MITIGATION – SPECIES PROTECTION PLAN

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There is obviously potential for breeding birds to continue utilise this site as long as the open gable end remains (and as such provides access to (potential breeding) birds and the rest of the building remains largely intact.

The obvious mitigation for this would be for demolition to take place / construction to commence prior to the 2020 (or subsequent) breeding season(s).

It should be noted that feral pigeons can have a prolonged breeding season (beyond the ‘normal’ breeding season, however this is defined, *e.g.*, March – August according to guidance of the gov.uk website<sup>5</sup>).

Further, although often regarding as a pest species, feral pigeon is protected by the same legislation that applies to all wild birds as outlined in sub-section 2.1.

**As such, the recommended mitigation of the (breeding bird) species protection plan is to complete the demolition of the building in the mid-winter period, when even feral pigeons are unlikely to be breeding in the Scottish Borders.**

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<sup>5</sup> <https://www.gov.uk/guidance/wild-birds-surveys-and-mitigation-for-development-projects>

## **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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Finally, as noted, the existing (approved) Barn Owl Mitigation Strategy included various recommended measures aimed at securing the ongoing presence of breeding barn owls at the site / in the area around the site, and as such these should still be considered.

## Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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### 5. CONCLUSION

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It is considered that Folly Cottage now only provides a suitable breeding site for a very limited number of breeding species.

Feral pigeon was the only species recorded to be breeding there during the survey visit completed during August 2019, whilst it is considered that a very few other species (such as swallow and jackdaw and starling (*Sturnus vulgaris*)) could possibly still use the site.

On this basis, this breeding bird survey and (species) protection plan recommends that the building is demolished as soon as possible outwith the bird breeding season (bearing in mind that feral pigeon, which is afforded the same legal protection as all native breeding bird species can have an extended breeding season), *i.e.*, during the upcoming mid-winter period.

## **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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### **REFERENCES**

BCM Environmental Services Limited, (2013), *Barn Owl Mitigation Strategy – Folly Cottage, by Town Yetholm* – June 2013.

## **Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019**

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### **ACKNOWLEDGEMENTS**

Brian Minshull is grateful to Roddy Jackson, The Factor of Roxburghe Estates, and co-owner of Folly Cottage, for facilitating the work involved and providing access.

Brian Minshull is also grateful to Malcolm Henderson for providing certain background information.

Finally, the assistance of Andy Tharme, the Ecology Officer of the Scottish Borders Council, in detailing what was required is also acknowledged.

# Breeding Bird Survey and Protection Plan – Folly Cottage, by Town Yetholm – August 2019

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## A BREEDING BIRD SURVEY AND PROTECTION PLAN PREPARED BY:

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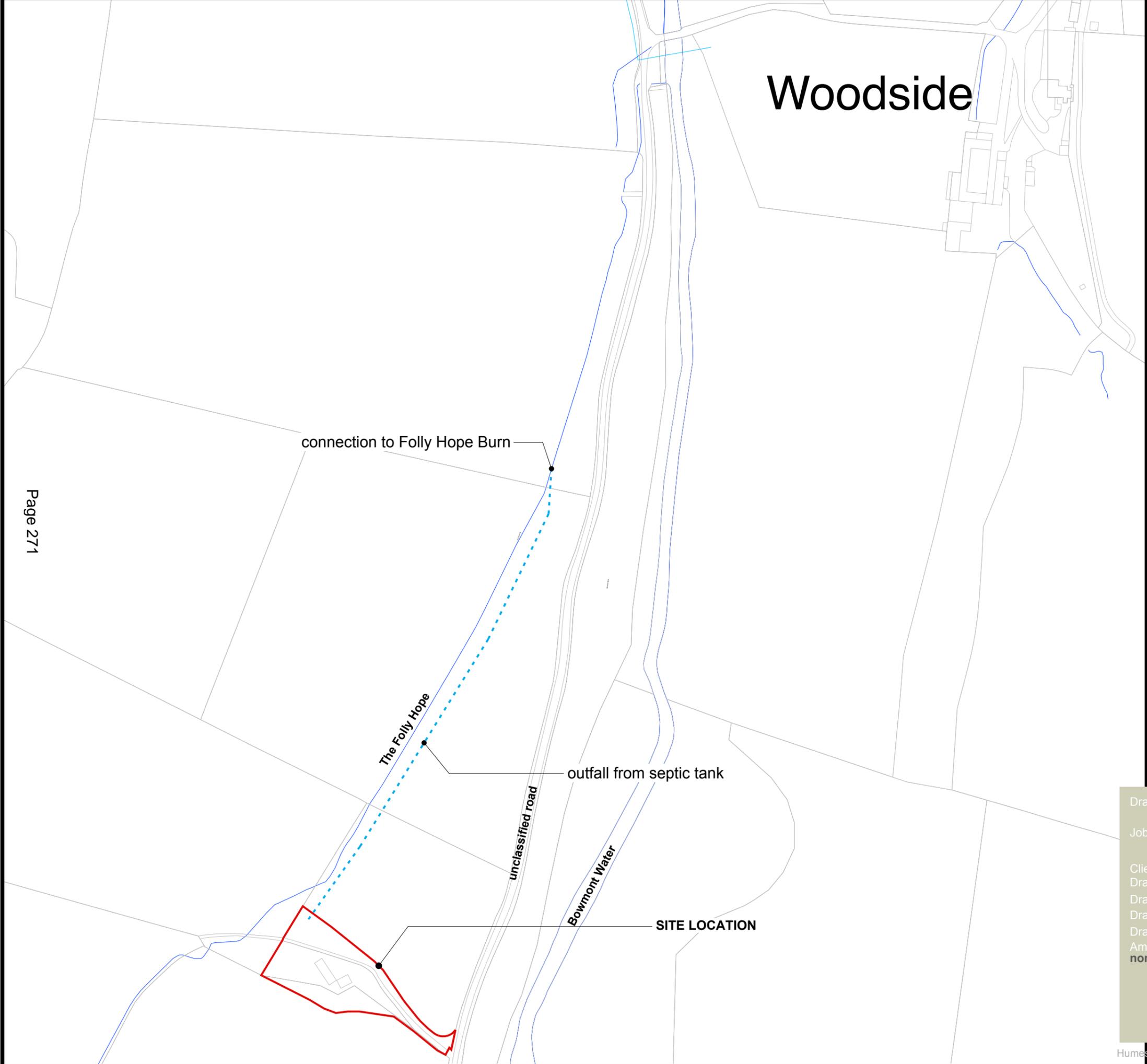
mobile: 07711 375021

[www.bcmenvirons.com](http://www.bcmenvirons.com)

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# Woodside



connection to Folly Hope Burn

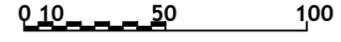
The Folly Hope

outfall from septic tank

unclassified road

Bowmont Water

SITE LOCATION



Drawing Title: **LOCATION PLAN**

Job Title: **Proposed Restoration and re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-01**

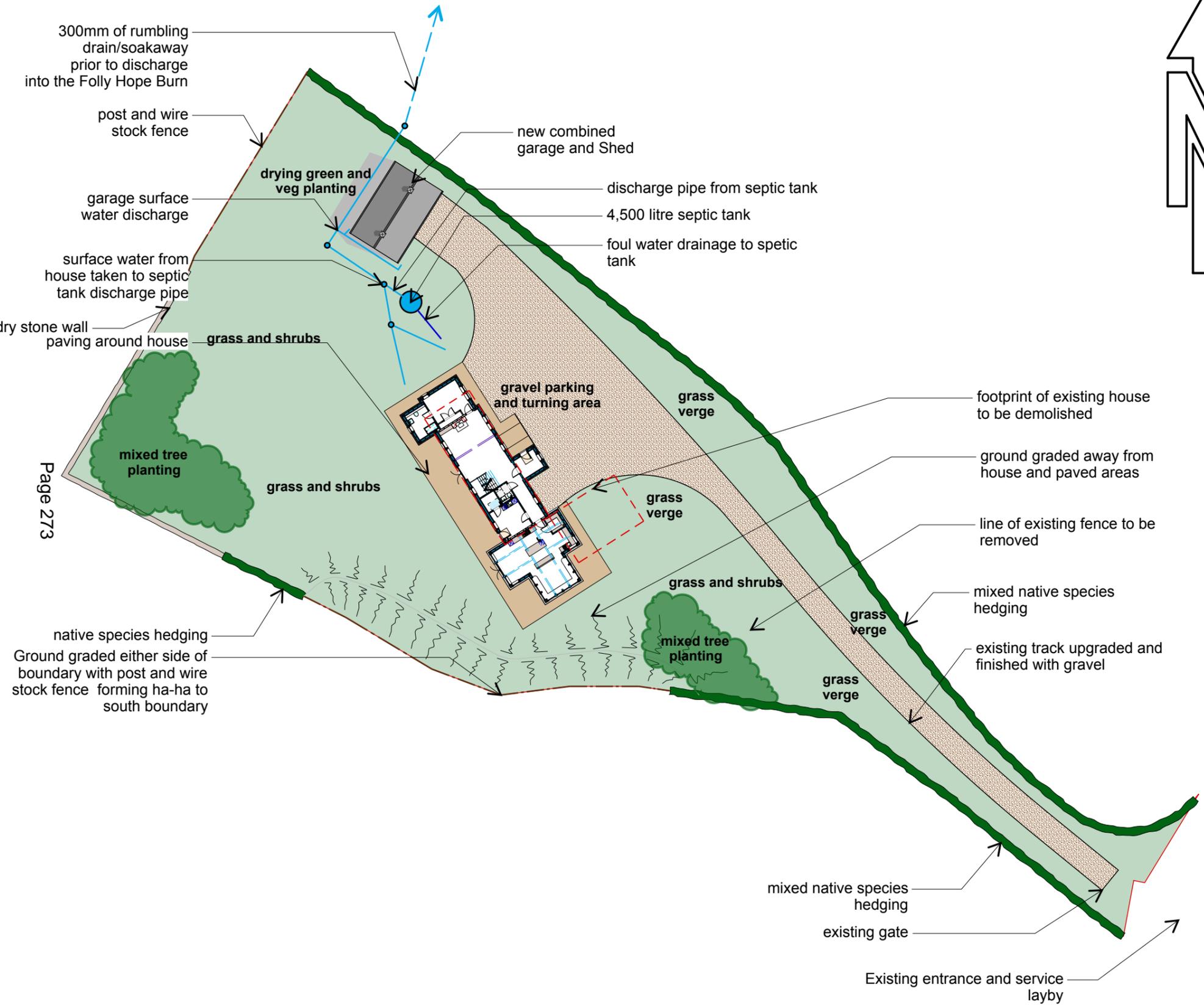
Drawing Scale: **1:2,500**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments: **none**

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Page 273



**Notes on Hedge Planting:**

1. Where shown boundaries to be planted out with a mix of Hawthorn, Blackthorn and Dogrose.
2. Preparation: prior to planting ground to be prepared with topsoil to a depth of 300mm and allowed to settle for at least two months before planting.
3. Hedge to be planted with 60-90 cm whips in two staggered rows at 35 cm between plants.
4. Plants to be protected with degradable rabbit proof tubes.
5. Planting to take place within first planting season following occupation between October and March. Watering to be carried out during periods of drought within first year. Plants to be maintained with any dead plants replaced within the first 2 years. Pruning/cutting to be carried out to encourage dense growth.

**Notes on Tree Planting:**

1. Where shown mixed native tree planting for screening, shelter and amenity. Equal quantities planted at a spacing of approximately 1.5 x 1.5 m of the following:  
Gean Cherry (*Prunus avium*)  
Rowan (*Sorbus aucuparia*)  
Hornbeam (*Carpinus betulus*)  
Hazel (*Corylus laevis*)  
Birch (*Betula pendula*)  
Crab Apple (*Malus sylvestris*)  
Field maple (*Acer campestre*)
2. **Preparation:** prior to planting ground to be prepared with topsoil to a depth of 300mm and allowed to settle for at least two months before planting.
3. **Planting:** trees to be supplied as 40-60 cm tall bare-rooted or cell-grown.
4. **Tree protection:** Tree planting to be entirely enclosed within Post and Wire stock Fencing, with individual rabbit/vole guards at each tree.
5. **Maintenance:** trees will be maintained and replaced if necessary

Drawing Title: **SITE PLAN**

Job Title: **Proposed Restoration/Re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-02**

Drawing Scale: **1:500**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments: **none**

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- GENERAL NOTES:**
- ELECTRICAL WORKS:** All works to comply with Technical Handbook clauses 4.5 and 4.6 and be to the test and satisfaction of Local Power Network Supplier. All works to be in accordance with the current edition of the IEE Regulations and be to BS 7671:2008. 100% of light fittings to be energy efficient type. All Electrical outlets (sockets & switches) to be positioned 350mm from internal corners and no higher than 1.2m above floor level. Light switches to be positioned between 900-1100mm above floor level. Socket outlets to be positioned at least 400mm above floor level. Socket outlets to be positioned at least 150mm above kitchen worktop. All external lights to be fitted with LED lamps no greater than 50watts per light fitting and fitted with PIR sensor for automatic illumination.
  - HEATING:** To be provided by air to water heat pump (located at Garage Building) providing heat to hwc, underfloor heating at the ground floor, radiators and heated towel rails at the first floor. Independent time and temperature controls of heating and hot water circuits, should be provided along with room thermostats fitted to all areas with under floor heating. TRVs to towel rails and radiators, linked to 7 day central heating programmer. A separate flow temperature high limit thermostat should be used for warm water systems connected to any high water temperature heat supply. The system, along with heat recovery and ventilation installation, shall provide a temperature of 21degrees in at least one apartment with 18degrees elsewhere, when the outside temperature is -1degrees. All hot and cold pipework to be fully insulated to BS 5422:2001. Full manuals and operating (and maintenance) instructions for hot water and heating system to be handed over to occupier following commissioning of system. 500litre unvented Thermal Store, BBA approved, at Garage to be fully insulated, 80mm thick. The HWC should be installed by a registered person with appropriate training and practical experience. Certification of the unit should be recorded by a marking and warning label, which should be visible after installation and should identify the installer. Installation to be in accordance with BS 7206:1990. Carbon dioxide emissions certificate (EPC) to be affixed to the building (within Utility) only to be removed when being replaced.
  - ALL TIMBER STUD PARTITIONS** shall be formed with 95 x 45mm studs at 600mm centres with head and base bearers, mid-height dwangs and dwangs at heights to suit 12.5mm plasterboard sizes, fitted with 12mm OSB + 12.5mm moisture resistant plasterboard to be fitted at baths and showers. 100mm thick (full depth) dense acoustic insulation to be fitted between studs at all partitions.
  - No trickle vents to be fitted to windows as house will be fitted with whole house ventilation system.
  - VENTILATION:** Install Paul or Zehnder whole house ventilation system incorporating heat recovery. The system shall extract air from Kitchen, Utility, En-Suites and we with supply air to areas shown including all Bedrooms, Sitting Area and Dining Area. MVHR system to be installed in accordance with manufacturers instructions and BRE Digest 398. Condensate pipe to be taken to SWVP. The inlet and outlet from the mechanical ventilation system fitted through the roof should be positioned to avoid the contamination of the air supply to the system. The system should be constructed and installed in accordance with the recommendations in Legionnaires' Disease: The control of legionella bacteria in water systems - approved code of practise and guidance - HSE L8. The whole house ventilation should comply with the requirements of CIBSE Guide B2: 2001; Section 3.
  - Light fittings within Bathroom rooms to be shrouded type.
  - All leadwork to be carried out in accordance with the latest recommendations of the Lead Development Association.
  - All structural, framing and roof timbers are to be kiln dried and pre-treated against timber decay and insect attack.
  - All new window and door openings are to be double sealed (from both inside and outside) during installation. New windows and door to be fully draught stripped.
  - Where services enter building these shall be fully sealed at air tight layer of building to maintain air tightness.
  - All sealing to be in accordance with detail drawings with the use of appropriate air tightness tapes as shown at detail drawings.
  - Blockwork to comply with BS EN 771-3: 2003 and BS EN 772-2: 1998, 440 x 215 x 100mm, minimum density 1840kg/cu.m., strength 7Nsq.nm.
  - Mortar to BS 5628-1:2005:Part 1, Table 1 Designation 3 (1:1:6)
  - Glazing to all doors and low level windows (below 800mm) to be to BS 6262: 2005.
  - Smoke alarms, Ionisation type within Hallways, with Optical type within Sitting Area, both types complying with BS EN 14604:2005, to be hard wired to electrical circuit, all smoke alarms and heat detector to be interlinked (with battery back-up) to comply with BS 5839: Part 6: 2004, positioned not less than 300mm from a wall and light fittings. Heat detector, complying with BS 5446:Part 2:2003, to be hard wired to electrical circuit and interlinked (with battery back-up).
  - Downlighters at Ground floor Ceilings shall be fire rated to provide fire protection of 30mins.
  - Dimensions at new timber frame build; taken to the structural face of partitions and external timber walls; External window dimensions taken to the timber frame opening size.
  - All structural timbers to be C16 grade, unless otherwise noted.
  - All baths to be fitted with thermostatic anti-scald valve to limit the temperature of hot water at point of delivery to 48degrees and should be fitted as close to the point of delivery as possible.
  - Refer to Structural Engineers Specification regarding timber framework, nailing schedule, anchor straps, lintols and load bearing partitions.
  - The dwelling is designed to achieve maximum air permeability of 1.0cu.m/ sq.m/h at 50P
  - The building site and new dwelling where there are unfinished or partially completed works are to be kept safe and secure.
  - Dwangs to be fitted at 400mm centres between joists, where first floor partitions run parallel with joists.
  - First Floor Joists: Cutting of holes is restricted to sizes and locations as specified by engineered joist manufacturers guidance notes
  - CEILINGS:** 12.5mm skim coated plasterboard over 12mm OSB to be fitted to all Ground Floor ceilings.
  - All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
  - Sustainability Label to be provided for building and appended to EPC on completion of the works.
  - EPC to be provided and appended to building on completion
  - All wc's shall be dual flush with flush volume not exceeding 4.5ls and flow rate at sink taps not to exceed 6ls/sec.

Drawing Title: **FIRST FLOOR PLAN AND SECTION**

Job Title: **Proposed Rstoration and Rebuilding of Folly Bank, Woodside farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

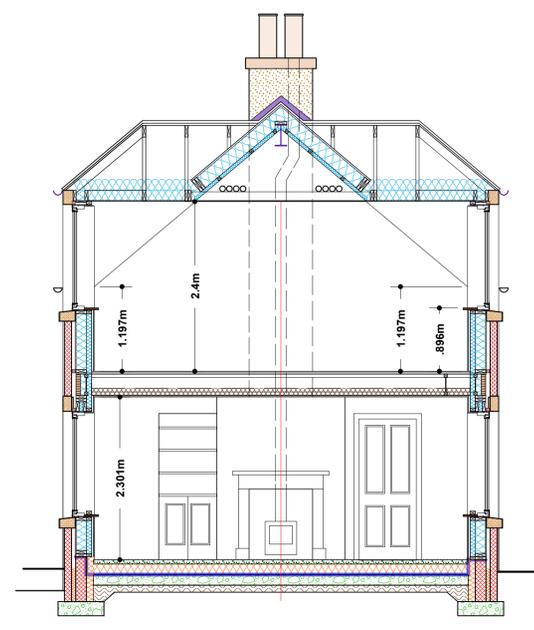
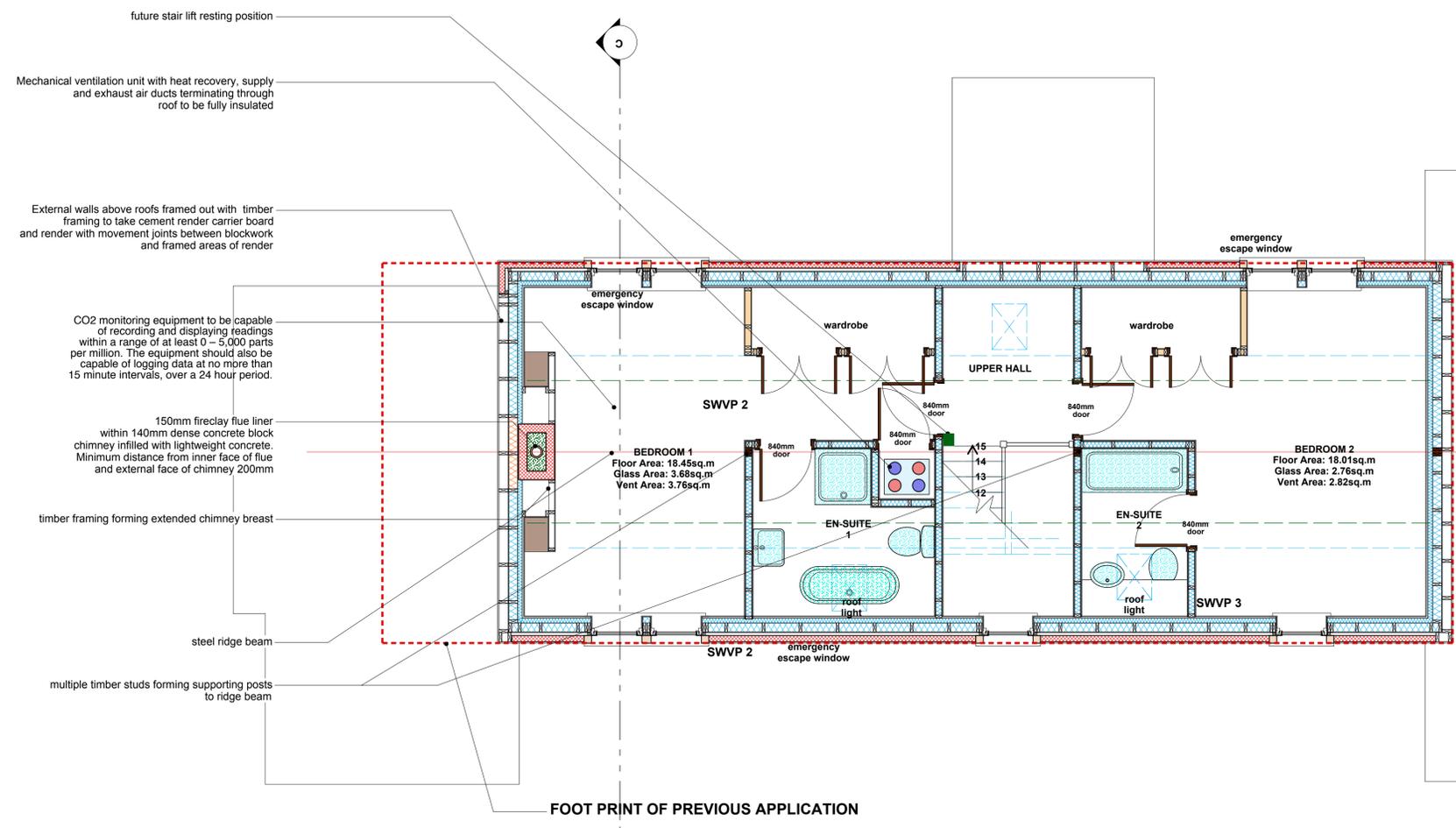
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Drawing Scale: **1:50**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments: **none**



**Notes on Window Openings**

At all Bedrooms and Sitting Room each openable window will have controls for opening, positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of:

- not more than 1.7m above floor level, where access to controls and is unobstructed, and,
- not more than 1.2m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible

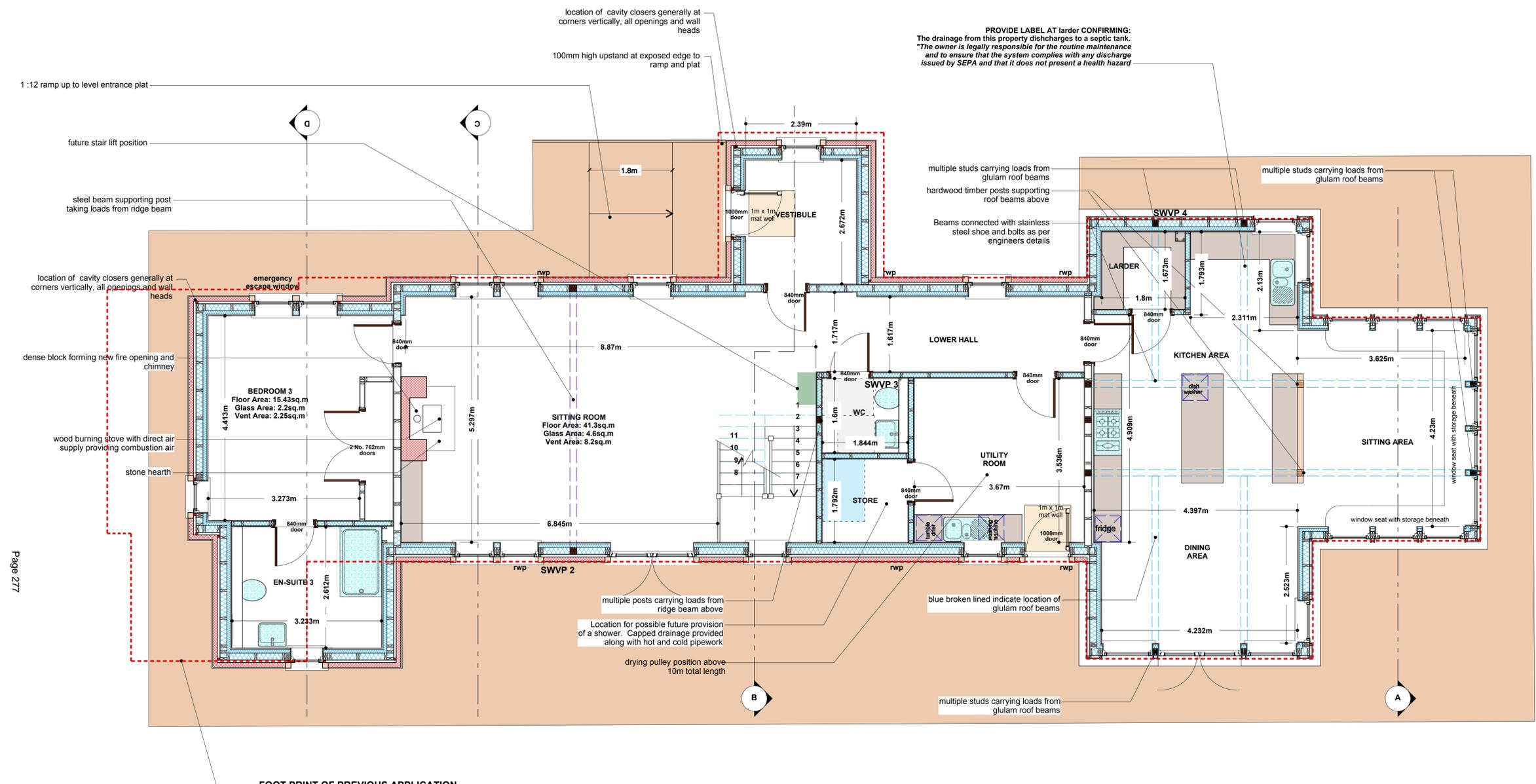
**New Stair:**

Rise: 178mm, approx.  
 Going: 250mm (21+3= 606)  
 Pitch: 35.4 degrees  
 Width: 900mm (min.) between handrail and wall  
 Handrail height: 840mm above stair pitch line  
 Guardrail / first floor balustrade height: 920mm above floor level  
 Balustrade: Timber balustrade with gaps no greater than 99mm  
 Headroom: 2.0m minimum height at stair flight and landings.  
 No openings at stair riser to exceed 99mm  
 Handrail: to have profile and projection that will allow firm grip  
 Protective Barrier: to be capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1



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**IMPORTANT NOTES**  
These drawings must be read in conjunction with engineers drawings and specification prior to carrying out any works.  
These drawings must not be scaled, the contractor is responsible for checking all dimensions on site.  
These Drawings are the Copyright of Keith Renton Architect



**PROVIDE LABEL AT Larder CONFIRMING:**  
The drainage from this property discharges to a septic tank.  
The owner is legally responsible for the routine maintenance and to ensure that the system complies with any discharge issued by SEPA and that it does not present a health hazard

- GENERAL NOTES:**
- ELECTRICAL WORKS:** All works to comply with Technical Handbook clauses 4.5 and 4.6 and be to the test and satisfaction of Local Power Network Supplier. All works to be in accordance with the current edition of the IEE Regulations and be to BS 7671:2008. 100% of light fittings to be energy efficient type. All Electrical outlets (sockets & switches) to be positioned 350mm from internal corners and no higher than 1.2m above floor level. Light switches to be positioned between 900-1100mm above floor level. Socket outlets to be positioned at least 400mm above floor level. Socket outlets to be positioned at least 150mm above Kitchen worktop. All external lights to be fitted with LED lamps no greater than 50watts per light fitting and fitted with PIR sensor for automatic illumination.
  - HEATING:** To be provided by air to water heat pump (located at Garage Building) providing heat to hwc, underfloor heating at the ground floor, radiators and heated towel rails at the first floor. Independent time and temperature controls of heating and hot water circuits, should be provided along with room thermostats fitted to all areas with under floor heating. TRVs to towel rails and radiators, linked to 7 day central heating programmer. A separate flow temperature high limit thermostat should be used for warm water systems connected to any high water temperature heat supply. The system, along with heat recovery and ventilation installation, shall provide a temperature of 21degrees in at least one apartment with 18degrees elsewhere, when the outside temperature is -1degrees. All hot and cold pipework to be fully insulated to BS 5422:2001. Full manuals and operating (and maintenance) instructions for hot water and heating system to be handed over to occupier following commissioning of system. 500litre unvented Thermal Store, BBA approved, at Garage to be fully insulated, 80mm thick. The HWC should be installed by a registered person with appropriate training and practical experience. Certification of the unit should be recorded by a marking and warning label, which should be visible after installation and should identify the installer. Installation to be in accordance with BS 7206:1990. Carbon dioxide emissions certificate (EPC) to be affixed to the building (within Utility) only to be removed when being replaced.
  - ALL TIMBER STUD PARTITIONS** shall be formed with 95 x 45mm studs at 600mm centres with head and base bearers, mid-height dwangs and dwangs at heights to suit 12.5mm plasterboard sizes, fitted with 12mm OSB + 12.5mm plasterboard both sides with moisture resistant plasterboard to be fitted at baths and showers. 100mm thick (full depth) dense acoustic insulation to be fitted between studs at all partitions.
  - No trickle vents to be fitted to windows as house will be fitted with whole house ventilation system.
  - VENTILATION:** Install Paul or Zehnder whole house ventilation system incorporating heat recovery. The system shall extract air from Kitchen, Utility, En-Suites and wc with supply air to areas shown including all Bedrooms, Sitting Area and Dining Area. MVHR system to be installed in accordance with manufacturers instructions and BRE Digest 398. Condensate pipe to be taken to SWVP. The inlet and outlet from the mechanical ventilation system fitting through the roof should be positioned to avoid the contamination of the air supply to the system. The system should be constructed and installed in accordance with the recommendations in Legionnaires' Disease: The control of legionella bacteria in water systems - approved code of practice and guidance - HSE L8. The whole house ventilation should comply with the requirements of CIBSE Guide B2: 2001; Section 3.
  - Light fittings within Bathroom rooms to be shrouded type.
  - All leadwork to be carried out in accordance with the latest recommendations of the Lead Development Association.
  - All structural, framing and roof timbers are to be kiln dried and pre-treated against timber decay and insect attack.
  - All new window and door openings are to be double sealed (from both inside and outside) during installation. New windows and door to be fully draught stripped.
  - Where services enter building these shall be fully sealed at air tight layer of building to maintain air tightness.
  - All sealing to be in accordance with detail drawings with the use of appropriate air tightness tapes as shown at detail drawings.
  - Blockwork to comply with BS EN 771-3: 2003 and BS EN 772-2: 1998, 440 x 215 x 100mm, minimum density 1840kg/cu.m., strength 7N/sq.mmm.
  - Mortar to BS 5628-1:2005:Part 1, Table 1 Designation 3 (1:1:6)
  - Glazing to all doors and low level windows (below 800mm) to be to BS 6262: 2005.
  - Smoke alarms, Ionisation type within Hallways, with Optical type within Sitting Area, both types complying with BS EN 14604:2005, to be hard wired to electrical circuit, all smoke alarms and heat detector to be interlinked (with battery back-up) to comply with BS 5839: Part 6: 2004, positioned not less than 300mm from a wall and light fittings. Heat detector, complying with BS 5446:Part 2:2003, to be hard wired to electrical circuit and interlinked (with battery back-up).
  - Downlights at Ground floor Ceilings shall be fire rated to provide fire protection of 30mins.
  - Dimensions at new timber frame build, taken to the structural face of partitions and external timber walls; External window dimensions taken to the timber frame opening size.
  - All structural timbers to be C16 grade, unless otherwise noted.
  - All baths to be fitted with thermostatic anti-scald valve to limit the temperature of hot water at point of delivery to 48degrees and should be fitted as close to the point of delivery as possible.
  - Refer to Structural Engineers Specification regarding timber framework, nailing schedule, anchor straps, lintols and load bearing partitions.
  - The dwelling is designed to achieve maximum air permeability of 1.0cu.m/ sq.m/h at 50P
  - The building site and new dwelling where there are unfinished or partially completed works are to be kept safe and secure.
  - Dwangs to be fitted at 400mm centres between joists, where first floor partitions run parallel with joists.
  - First Floor Joists: Cutting of holes is restricted to sizes and locations as specified by engineered joist manufacturers guidance notes
  - CEILINGS: 12.5mm skim coated plasterboard over 12mm OSB to be fitted to all Ground Floor ceilings.
  - All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
  - Sustainability Label to be provided for building and appended to EPC on completion of the works.
  - EPC to be provided and appended to building on completion
  - All wc's shall be dual flush with flush volume not exceeding 4.5ls and flow rate at sink taps not to exceed 6ls/sec.

**Notes on Window Openings**  
At all Bedrooms and Sitting Room each operable window will have controls for opening, positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of:  
- not more than 1.7m above floor level, where access to controls and is unobstructed, and,  
- not more than 1.2m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible  
**New Stair:**  
**Rise:** 178mm, approx.  
**Going:** 250mm (2r+g=606)  
**Pitch:** 35.4 degrees  
**Width:** 900mm (min.) between handrail and wall  
**Handrail height:** 840mm above stair pitch line  
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**Balustrade:** Timber balustrade with gaps no greater than 99mm  
**Headroom:** 2.0m minimum height at stair flight and landings.  
No openings at stair riser to exceed 99mm  
**Handrail:** to have profile and projection that will allow firm grip  
**Protective Barrier:** to be capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1



Drawing Title: **GROUND FLOOR PLAN**

Job Title: **Proposed Restoration and Rebuilding of Folly Bank, Woodside farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-06**

Drawing Scale: **1:50**

Drawing Date: **May 2019**

Drawn By: **KR**

Amendments: **none**

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

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**NORTH EAST ELEVATION**

Page 279



**NORTH WEST ELEVATION**

**NOTES:**

1. Windows: Hi-performance type windows shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
2. All glazing to windows where the cill height is less than 800mm from floor level and all glazing to doors shall be to BS 6262: 2005.
3. All Downpipes to be 75mm Lindab circular steel fixed in accordance with manufacturers instructions. Gutters at pitched roofs shall be Lindab 120mm half gutters fixed with rafter arm brackets at 600mm c/c
4. New doors/ patio doors/ sliding folding doors shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve a min. U-value of 1.0.
5. Glazed Screens: shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
6. **NO** Trickle Vents to be fitted to any window or door (MVHR system being fitted).
7. All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
8. Cleaning of upper floor fixed windows higher than 4.0m above adjacent ground level to be cleaned with a pole type external cleaning system. All other windows will be fully reversible to allow safe cleaning from within
9. All windows opening onto paths and ramp shall be fitted with 100mm restrictors
10. Doors and windows to be installed to the recommendations given in section 8 of BS 8213-4: 2007, or manufacturer's written instructions where these meet or exceed the recommendation within this British Standard.

Drawing Title: **PROPOSED NORTH EAST AND NORTH WEST ELEVATIONS**

Job Title: **Proposed Restoration and Re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-08a**

Drawing Scale: **1:100**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments:

a) **13-05-19, additional velux added to NE elevation**



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PROFILE OF PREVIOUS APPLICATION

air exhaust from MVHR located minimum of 3m from supply terminal

Fakro FTT U6 triple glazed roof windows

rwp

rwp

rwp

SWVP

rwp

rwp

rwp

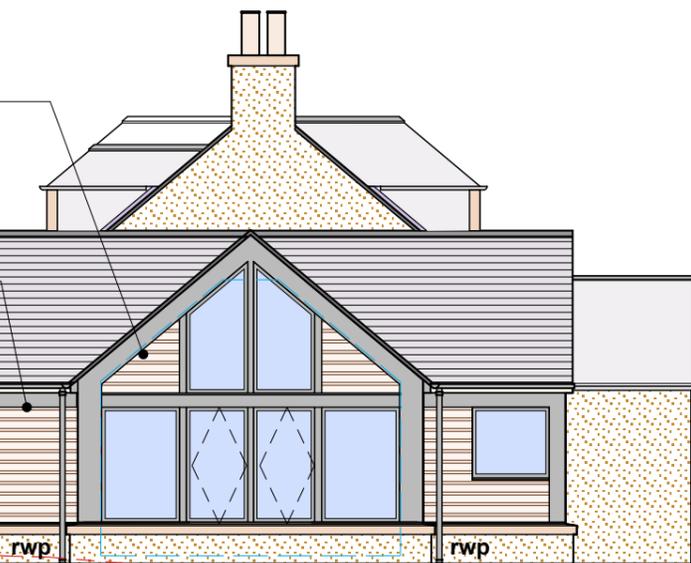
## SOUTH WEST ELEVATION

Page 281

face and cover plates to be clad in either zinc or powder coated aluminium

timber clad panels

existing ground level



## SOUTH EAST ELEVATION

### NOTES:

1. Windows: Hi-performance type windows shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
2. All glazing to windows where the cill height is less than 800mm from floor level and all glazing to doors shall be to BS 6262: 2005.
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7. All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
8. Cleaning of upper floor fixed windows higher than 4.0m above adjacent ground level to be cleaned with a pole type external cleaning system. All other windows will be fully reversible to allow safe cleaning from within
9. All windows opening onto paths and ramp shall be fitted with 100mm restrictors
10. Doors and windows to be installed to the recommendations given in section 8 of BS 8213-4: 2007, or manufacturer's written instructions where these meet or exceed the recommendation within this British Standard.

**E** **Escape window**, with an opening area of no less than 0.33sq.m with neither the clear opening width or height being less than 450mm. Bottom of opening shall be between 800 and 1100mm

Drawing Title: **PROPOSED SOUTH WEST AND SOUTH EAST ELEVATIONS**

Job Title: **Proposed Restoration and Re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-09a**

Drawing Scale: **1:100**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments:

a) **13-05-19, Utility door now solid and swapped with window**



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Mr & Mrs Roddy & Rachel Jackson  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask for:** Euan Calvert  
01835 826513  
**Our Ref:** 19/00965/FUL  
**Your Ref:**  
**E-Mail:** ecalvert@scotborders.gov.uk  
**Date:** 5th September 2019

Dear Sir/Madam

**PLANNING APPLICATION AT Folly Cottage Woodside Farm Kelso Scottish Borders**

**PROPOSED DEVELOPMENT:** Demolition of existing dwellinghouse and erection of replacement dwellinghouse

**APPLICANT:** Mr & Mrs Roddy & Rachel Jackson

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

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

**Application for Planning Permission**

**Reference : 19/00965/FUL**

**To : Mr & Mrs Roddy & Rachel Jackson per Ferguson Planning 54 Island Street Galashiels TD1 1NU**

With reference to your application validated on **3rd July 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Demolition of existing dwellinghouse and erection of replacement dwellinghouse**

**at : Folly Cottage Woodside Farm Kelso Scottish Borders**

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

**Dated 4th September 2019  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/00965/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
01	Location Plan	Refused
02	Proposed Site Plan	Refused
06	Proposed Plans	Refused
07	Proposed Plans	Refused
08B	Proposed Elevations	Refused
09B	Proposed Elevations	Refused
10A	Proposed Plans	Refused

**REASON FOR REFUSAL**

- 0 The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment.

**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 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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 (as amended).

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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 :** 19/00965/FUL

**APPLICANT :** Mr & Mrs Roddy & Rachel Jackson

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Demolition of existing dwellinghouse and erection of replacement dwellinghouse

**LOCATION:** Folly Cottage Woodside Farm  
Kelso  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
01	Location Plan	Refused
02	Proposed Site Plan	Refused
06	Proposed Plans	Refused
07	Proposed Plans	Refused
08B	Proposed Elevations	Refused
09B	Proposed Elevations	Refused
10A	Proposed Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

The application was published in the Southern Reporter and on [tellmescotland.gov.uk](http://tellmescotland.gov.uk). No representations were received.

**Applicant's Planning Statement:**

A completely new building being proposed. The constructional detailing has been amended to achieve very high standards of thermal and energy efficiency. There is a 12.5sqm reduction on 17/00104/FUL. The design and layout of the single dwelling has already been deemed acceptable under HD2 (C) Conversions of Buildings to a house. The full extent of re-building and remodelling required to the existing structures became apparent at BW stage 17/00104/FUL. There is a cost premium to demolition. Rebuilding is a safety concern. Re-building with a house of increased sustainability and energy efficiency is a policy principle. Evidence of previous residential use on the site. The walls of the former cottage are substantially intact but in a state of disrepair. The replacement would reflect the original layout of the dwelling.

**Consultations:**

Environmental Health: No objection subject to conditions on water supply and private drainage details.

Archaeology: The proposal to demolish the existing buildings and construct a new house will destroy archaeological information in the buildings and below ground. Given the likely antiquity of the settlement, and indeed the upstanding buildings, I judge the archaeological significance to be regional, with there being a moderate to high potential of encountering significant archaeological information. Mitigating the loss of the buildings and impacts on below ground deposits should include an historic building survey of the existing structures to an ENHANCED standard (per ALGAO: Scotland guidance; more detailed recording may be required as necessary) and a watching brief on all associated groundworks to sterile sub-soil or the first archaeological horizon.

Roads Planning: No objection subject to conditions requiring parking and visibility splay works.

Ecology: No objection subject to condition requiring SPP for birds.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of residential amenity

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP8: Archaeology

EP13: Trees, woodlands and hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

New Housing in the Borders Countryside 2008

Landscape and development, 2008

Developer Contributions, April 2016

Guidance on Householder Developments, July 2006

**Recommendation by** - Euan Calvert (Assistant Planning Officer) on 2nd September 2019

Full planning permission is sought for demolition of a derelict dwellinghouse and erection of a replacement at Folly Cottage, Woodside Farm, Kelso.

#### Site and Location

The site is 3 miles south of Town Yetholm in the Bowmont valley. It is situated on the lower eastern slopes of Crookedshaws Hill, overlooking the Bowmont Water. A track leads uphill from the roadside (the eastern boundary) to the building at The Folly Hope Burn. This burn forms the western boundary of this site.

The curtilage of the building has been enclosed by agricultural steel net stock fencing and a mixed species hedgerow. A service layby and entrance bellmouth have been formed in bitmac, both in accordance with a planning condition on 10/00655/FUL. The building benefits from this extant full planning permission for reinstatement, alterations and extensions to the derelict farmhouse.

A subsequent application in 2017, 17/00104/FUL, for re-instatement, alterations and extension of former dwellinghouse and erection of detached garage was approved but not implemented.

#### Policy

A material planning consideration is Policy HD2 Part E which identifies opportunities for replacement dwellings in the countryside.

## Proposal

The proposal is to demolish the building and to erect a new dwellinghouse on the site. The design is largely identical in form, layout and orientation as approved in 2017, 17/00104/FUL. There would be discernible changes to the plan principally in the length of the main ridge line. This proposal would be shorter in ridge length and 12.5m small in footprint than the live permission.

## Assessment

### Principle

The principal of residential accommodation was established by permission 06/00992/FUL, which considered conversion of a derelict building to dwellinghouse. In 2010, 10/00655/FUL, a permission for reinstatement, alterations and extensions was approved for what was described as a "derelict farmhouse". This has commenced and now a live permission exists for re-instatement, alterations and extension, 17/00104/FUL.

Policy HD2, Part E, of the Local Development Plan 2016 supports replacement of an existing house where:

- I. The siting and design of the new build reflects and respects the historical building pattern and character of the landscape setting.
- II. The proposal is in keeping with the existing/ original building in terms of scale, extent, form and architectural character.
- III. The conversion is in keeping with the scale and architectural character of the existing building.

New housing in Borders Countryside Supplementary Planning Guidance, December 2008, guide replacements as follows:

"Rehabilitation of any available existing buildings should be considered as an alternative to new development and the Scottish Borders Council will look sympathetically at proposals for the sensitive reuse, conversion or rehabilitation of traditional buildings. There is, however, no automatic presumption in favour of redevelopment or replacement of derelict or dilapidated buildings in the countryside, particularly where the proposed housing is of a different scale and character to that which had existed previously."

The 2017 application was approved because it was largely in accordance with policy HD2 Part C which guides conversions. It was an enlargement of the previous structure but two previous Officers (in 2006 and 2010) had come to the same conclusions that the building lent itself to conversion and had also permitted enlargements of the existing envelope.

The difference between Policy HD2 part C, conversions, and part E, replacements, is that there must be an existing dwellinghouse and it is the Planning Authorities decision that no dwellinghouse exists on this site presently. The building is uninhabited, missing a north gable and therefore open to the elements. The building has lent itself as a nest site for a barn owl in recent times. It cannot be considered a dwellinghouse despite it providing shelter by having a partially complete roof.

There is no requirement for me to consider policy criteria of Part E any further as the application fails to satisfy this very fundamental difference.

Two approvals have already been granted to rehabilitate this building. The 2017 proposal is more modest in footprint size than the 2010 approval. The 2017 proposal is linear rather than U-shaped in layout. The 2017 proposal is 1 and 3/4 storey in height whereas the extant permission is 1 and 1/2 storey in height.

New Housing in Borders Countryside 2008 identifies premise of conversion over any alternative to new development. I have previously considered proposals sympathetically as they demonstrate sensitive reuse of a traditional building and this position must be maintained. The Council has no presumption in favour of demolition and replacement.

I acknowledge the Agent's arguments in terms of energy efficiency, cost, and even safety however to compromise on fundamental distinction between conversion and replacement under Policy HD2 would set an unwelcomed precedent. Conversion of buildings must always be favoured over replacement and especially in this location. This existing building is highly prominent and makes a substantial contribution to the character and appearance of the Bowmont Valley. I find no material considerations in this case which merit relaxing this Policy position.

This building presents itself as an ideal opportunity to convert. There may have been a history of habitation on this site but I am quite clear from site photos that the building has been uninhabited (for a significant period of time) and is currently uninhabitable. The last use was clearly agricultural judging by the removal of the gable and use of brick in the stanchions.

To ignore this fact would result in a laissez-faire approach to housing in the countryside (HD2) whereby the Council could not make any tangible distinction between conversion or replacement in future decisions. The risks of such a position would be potential wholesale loss to local built character as others followed suit. It will always be the case that conversions are more costly and less energy efficient but these are compromises being made in the interests of preserving character of the historic built environment.

Ecology (EP2: National Nature Conservation Sites and Protected Species and EP3: Local Biodiversity)

The Council's Ecology Officer is aware of previous studies/surveys related to the previous permission. It is understood that the building was suitable habitat for barn owl and consequently mitigation measures were put into place. A permanent compensation site and ongoing monitoring has taken place on an ongoing annual basis since barn owl nest boxes were installed.

As an informative I will note this barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.

Presence of barn owl and the fact that the structure has been completely open at a gable end, which would create an unstable temperature, there is no requirement for a bat survey. I am satisfied that both Policy EP2 and EP3 have been fulfilled.

Special Landscape Areas (Policy EP5)

Sensitivity of the Cheviot Foothills SLA is acknowledged. Rehabilitation of a former dwelling, rather than a new building, is supported as the design is traditional in form therefore in keeping with vernacular.

Archaeology (Policy EP8)

The Council's Archaeologist notes the site is of regional archaeological significance, with there being a moderate to high potential of encountering significant archaeological information. A historic building survey and a watching brief is requested to ensure buried archaeology is mitigated and recorded.

IS2: Developer Contributions

Contributions were identified for Kelso High School in a consultation response from Education however it would not be equitable to pursue this request for school contributions. The burden on services and infrastructure was already accepted in 2006 and, crucially, permission granted in 2010 is implementable (10/00655/FUL). I am satisfied that policy IS2 has been complied with.

IS7: Parking Provision and Standards

The Roads Planning Officer identified requirements of planning conditions to ensure visibility splays.

IS9: Waste water Treatment Standards and Sustainable Urban Drainage

Details are required to protect the water environment.

No response has been received from Yetholm Community Council and no third party representations have been received.

## **REASON FOR DECISION :**

The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment.

**Recommendation:** Refused

- o The development would be contrary to policy HD2 (E) of the Local Development Plan 2016: Replacement Dwellings and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the building is not a habitable dwellinghouse as it was last used for agricultural purposes and has been uninhabited for a significant period in time and its demolition would result in the loss of a building of local character to the detriment of the historic built environment.

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

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@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 100168052-001

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 DWELLING OF AN EXISTING BUILDING AND ERECTION OF A SINGLE DETACHED GARAGE

Is this a temporary permission? \*  Yes  No

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

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

- No  Yes – Started  Yes - Completed

### Applicant or Agent Details

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

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896668744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	TD1 1NU
Email Address: *	tim@fergusonplanning.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Shiel House
First Name: *	Roddy & Rachel	Building Number:	54
Last Name: *	Jackson	Address 1 (Street): *	Island Street
Company/Organisation	per Ferguson Planning	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	UNITED KINGDOM
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Scottish Borders Council

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

624210

Easting

380969

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

4187.00

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)

DERELICT FARM COTTAGE

## 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)? \*

2

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

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

SEPTIC TANK TO SOAKAWAY

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

DEMONSTRATED WITHIN THE SITE PLAN

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## 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: Ferguson Planning

On behalf of: Mr & Mrs Roddy & Rachel Jackson

Date: 01/07/2019

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 checked="" type="checkbox"/> Yes | <input 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)

Planning Statement

## 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: Miss Dani Sterling

Declaration Date: 01/07/2019

## Payment Details

Cheque: 123456789, 123456789

Created: 01/07/2019 10:06



**NORTH EAST ELEVATION**

Page 303



**NORTH WEST ELEVATION**

**NOTES:**

1. Windows: Hi-performance type windows shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
2. All glazing to windows where the cill height is less than 800mm from floor level and all glazing to doors shall be to BS 6262: 2005.
3. All Downpipes to be 75mm Lindab circular steel fixed in accordance with manufacturers instructions. Gutters at pitched roofs shall be Lindab 120mm half gutters fixed with rafter arm brackets at 600mm c/c
4. New doors/ patio doors/ sliding folding doors shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve a min. U-value of 1.0.
5. Glazed Screens: shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
6. **NO** Trickle Vents to be fitted to any window or door (MVHR system being fitted).
7. All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
8. Cleaning of upper floor fixed windows higher than 4.0m above adjacent ground level to be cleaned with a pole type external cleaning system. All other windows will be fully reversible to allow safe cleaning from within
9. All windows opening onto paths and ramp shall be fitted with 100mm restrictors
10. Doors and windows to be installed to the recommendations given in section 8 of BS 8213-4: 2007, or manufacturer's written instructions where these meet or exceed the recommendation within this British Standard.

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

Drawing Title: **PROPOSED NORTH EAST AND NORTH WEST ELEVATIONS**

Job Title: **Proposed Restoration and Re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-08b**

Drawing Scale: **1:100**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments:

a) **13-05-19, additional velux added to NE elevation**

b) **19-06-19, kitchen extension eaves and timber cladding altered**





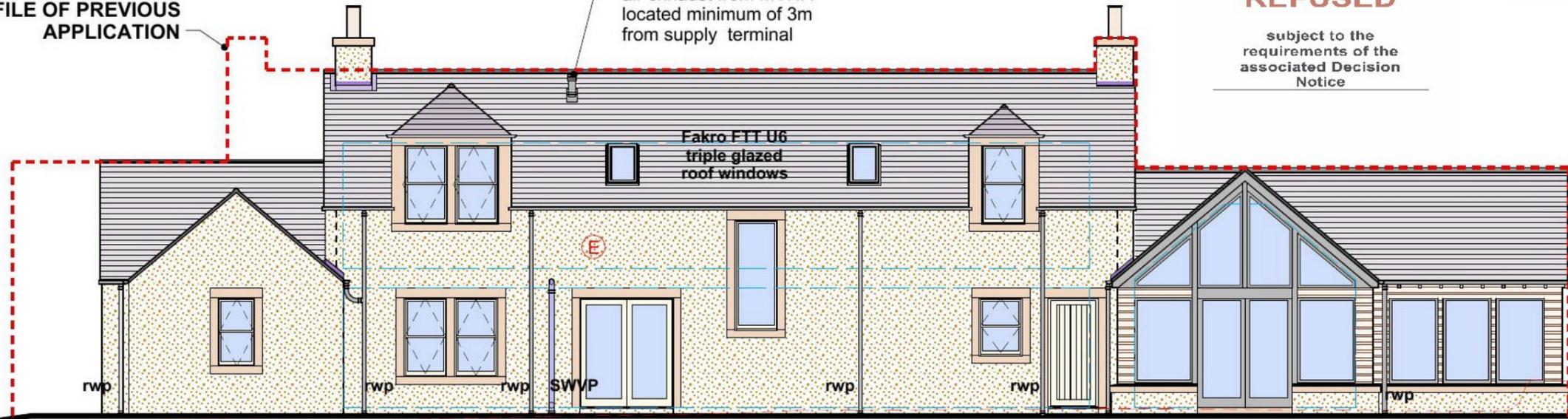
**REFUSED**

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requirements of the  
associated Decision  
Notice

PROFILE OF PREVIOUS  
APPLICATION

air exhaust from MVHR  
located minimum of 3m  
from supply terminal

Fakro FTT U6  
triple glazed  
roof windows



**SOUTH WEST ELEVATION**



**SOUTH EAST ELEVATION**

**NOTES:**

1. Windows: Hi-performance type windows shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
2. All glazing to windows where the cill height is less than 800mm from floor level and all glazing to doors shall be to BS 6262: 2005.
3. All Downpipes to be 75mm Lindab circular steel fixed in accordance with manufacturers instructions. Gutters at pitched roofs shall be Lindab 120mm half gutters fixed with rafter arm brackets at 600mm c/c
4. New doors/ patio doors/ sliding folding doors shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve a min. U-value of 1.0.
5. Glazed Screens: shall be aluminium clad timber prefinished units fitted with full draught stripping and triple glazed units to achieve min. U-Value of 1.0.
6. **NO** Trickle Vents to be fitted to any window or door (MVHR system being fitted).
7. All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
8. Cleaning of upper floor fixed windows higher than 4.0m above adjacent ground level to be cleaned with a pole type external cleaning system. All other windows will be fully reversible to allow safe cleaning from within
9. All windows opening onto paths and ramp shall be fitted with 100mm restrictors
10. Doors and windows to be installed to the recommendations given in section 8 of BS 8213-4: 2007, or manufacturer's written instructions where these meet or exceed the recommendation within this British Standard.

**E** **Escape window**, with an opening area of no less than 0.33sq.m with neither the clear opening width or height being less than 450mm. Bottom of opening shall be between 800 and 1100mm

Drawing Title: **PROPOSED SOUTH WEST AND SOUTH EAST ELEVATIONS**

Job Title: **Proposed Restoration and Re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-09b**

Drawing Scale: **1:100**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments:

- a) 13-05-19, Utility door now solid and swapped with window
- b) 19-06-19, kitchen extension eaves and timber cladding altered



19/00965/FUL  
04/09/2019

Scottish Borders Council  
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Planning (Scotland) Act  
1997

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Notice



Keith Renton  
architect

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

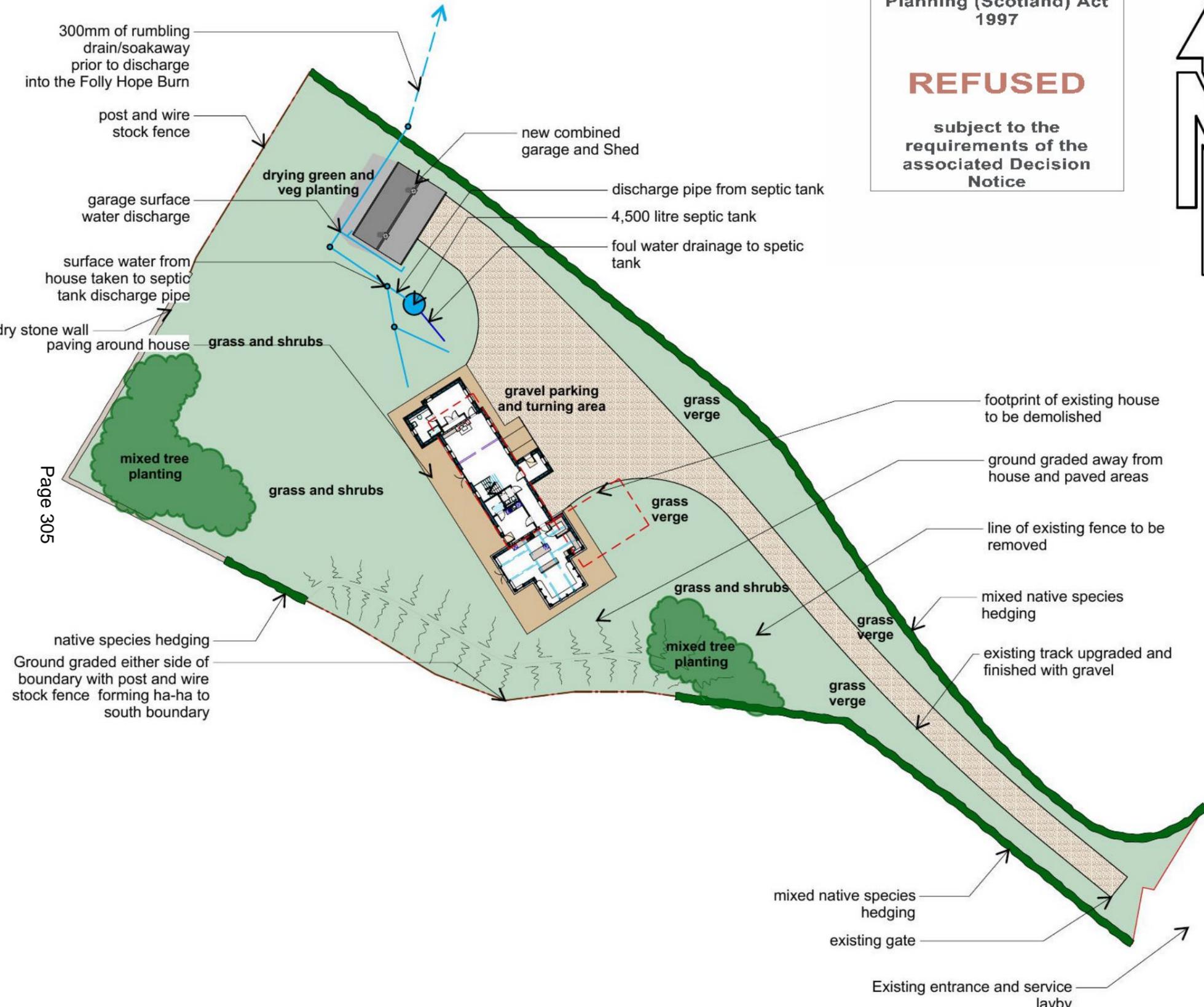


**Notes on Hedge Planting:**

1. Where shown boundaries to be planted out with a mix of Hawthorn, Blackthorn and Dogrose.
2. Preparation: prior to planting ground to be prepared with topsoil to a depth of 300mm and allowed to settle for at least two months before planting.
3. Hedge to be planted with 60-90 cm whips in two staggered rows at 35 cm between plants.
4. Plants to be protected with degradable rabbit proof tubes.
5. Planting to take place within first planting season following occupation between October and March. Watering to be carried out during periods of drought within first year. Plants to be maintained with any dead plants replaced within the first 2 years. Pruning/cutting to be carried out to encourage dense growth.

**Notes on Tree Planting:**

1. Where shown mixed native tree planting for screening, shelter and amenity. Equal quantities planted at a spacing of approximately 1.5 x 1.5 m of the following:  
Gean Cherry (*Prunus avium*)  
Rowan (*Sorbus aucuparia*)  
Hornbeam (*Carpinus betulus*)  
Hazel (*Corylus laevigata*)  
Birch (*Betula pendula*)  
Crab Apple (*Malus sylvestris*)  
Field maple (*Acer campestre*)
2. **Preparation:** prior to planting ground to be prepared with topsoil to a depth of 300mm and allowed to settle for at least two months before planting.
3. **Planting:** trees to be supplied as 40-60 cm tall bare-rooted or cell-grown.
4. **Tree protection:** Tree planting to be entirely enclosed within Post and Wire stock Fencing, with individual rabbit/vole guards at each tree.
5. **Maintenance:** trees will be maintained and replaced if necessary



Page 305



Drawing Title: **SITE PLAN**

Job Title: **Proposed Restoration/Re-building of Folly Bank, Woodside Farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**  
Drawing Number: **812P2-02**  
Drawing Scale: **1:500**  
Drawing Date: **5 May 2019**  
Drawn By: **KR**  
Amendments: **none**



# Woodside

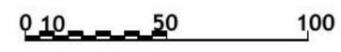
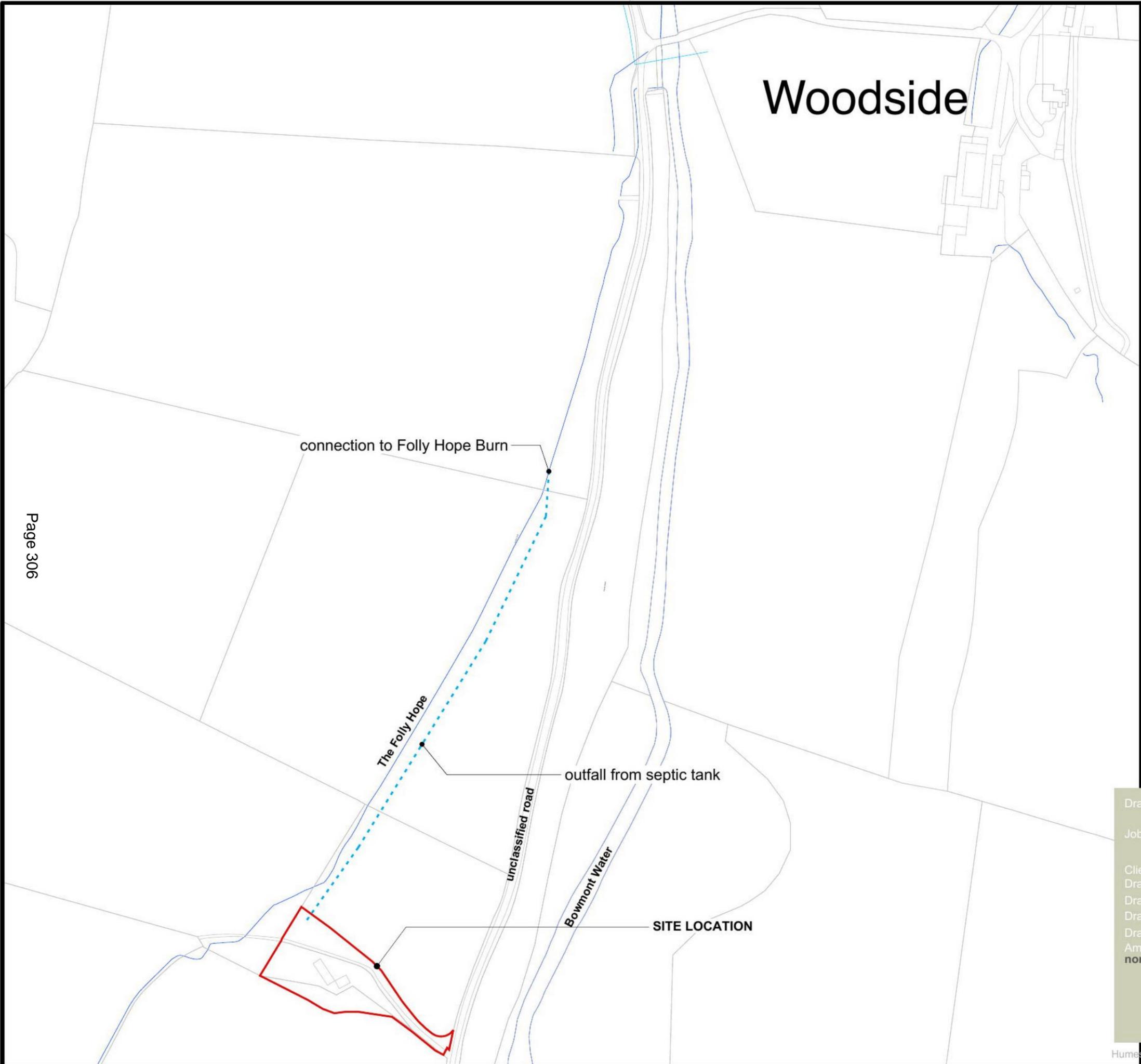
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04/09/2019

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Town And Country  
Planning (Scotland) Act  
1997

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associated Decision  
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Page 306



Drawing Title: LOCATION PLAN

Job Title: Proposed Restoration and re-building of Folly Bank, Woodside Farm, Yetholm, TD5

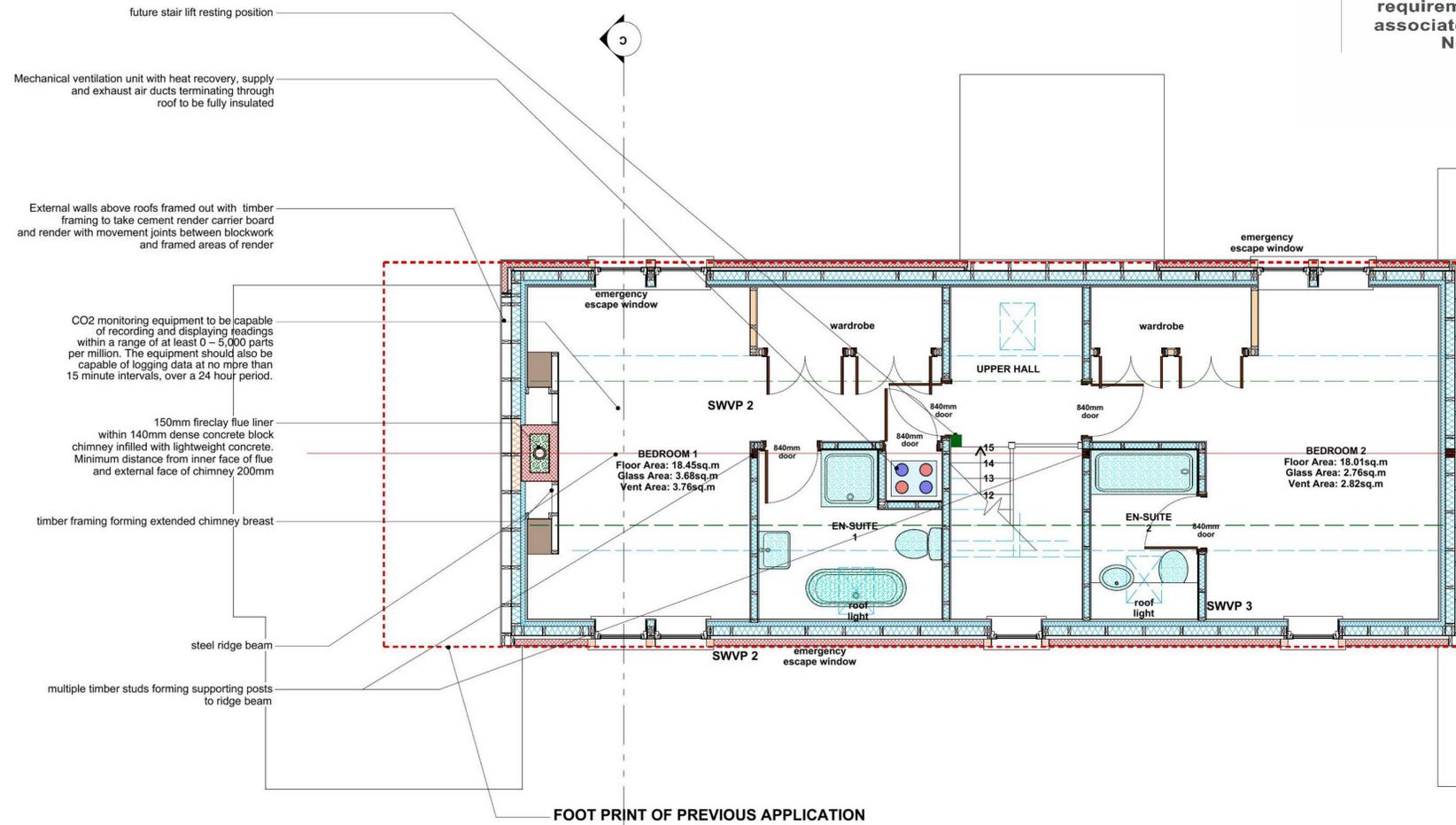
Client: Mr Roddy and Mrs Rachel Jackson  
Drawing Number: 812P2-01  
Drawing Scale: 1:2,500  
Drawing Date: 5 May 2019  
Drawn By: KR  
Amendments: none

**REFUSED**

subject to the  
 requirements of the  
 associated Decision  
 Notice

**GENERAL NOTES:**

- 1) ELECTRICAL WORKS:** All works to comply with Technical Handbook clauses 4.5 and 4.6 and be to the test and satisfaction of Local Power Network Supplier. All works to be in accordance with the current edition of the IEE Regulations and be to BS 7671:2008. 100% of light fittings to be energy efficient type. All Electrical outlets (sockets & switches) to be positioned 350mm from internal corners and no higher than 1.2m above floor level. Light switches to be positioned between 900-1100mm above floor level. Socket outlets to be positioned at least 400mm above floor level. Socket outlets to be positioned at least 150mm above kitchen worktop. All external lights to be fitted with LED lamps no greater than 50watts per light fitting and fitted with PIR sensor for automatic illumination.
- 2) HEATING:** To be provided by air to water heat pump (located at Garage Building) providing heat to hwc, underfloor heating at the ground floor, radiators and heated towel rails at the first floor. Independent time and temperature controls of heating and hot water circuits, should be provided along with room thermostats fitted to all areas with under floor heating. TRVs to towel rails and radiators, linked to 7 day central heating programmer. A separate flow temperature high limit thermostat should be used for warm water systems connected to any high water temperature heat supply. The system, along with heat recovery and ventilation installation, shall provide a temperature of 21 degrees in at least one apartment with 18degrees elsewhere, when the outside temperature is -1degrees. All hot and cold pipework to be fully insulated to BS 5422:2001. Full manuals and operating (and maintenance) instructions for hot water and heating system to be handed over to occupier following commissioning of system. 500litre unvented Thermal Store, BBA approved, at Garage to be fully insulated, 80mm thick. The HWC should be installed by a registered person with appropriate training and practical experience. Certification of the unit should be recorded by a marking and warning label, which should be visible after installation and should identify the installer. Installation to be in accordance with BS 7206:1990. Carbon dioxide emissions certificate (EPC) to be affixed to the building (within Utility) only to be removed when being replaced.
- 3) ALL TIMBER STUD PARTITIONS** shall be formed with 95 x 45mm studs at 600mm centres with head and base bearers, mid-height dwangs and dwangs at heights to suit 12.5mm plasterboard sizes, fitted with 12mm OSB + 12.5mm moisture resistant plasterboard to be fitted at baths and showers. 100mm thick (full depth) dense acoustic insulation to be fitted between studs at all partitions.
- 4) No trickle vents** to be fitted to windows as house will be fitted with whole house ventilation system.
- 5) VENTILATION:** Install Paul or Zehnder whole house ventilation system incorporating heat recovery. The system shall extract air from Kitchen, Utility, En-Suites and wc with supply air to areas shown including all Bedrooms, Sitting Area and Dining Area. MVHR system to be installed in accordance with manufacturers instructions and BRE Digest 398. Condensate pipe to be taken to SWVP. The inlet and outlet from the mechanical ventilation system fitted through the roof should be positioned to avoid the contamination of the air supply to the system. The system should be constructed and installed in accordance with the recommendations in Legionnaires' Disease: The control of legionella bacteria in water systems - approved code of practise and guidance - HSE L8. The whole house ventilation should comply with the requirements of CIBSE Guide B2: 2001; Section 3.
- 6) Light fittings** within Bathroom rooms to be shrouded type.
- 7) All leadwork** to be carried out in accordance with the latest recommendations of the Lead Development Association.
- 8) All structural, framing and roof timbers** are to be kiln dried and pre-treated against timber decay and insect attack.
- 9) All new window and door openings** are to be double sealed (from both inside and outside) during installation. New windows and door to be fully draught stripped.
- 10) Where services enter building** these shall be fully sealed at air tight layer of building to maintain air tightness.
- 11) All sealing** to be in accordance with detail drawings with the use of appropriate air tightness tapes as shown at detail drawings.
- 12) Blockwork** to comply with BS EN 771-3: 2003 and BS EN 772-2: 1998, 440 x 215 x 100mm, minimum density 184kg/cu.m., strength 7Nsq.m.
- 13) Mortar** to BS 5628-1:2005:Part 1, Table 1 Designation 3 (1:1:6)
- 14) Glazing** to all doors and low level windows (below 800mm) to be to BS 6262: 2005.
- 15) Smoke alarms,** Ionisation type within Hallways, with Optical type within Sitting Area, both types complying with BS EN 14604:2005, to be hard wired to electrical circuit, all smoke alarms and heat detector to be interlinked (with battery back-up) to comply with BS 5839: Part 6: 2004, positioned not less than 300mm from a wall and light fittings. Heat detector, complying with BS 5446:Part 2:2003, to be hard wired to electrical circuit and interlinked (with battery back-up).
- 16) Downlighters** at Ground floor Ceilings shall be fire rated to provide fire protection of 30mins.
- 17) Dimensions** at new timber frame build; taken to the structural face of partitions and external timber walls; External window dimensions taken to the timber frame opening size.
- 18) All structural timbers** to be C16 grade, unless otherwise noted.
- 19) All baths** to be fitted with thermostatic anti-scald valve to limit the temperature of hot water at point of delivery to 48degrees and should be fitted as close to the point of delivery as possible.
- 20) Refer to Structural Engineers Specification** regarding timber framework, nailing schedule, anchor straps, lintols and load bearing partitions.
- 21) The dwelling** is designed to achieve maximum air permeability of 1.0cu.m/ sq.m/h at 50P
- 22) The building site** and new dwelling where there are unfinished or partially completed works are to be kept safe and secure.
- 23) Dwangs** to be fitted at 400mm centres between joists, where first floor partitions run parallel with joists.
- 24) First Floor Joists;** Cutting of holes is restricted to sizes and locations as specified by engineered joist manufacturers guidance notes
- 25) CEILINGS;** 12.5mm skim coated plasterboard over 12mm OSB to be fitted to all Ground Floor ceilings.
- 26) All external doors** and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
- 27) Sustainability Label** to be provided for building and appended to EPC on completion of the works.
- 28) EPC** to be provided and appended to building on completion
- 29) All wc's** shall be dual flush with flush volume not exceeding 4.5ls and flow rate at sink taps not to exceed 6ls/sec.



future stair lift resting position

Mechanical ventilation unit with heat recovery, supply and exhaust air ducts terminating through roof to be fully insulated

External walls above roofs framed out with timber framing to take cement render carrier board and render with movement joints between blockwork and framed areas of render

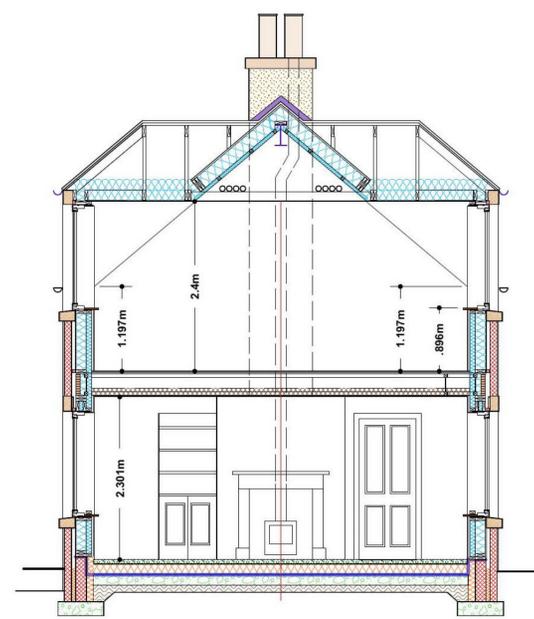
CO2 monitoring equipment to be capable of recording and displaying readings within a range of at least 0 - 5,000 parts per million. The equipment should also be capable of logging data at no more than 15 minute intervals, over a 24 hour period.

150mm fireclay flue liner within 140mm dense concrete block chimney infilled with lightweight concrete. Minimum distance from inner face of flue and external face of chimney 200mm

timber framing forming extended chimney breast

steel ridge beam

multiple timber studs forming supporting posts to ridge beam



SECTION C

**Notes on Window Openings**  
 At all Bedrooms and Sitting Room each operable window will have controls for opening, positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of:  
 • not more than 1.7m above floor level, where access to controls and is unobstructed, and,  
 • not more than 1.2m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible

**New Stair:**  
**Rise:** 178mm, approx.  
**Going:** 250mm (21° to 60°)  
**Pitch:** 35.4 degrees  
**Width:** 900mm (min.) between handrail and wall  
**Handrail height:** 840mm above stair pitch line  
**Guardrail / first floor balustrade height:** 920mm above floor level  
**Balustrade:** Timber balustrade with gaps no greater than 99mm  
**Headroom:** 2.0m minimum height at stair flight and landings.  
 No openings at stair riser to exceed 99mm  
**Handrail:** to have profile and projection that will allow firm grip  
**Protective Barrier:** to be capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1

Drawing Title: **FIRST FLOOR PLAN AND SECTION**

Job Title: **Proposed Rstoration and Rebuilding of Folly Bank, Woodside farm, Yetholm, TD5**

Client: **Mr Roddy and Mrs Rachel Jackson**

Drawing Number: **812P2-07**

Drawing Scale: **1:50**

Drawing Date: **5 May 2019**

Drawn By: **KR**

Amendments: **none**

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

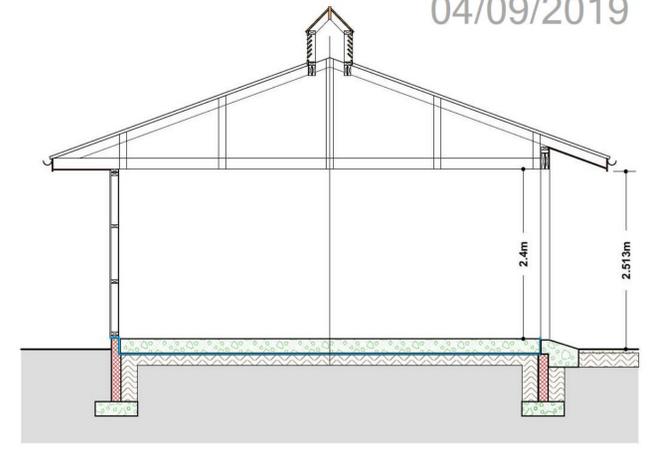
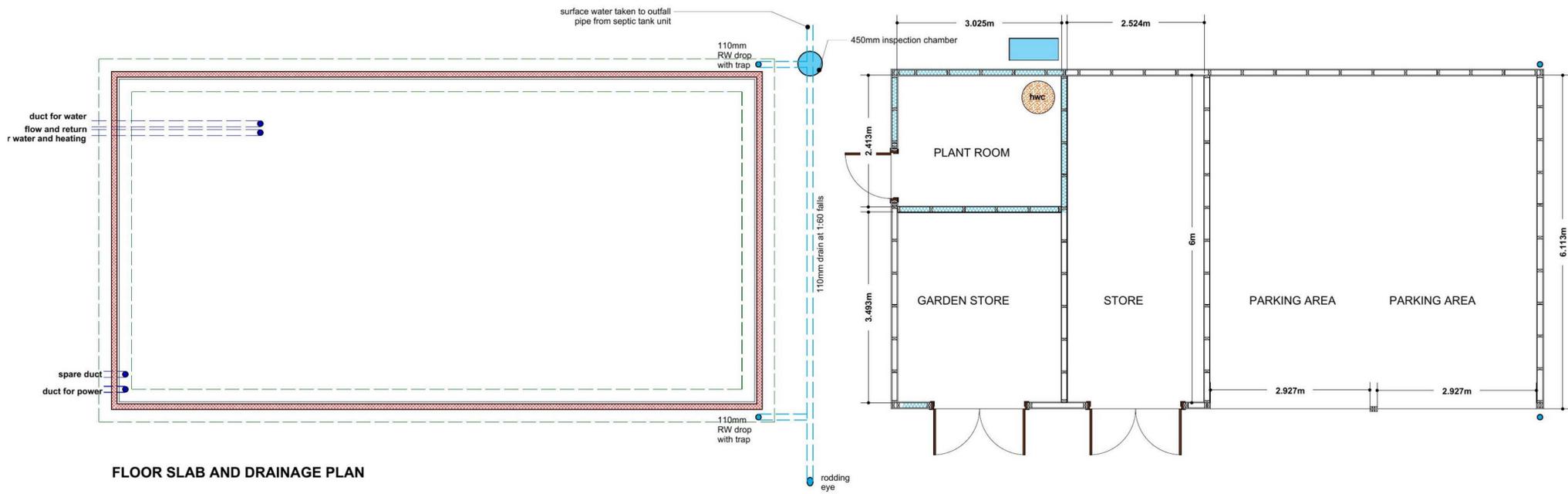


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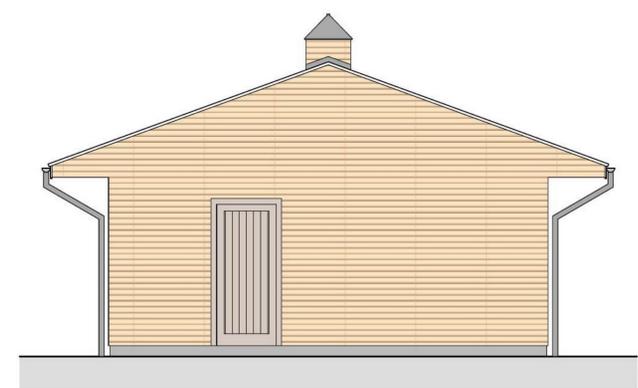
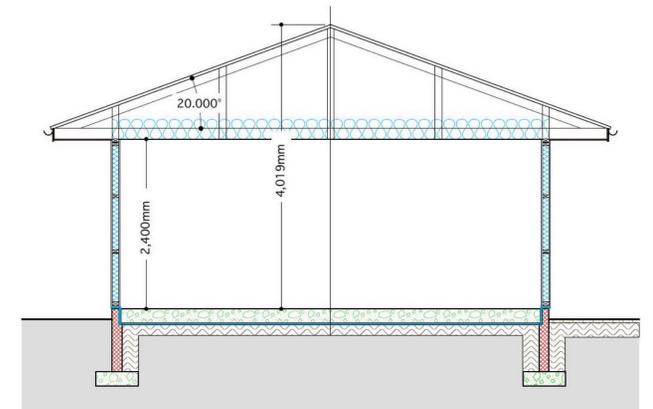
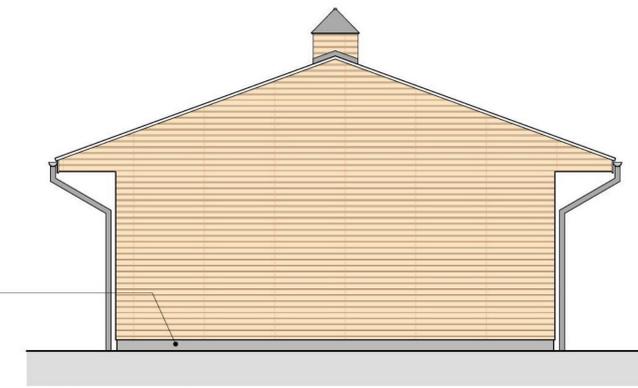
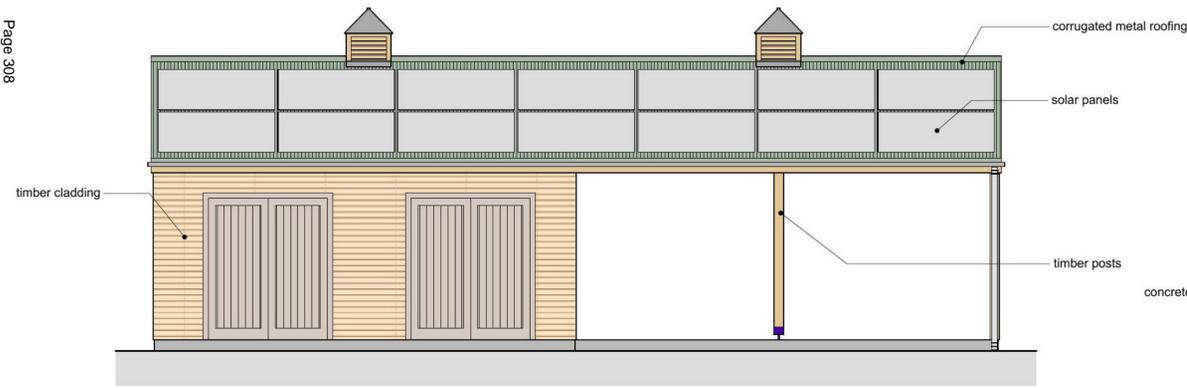
subject to the  
requirements of the  
associated Decision  
Notice



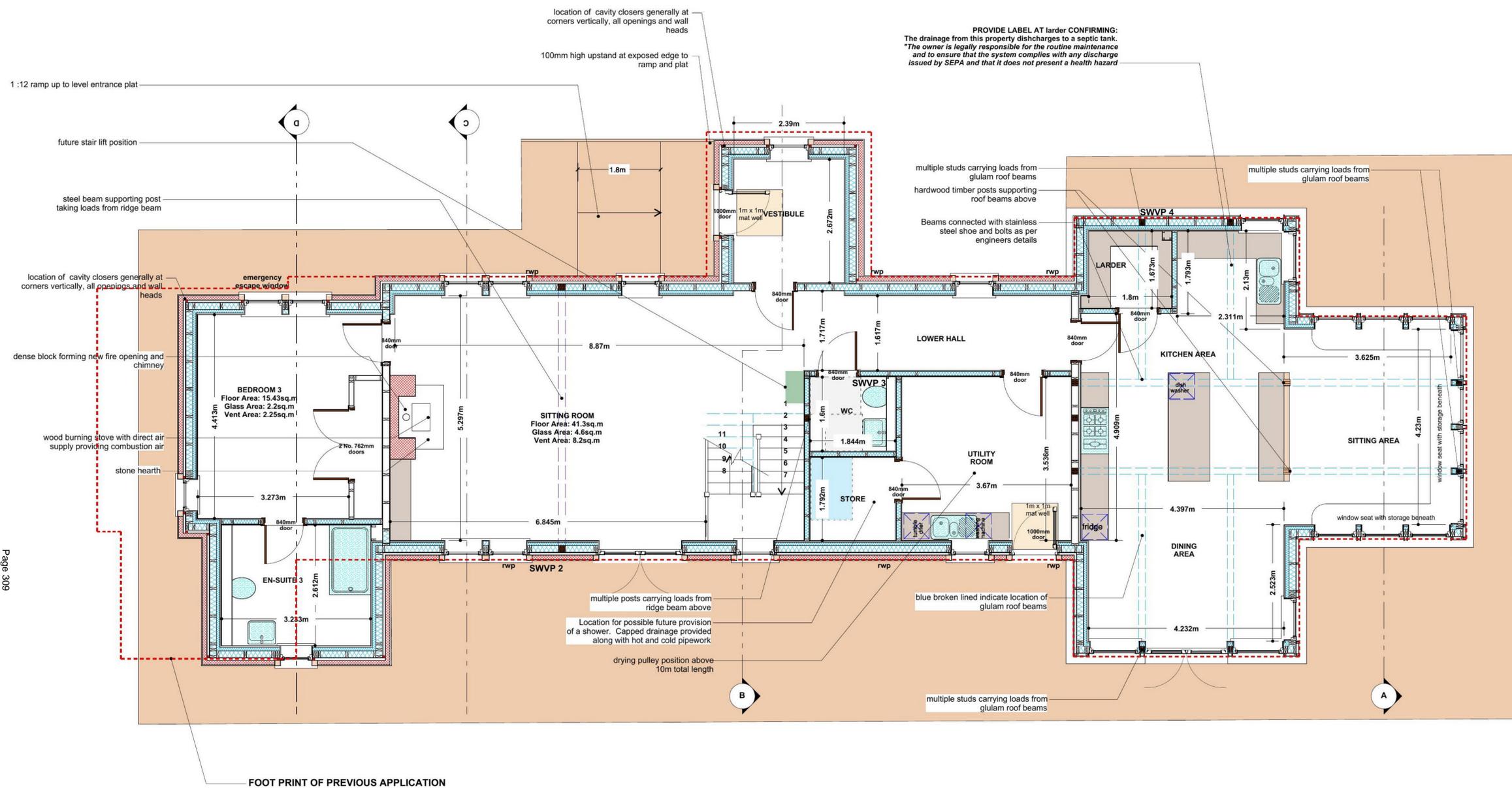
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04/09/2019



Page 308



Drawing Title: GARAGE DRAWINGS  
Job Title: Proposed Conversion of Folly bank, Woodside farm, Yetholm, TD5  
Client: Mr Roddy and Mrs Rachel Jackson  
Drawing Number: 812P2-10a  
Drawing Scale: 1:50  
Drawing Date: 5 May 2019  
Drawn By: KR  
Amendments:  
a) 27-06-19, revised garage design



**PROVIDE LABEL AT Larder CONFIRMING:**  
 The drainage from this property discharges to a septic tank.  
 The owner is legally responsible for the routine maintenance and to ensure that the system complies with any discharge issued by SEPA and that it does not present a health hazard

- GENERAL NOTES:**
- ELECTRICAL WORKS:** All works to comply with Technical Handbook clauses 4.5 and 4.6 and be to the test and satisfaction of Local Power Network Supplier. All works to be in accordance with the current edition of the IEE Regulations and be to BS 7671:2008. 100% of light fittings to be energy efficient type. All Electrical outlets (sockets & switches) to be positioned 350mm from internal corners and no higher than 1.2m above floor level. Light switches to be positioned between 900-1100mm above floor level. Socket outlets to be positioned at least 400mm above floor level. Socket outlets to be positioned at least 150mm above Kitchen worktop. All external lights to be fitted with LED lamps no greater than 50watts per light fitting and fitted with PIR sensor for automatic illumination.
  - HEATING:** To be provided by air to water heat pump (located at Garage Building) providing heat to hwc, underfloor heating at the ground floor, radiators and heated towel rails at the first floor. Independent time and temperature controls of heating and hot water circuits, should be provided along with room thermostats fitted to all areas with under floor heating. TRVs to towel rails and radiators, linked to 7 day central heating programmer. A separate flow temperature high limit thermostat should be used for warm water systems connected to any high water temperature heat supply. The system, along with heat recovery and ventilation installation, shall provide a temperature of 22degrees in at least one apartment with 18degrees elsewhere, when the outside temperature is -1degrees. All hot and cold pipework to be fully insulated to BS 5422:2001. Full manuals and operating (and maintenance) instructions for hot water and heating system to be handed over to occupier following commissioning of system. 500litre unvented Thermal Store, BBA approved, at Garage to be fully insulated, 80mm thick. The HWV should be installed by a registered person with appropriate training and practical experience. Certification of the unit should be recorded by a marking and warning label, which should be visible after installation and should identify the installer. Installation to be in accordance with BS 7206:1990. Carbon dioxide emissions certificate (EPC) to be affixed to the building (within Utility) only to be removed when being replaced.
  - ALL TIMBER STUD PARTITIONS** shall be formed with 95 x 45mm studs at 600mm centres with head and base bearers, mid-height dwgangs and dwgangs at heights to suit 12.5mm plasterboard sizes, fitted with 12mm OSB + 12.5mm plasterboard both sides with moisture resistant plasterboard to be fitted at baths and showers. 100mm thick (full depth) dense acoustic insulation to be fitted between studs at all partitions.
  - No trickle vents to be fitted to windows as house will be fitted with whole house ventilation system.
  - VENTILATION:** Install Paul or Zehnder whole house ventilation system incorporating heat recovery. The system shall extract air from Kitchen, Utility, EN-Suites and wc with supply air to areas shown including all Bedrooms, Sitting Area and Dining Area. MVHR system to be installed in accordance with manufacturers instructions and BRE Digest 398. Condensate pipe to be taken to SWVP. The inlet and outlet from the mechanical ventilation system fitted through the roof should be positioned to avoid the contamination of the air supply to the system. The system should be constructed and installed in accordance with the recommendations in Legionnaires' Disease: The control of legionella bacteria in water systems - approved code of practice and guidance - HSE L8. The whole house ventilation should comply with the requirements of GBSE Guide B2: 2001; Section 3.
  - Light fittings within Bathroom rooms to be shrouded type.
  - All leadwork to be carried out in accordance with the latest recommendations of the Lead Development Association.
  - All structural, framing and roof timbers are to be kiln dried and pre-treated against timber decay and insect attack.
  - All new window and door openings are to be double sealed (from both inside and outside) during installation. New windows and door to be fully draught stripped.
  - Where services enter building these shall be fully sealed at air tight layer of building to maintain air tightness.
  - All sealing to be in accordance with detail drawings with the use of appropriate air tightness tapes as shown at detail drawings.
  - Blockwork to comply with BS EN 771-3: 2003 and BS EN 772-2: 1998, 440 x 215 x 100mm, minimum density 1840kg/cu.m., strength 7Nsq.m.
  - Mortar to BS 5628-1:2005:Part 1, Table 1 Designation 3 (1:1:6)
  - Glazing to all doors and low level windows (below 800mm) to be to BS 6262: 2005.
  - Smoke alarms, Ionisation type within Hallways, with Optical type within Sitting Area, both types complying with BS EN 14604:2005, to be hard wired to electrical circuit, all smoke alarms and heat detector to be interlinked (with battery back-up) to comply with BS 5839: Part 6: 2004, positioned not less than 300mm from a wall and light fittings. Heat detector, complying with BS 5446:Part 2:2003, to be hard wired to electrical circuit and interlinked (with battery back-up).
  - Downlights at Ground floor Ceilings shall be fire rated to provide fire protection of 30mins.
  - Dimensions at new timber frame build; taken to the structural face of partitions and external timber walls; External window dimensions taken to the timber frame opening size.
  - All structural timbers to be C16 grade, unless otherwise noted.
  - All baths to be fitted with thermostatic anti-scald valve to limit the temperature of hot water at point of delivery to 48degrees and should be fitted as close to the point of delivery as possible.
  - Refer to Structural Engineers Specification regarding timber framework, nailing schedule, anchor straps, lintels and load bearing partitions.
  - The dwelling is designed to achieve maximum air permeability of 1.0cu.m/ sq.m/h at 50P
  - The building site and new dwelling where there are unfinished or partially completed works are to be kept safe and secure.
  - Dwgangs to be fitted at 400mm centres between joists, where first floor partitions run parallel with joists.
  - First Floor Joists: Cutting of holes is restricted to sizes and locations as specified by engineered joist manufacturers guidance notes
  - CEILING: 12.5mm skim coated plasterboard over 12mm OSB to be fitted to all Ground Floor ceilings.
  - All external doors and ground floor windows should be tested and certified by a notified body as meeting a recognised standard for security such as BS PAS 24:2007 for door sets or BS 7950:1997 for windows.
  - Sustainability Label to be provided for building and appended to EPC on completion of the works.
  - EPC to be provided and appended to building on completion
  - All wc's shall be dual flush with flush volume not exceeding 4.5ls and flow rate at sink taps not to exceed 6ls/sec.

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

**REFUSED**

subject to the  
 requirements of the  
 associated Decision  
 Notice

**Notes on Window Openings**

At all Bedrooms and Sitting Room each operable window will have controls for opening, positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of:

- not more than 1.7m above floor level, where access to controls and is unobstructed, and,
- not more than 1.2m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible

**New Stair:**

Rise: 178mm, approx.  
 Going: 250mm (2r+g=606)  
 Pitch: 35.4 degrees  
 Width: 900mm (min.) between handrail and wall  
 Handrail height: 840mm above stair pitch line  
 Guardrail / first floor balustrade height: 920mm above floor level  
 Balustrade: Timber balustrade with gaps no greater than 99mm  
 Headroom: 2.0m minimum height at stair flight and landings.  
 No openings at stair riser to exceed 99mm  
 Handrail: to have profile and projection that will allow firm grip  
 Protective Barrier: to be capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1



Drawing Title: GROUND FLOOR PLAN

Job Title: Proposed Restoration and Rebuilding of Folly Bank, Woodside farm, Yetholm, TD5

Client: Mr Roddy and Mrs Rachel Jackson  
 Drawing Number: 812P2-06  
 Drawing Scale: 1:50  
 Drawing Date: May 2019  
 Drawn By: KR  
 Amendments: none

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

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

**Application for Planning Permission**

**Reference : 10/00655/FUL**

**To : Mr Roddy Jackson per Miss Caroline Lawlor Liberton House 73 Liberton Drive  
Edinburgh EH16 6NP**

With reference to your application validated on **12th May 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Reinstatement, alterations and extensions to derelict farmhouse**

**at : Folly Cottage Woodside Farm Yetholm Scottish Borders**

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

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

**Dated 9th September 2010  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
.....  
**Head of Planning and Regulatory Services**

Visit <http://eplanning.scotborders.gov.uk/publicaccess/> to view Planning information online

**APPLICATION REFERENCE : 10/00655/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
P000	Site Plan	Approved
P001	Site Plan	Approved
P002	Site Plan	Approved
P003	Floor Plans	Approved
P004	Elevations	Approved
P005	Planning Layout	Approved
P006	Planning Layout	Approved
P007	Planning Layout	Approved
P008	Elevations	Approved
P009	Elevations	Approved

**REASON FOR DECISION**

Subject to the attached conditions and informatives, the proposal complies with policies G1, H2 and D2 of the Scottish Borders Local Plan Adopted 2008 in that the building can be converted without substantial demolition and rebuilding and the external alterations are in keeping and so the proposal would not harm the visual amenities of the area. The proposal would not harm the residential amenities of occupants of nearby dwellinghouses.

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and windows of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The roofing material to be natural slate.  
Reason: To safeguard the visual amenity of the area.
- 4 The details of all boundary walls and/or fences to be submitted to and approved by the Planning Authority before the development is commenced. The approved scheme then to be implemented as part of the development.  
Reason: To safeguard the visual amenity of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);

- (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
  - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
  - (iii) No additional window or other opening shall be made in any elevation; unless an application for planning permission in that behalf has first been submitted to and approved by the Local Planning Authority.  
Reason: To safeguard the character, appearance and setting of the building to be converted.
  
- 6 The colour(s) of all external timbers, including windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This colour/these colours shall thereafter be maintained in perpetuity unless written advice to vary it/them is provided by the Planning Authority.  
Reason: To ensure a satisfactory form of development that contributes appropriately to its setting.
  
- 7 Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in the perpetuity, within the curtilage of the property.  
Reason: In the interest of road safety.
  
- 8 Visibility of 3m x 120m must be provided and retained in the perpetuity in either direction at the junction of the access and the public road before the dwellinghouse is occupied.  
Reason: In the interest of road safety.
  
- 9 Forward visibility of 120m must be provided and retained in the perpetuity for vehicles approaching the access from the north before the dwellinghouse is occupied.  
Reason: In the interest of road safety and to ensure that vehicles approaching the site have adequate awareness of any vehicle that may be sitting waiting to turn right into the site.
  
- 10 Prior to the commencement of development a service lay-by to the required specification outlined by the Local Planning Authority (as per detail DC-3) must be provided at the junction with the public road. This work must be carried out by a contractor on the Council's approved list (DC-8).  
Reason: In the interest of road safety.
  
- 11 Prior to commencement of development, a detailed plan must be submitted to and agreed in writing with the Local Planning Authority showing how the applicant proposes to incorporate the existing field accesses into the proposed new access. The development then to be implemented in accordance with the approved scheme.  
Reason: In the interest of road safety.
  
- 12 The initial 6m of the new access must have a gradient not steeper than 1 in 15.  
Reason: In the interest of road safety
  
- 13 The initial 6m of the new access must be surfaced to the same specification as the service lay-by as per form DC3.  
Reason: In the interest of road safety.
  
- 14 Before development on the site begins, a survey of the building for birds shall be undertaken and a scheme for the protection of any birds found within the building shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme.

Reason: To protect species protected by the Wildlife and Countryside Act 1981 (As Amended).

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

The Roads Officer's comments have been attached for the information of the applicant.

DC-3 has been attached for the information of the applicant.

DC-8 has been attached for the information of the applicant.

Environmental Health comments have been attached for the information of the applicant.

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

**Notice of Initiation of Development**

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

**Notice of Completion of Development**

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

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – 0800 800 333



*Planning and  
Economic Development*

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 OSA.

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

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**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 10/00655/FUL

**APPLICANT :** Mr Roddy Jackson

**AGENT :** Miss Caroline Lawlor

**DEVELOPMENT :** Reinstatement, alterations and extensions to derelict farmhouse

**LOCATION:** Folly Cottage  
Woodside Farm  
Yetholm  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P000	Site Plan	Approved
P001	Site Plan	Approved
P002	Site Plan	Approved
P003	Floor Plans	Approved
P004	Elevations	Approved
P005	Planning Layout	Approved
P006	Planning Layout	Approved
P007	Planning Layout	Approved
P008	Elevations	Approved
P009	Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

There are no representations.

Consultations

**TECHNICAL SERVICES - ROADS :**

1. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in the perpetuity, within the curtilage of the property.
2. Visibility of 3m x 120m must be provided in either direction at the junction of the access and the public road.
3. Forward visibility of 120m must be provided for vehicles approaching the access from the north. This is to ensure that vehicles approaching the site have adequate awareness of any vehicle that may be sitting waiting to turn right into the site.

4. A service lay-by as per detail DC3 must be provided at the junction with the public road. This must be constructed by a contractor on the Councils approved list and will become part of the public road upon satisfactory completion.
5. A detailed plan must be provided showing how the applicant proposes to incorporate the existing field accesses into the proposed new access.
6. The initial 6m of the new access must be surfaced to the same specification as the service lay-by and must have a gradient not steeper than 1 in 15.

YETHOLM COMMUNITY COUNCIL : No objections.

EDUCATION DEPARTMENT : Education has no observations to make on this proposed development at this time and will not be seeking a developer contribution towards the provision of infrastructure for the schools in the catchment area.

ENVIRONMENTAL HEALTH: See response

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Plan (Adopted 2008)

G1: Quality Standards for New Development  
H2: Protection of Residential Amenity  
D2: Housing in the Countryside  
G5 : Developer Contributions

Scottish Borders Local Plan Amendment (Finalised Plan 2009)

H2: Protection of Residential Amenity  
Policy D2: Housing in the Countryside

Supplementary Planning Guidance :

New Housing in the Borders Countryside (approved December 2008)

Development Contributions (2007, Updated 2009)

**Recommendation by** - Colm McKee (Planning Officer) on 8th September 2010

The unoccupied stone buildings, originally a house and outbuildings, are situated on the side of Crookedshaws hill facing north east, and some two hundred metres west of the public road leading from Primsidehill to Cocklawfoot, at a point a mile and a half south of Primsidehill and three miles south of Town Yetholm. There is a rough track leading up from the public road from a gated field access.

The building is set back approximately 80m from the roadside.

The principle of the building being reinstated to a dwelling has already been accepted by the Department via application 06/00992/FUL.

The existing building comprises of a main body of the dwelling with a detached wing section to the South (substantially intact) with a perpendicular wing to the South East.

This application proposes connecting this wing to the main envelope of the building and building a mirroring wing to the North, forming a 'U' shaped footprint.

The building would be symmetrical from the front main elevation consisting of the main body with a perpendicular front wing at each end and a porch centred in the middle.

The building would have a length of approximately 23m and a width of 7m. The wings would project approximately 8.50m perpendicular to the front elevation and would span 7m across. The wings would have a pitched roof running perpendicular to the main ridge of the dwelling. The ridge of the wings would sit at approximately 1.20m below the main ridge. Eaves of the wings would sit approximately 1.20m below the eaves of the dwelling.

There would be dormers at the first floor level with pitched roofs and timber fascia.

The porch would protrude 3.10m perpendicular to the front face of the dwelling and would span 3.40m across. The porch would have a pitched roof with decorative timber fascia, timber door with glazing and flanking windows.

Windows on the dwelling would be timber double glazed sash and case.

New walls would be rubble to match existing. Roof would be natural slate.

There is no requirement for a developer contribution from Education and Lifelong Learning.

The Roads Officer has responded to the consultation request and can support the application provided conditions are attached.

Environmental Health commented on the water supply / drainage. These comments can be attached for the information of the applicant.

The Ecology Officer has not been officially consulted on this application however has held discussions with the case officer. The Ecology Officer is content the site is exposed and so there is no requirement for a bat survey. There is a requirement for a bird survey. This can be addressed through an attached condition.

The proposals would not impact on the amenity of the area. The proposed modifications are suitable to the building and the application does not propose the footprint to be substantially increased.

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

Subject to the attached conditions and informatives, the proposal complies with policies G1, H2 and D2 of the Scottish Borders Local Plan Adopted 2008 in that the building can be converted without substantial demolition and rebuilding and the external alterations are in keeping and so the proposal would not harm the visual amenities of the area. The proposal would not harm the residential amenities of occupants of nearby dwellinghouses.

#### **Recommendation:** Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
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Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The roofing material to be natural slate.

Reason: To safeguard the visual amenity of the area.

- 4 The details of all boundary walls and/or fences to be submitted to and approved by the Planning Authority before the development is commenced. The approved scheme then to be implemented as part of the development.  
Reason: To safeguard the visual amenity of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);
  - (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
  - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
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- 6 The colour(s) of all external timbers, including windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This colour/these colours shall thereafter be maintained in perpetuity unless written advice to vary it/them is provided by the Planning Authority.  
Reason: To ensure a satisfactory form of development that contributes appropriately to its setting.
- 7 Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in the perpetuity, within the curtilage of the property.  
Reason: In the interest of road safety.
- 8 Visibility of 3m x 120m must be provided and retained in the perpetuity in either direction at the junction of the access and the public road before the dwellinghouse is occupied.  
Reason: In the interest of road safety.
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Reason: In the interest of road safety and to ensure that vehicles approaching the site have adequate awareness of any vehicle that may be sitting waiting to turn right into the site.
- 10 Prior to the commencement of development a service lay-by to the required specification outlined by the Local Planning Authority (as per detail DC-3) must be provided at the junction with the public road. This work must be carried out by a contractor on the Council's approved list (DC-8).  
Reason: In the interest of road safety.
- 11 Prior to commencement of development, a detailed plan must be submitted to and agreed in writing with the Local Planning Authority showing how the applicant proposes to incorporate the existing field accesses into the proposed new access. The development then to be implemented in accordance with the approved scheme.  
Reason: In the interest of road safety.
- 12 The initial 6m of the new access must have a gradient not steeper than 1 in 15.  
Reason: In the interest of road safety
- 13 The initial 6m of the new access must be surfaced to the same specification as the service lay-by as per form DC3.  
Reason: In the interest of road safety.
- 14 Before development on the site begins, a survey of the building for birds shall be undertaken and a scheme for the protection of any birds found within the building shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme.  
Reason: To protect species protected by the Wildlife and Countryside Act 1981 (As Amended).

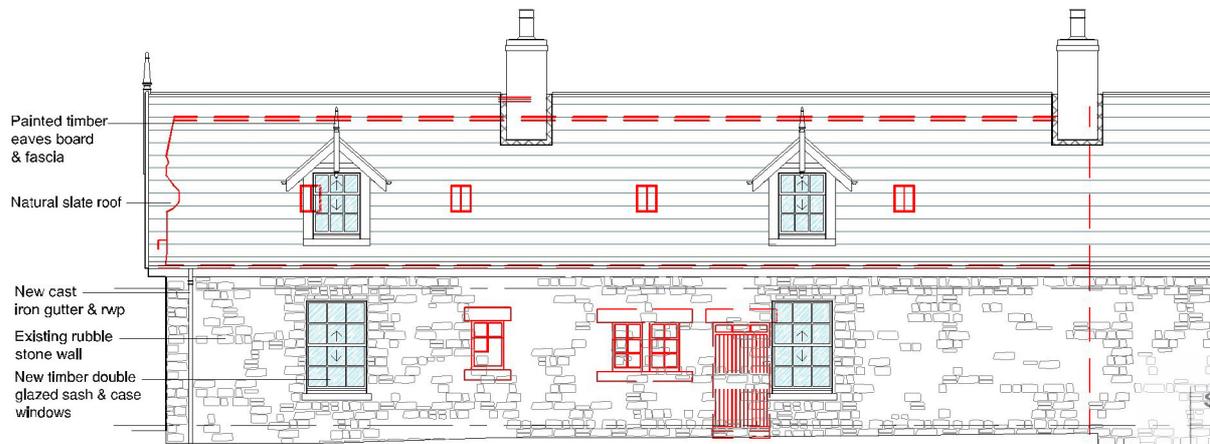
Informatives

It should be noted that:

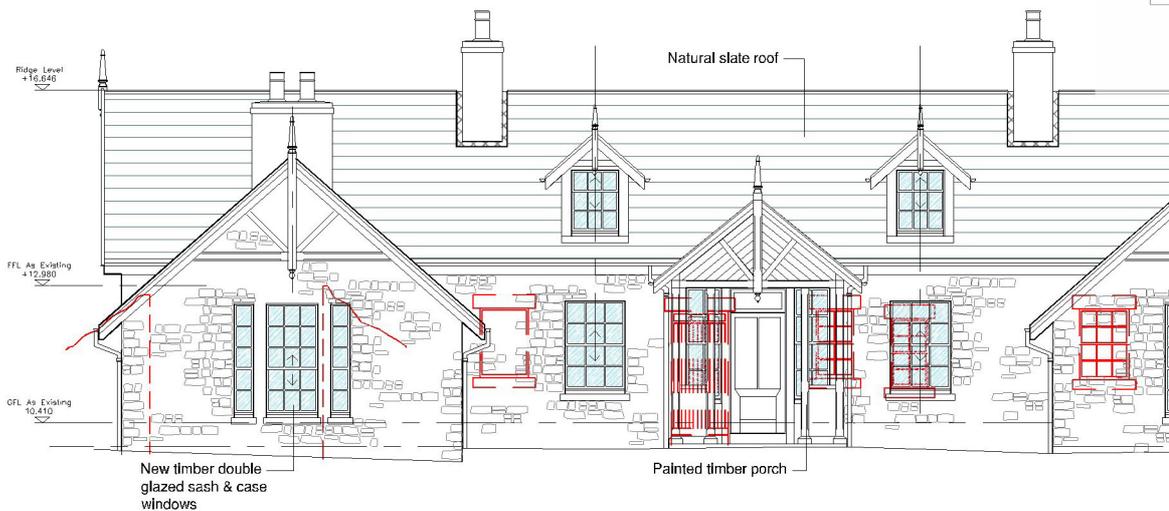
- 1 The Roads Officer's comments have been attached for the information of the applicant.
- 2 DC-3 has been attached for the information of the applicant.
- 3 DC-8 has been attached for the information of the applicant.
- 4 Environmental Health comments have been attached for the information of the applicant.

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

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South West Elevation 1:100



North East Elevation 1:100

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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 : 17/00104/FUL**

**To : Mr Roddy And Mrs Rachel Jackson per Keith Renton, Architect Humestanes Hume Hall  
Holdings Greenlaw Scottish Borders TD10 6UW**

With reference to your application validated on **26th January 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Re-instatement, alterations and extension of former dwellinghouse and erection  
of detached garage**

**At : Folly Cottage Woodside Farm Kelso Scottish Borders**

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

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

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

**Dated 24th March 2017  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 17/00104/FUL**
**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
812P-01	Location Plan	Approved
812P-04	Existing Elevations	Approved
812P-05	Existing Elevations	Approved
812P-7B	Floor Plans	Approved
812P-08	Floor Plans	Approved
812P-09B	Elevations	Approved
812P-10A	Planning Layout	Approved
812P-02A	Landscaping	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 development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The walls of the building shall be finished in a wet dash harl.  
Reason: To ensure the building appearance is appropriate in character for the landscape setting.
- 3 The development hereby approved shall only be carried out in strict accordance with details of the materials (and colour of these materials) to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
- 4 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.  
Reason: To ensure sufficient in-curtilage parking within the site, the interests of road safety.

- 5 No development shall commence until road design details have been submitted to and approved in writing by the Planning Authority demonstrating:
- Measures to prevent surface water flowing from on to the public road.
  - Design details of an access track capable of taking a 14 ton axle load and be free-draining.
- The development then to be completed in accordance with the approved details before the dwellinghouse is occupied. The works only to be undertaken by a Council approved contractor.  
Reason: To ensure an adequate access onto the public road is provided, in the interests of road safety.
- 6 No development shall commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 7 Prior to occupation of the property hereby approved, written evidence shall be supplied to the Planning Authority that the property has been connected to the public water supply network.  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 8 The landscaping plan, as approved, shall be implemented within the first planting season after development commencing, unless otherwise agreed in writing by the Planning Authority. These landscaping works will be maintained for a period of three years upon habitation, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority after this three year period, and make it available for inspection, at which point the approved landscaping plan shall have been implemented and landscaping established.  
Reason: To ensure effective assimilation of the development to its surroundings.
- 9 No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

- o Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- o The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 10 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- o Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- o Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- o Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.
- o The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 The Council's Ecology Officer notes:
- i. A barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.

ii. Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment.

2 The use of a flat/ smooth render (K-rend) would not be appropriate in appearance for a conversion in this isolated location. The harl should be through colour or painted in a mute colour and tone, if any, avoiding bright white, or yellow (vanilla) toned colours, to ensure an appropriate appearance.

3 The EHO advises of burning solid wood fuel:

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

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

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

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

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

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

5 Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the condition relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

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

#### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the

development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

**Notice of Completion of Development**

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

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> 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 :** 17/00104/FUL

**APPLICANT :** Mr Roddy And Mrs Rachel Jackson

**AGENT :** Keith Renton, Architect

**DEVELOPMENT :** Re-instatement, alterations and extension of former dwellinghouse and erection of detached garage

**LOCATION:** Folly Cottage  
Woodside Farm  
Kelso  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
812P-01	Location Plan	Approved
812P-04	Existing Elevations	Approved
812P-05	Existing Elevations	Approved
812P-7B	Floor Plans	Approved
812P-08	Floor Plans	Approved
812P-09B	Elevations	Approved
812P-10A Garage	Planning Layout	Approved
812P-02A	Landscaping	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

An advert was placed in the Southern Reporter for neighbour not known and on the PINS website. No neighbours received statutory notifications.

Consultations:

Education: Catchment area for Yetholm Primary School and Kelso High School. A contribution of £2,718 is sought for the High School.

Archaeology: The proposal to alter, extend and construct a new garage will potential damage, obscure and destroy archaeological information in the buildings and below ground. It is judged to be of regional archaeological significance, with there being a moderate to high potential of encountering significant archaeological information. Mitigating this should include an historic building survey of the existing structures to an ENHANCED standard (per ALGAO:Scotland guidance; more detailed recording may be required as necessary) and a watching brief on all associated groundworks to sterile sub-soil or the first archaeological horizon. These are required to be secured by condition.

Ecology: Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment. Statutory protected species recorded within 2km of the proposed site include badger (700m), kestrel, sparrowhawk, barn owl, peregrine falcon, oystercatcher and lapwing. Barn owl are known to have nested within the structure to be developed, following a previous bird survey (10/00655/FUL). Mitigation measures, approved in an earlier response from the SBC Ecology Officer, were put into place for barn owl including a permanent compensation site and ongoing monitoring has taken place on an ongoing annual basis since barn owl nest boxes were installed. The new owner of the property is to be provided with a copy of the barn owl strategy and informed of the importance of maintaining the permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to a state beyond use) in order to safeguard the nesting site(s) available to barn owl.

Given the presence of barn owl and the fact that the structure has been completely open at a gable end, which would create an unstable temperature, there is no requirement for a bat survey.

An Informative is requested: Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment.

Environmental Health: Potential nuisance. Conditions are sought to demonstrate private drainage and to ensure mains water is used (as opposed to a private supply). An informative is requested for the woodburning stove.

Landscape Architect: No objection.

First Response: Requests for changes to be covered by condition.

Second response: Proposed planting is acceptable in amended scheme. Condition should seek applicant to "notify the Planning Authority when the approved works have been completed and are available for inspection."

Roads Planning: No objection. Parking/ turning, road drainage and access track specification are all matters required to be secured by condition on any approval.

Yetholm Community Council: No response.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of residential amenity

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP8: Archaeology

EP13: Trees, woodlands and hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

New Housing in the Borders Countryside 2008

Landscape and development, 2008

Developer Contributions, April 2016

Guidance on Householder Developments, July 2006

**Recommendation by** - Euan Calvert (Assistant Planning Officer) on 21st March 2017

Full planning permission is sought for re-instatement, alterations and extension of a former dwellinghouse and erection of detached garage.

**Site and Location**

The site has recently been enclosed in agricultural steel net stock fencing and a mixed species hedgerow has been planted along the northern boundary. The service layby and entrance bellmouth have also been formed in bitmac, as was requested by a planning condition on 10/00655/FUL. The site is in the Bowmont valley, 3 miles south of Town Yetholm, on the lower eastern slopes of Crookedshaws Hill, overlooking the Bowmont Water. A track leads uphill from the roadside (the eastern boundary), where the building sits is on an elevation above The Folly Hope Burn, which forms the western boundary of this site. The southern boundary rises and is laid to improved grass, enclosed in a stock fence.

**Planning History**

Full planning permission has been granted (9th September 2010) and development commenced under 10/00655/FUL for reinstatement, alterations and extensions to the derelict farmhouse. Documentary evidence is on the case file demonstrating purification of conditions and undertaking road junction improvements, as required by condition.

A material planning consideration is the magnitude of change between these proposals. Consideration will be given whether there have been any changes to Policy in this intervening period and the implications this may have on the outcome of the decision.

**Proposal**

1. New gable roofed porch, in bay 2 of the principal, north, elevation.
2. Alterations to the main building to house a sitting room, utility, 2 bedrooms and en suites, dressing room, hall and stair within a 4-bay building.
3. A west wing to house bedroom three (4.3m x 4.5) stepped back from main building line and featuring its own shower room under its own roof 3.3m x 2.7m, set to the rear of the property.
4. East wing to house a kitchen and sitting area (9.5m x 8m) under a large x-planned intersecting roof with glazed gables. Heavy glazing would feature above dado height walls. Elements of glass and timber infill would stretch up under the eaves.
5. A timber garage and store constructed of timber, with a slate clad gable roof and timber clad walls, (9.5m x 6.5m) is proposed to be sited north of the house. It would be aligned with the boundary fences and form a gravel turning area with the house frontage to the north.

**Assessment**

**Principle**

The principle of residential accommodation was established by permission 06/00992/FUL and vindicated in the previous permission, which has commenced.

Policy HD2, Part C, of the Local Development Plan 2016 supports conversions which fit the following criteria:

- I. The Council is satisfied that the building has architectural or historic merit or is physically suited.
- II. The building stands substantially intact and the structure require no significant demolition.
- III. The conversion is in keeping with the scale and architectural character of the existing building.

New housing in Borders Countryside Supplementary Planning Guidance, December 2008, guide conversions and stipulates that it is only appropriate without recourse to significant extension. Principles laid out in this document describe:

1. The building must be deemed worthy and capable of conversion.
2. Extensions ancillary to conversion schemes will only be accepted where it can be demonstrated that it is necessary to secure the restoration of the existing building, without adversely affecting its character.
3. They should be subordinate in scale and should also relate to the character of the farmstead group.

4. Extensions after conversion will be discouraged. Removal of permitted development rights should be considered.
5. Where acceptable extension or alteration is proposed to the steading, it is preferable if these are accommodated on 'private' elevations.

I find these proposals to be largely in accordance with policy HD2 (C). Conversion and extension has been demonstrated and accepted in a previous application and size and mass of this previous approval is a material consideration.

This proposal is linear in plan with smaller subservient single storey elements (west wing and east wing). A ground floor layout supporting this development displays downtakings in red broken lines which demonstrates removal of the southern L-shaped ruined wing.

I determine that these proposals will appear slightly more modest in size than the previous approval. The wallheads are again proposed to be raised and the roof lifted to allow for two well-proportioned bedrooms at first floor but this had previously been permitted therefore the proposal must be accepted. These bedrooms would be accommodated within wallhead piend roofed dormers featuring double windows. The building reads as being 1 and 3/4 storey in height.

The previous approval (U-shaped layout featuring two perpendicular northern wings) was for a 1.5 storey dwelling which, although being smaller in scale, would have been larger in footprint. It was to feature 5 single window dormers, which were to include revealed timbers, king, queen posts and finials, giving a very traditional appearance.

#### PMD2 and SPG: Placemaking and Design

There is less traditional timber detailing being offered in the roofs of these proposals however I consider the massing, design and composition of the various roofs to be appropriate for a rural location, in accordance with policy PMD2 and the SPG on Placemaking and Design. The proposal will retain elements of country cottage styling including apex chimneys, slate roofed dormers, stone mullioned windows, vertical emphasis to windows (divided by transom bars at half height) and a gable roofed entrance porch. These features are married with modern features such as wide expanses of glazing, full height window units and fully glazed French doors.

The walls are to be finished in render rather than bare rubble appearance. Window dormers would be formed in cream stone while lintols and cill dressings of the main building would be exposed and finished in a similar cream colour.

No detail is given as to the finish or colour of the proposed render. I will seek traditional harl (wet dash) as a condition and invite the supply of colour to be a condition of approval. The use of a flat/ smooth render (K-rend) would not be appropriate in appearance for a conversion in this isolated location, which is a special landscape area. While I accept that a modern flat finish can be appropriate for modern construction, this renovation must appear as rehabilitation of a former building. The present masonry rubble construction displays elements of lime harl or slaster in a characteristic grey colour. This building has a long established presence in the landscape and local vernacular is harl in this rural and isolated valley. This traditional appearance should be retained. I am well aware of the modern preference for white/ off white/ cream or vanilla masonry colours and any proposal should be in a mute colour and tone, to ensure appropriate appearance.

Timber tilt and turn windows are proposed and these details are acceptable.

#### HD3 Protection of residential amenity

There is no potential recourse to amenity. There are no nearby residential receptors.

#### EP2: National Nature conservation sites and protected species

#### EP3: Local Biodiversity

The Ecology Officer is aware of previous studies related to the previous permission. It is understood that the building was suitable habitat for barn owl and consequently mitigation measures were put into place. A permanent compensation site and ongoing monitoring has taken place on an ongoing annual basis since barn owl nest boxes were installed.

As an informative I will note this barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.

Presence of barn owl and the fact that the structure has been completely open at a gable end, which would create an unstable temperature, there is no requirement for a bat survey. I am satisfied that both Policy EP2 and 3 have been fulfilled.

**EP5: Special Landscape Areas**

Sensitivity of the Cheviot Foothills SLA is acknowledged. This is a former dwelling therefore I do not consider its rehabilitation to harm the landscape setting: its presence has long been established and accepted in this rural and isolated valley. Appropriate landscaping will ensure that, throughout time, the appearance will not be overly prominent. The design is traditional in form therefore in keeping with vernacular.

**EP8: Archaeology**

The archaeologist notes the site is of regional archaeological significance, with there being a moderate to high potential of encountering significant archaeological information. A historic building survey and a watching brief is requested and I find it appropriate to make these a subject of condition on any approval granted, to ensure the potential for encountering buried archaeology is mitigated and recorded.

**EP13: Trees, Woodlands and Hedgerows**

The Council's Landscape Architect has offered comments requiring revised plans. These have been duly provided ahead of determination and a condition is required to ensure landscaping is implemented and maintained for 3 years after completion, and notification for inspection thereafter.

**IS2: Developer Contributions**

Contributions were identified for Kelso High School in a consultation response from Education however it would not be equitable to pursue this request for school contributions. The burden on services and infrastructure was already accepted in 2006 and, crucially, permission granted in 2010 is implementable (10/00655/FUL). I am satisfied that policy IS2 has been complied with.

**IS7: Parking Provision and Standards**

The Roads Planning Officer has identified the requirement of planning conditions to ensure parking and turning on site. The bell mouth and service layby have already been constructed under the previous permission and in relation to these works,

**IS9: Waste water Treatment Standards and Sustainable Urban Drainage**

The Ecologist warns of issues regarding new septic tank drainage to soakaway and surface water drainage system. An informative has been placed to ensure the avoid potentially polluting the water environment.

No response has been received from Yetholm Community Council and no third party representations have been received.

**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 - conditions & informatives

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The walls of the building shall be finished in a wet dash harl.

Reason: To ensure the building appearance is appropriate in character for the landscape setting.

- 3 The development hereby approved shall only be carried out in strict accordance with details of the materials (and colour of these materials) to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

- 4 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.

Reason: To ensure sufficient in-curtilage parking within the site, the interests of road safety.

- 5 No development shall commence until road design details have been submitted to and approved in writing by the Planning Authority demonstrating:

i. Measures to prevent surface water flowing from on to the public road.

ii. Design details of an access track capable of taking a 14 ton axle load and be free-draining.

The development then to be completed in accordance with the approved details before the dwellinghouse is occupied. The works only to be undertaken by a Council approved contractor.

Reason: To ensure an adequate access onto the public road is provided, in the interests of road safety.

- 6 No development shall commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.

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

- 7 Prior to occupation of the property hereby approved, written evidence shall be supplied to the Planning Authority that the property has been connected to the public water supply network.

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

- 8 The landscaping plan, as approved, shall be implemented within the first planting season after development commencing, unless otherwise agreed in writing by the Planning Authority. These landscaping works will be maintained for a period of three years upon habitation, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority after this three year period, and make it available for inspection, at which point the approved landscaping plan shall have been implemented and landscaping established.

Reason: To ensure effective assimilation of the development to its surroundings.

- 9 No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

o If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

o Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.

o If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

o Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

o The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 10 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- o Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- o Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- o Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.
- o The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

### Informatives

It should be noted that:

- 1 The Council's Ecology Officer notes:
  - i. A barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.
  - ii. Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment.
- 2 The use of a flat/ smooth render (K-rend) would not be appropriate in appearance for a conversion in this isolated location. The harl should be through colour or painted in a mute colour and tone, if any, avoiding bright white, or yellow (vanilla) toned colours, to ensure an appropriate appearance.
- 3 The EHO advises of burning solid wood fuel:

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the

event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

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

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

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

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

- 4 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
- 5 Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the condition relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

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



Keith Renton Architects  
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 Building Trustee  
 Approved Contractor  
 The Scottish Government

17/00104/FUL  
 Scottish Borders Council  
 Town And Country  
 Planning (Scotland) Act  
 1997

APPROVED  
 subject to the  
 requirements of the  
 associated Section  
 Notice

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## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 8th July 2019

Contact: Euan Calvert ☎ 01835 826513

Ref: 19/00965/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th July 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 29th July 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr & Mrs Roddy & Rachel Jackson

**Agent:** Ferguson Planning

**Nature of Proposal:** Demolition of existing dwellinghouse and erection of replacement dwellinghouse

**Site:** Folly Cottage Woodside Farm Kelso Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
	Archaeology Officer	<a href="mailto:Archaeology@scotborders.gov.uk">Archaeology@scotborders.gov.uk</a>
<b>Date of reply</b>	30/7/19	<b>Consultee reference:</b>
<b>Planning Application Reference</b>	19/00965/FUL	<b>Case Officer:</b> Euan Calvert
<b>Applicant</b>	Mr & Mrs Roddy & Rachel Jackson	
<b>Agent</b>	Ferguson Planning	
<b>Proposed Development</b>	Demolition of existing dwellinghouse and erection of replacement dwellinghouse	
<b>Site Location</b>	Folly Cottage Woodside Farm Kelso Scottish Borders	
<p><b><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></b></p>		
<b>Background and Site description</b>	<p>I have reviewed the application against our HER and historic maps.</p> <p>Folly Cottage was previously known as Oxnamside. It was known as this as late as the middle of the 20<sup>th</sup> century before being re-named. The earliest reference I could find to the site is Bleau's Atlas of the mid-17<sup>th</sup> century (based on Pont's laet 16<sup>th</sup> century) map showing name 'Oxensyde'. It is likely, therefore, that the settlement is at least late medieval in date and perhaps older.</p> <p>Historically, the name comes up in later 17<sup>th</sup> century taxation documents dated 1663, 1695 and 1698. The latter two include the names of Andrew Young and Henry Young (presumably Andrew's son) who are listed as commissioners of the shire. They may also have been Covenanters. The suggests that the Youngs of Oxnamside were prominent farmers in the later 17<sup>th</sup> century.</p> <p>Oxnamside appears as a small farmstead on maps from the 1750s, the with two current buildings appearing on the Ordnance Survey 1<sup>st</sup> Edition map c. 1858 along with another to north-west.</p>	
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>The site has a moderate to high archaeological potential, and buildings on site may date in part from the 18<sup>th</sup> century.</li> </ul>	
<b>Assessment</b>	<p>The proposal to demolish the existing buildings and construct a new house will destroy archaeological information in the buildings and below ground. Given the likely antiquity of the settlement, and indeed the upstanding buildings, I judge the archaeological significance to be regional, with there being a moderate to high potential of encountering significant archaeological information. Mitigating the loss of the buildings and impacts on below ground deposits should include an historic building survey of the existing structures to an ENHANCED standard (per ALGAO:Scotland guidance; more detailed recording may be required as necessary) and a watching brief on all associated groundworks to sterile sub-soil or the first archaeological horizon.</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
<b>Recommended Conditions</b>	<p>If the Council is minded to approve the application 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>			
<b>Recommended Informatives</b>				

## PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 8th July 2019

Contact: Euan Calvert ☎ 01835 826513

Ref: 19/00965/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th July 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 29th July 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr & Mrs Roddy & Rachel Jackson

**Agent:** Ferguson Planning

**Nature of Proposal:** Demolition of existing dwellinghouse and erection of replacement dwellinghouse

**Site:** Folly Cottage Woodside Farm Kelso Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b> Dr Andy Tharme Ecology Officer	<b>Contact e-mail/number:</b> <a href="mailto:atharme@scotborders.gov.uk">atharme@scotborders.gov.uk</a> T:01835-826514	
<b>Date of reply</b>	07 August 2019	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	19/00965/FUL	<b>Case Officer:</b> Euan Calvert	
<b>Applicant</b>	Mr & Mrs Roddy & Rachel Jackson		
<b>Agent</b>	Ferguson Planning		
<b>Proposed Development</b>	Demolition of existing dwellinghouse and erection of replacement dwellinghouse		
<b>Site Location</b>	Folly Cottage Woodside Farm Kelso Scottish Borders		
<p><b><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></b></p>			
<b>Background and Site description</b>	<p>The site had been subject to earlier consents 10/00655/FUL and 17/00104/FUL. Earlier decisions had accepted the unsuitability of the structure to support bats, but identified a breeding bird presence notably barn owl. A barn owl mitigation strategy (<i>Barn Owl Mitigation Strategy – Folly Cottage, by Town Yetholm, BCM Environmental Services Ltd, June 2013</i>) was approved under the 10/00655/FUL and the requirement for this was carried forwards with the 17/00104/FUL consent.</p>		
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Potential impacts on protected species (breeding birds)</li> </ul>		
<b>Assessment</b>	<p><i>Relevant Local Development Plan (LDP) Policies are: EP1 International Nature Conservation Sites and Protected Species, EP2 National Nature Conservation Sites and Protected Species and EP3 Local Biodiversity.</i></p> <p>I have not visited the site to inform this consultation response, a desk-top assessment has been made using the Council's biological records, aerial imagery, and information submitted by the applicant</p> <p>Given that more than 2-3 years has elapsed since the last breeding bird survey at the site (2013<sup>i</sup>), in accordance with good practice<sup>ii</sup> it would be reasonable to require as a condition of any new consent an updated bird survey to inform a Species Protection Plan for breeding birds.</p> <p>This should also incorporate an updated barn owl mitigation strategy. I note the approved barn owl mitigation strategy included the provision for a barn owl nest site within the roof space of the proposed renovated and extended building.</p> <p>The requirement to protect waterbodies (including the River Tweed SAC/SSSI) attached as an informative to the 17/00104/FUL consent should carry forward to this consent.</p>		
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>
			<input type="checkbox"/> <b>Further information required</b>

<p><b>Recommended Conditions</b></p>	<ul style="list-style-type: none"> <li>No development shall be undertaken during the breeding bird season (March to September), unless in strict compliance with a Species Protection Plan for breeding birds including barn owl, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.</li> </ul> <p><i>Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.</i></p>
<p><b>Recommended Informatives</b></p>	<ul style="list-style-type: none"> <li>Proposed works include septic tank drainage to soakaway and SUDS for surface water. SEPA Pollution Prevention Guidelines (e.g. GPP5 and GBR10) should be adopted to avoid potentially polluting substances entering the water environment.</li> </ul>

<sup>i</sup> The Wildlife Partnership, (2013), *Protected Species Survey - Folly Cottage, Yetholm*. The Wildlife Partnership.

<sup>ii</sup> *Biodiversity –Code of practice for planning and development* BS 42020:2013. BSi

## PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 8th July 2019

Contact: Euan Calvert ☎ 01835 826513

Ref: 19/00965/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th July 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 29th July 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr & Mrs Roddy & Rachel Jackson

**Agent:** Ferguson Planning

**Nature of Proposal:** Demolition of existing dwellinghouse and erection of replacement dwellinghouse

**Site:** Folly Cottage Woodside Farm Kelso Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>		
	Environmental Health	PLACEhealth@scotborders.gov.uk		
<b>Date of reply</b>	12/07/19	<b>Consultee reference: 19/02050/FUL</b>		
<b>Planning Application Reference</b>	19/00965/FUL	<b>Case Officer:</b> Euan Calvert		
<b>Applicant</b>	Mr & Mrs Roddy & Rachel Jackson			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Demolition of existing dwellinghouse and erection of replacement dwellinghouse			
<b>Site Location</b>	Folly Cottage Woodside Farm Kelso Scottish Borders			
<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>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	<p><b><u>Wood Burning Stoves</u></b></p> <p>I note from the plans that a wood burning stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p><b><u>Drainage Arrangements</u></b></p> <p><i>No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition</i></p> <p><i>Reason: To ensure that the development does not have a detrimental effect on amenity and public health.</i></p>			

	<p><b><u>Water Supply</u></b></p> <p>No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.</p> <p>Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.</p> <p>No water supply other than the public mains water supply shall be used to supply the development without the written agreement of the Planning Authority.</p> <p>Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.</p>
<p><b>Recommended Informatives</b></p>	<p><b><u>Private Drainage System</u></b></p> <p>Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition.</p> <p>Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.</p> <p>To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.</p> <p><b><u>Stoves and Use of Solid Fuel</u></b></p> <p>These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.</p> <p>Accordingly this advice can assist you to avoid future problems.</p> <p>The location of the flue should take into account other properties that may be downwind.</p> <p>The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.</p> <p>The flue should be terminated with a cap that encourages a high gas efflux velocity.</p> <p>The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.</p> <p>The appliance should only burn fuel of a type and grade that is recommended by</p>

<p>the manufacturer.</p> <p>If you live in a Smoke Control Area you must only use an Exempt Appliance <a href="http://smokecontrol.defra.gov.uk/appliances.php?country=s">http://smokecontrol.defra.gov.uk/appliances.php?country=s</a> and the fuel that is Approved for use in it <a href="http://smokecontrol.defra.gov.uk/fuels.php?country=s">http://smokecontrol.defra.gov.uk/fuels.php?country=s</a> .</p> <p>In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - <a href="http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\$FILE/eng-woodfuel-woodasfuelguide.pdf">http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\$FILE/eng-woodfuel-woodasfuelguide.pdf</a></p> <p>Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.</p> <p>Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.</p>
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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>	
Roads Planning Service	Keith Patterson Roads Planning Officer	<a href="mailto:kpatterson@scotborders.gov.uk">kpatterson@scotborders.gov.uk</a> 01835 826637	
<b>Date of reply</b>	29 <sup>th</sup> July 2019	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	19/00965/FUL	<b>Case Officer:</b> Euan Calvert	
<b>Applicant</b>	Mr & Mrs Roddy & Rachel Jackson		
<b>Agent</b>	Ferguson Planning		
<b>Proposed Development</b>	Demolition of existing dwellinghouse and erection of replacement dwellinghouse		
<b>Site Location</b>	Folly Cottage Woodside Farm Kelso Scottish Borders		
<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>			
<b>Background and Site description</b>	The site benefits from a previous permission (10/00655/FUL) for reinstatement of the dwellinghouse.		
<b>Key Issues (Bullet points)</b>			
<b>Assessment</b>	The service layby required as part of the previous permission has been constructed and, as such, I shall have no objections to this proposal provided the conditions set out below covering visibility, parking and turning are included within any consent issued.		
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b> <input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p>Two parking spaces and turning, excluding any garages, to be provided within the curtilage of the site to be provided prior to occupation and retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by adequate parking and turning at all times.</p> <p>Visibility splays of 3m x 120m to be provided at the junction with the minor public road prior to occupation and retained thereafter in perpetuity. Reason: To ensure safe access and egress to the site.</p> <p>A scheme of details for the provision of 120m forward visibility for vehicles travelling south to be provided to, and approved by, the Planning authority prior works commencing on site. Thereafter the works to be completed prior to occupation and retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by a junction with suitable visibility.</p>		
<b>Recommended Informatives</b>	<p>Forward visibility of 120m must be provided for vehicles approaching the access from the north so as to ensure that vehicles approaching the site have adequate awareness of any vehicle that may be sitting waiting to turn right into the site.</p> <p>It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.</p>		

**AJS**

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## List of Policies

**Local Review Reference:** 19/00028/RREF

**Planning Application Reference:** 19/00965/FUL

**Development Proposal:** Demolition of existing dwellinghouse and erection of replacement dwellinghouse

**Location:** Folly Cottage, Woodside Farm, Kelso

**Applicant:** Mr & Mrs Roddy & Rachel Jackson

### Scottish Borders Local Development Plan 2016

#### POLICY PMD1: SUSTAINABILITY

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

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

#### POLICY PMD2: QUALITY STANDARDS

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

##### Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,

## List of Policies

- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

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

### Accessibility

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

### Greenspace, Open Space & Biodiversity

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

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

## **POLICY HD2: HOUSING IN THE COUNTRYSIDE**

## List of Policies

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

### (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

### (B) DISPERSED BUILDINGS GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,

## List of Policies

- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

### (D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

### (E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

### (F) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include

## List of Policies

businesses that would cause disturbance or loss of amenity if located within an existing settlement, or

- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

### **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 EP1: INTERNATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES**

Development proposals which will have a likely significant effect on a designated or proposed Natura site, which includes all Ramsar sites, are only permissible where:

- a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- b) there are no alternative solutions, and
- c) there are imperative reasons of overriding public interest including those of a social or economic nature

Where a development proposal is sited where there is the likely presence of an EPS, the planning authority must be satisfied that:

- a) there is no satisfactory alternative, and

## List of Policies

- b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment, and
- c) the development is not detrimental to the maintenance of the population of a EPS at a favourable conservation status in its natural range.

### **POLICY EP2: NATIONAL NATURE CONSERVATION AND PROTECTED SPECIES**

Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest or habitat directly supporting a nationally important species will not be permitted unless:

- a) the development will not adversely affect the integrity of the site, and
- b) the development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site.

The developer will be required to detail mitigation, either on or off site, of any damage that may be caused by development permissible under the exception criteria.

### **POLICY EP3: LOCAL BIODIVERSITY**

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance.

### **POLICY EP5: SPECIAL LANDSCAPE AREAS**

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

### **POLICY 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:

## List of Policies

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

### (B) BATTLEFIELDS

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

### (C) REGIONAL OR LOCAL ARCHAEOLOGICAL ASSETS

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

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

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

## **POLICY 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 EP16: AIR QUALITY**

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

## **POLICY IS2: DEVELOPER CONTRIBUTIONS**

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

## List of Policies

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

#### **WASTE WATER TREATMENT STANDARDS**

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:

## List of Policies

- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

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

Development will be refused if:

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

### SUSTAINABLE URBAN DRAINAGE

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

### OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- Scottish Planning Policy 2014

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