

Public Document Pack



LOCAL REVIEW BODY MONDAY, 16 NOVEMBER 2020

A MEETING of the LOCAL REVIEW BODY will be held on MONDAY, 16 NOVEMBER 2020 at 10.00 am. The meeting will be conducted remotely by Microsoft Teams live event.

Arrangements are in place to stream the meeting for public viewing. Further information and a link will be provided on the Council's website before the meeting.

J. J. WILKINSON,
Clerk to the Council,

9 November 2020

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of application for formation of new boundary fence (retrospective) at 1, Forley's Field, Goslawdales, Selkirk. 20/00472/FUL. 20/00024/RREF.</p> <p>Copies of the following papers attached:</p>	
	(a) Notice of Review	(Pages 3 - 16)
	(b) Decision Notice	(Pages 17 - 20)
	(c) Officer's Report	(Pages 21 - 24)
	(d) Papers referred to in Officer's Report	(Pages 25 - 54)
	(e) Consultation	(Pages 55 - 56)
	(f) Support Comment	(Pages 57 - 58)
	(g) Objection	(Pages 59 - 60)
	(h) List of Policies	(Pages 61 - 64)
5.	Continuation: Consider request for review of refusal of application for erection of dwellinghouse with detached garage on land NW of	

	Strathmyre, Old Belses, Jedburgh. 20/00486/FUL. 20/00022/RREF.	
	Copies of the following papers attached:-	
	(a) Submissions by Planning Officer and Roads Planning Officer to new information and response from applicant	(Pages 65 - 70)
	(b) Review Papers	(Pages 71 - 132)
	Copies of papers re-circulated as follows:- Notice of Review - page 71 Decision Notice - page 100 Officer's Report - page 103 Papers referred to in Officer's Report - page 109 Consultations - page 121 General comment - page 123 List of Policies - page 125	
6.	Decision as to process to be followed in respect of request for review of refusal of application for demolition of garage and erection of dwellinghouse in garden ground of Clifton Cottage, High Street, Kirk Yetholm. 20/00453/FUL. 20/00018/RREF. (Pages 133 - 150) As part of requested further procedure, written submissions attached as follows:- Further information from applicant - page 133 Responses to additional information - page 137 Further comment from applicant - page 147	
7.	Any Other Items Previously Circulated	
8.	Any Other Items which the Chairman Decides are Urgent	

NOTES

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

Membership of Committee:- Councillors S. Mountford (Chair), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards and E. Small.

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

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

Applicant(s)	Agent (if any)
Name Mrs Houston-Grundy	Name Stuart Davidson Architecture
Address 1 Forleys Field, Selkirk	Address Design Studio, 32 High Street, Selkirk
Postcode	Postcode TD7 4DD
Contact Telephone 1	Contact Telephone 1 01750 21792
Contact Telephone 2	Contact Telephone 2
E-mail*	E-mail* <small>stuart@stuartdavidsonarchitecture.co.uk</small>
	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 Borders Council

Planning authority's application reference number 20/00472/FUL

Site address 1 Forleys Field, Selkirk, TD7

Description of proposed development Retrospective formation of boundary fence

Date of application 05/05/2020 Date of decision (if any) 03/07/2020

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:

to allow further review if required

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.

please see attached supporting statement

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

Yes No

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

List of documents and evidence

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

Drawing Numbers :
 P620-PL-LOC
 P620-PL-001A
 Supporting Appeal Document

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

Checklist

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

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

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

Declaration

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

Signed

[Redacted Signature]

Date

23.09.20.

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



SUPPORTING STATEMENT

1.00 PREFACE

On behalf of our clients Mrs Houston-Grundy we make the following appeal against the planning refusal on the above project.

We feel that the reasons for refusal in this case the single reason, that the proposals are contrary to *Policy PMD2 of the Scottish Borders Local Development Plan 2016*, highlighting that it is the planning officers opinion that the scale of the proposal “*would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area*”

We feel that though the planner has been clear as to the reasoning for the refusal is only due to the overall height of the fence line + not its location, this is not concurrent with the positioning of the site + the entrance area to the overall Forleys Field cul-de-sac. We feel that it is imperative to understand the complexity of the site in its situation which has resulted in the requirement for the formation of a boundary fence.

As noted by the planner within the refusal documentation a large amount changes have been carried out from the original submission to reach compliance with essential areas such as access + safety, which will be covered within our appeal.

2.00 BACKGROUND

The applicants dwelling was formed as part of the 6 dwelling planned development + is the only dwelling located on the Easterly side of the public carriageway forming part of a 2 house “gateway” to the development, which sets it out as different to the rest of the properties in its setting + also exposure to privacy.



Fig 1 – illustrating northerly facing garden ground.

The nature of the site means that all other dwellings have clear sight lines into our clients amenity space to the rear, due to the open frontage of the Northerly side of the 2 “gateway” dwellings there is no possibility of forming a private garden space to this aspect + as such our client has formed a low impact 1m high fence (included within application) in line with the rear corner of the dwelling frontage, retaining the designed open nature to the main public vistas.

Our clients private parking area comfortably providing 3 parking spaces along with a thin area of garden runs up the easterly side of the carriageway with the public road hammerhead stepping into this ground, leaving very little scope for internal landscaping to create a private area.



Fig 2 – illustrating parking area unaffected by formation of fence.

As previously noted + illustrated in figure 1 the entrance area to the street is formed with a dwelling either side of the entrance with decorative stone walling + raised garden grounds, to the rear of the opposite dwelling (2 Forleys Field) there is an existing high fence which returns + along with a high fence (illustrated in figure 3) creates an enclosure which our clients new fence replicates creating a soft entry before the carriageway then hugs the fence line with open pasture thereafter.



Fig 3 – image illustrating the existing fence + hedge (highlighted in orange) of 2 Forleys field + our clients fence (highlighted in blue) forming continuity to the "gateway" area

Our clients formed the new fence in innocence with the understanding that this was “backland development” which they understood to be permitted, this is clearly not the case + they have been driven since to reach a suitable compromise with the Planning Department to achieve privacy as well as compliance.

3.00 PROPOSALS

The fence though currently formed, runs from the rear of the dwelling forming both a privacy break + also a barrier to the Easterly driven wind which cuts over the site. The fence has been altered to run out-with all service strips providing clear + unrestricted access to all public utilities as well as clear + approved access to the lamp post located adjacent the hammerhead.

As previously noted the proposed fence which reaches a maximum 1.8m in height from adjoining ground stepping with the land provides my client with some much needed private amenity space whilst they have left the open aspect to the grazing field to the North meaning no change in material or impact to the overall development site boundary from the public vista as shown in Figure 4.



Fig 4 – view form North-Easterly public viewpoint showing minimal impact of fence

As noted the fence was formed to line through + integrate with the existing mature hedge + neighbouring fence line which also reaches to circa 1.8m forming a soft enclosure this links the 2 dwellings prior to passing through the gateway area, prior to this there was little or no interaction +our clients dwelling sat somewhat isolated.

The overall impact the addition of the fence has on the public viewpoints is minimal + due the elevated nature of the neighbouring houses who as noted in the objection letter “our house is on elevated ground above her” + thus has no effect on the neighbours amenity.



Fig 5 – illustrating view from Southerly aspect to fence + mirroring enclosure of 2 Forleys Field.

It is notable that the closest neighbouring properties have no objection to the fence in its current form + are in-fact supportive of it.

Overall the impact the fence, in its current form on the surrounding countryside + aesthetic of the building group we feel is minimal + should be read as a completion of the entrance area between number 1 + 2 Forleys Field.

4.00 DESIGN

The fence has been designed to mirror that of Number 2 Forleys Field in material, height + form, this has been carefully formed to create continuity + respects the designed building group.

As noted within Policy PMD2 “placemaking + Design” it is noted that the structure must be of

“a scale, massing, height + density appropriate to its surroundings”

We feel on reflection + the aim to encapsulate the entrance the area, this is all of the above.

The fence after detained discussion with SBC Technical Services officers have now been moved + altered to ensure that there are no restrictions to access + servicing which also ensures a soft landscape area is retained to the verge of the carriageway, thus having no effect on servicing + retaining a soft estate verge.

We feel that the overall development + the nature of the public carriageways around which means that there is no immediate impact from public view the area can successfully accommodated this no adverse impact.

5.00 CONCLUSION

We trust that this provides some clarity to the aims + aspirations our clients have for their site + their strive to provide a simple low impact change which integrates their dwelling + garden ground that also sympathetically enhances the aesthetics of the surrounding area.

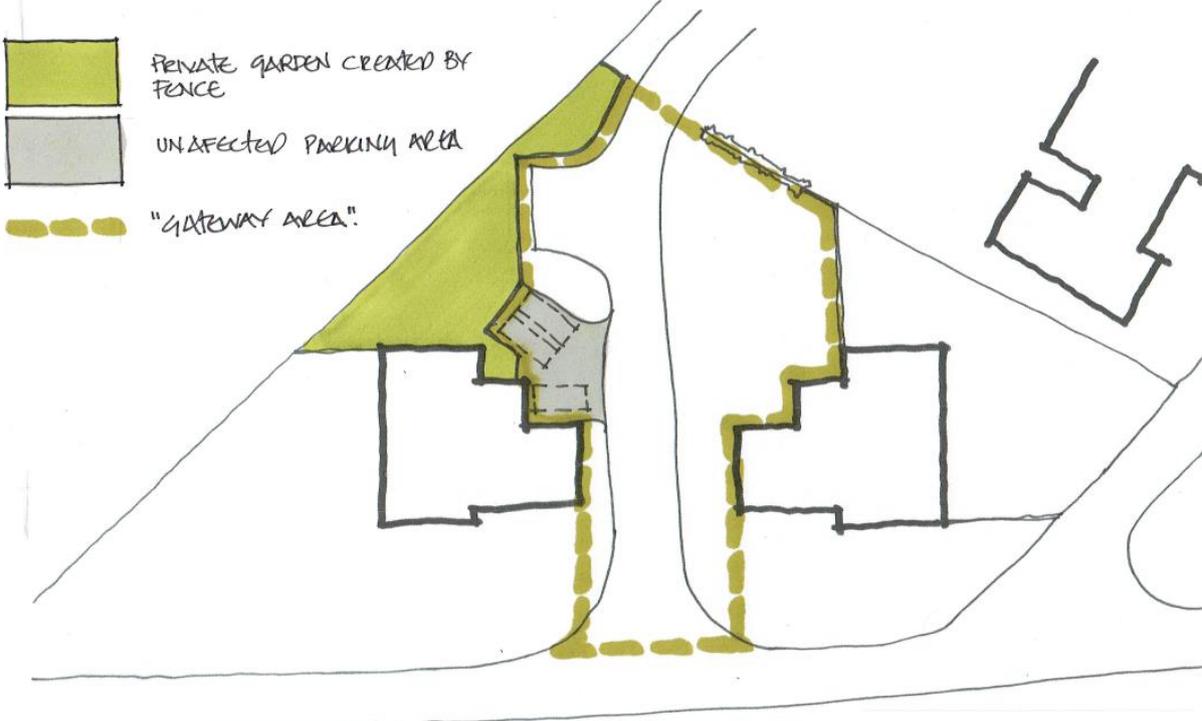
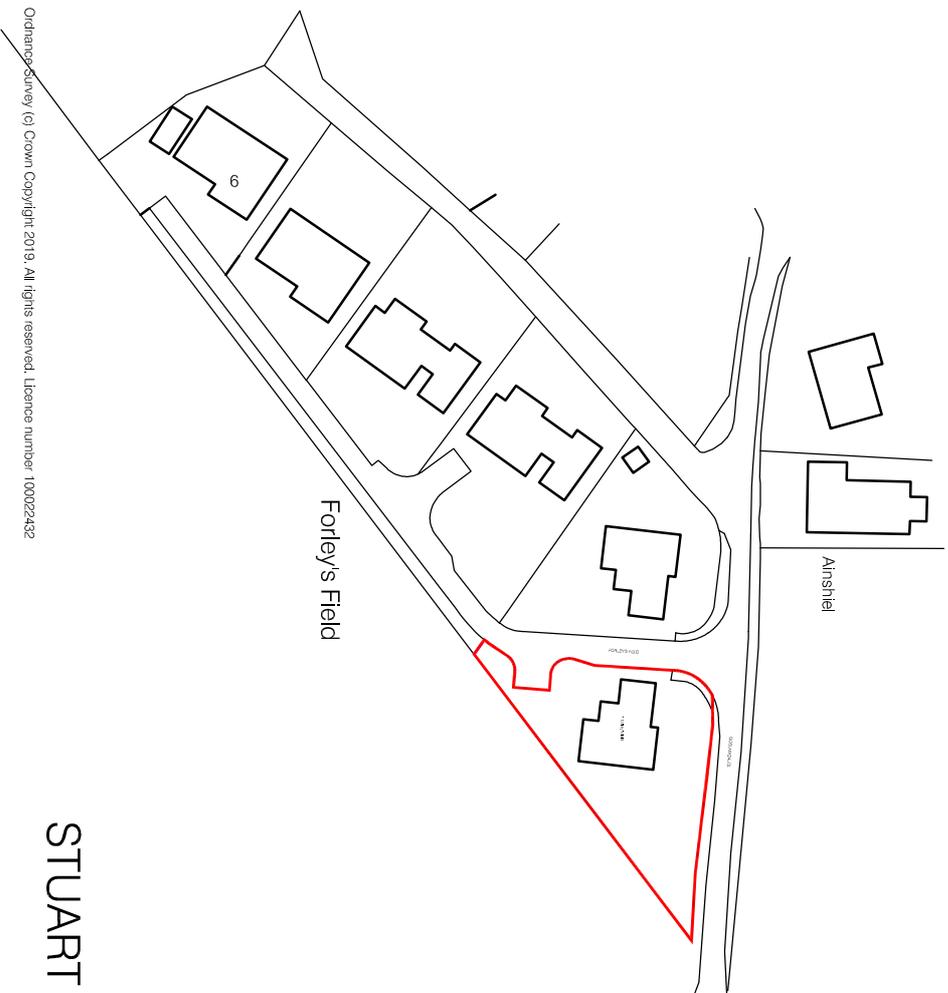


Fig 6 – sketch illustrating areas + overall aims of proposals

Should the fence be removed or indeed reduced in height, our clients will be left with no external garden space which they can either shelter from weather or indeed enjoy as a “private” space, as the area is considerably overlooked form the East, the result of this severely restricts their right to amenity.



Ordnance Survey (c) Crown Copyright 2019. All rights reserved. Licence number 100022492

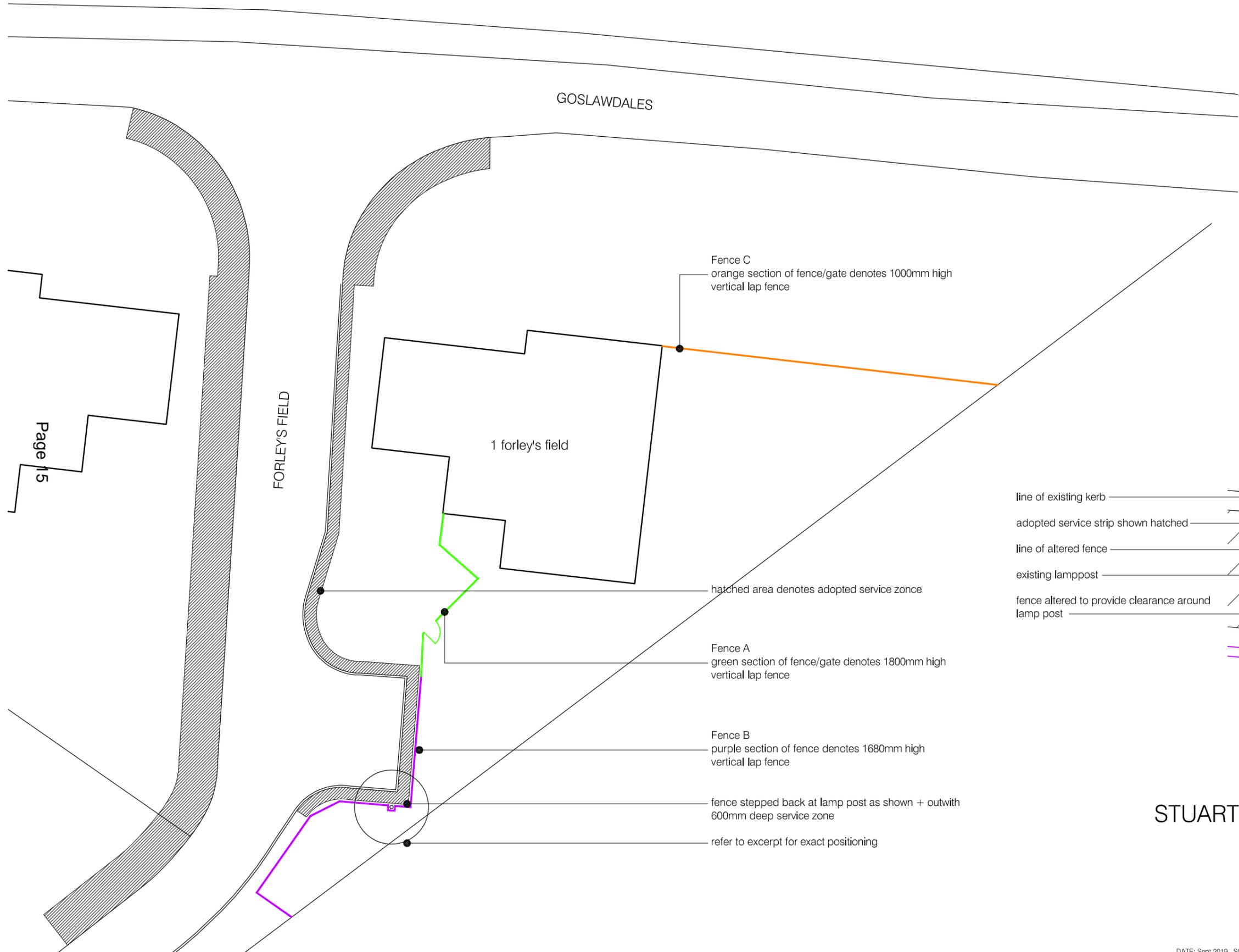
STUART DAVIDSON ARCHITECTURE

CLIENT
Mrs E Houston Grundy
PROJECT
Proposed Erection of Boundary Fence
1 Forleys Field
Goslawdales
Selkirk

TITLE
Location Plan

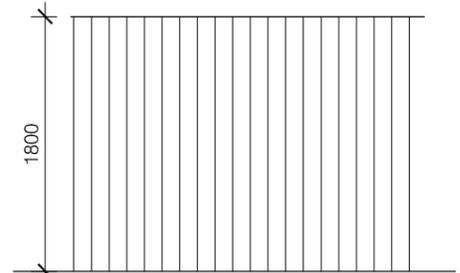
DATE: Sept 2019 SCALE: as shown DWG NO: PE20-PL-LOC REVISION - DGN NO: - 01 - PLOTTED SCALE: 84
Design Studio, 32 High Street, Selkirk, TD7 4DD W: 01750 21792
e: info@stuardavidsonarchitecture.co.uk w: www.stuardavidson architecture.co.uk © copyright reserved to stuart davidson architecture

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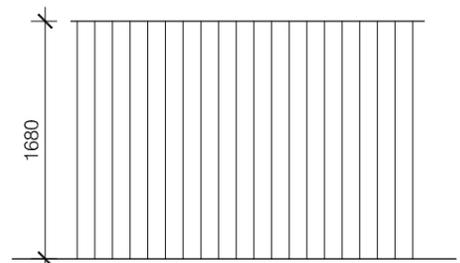


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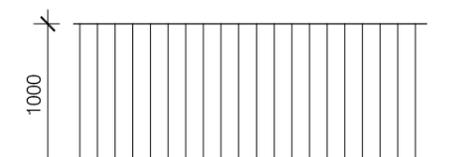
proposed part plan
scale 1:200



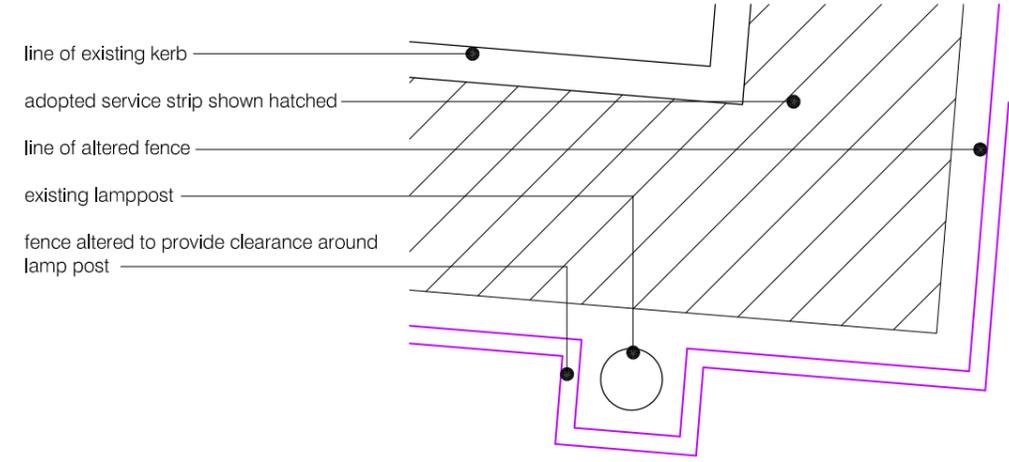
proposed fence a elevation
scale 1:50



proposed fence b elevation
scale 1:50



proposed fence c elevation
scale 1:50



proposed plan excerpt
scale 1:20

Fence C
orange section of fence/gate denotes 1000mm high vertical lap fence

hatched area denotes adopted service zone

Fence A
green section of fence/gate denotes 1800mm high vertical lap fence

Fence B
purple section of fence denotes 1680mm high vertical lap fence

fence stepped back at lamp post as shown + outwith 600mm deep service zone

refer to excerpt for exact positioning

STUART DAVIDSON ARCHITECTURE

CLIENT
Mrs E Houston Grundy
PROJECT
Proposed Erection of Boundary Fence
1 Forleys Field
Goslawdales
Selkirk
TITLE
Proposals

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Mrs E Houston Grundy
per Stuart Davidson Architecture
Design Studio
32 High Street
Selkirk
Scottish Borders

Please ask for: Brett Taylor
X6628
Our Ref: 20/00472/FUL
Your Ref:
E-Mail: brett.taylor@scotborders.gov.uk
Date: 7th July 2020

Dear Sir/Madam

**PLANNING APPLICATION AT 1 Forley's Field Goslawdales Selkirk Scottish Borders TD7
4EP**

PROPOSED DEVELOPMENT: Formation of new boundary fence (retrospective)

APPLICANT: Mrs E Houston Grundy

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 : 20/00472/FUL

**To : Mrs E Houston Grundy per Stuart Davidson Architecture Design Studio 32 High Street Selkirk
Scottish Borders TD7 4DD**

With reference to your application validated on **5th May 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Formation of new boundary fence (retrospective)

at : 1 Forley's Field Goslawdales Selkirk Scottish Borders TD7 4EP

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

**Dated 3rd July 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/00472/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
P620-PL-LOC	Location Plan	Refused
P620-PL-001	Proposed Plans	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

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. 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 : 20/00472/FUL

APPLICANT : Mrs E Houston Grundy

AGENT : Stuart Davidson Architecture

DEVELOPMENT : Formation of new boundary fence (retrospective)

LOCATION: 1 Forley's Field
Goslawdales
Selkirk
Scottish Borders
TD7 4EP

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P620-PL-LOC	Location Plan	Refused
P620-PL-001	Proposed Plans	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Representations

One letter of representation has been received in which neighbours raise the following key concerns, in summary:

- o Adverse impact on surrounding area;
- o Service ducts, SUDs and street furniture can't be serviced;
- o Roads safety;
- o Refusal of previous permission.

One letter was received in support of the application.

Consultations

Roads Planning Officer: The fence when originally erected resulted in a couple of issues from a Roads Planning perspective. These were access to the lighting column and a section of fence traversing the service strip which runs along the rear of the kerb. The plan which accompanies this application addresses those concerns by realigning the sections around the service strip and the lighting column. Given the above, I have no objections to this application subject to the conditions.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards;
HD3: Protection of Residential Amenity.

Supplementary Planning Guidance:

Placemaking and Design January 2010

Recommendation by - Brett Taylor (Planning Officer) on 3rd July 2020

Site

The site is a modern two detached dwellinghouse located at the junction of Forley's Field and Goslawdales. Similarly designed properties are located to the south west with open fields located to the south east and north. It is not listed and is not located within the conservation area.

Proposed development

This application is for the retrospective erection of three sections of timber fence. The three sections of fencing shown on the submitted plans - Fence A 1.8m in height and Fence B 1.6m in height are located to the rear of the property and positioned adjacent public road of Forley's Field. Fence C is one metre in height and is located at the front of the property. This is permitted development under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

This application has been amended from the previous application to re-position the fence so it is outwith the service zone and to provide clearance around the lamp column.

Relevant planning history

05 November 2019 - Planning permission refused for the erection of boundary fence (retrospective) (19/01254/FUL).

05 July 2019 - Enforcement investigation pending consideration into the erection of a fence (Enforcement case reference: 19/00123/UNDEV).

14 December 2011 - Planning permission granted for the erection of six dwellinghouses (Planning permission reference: 08/00553/FUL).

Assessment

Siting and Design and Impact on Visual Amenities.

Policy PMD2 of the Local Development Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Forley's Field is characterised by detached dwellings that are set back from the public road and footpath and are set within generous areas of garden ground. The front gardens between the dwellings and the public road are open plan with various degrees of domestic scale landscaping. There are no defined fence boundaries to the front of the existing properties in Forley's Field. It was noted from the site visit for the previous application that the property at No. 2 Forley's Field had a similar size fence to the application site which enclosed the rear garden of the property.

The issues with this application are the same as the previous refused application as regards the visual impact of the development at this particular location. I note the Road Safety Officer has no objections to this revised application and this is discussed below. The fence ranges in height from 1.8m to 1.6m and appears

to be unnecessarily high adjacent to the roadway and would have an intrusive impact upon the visual amenities of the area given this side of Forley's Field is open with fields behind. As such, the fence would appear as a rather awkwardly placed structure in this particular setting and forms an incongruous feature that would not be in keeping with the surrounding area. I consider this to be contrary to policy PMD2. I accept that other high fencing exists nearby, but not to the visually obtrusive extent of this fencing.

Road Safety Issues

The Roads Planning Officer was consulted during the processing of this application. Given the re-positioning of the fence to take into account the service strip and the existing lamp column, the RPO is now able to support the application subject to the condition that the works to re-locate the fence are as per the submitted drawings and are completed within an agreed timescale.

Impact on Residential Amenities

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy.

I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and the proposal will not cause any detrimental levels of loss of light, sunlight, outlook and privacy. The proposal is considered to comply with Policy HD3.

Letters of representation

I note the objections raised by third parties and would agree with their concerns that the fence would be inappropriate in this location.

To conclude, the fence forms a prominent and inappropriate form of development on this section of Forley's Field and is contrary to Policy PMD2 in respect of visual amenity.

REASON FOR DECISION :

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

Recommendation: Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

“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 100253132-001

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

Description of Proposal

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

Formation of new boundary fence (retrospective)

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

No Yes - Started Yes – Completed

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

22/08/2019

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

client misunderstood that they were carrying out works within permitted development

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:	Stuart Davidson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Design Studio
Last Name: *	Davidson	Building Number:	32
Telephone Number: *	01750 21792	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Selkirk
Fax Number:		Country: *	Scotland
		Postcode: *	TD7 4DD
Email Address: *	info@stuartdavidsonarchitecture.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	E	Building Number:	1
Last Name: *	Houston Grundy	Address 1 (Street): *	Forleys Field
Company/Organisation		Address 2:	Goslawdales
Telephone Number: *		Town/City: *	Selkirk
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD7 4EP
Fax Number:			
Email Address: *	info@stuartdavidsonarchitecture.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

1 FORLEY'S FIELD

Address 2:

GOSLAWDALES

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

SELKIRK

Post Code:

TD7 4EP

Please identify/describe the location of the site or sites

Northing

628579

Easting

347798

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)

discussions+ correspondence with Brett Taylor + Paul Grigor

Title:

Other title:

First Name:

Last Name:

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Stuart Davidson

On behalf of: Mrs E Houston Grundy

Date: 04/05/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Stuart Davidson

Declaration Date: 04/05/2020

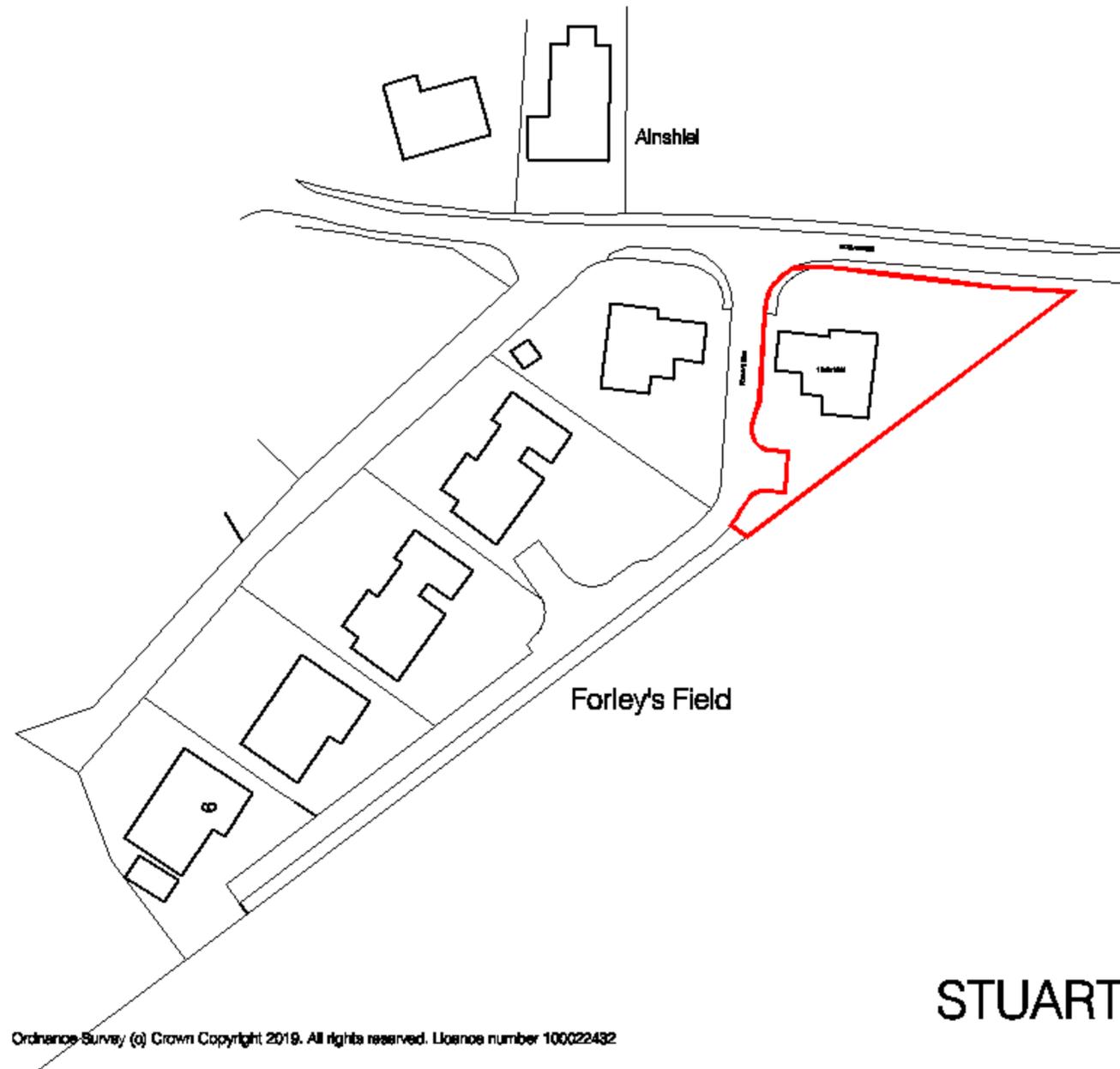
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20/00472/FUL
03/07/2020

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

REFUSED

subject to the
requirements of the
associated Decision
Notice



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STUART DAVIDSON | ARCHITECTURE

CLIENT

Mrs E Houston Grundy

PROJECT

Proposed Erection of Boundary Fence

1 Forleys Field

Goslawdales

Selkirk

TITLE

Location Plan

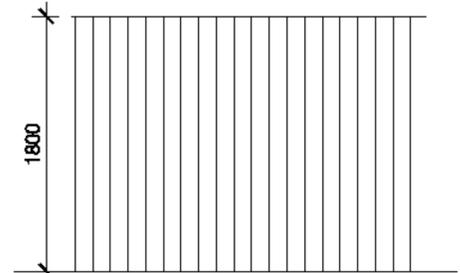
DATE: Sept 2019 SCALE: as shown DWG NO: P620-PL-LOC REVISION - DGW NO: - of - PLOTTED SCALE: A4

Design Studio, 32 High Street, Selkirk, TD7 4DD t: 01750 21762

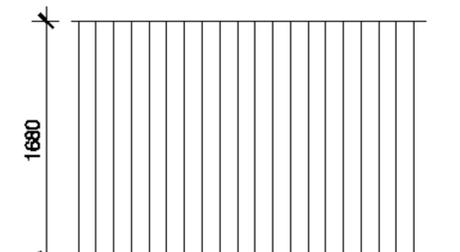
e: info@stuartdavidsonarchitecture.co.uk w: www.stuartdavidsonarchitecture.co.uk © copyright reserved to stuart davidson architecture

REFUSED

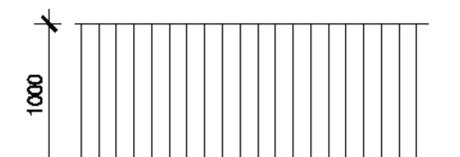
subject to the
requirements of the
associated Decision
Notice



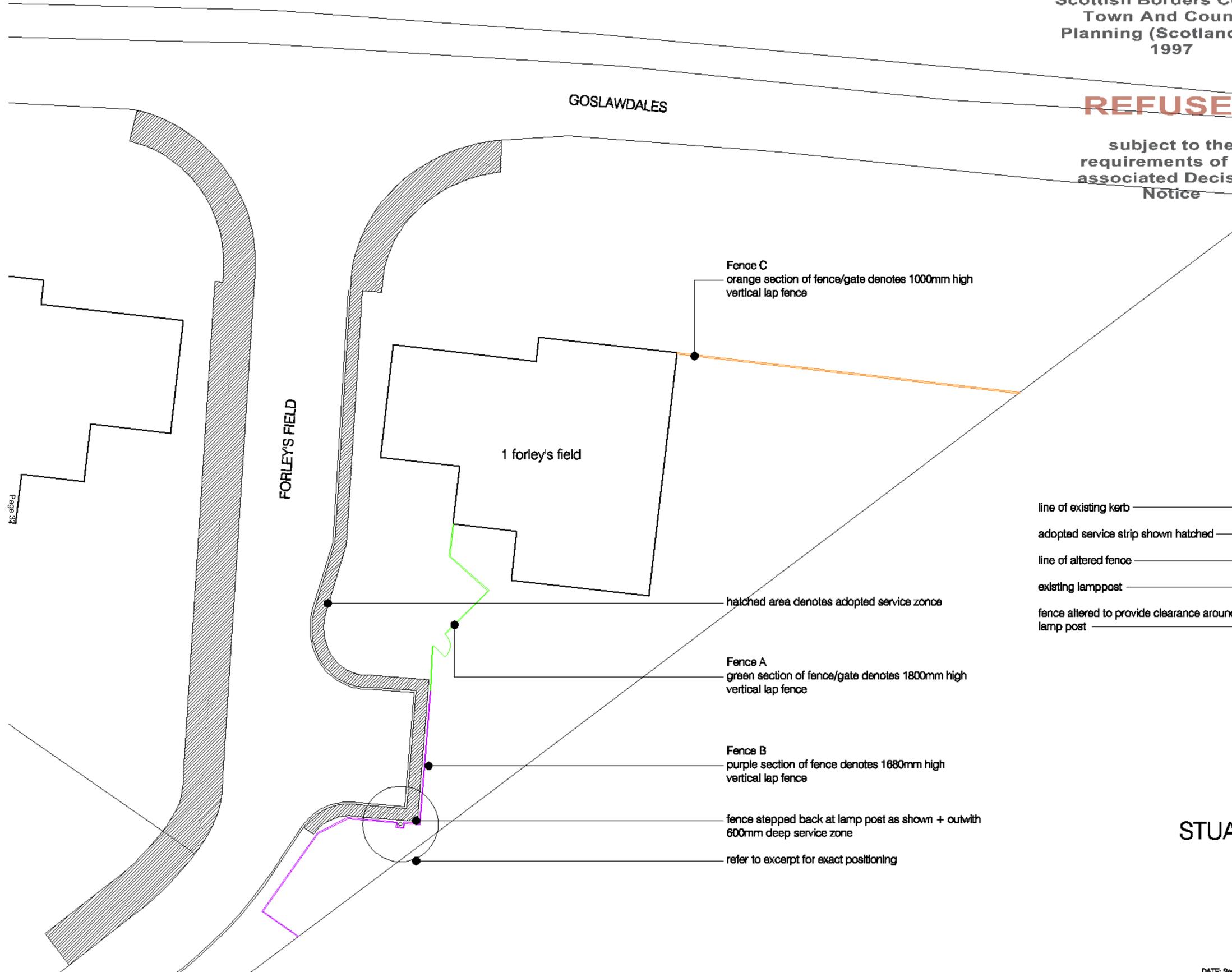
proposed fence a elevation
scale 1:50



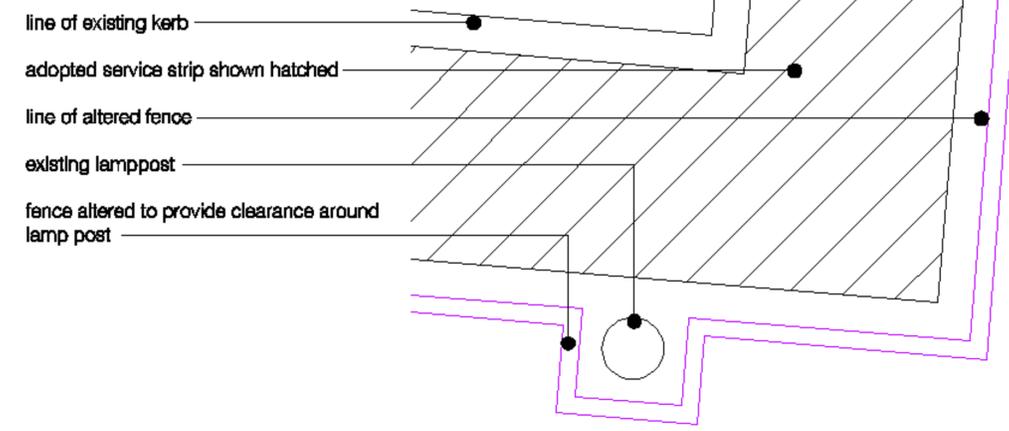
proposed fence b elevation
scale 1:50



proposed fence c elevation
scale 1:50



proposed part plan
scale 1:200



proposed plan excerpt
scale 1:20

Fence C
orange section of fence/gate denotes 1000mm high
vertical lap fence

Fence A
green section of fence/gate denotes 1800mm high
vertical lap fence

Fence B
purple section of fence denotes 1680mm high
vertical lap fence

fence stepped back at lamp post as shown + outwith
600mm deep service zone

refer to excerpt for exact positioning

hatched area denotes adopted service zone

line of existing kerb
adopted service strip shown hatched
line of altered fence
existing lamppost
fence altered to provide clearance around
lamp post

STUART DAVIDSON | ARCHITECTURE

CLIENT
Mrs E Houston Grundy
PROJECT
Proposed Erection of Boundary Fence
1 Forleys Field
Goslawdales
Selkirk
TITLE
Proposals

Mrs E Houston Grundy
1 Forley's Field
Goslawdales
Selkirk
Scottish Borders
TD7 4EP

Please ask for: Brett Taylor
X6628
Our Ref: 19/01254/FUL
Your Ref:
E-Mail: Brett.Taylor@scotborders.gov.uk
Date: 18th November 2019

Dear Sir/Madam

PLANNING APPLICATION AT 1 Forley's Field Goslawdales Selkirk Scottish Borders TD7 4EP

PROPOSED DEVELOPMENT: Erection of boundary fence (retrospective)

APPLICANT: Mrs E Houston Grundy

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 : 19/01254/FUL

To : Mrs E Houston Grundy 1 Forley's Field Goslawdales Selkirk Scottish Borders TD7 4EP

With reference to your application validated on **19th September 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of boundary fence (retrospective)

at : 1 Forley's Field Goslawdales Selkirk Scottish Borders TD7 4EP

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

**Dated 18th November 2019
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 19/01254/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Proposed Plans & Sections	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area and would potentially have adverse impacts on road safety. This conflict is not overcome by other material considerations

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. 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).

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01254/FUL

APPLICANT : Mrs E Houston Grundy

AGENT :

DEVELOPMENT : Erection of boundary fence (retrospective)

LOCATION: 1 Forley's Field
Goslawdales
Selkirk
Scottish Borders
TD7 4EP

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Proposed Plans & Sections	Refused

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Representations

Two representations have been received in which neighbours raise the following key concerns, in summary:

- o Adverse impact on surrounding area;
- o Service ducts, SUDs and street furniture can't be serviced;
- o Roads safety;
- o title deeds.

One letter was received in support of the application.

Consultations

Roads Planning Officer: I am unable to support this application as the fence has been erected within the public road verge. The existing service strip is demarcated by a flush pin kerb, to highlight where service cables and ducting will be present. The actual lighting columns sit behind the service strip in the verge to allow satisfactory set back from the carriageway to minimise the risk of columns being struck by vehicles. In addition, the fence impinges on a corner of the service strip to the rear of the visitor parking bays and abuts the lighting column in this area, which affects the future access to and maintenance of this column.

It should be noted that the Council as Local Roads Authority may seek to have this fence removed under section 87 of the Roads (Scotland) Act 1984.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards;
HD3: Protection of Residential Amenity.

Supplementary Planning Guidance:

Placemaking and Design January 2010

Recommendation by - Brett Taylor (Planning Officer) on 15th November 2019

Site

The site is a modern two detached dwellinghouse located at the junction of Forley's Field and Goslawdales. Similarly designed properties are located to the south west with open fields located to the south east and north. It is not listed and is not located within the conservation area.

Proposed development

This application is for the retrospective erection of three sections of timber fence. The three sections of fencing shown on the submitted plans - Fence A 1.8m in height and Fence B 1.6m in height are located to the rear of the property and positioned adjacent public road of Forley's Field. Fence C is one metre in height and is located at the front of the property. This is permitted development under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Relevant planning history

05 July 2019 - Enforcement investigation pending consideration into the erection of a fence (Enforcement case reference: 19/00123/UNDEV).

14 December 2011 - Planning permission granted for the erection of six dwellinghouses (Planning permission reference: 08/00553/FUL).

Assessment

Siting and Design and Impact on Visual Amenities.

Policy PMD2 of the Local Development Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Forley's Field is characterised by detached dwellings dwellings that are set back from the public road and footpath and are set within generous areas of garden ground. The front gardens between the dwellings and the public road are open plan with various degrees of domestic scale landscaping. There are no defined fence boundaries to the front of the existing properties in Forley's Field. It was noted from the site visit that the property at No. 2 Forley's Field had a similar size fence to the application site which enclosed the rear garden of the property.

The issues with this application are the visual impact of the development at this particular location and any road safety concerns which will be addressed below. The fence ranges in height from 1.8m to 1.6m and appears to be unnecessarily high adjacent to the roadway and would have an intrusive impact upon the visual amenities of the area given this side of Forley's Field is open with fields behind. As such, the fence would appear as a rather awkwardly placed structure in this particular setting and forms an incongruous

feature that would not be in keeping with the surrounding area. I consider this to be contrary to policy PMD2. I accept that other high fencing exists nearby, but not to the visually obtrusive extent of this fencing.

Road Safety Issues

The Roads Planning Officer was consulted during the processing of this application. He is unable to support this application as the fence has been erected within the public road verge. The existing service strip is demarcated by a flush pin kerb, to highlight where service cables and ducting will be present. The actual lighting columns sit behind the service strip in the verge to allow satisfactory set back from the carriageway to minimise the risk of columns being struck by vehicles. In addition, the fence impinges on a corner of the service strip to the rear of the visitor parking bays and abuts the lighting column in this area, which affects the future access to and maintenance of this column.

I accept that the Council as Local Roads Authority may seek to have this fence removed under section 87 of the Roads(Scotland) Act 1984. Albeit refusal of this planning application may duplicate that power, this is insufficient to overcome conflict with Policy PMD2 since whether the power would be used is for a different decision maker.

Impact on Residential Amenities

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy.

I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and the proposal will not cause any detrimental levels of loss of light, sunlight, outlook and privacy. The proposal is considered to comply with Policy HD3.

Letters of representation

I note the objections raised by third parties and would agree with their concerns that the fence would be inappropriate in this location.

The issues regarding land ownership/title deeds and common land are not material planning considerations and do not form part of the assessment of the application.

To conclude, the fence forms a prominent and inappropriate form of development on this section of Forley's Field and is contrary to Policy PMD2 in respect of visual amenity and road safety.

REASON FOR DECISION :

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area and would potentially have adverse impacts on road safety. This conflict is not overcome by other material considerations

Recommendation: Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area and would potentially have adverse impacts on road safety. This conflict is not overcome by other material considerations

“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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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 08/00553/FUL

**To : J S Crawford Partnership per Jones Lang Lassalle Lismore House 127 George Street
Edinburgh EH2 4JN**

With reference to your application validated on **28th March 2008** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of six dwellinghouses

at : Land North East Of Forley's Park Goslawdales Selkirk 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 14th December 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 08/00553/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
001C	Site Plan	Approved
P054/1/201A	Floor Plans	Approved
P054/1/201B	Floor Plans	Approved
P054/3/201B	Elevations	Approved
P054/4/201B	Elevations	Approved
P054/05/201	Floor Plans	Approved
P054/06/201	Floor Plans	Approved

REASON FOR DECISION

It is considered the proposals incorporate some elements of traditional design whilst following the pattern and scale of development as presented in the site context. It is considered the earlier acceptance of the proposed housing on plots 1 & 2 as gateways to the site is appropriate and that sufficient measures have been offered to improve the scheme to a level which accords with determining development plan policies, principally Policies N11, N20, H7, H8, I1, I11, I14, and I21 of the Consolidated Structure Plan 2009 and Policies G1, G5, G6, EP2, H1, H2, H3, Inf3, Inf4, and Inf6 of the Consolidated Local Plan 2011. Accordingly the application is recommended for approval subject to conditions, informative, and legal agreements ensuring developer contributions to the Waverley Railway project and Affordable Housing.

SCHEDULE OF CONDITIONS

- 1 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact.
- 2 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.
 Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 3 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 4 Prior to the commencement of development, details of the means of surface water drainage to be submitted and agreed in writing by the Planning Authority.

Reason: To ensure the site is adequately serviced.

- 5 Prior to the occupation of the first dwelling unit on the site the section of dry stone boundary wall at the entrance to the site affected by the development to be carefully taken down and re-built to a position and height that is in accordance with the approved site plan drawings and in the same materials and coursing as the existing wall.

Reason: In the interests of road safety and the visual amenity of the area.

- 6 Prior to the commencement of the development exact construction details of the parking areas, roads and footways shown on the plan to be first submitted and agreed in writing with the Planning Department. Thereafter completed the parking areas shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: The surface materials and method of construction require further consideration to ensure a satisfactory form of development. It must also be ensured that there is adequate space within the site for the parking and turning of vehicles clear of the public highway.

- 7 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 roofs of the buildings 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.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The developer should familiarise themselves with the content of the correspondence submitted by Scottish Gas Networks to ensure that suitable precautions are taken during construction.

The developer should familiarise themselves with the location of the Right of Way adjacent to the site (as shown on the information submitted by the Councils Access officer) and ensure that the right of way is kept open and free from obstruction during the course of the development in accordance with the Countryside (Scotland) Act 1967.

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

Notice of Initiation of Development

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

Notice of Completion of Development

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

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

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

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

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

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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 THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 08/00553/FUL
APPLICANT : J S Crawford Partnership
AGENT : Jones Lang Lassalle
DEVELOPMENT : Erection of six dwellinghouses
LOCATION: Land North East Of Forley's Park
Goslawdales
Selkirk
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
001C	Site Plan	Approved
P054/1/201A	Floor Plans	Approved
P054/1/201B	Floor Plans	Approved
P054/3/201B	Elevations	Approved
P054/4/201B	Elevations	Approved
P054/05/201	Floor Plans	Approved
P054/06/201	Floor Plans	Approved

NUMBER OF REPRESENTATIONS: 11

SUMMARY OF REPRESENTATIONS:

PLANNING CONSIDERATIONS AND POLICIES:

Recommendation by - Scott Shearer (Planning Officer) on 21st July 2008

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

July 2007

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 08/00553/FUL

OFFICER: Mr M F Taylor
WARD: Selkirkshire
PROPOSAL: Erection of 6 dwellinghouses
SITE: Land North East of Forleys Park, Goslawdales, Selkirk
APPLICANT: J S Crawford Partnership
AGENT: J S Crawford 3rd Generation

SITE DESCRIPTION

The 0.6 Ha site is allocated for housing in the Scottish Borders Finalised Local Plan with an indicative figure of 5 houses. The site is located on the south eastern edge of Selkirk and forms part of a wider Area of Great Landscape Value. The site is currently used as rough grazing.

The elongated site slopes uphill from the South East to North West with a difference in height of approximately 11m. The site is part of a larger field to the west and accordingly has no clearly defined boundary. The site is bounded to the east by an access road serving an existing residential cul-de-sac, to the North by an existing dwelling known as Forley's Park and to the South by the public road.

The site runs parallel to the adjoining residential cul-de-sac and is accessed from the public road to the south east. The site lies approximately 0.5 km from the town centre and close to local amenities including the high school.

PROPOSED DEVELOPMENT

This is a detailed application for six detached houses to be served by a single access from the public road to the south east.

Three house types are proposed for the site. Plots 1 and 2 would be located either side of the site entrance to frame the entry to the site and would feature facing gables and eaves, modest wallhead dormer windows and appear as a pair of large 1.5 storey dwellings. Single storey garage blocks attached dwellings on Plots 1 and 2 are also proposed.

Plots 3 and 4 are split level designs with a stepped profile and underbuild utilising the level difference within the plot to provide garaging below. The plots would also provide two levels of accommodation with the upper floor completely contained within the attic roof space and lit by pitched dormers above eaves level on the South Eastern side of the property.

Plots 5 and 6 would be bungalow type properties with garaging provided below the dwelling, again by cutting into the slope and using underbuild.

PLANNING HISTORY

The majority of the site has been allocated in successive local plans for housing since 1983. The Ettrick and Lauderdale Local Plan 1995, and Finalised Local Plan 2005, allocate the application site for approximately 5 houses.

An earlier planning application under reference 07/01834/FUL was submitted in September 2007, the proposal being for 6 dwellinghouses with the same layout, overall scale and location, albeit of slightly different design detail to the current scheme. The Head of Planning and Building Standards recommendation was one of approval, this was overturned at committee and the application was refused on the 28th January 2008.

The reason for refusal is as follows:

"The development would be contrary to Policy 63 of the Ettrick and Lauderdale Local Plan 1995 and Policy G1 of the Finalised Local Plan 2005 in that the design, scale and details of the proposed dwellinghouses would be unsympathetic to the character of the surrounding area."

REPRESENTATION SUMMARY

Letters of representation put forward during the assessment of the earlier application are available to view via Public Access under planning reference 07/01834/FUL.

In connection with the current proposal 6 Letters of objection have been received, these are available to view in full via Public Access, a summary of the pertinent issues are as follows:

- It would appear that little has changed since the previous application which was refused.
- All the concerns from the previous application remain the same, including the condition of the road. The road should be upgraded and maintained.
- Concerns over road safety due to the number of children from the nearby school and increased traffic movements.
- The Local Plan reporter described the site as “undesirable, due to inadequate access roadway”.
- The number of houses should be kept to a minimum, the site was initially allocated for 4, the Local Plan reporter stated 5 and the proposal is for 6.
- The new plans are almost identical to the rejected plans, neighbouring properties will be overlooked and their light affected. The houses are out of keeping with the rest of the area.
- If houses are to be built they should be affordable.
- Concern over the planning process which has ignored the Reporters (Local Plan) comments and extended the site.
- The proposal will spoil the overall outlook (of neighbours)
- The scale of the proposals, particularly plots 1 & 2 will dwarf adjacent properties.

APPLICANTS’ SUPPORTING INFORMATION

Jones Lang LaSalle, the agent acting for the applicant submitted a letter in response to the earlier refusal and noting the minor alterations to the proposed designs.

The letter makes reference to negotiations with the previous case officer and the Councils Heritage and Design Officer and describes the alterations made to plots 1, 2, 3 & 4, and whilst assuming in the absence of specific comments from the council these are indicated as acceptable, noting no change to plot 5 & 6.

The applicant and agent consider the proposal has been appropriately amended and is more sympathetic to the character of the surrounding area.

The full content of the letter is available to view via Public Access.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Outdoor Access Officer – There is a claimed right of way adjacent to the development (informative attached)

Technical Services Roads – No objections (NB there is no change to access and number of dwellings therefore the Technical Services response is taken from 07/01834/FUL,). Comments from Technical Services indicate that upgrading works to the public road such as the introduction of speed bumps and or a 20 mph zone are “unnecessary”, “due to its very low flows, self speed reducing/ enforcing topography and the fact it is a cul-de-sac with no through traffic”. Regarding the existing pedestrian footway immediately adjacent to the School this “was seen to be an improvement to pedestrian safety, and far outweighed any other vehicular constraint with regards to narrowing the road”.

Education and Lifelong Learning – No objections.

Statutory Consultees

Community Council – Selkirk Community Council at its meeting of 11 April 2008, after careful consideration, unanimously agreed to refuse this application.

The Council expressed great concern that this application did not offer sufficient change (to earlier proposals by the applicant for this site) to overcome the stated reasons for refusal. The Council considers that

- The design, scale and details of the proposed dwelling houses would be unsympathetic to the character of surrounding area and the layout represents over intensive use of the site.
- This development of family houses will place further pressure on the local road/access infrastructure of the residential area. There are virtually no public footpaths and the existing roads are narrow with poor sight lines. The provision of large family houses will increase the need for safe school access in an area used as a 'rat run' where it has already been found necessary to insert traffic calming measures.
- The application does not address how the proposals will make efficient use of energy and resources or minimise waste or incorporate sustainable construction techniques.

Overall, this development proposal does not meet the criteria set out in Scottish Borders Council's Finalised Local Plan (especially ref. Principle 1: Sustainability and Policy G1: Quality Standards for New Development)

Scottish Water – No objections. A separate application should be made for connection after full planning has been granted.

Health and Safety Executive – No Objections (taken from 07/01834/FUL)

Other Consultees

Scottish Gas Networks – Standard response identifying gas mains in the area and requiring precautions during construction.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2011

Policies N11, N20, H7, H8, I1, I11, I14, and I21 apply.

Ettrick and Lauderdale Local Plan (1995)

Policies 1, 11, 13, 14, 15, 18, 63, 67, 70, 82, 94 apply.

Scottish Borders Local Plan: Finalised December 2005

Policies G1, G5, G6, EP2, H1, H2, H3, Inf3, Inf4, and Inf6 apply.

OTHER PLANNING CONSIDERATIONS:

Scottish Executive:

SPP 17 Planning for Transport, August 2005.

SPP 6 Renewable Energy, March 2007.

PAN 74 Affordable Housing, March 2005.

Scottish Borders Council:

Guidance Note, Privacy and Overlooking, Scottish Borders Council 2006 (Approved July 2006)

Supplementary Planning Guidance Note 10: Affordable Housing, March 2007.

Supplementary Planning Guidance Note 18: Renewable Energy, June 2007.

Executive Committee Report on 5 October 2004 entitled Waverley Railway Project Developer Contributions

KEY PLANNING ISSUES:

The site is allocated for housing development in the Local Plan; therefore the principle of development is accepted. The primary considerations relate to the design and appearance of the proposal and whether it is in keeping with the surrounding area, and whether the proposal would unacceptably impact upon the amenity of neighbouring residents.

ASSESSMENT OF APPLICATION:

Given that the current submission, by virtue of numbers and location of housing proposed, access and roads layout etc, replicates the earlier planning application (ref 07/01834/FUL) sections of the main body of the report mirror those from the previous officer assessment and recommendation.

In addition, further consideration of design and detailing is offered together with an assessment of the proposed modifications and the extent to which they are considered to respond to the earlier reason for refusal.

Principle of development

Policy H3 in the Finalised Local Plan and Policy 1 in the Ettrick and Lauderdale Local Plan 1995 indicate that due to the sites allocated status, housing is acceptable in principle at the site subject to a range of detailed planning policy considerations being met. Policy G1 in the Finalised Local Plan seeks to ensure that new developments meet a series of quality standards including design and layout criteria, energy efficiency and sustainable transport, and requirements that the proposals can be satisfactorily accommodated within the site without adversely impacting on established amenity. This policy also relates to various supporting policies and Supplementary Planning Guidance relating to more specific access, amenity and design related issues.

The number of dwellings proposed as part of this application differs from the indicative allocation in the Finalised Local Plan by 1 unit. This has been raised as an issue by local objectors with concerns raised regarding the capacity of the access road to serve the development and the potential for the site to be overdeveloped to be detriment of wider visual amenity. Both these issues are considered in more detail below. However, it is generally considered that there is a degree of flexibility in the indicative allocation figures which allows encouragement to schemes which demonstrate that a more efficient use of land can be achieved whilst retaining existing amenity.

Roads and access

Various issues regarding the substandard nature of the access road leading to the site have been identified both during this application and previously during the recent Public Local Inquiry. Despite the Inquiry Reporter highlighting various concerns with the access road his final summary recommends acceptance of the site for housing primarily due to the small amounts of additional traffic which would be generated from the development and the need for the site to meet wider housing needs. This advice has been accepted by the Council at a Full Council meeting in October 2007. No further upgrading works are considered by Director of Technical Services Roads to be necessary in order to serve this development beyond those shown on the submitted site plan which is seen to be acceptable as proposed.

It is noted that a strong majority of the respondents would disagree with this position and have previously recommended either de-allocating the site for housing or serving the site from a separate allocated housing site known as Kerr's Land to the south west. However, the site has been allocated in successive local plans and the intention has always been to serve the site from this existing access road. A requirement to serve the site from the applicants land at Kerr's Land may mean that the site becomes undeliverable for development within the local plan period and it is also considered that this is unlikely to prove to be a practical option in terms of suitable access. Overall, it is felt that the issues raised have been thoroughly considered and the Department would agree with the recommendation of the Director of Technical Services to accept the access as currently proposed.

Residential amenity

Objectors consider overlooking and overshadowing to adjoining properties an issue, however, the proposal is considered acceptable as the site would appear to meet relevant standards set by Council Policy and Adopted Supplementary Guidance.

In relation to site landscaping and boundary treatments it is considered that appropriate conditions can control this aspect to ensure satisfactory integration to the wider landscape and to soften the new edge to this part of Selkirk, this would also serve to protect the residential amenity of neighbours.

Sustainability

In relation to sustainability the site is above the floor area threshold that carries a requirement to achieve a minimum of 15% above the 2007 Building Standards regulations for Carbon Dioxide emissions. It is felt that this issue can be satisfied by attaching a standard condition requiring further information to be submitted and agreed with the Planning Authority.

Developer contributions

The site carries a requirement for 25% of the developable area to be developed as affordable housing with a commuted payment also being an acceptable option. During the course of the previous application the various options have been discussed between the Council's Development Negotiator and the applicant with advice also being sought from the Housing Strategy team. Whilst there perhaps remains some merit in considering an onsite provision perhaps secured via a discounted sale, the preferred option at this time appears to be a commuted payment to be secured via legal agreement.

A developer contribution towards the Waverley Railway Project is also sought.

Design and Landscape Impact

Taking due account of the committee determination of application 07/01834/FUL, close consideration should be given to the developers attempt to respond to the design deficiencies asserted by the planning committees earlier reason for refusal.

In relation to design, the current application initially offered revisions to plot 1, 2, 3 & 4, this was in response to negotiations with the previous case officer and Heritage and Design Officer. Whilst these revisions are viewed as a positive step and in accordance with the advice offered, it is considered that the extent of the revisions fail to adequately address and respond to the committees earlier reason for refusal.

The initial modifications to Plot 1 & 2 include: formation of a traditional gable end to the North elevation, two dormer windows (on the North East elevation of plot 1, and West elevation of plot 2) have been removed and replaced with rooflights, also alterations to the design of the chimney. The initial modifications to plots 3 & 4 include moving the chimney to the ridge line, removal of the solar panels and replacement with two small dormers, with minor alterations to the soffits and bay windows.

Following further discussions with the agent and applicant, additional revisions are offered in an attempt to address the concerns over design and the need for the housing to be in sympathy with its surroundings. These additional revisions include the removal of the saddleback link from the main body of the house to the accommodation above the garage on plots 3 & 4, this is considered to reduce the appearance of bulk on these 1.5 storey dwellings (particularly given the garaging underbuild element) whilst allowing some visually linkage with the wider landscape for the established dwellings to the rear. Revisions to the house designs on plots 5 & 6 include modified fenestration, by introducing a greater vertical emphasis, use of artificial stone to the projecting gable, and vertical board appearance to the garage door.

When taken in isolation these modifications may appear relatively minor, however taken together there is a notable improvement to the design and appearance of the scheme. In relation to the character and amenity of the area and wider landscape amenity, the site context is characterised by a number of relatively contemporary buildings of a generic appearance. Surrounding properties are bungalows and 1.5 storey dwellings of modern materials and construction, these dominate the presence of a small number of traditional dwellings nearby. Whilst the existing neighbouring dwellings are not strictly reflective of traditional Borders vernacular, or in keeping with a Borders sense of place, they are well established with a pleasant suburban character with a neutral impact upon the wider rural landscape character to the South.

Conditions to ensure the submission of landscaping and boundary treatment details are considered appropriate; these would ensure the overall development is softened by planting and landscape treatments, making the proposal more acceptable in terms of residential and wider landscape amenity. Over time, as with the existing residential developments to the rear, landscaping would mature and soften the site to create a suitable edge to this part of Selkirk.

Overall, the application is considered acceptable subject to various conditions ensuring a suitable choice of materials and landscaping development of the site, and to a section 75 or equivalent legal agreement relating to affordable housing and Waverley line contributions.

CONCLUSION

It is considered the proposals incorporate some elements of traditional design whilst following the pattern and scale of development as presented in the site context. It is considered the earlier acceptance of the proposed housing on plots 1 & 2 as gateways to the site is appropriate and that sufficient measures have been offered to improve the scheme to a level which accords with Adopted Planning Policies and Guidance. Accordingly the application is recommended for approval subject to conditions, informative, and legal agreements ensuring developer contributions to the Waverley Railway project and Affordable Housing.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

I recommend the application is approved subject to a legal agreement addressing contribution towards Waverley and Affordable Housing and the following conditions:

1. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.

Reason: To ensure the development minimises any environmental impact

2. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. location of new trees, shrubs, hedges and grassed areas
- ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iii. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

3. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

4. 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 roofs of the buildings 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.

5. Prior to the occupation of the first dwelling unit on the site the section of dry stone boundary wall at the entrance to the site affected by the development to be carefully taken down and re-built to a position and height that is accordance with the approved site plan drawings.

Reason: In the interests of road safety and the visual amenity of the area.

6. Prior to the commencement of the development exact construction details of the parking areas, roads and footways shown on the plan to be first submitted and agreed in writing with the Planning Department. Thereafter completed the parking areas shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: The surface materials and method of construction require further consideration to ensure a satisfactory form of development. It must also be ensured that there is adequate space within the site for the parking and turning of vehicles clear of the public highway.

7. Prior to the commencement of development, details of the means of surface water drainage to be submitted and agreed in writing by the Planning Authority.

Reason: To ensure the site is adequately serviced.

Informatives

The developer should familiarise themselves with the location of the Right of Way adjacent to the site (as shown on the information submitted by the Council's Access officer) and ensure that the right of way is kept open and free from obstruction during the course of the development in accordance with the Countryside (Scotland) Act 1967.

The developer should familiarise themselves with the content of the correspondence submitted by Scottish Gas Networks to ensure that suitable precautions are taken during construction.

Approved by
Name Designation
Brian Frater

Head of Planning and Building Standards

"The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council."

Author(s)

Name Designation
Matthew Taylor Planning Officer

REASON FOR DECISION :

It is considered the proposals incorporate some elements of traditional design whilst following the pattern and scale of development as presented in the site context. It is considered the earlier acceptance of the proposed housing on plots 1 & 2 as gateways to the site is appropriate and that sufficient measures have been offered to improve the scheme to a level which accords with determining development plan policies, principally Policies N11, N20, H7, H8, I1, I11, I14, and I21 of the Consolidated Structure Plan 2009 and Policies G1, G5, G6, EP2, H1, H2, H3, Inf3, Inf4, and Inf6 of the Consolidated Local Plan 2011. Accordingly the application is recommended for approval subject to conditions, informative, and legal agreements ensuring developer contributions to the Waverley Railway project and Affordable Housing.

Recommendation: Approved - conditions & informatives

- 1 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.

Reason: To ensure the development minimises any environmental impact

- 2 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 3 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 4 Prior to the commencement of development, details of the means of surface water drainage to be submitted and agreed in writing by the Planning Authority.

Reason: To ensure the site is adequately serviced.

- 5 Prior to the occupation of the first dwelling unit on the site the section of dry stone boundary wall at the entrance to the site affected by the development to be carefully taken down and re-built to a position and height that is in accordance with the approved site plan drawings and in the same materials and coursing as the existing wall

Reason: In the interests of road safety and the visual amenity of the area.

- 6 Prior to the commencement of the development exact construction details of the parking areas, roads and footways shown on the plan to be first submitted and agreed in writing with the Planning Department. Thereafter completed the parking areas shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: The surface materials and method of construction require further consideration to ensure a satisfactory form of development. It must also be ensured that there is adequate space within the site for the parking and turning of vehicles clear of the public highway.

- 7 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 roofs of the buildings 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.

- 8 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.

Informatives

It should be noted that:

- 1 The developer should familiarise themselves with the content of the correspondence submitted by Scottish Gas Networks to ensure that suitable precautions are taken during construction.
- 2 The developer should familiarise themselves with the location of the Right of Way adjacent to the site (as shown on the information submitted by the Councils Access officer) and ensure that the right of way is kept open and free from obstruction during the course of the development in accordance with the Countryside (Scotland) Act 1967.

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

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:	
Officer Name and Post:	Paul Grigor Roads Planning Officer	pgrigor@scotborders.gov.uk 01835 826663	
Date of reply	12 th May 2020	Consultee reference:	
Planning Application Reference	20/00472/FUL	Case Officer: Brett Taylor	
Applicant	Mrs E Houston Grundy		
Agent	Stuart Davidson Architecture		
Proposed Development	Formation of new boundary fence (retrospective)		
Site Location	1 Forley's Field Goslawdales Selkirk Scottish Borders TD7 4EP		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Service Strip • Obstruction to lighting column 		
Assessment	<p>The fence when originally erected resulted in a couple of issues from a Roads Planning perspective. These were access to the lighting column and a section of fence traversing the service strip which runs along the rear of the kerb.</p> <p>The plan which accompanies this application addresses those concerns by realigning the sections around the service strip and the lighting column.</p> <p>Given the above, I have no objections to this application subject to the condition listed below, or similarly worded.</p>		
Recommendation	<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
Recommended Conditions	<p>The works hereby approved, shall be fully completed as per drawing P620-PL-001, within three months from the date of approval, unless otherwise approved in writing with the Council.</p> <p>Reason: To ensure the works are carried out within an agreed timescale.</p>		
Recommended Informatives			

AJS

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RECEIVED 27 MAY 2020

Hawea

3 Forley's Field

Goslawdales

SELKIRK TD7 4EP

Chief Planning Officer

Regulatory Services

Council Headquarters

NEWTOWN ST. BOSWELLS

Melrose TD6 0SA

23rd May 2020

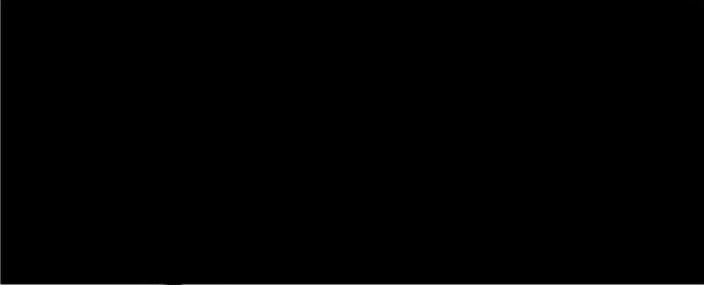
Application Number 20/00472/FUL

Dear Mr Hayward

Boundary Fence, 1 Forley's Field

Please note that we have absolutely NO objection to this fence.

Yours faithfully



C.F.B COOMBS

Owner/occupier 3 Forley's Field

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Forley House
4 Forley's Field

RECEIVED 20 MAY 2020

Goslawdales

SELKIRK

TD7 4EP

15/05/20

Rosemary E Robertson

Dear Sir,

With Reference to Mrs Houston-Grundy's Fence Application, 1 Forley's Field, Selkirk,

Reference 20/00472/FUL

New Panning Application received by SBC 05/05/20

My husband and I would like to object to the fence for the following reasons:-

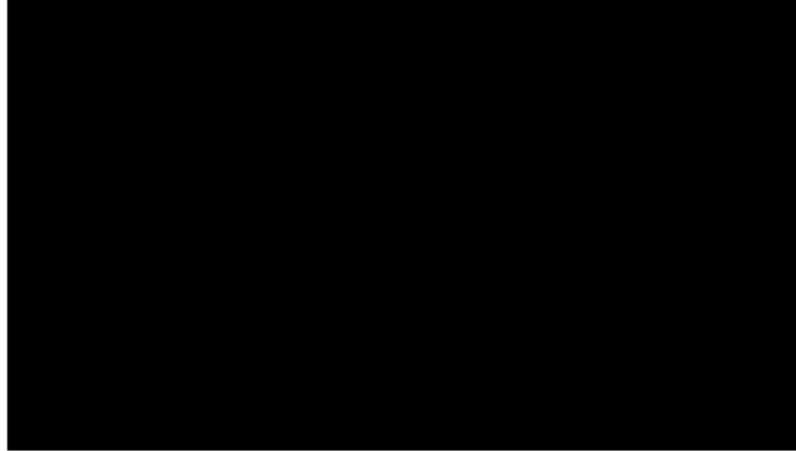
- We moved to the street in 2013 and were the only occupants for a year. The verge opposite all the houses was then common land and we planted daffodils the full length of the street for the benefit of everyone including obviously ourselves. Mrs Houston-Grundy has erected a fence around the verge and the daffodils are now no longer on show. This fence also precludes her own view of them from her own house which seems an odd thing to do.
- That particular part of the fence also interferes with the street light as it can no longer provide the full light wash onto the street. The light bulb has also needed to be replaced since she interfered with it upon erection of the fence.
- Please also note that this street light is being used as part of the fence construction.
- Other fence posts within the construction lie within the service area for the said light.
- Mrs Houston-Grundy stated that the fence was erected for privacy. As our house is on elevated ground above her (number 4), and number 3 is in a similar position, we can see over the fence and hence it is not providing the privacy that she states.
- Her driveway has been considerably reduced by the fence and as a result any visitors to Mrs Houston-Grundy are using the turning area/visitor overflow car park nearest her house, almost continually. This is a shared area for all the houses in the street if required, and when she was in residence it was being disproportionately used by her, and if the fence remains as is, I would anticipate that this state of affairs would continue.
- Finally, the more serious objection is that the height of the fence is in excess of the Scottish Planning Laws, i.e. one metre. Therefore if permission was granted it could potentially set a serious precedent for any future fence erection adjacent to a road.

- **I would also like it noted that this fence has already been refused retrospective planning permission.**

Yours sincerely,

Rosemary E Robertson

Ronald Robertson



List of Policies

Local Review Reference: 20/00024/RREF

Planning Application Reference: 20/00472/FUL

Development Proposal: Formation of new boundary fence (retrospective)

Location: 1 Forley's Field, Goslawdales, Selkirk

Applicant: Mrs E Houston Grundy

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

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From: Taylor, Brett <Brett.Taylor@scotborders.gov.uk>
Sent: 30 October 2020 11:18
To: localreview <localreview@scotborders.gov.uk>
Subject: Local Review Body - Review of 20/00486/FUL

Good Morning,

Upon viewing the submitted documents in relation to this appeal, I would like to comment as follows.

The agent has submitted a new site plan which shows the re-positioning of the access, new landscaping in the form of hedging with a new gate leading to a new paddock/amenity ground. I presume these amendments have been made to 'integrate' the development with the building group. I do not agree that these changes would 'square off' the building group. Our Supplementary Planning Guidance specifically cautions against developing beyond established building group boundaries into undeveloped fields. The site is an exposed field and consequently the proposal would encourage sporadic ribbon development along this section of the B 6400 and as such would be out of character with the clustered form of the group. It is my opinion this would still be contrary to Policy HD2 and our SPG.

With respect to design, the submitted documents appear to show additional timber cladding on all four elevations of the house. It is my opinion that these changes have failed to improve the overall design of the proposal. The design still has the look of a suburban property and still is of an insufficient quality with regards to the roof pitch, horizontal form and window fenestration. I notice no changes have been made to the garage. The resulting house and garage would not be sympathetic to the adjacent group or setting and would therefore still be contrary to policies HD2 and PMD2 and our supplementary planning guidance.

I believe comments concerning road safety have been addressed separately by the Council's Roads Planning Officer.

To conclude, I still stand by my decision to refuse planning permission for the reasons stated in my report of handling and my position has not changed on this matter.

Please do not hesitate to contact me should you require any further information.

Kind regards

Brett

Brett Taylor
Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 826628
Email: brett.taylor@scotborders.gov.uk

How are you playing [#yourpart](#) to help us keep the Borders thriving?

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From: Grigor, Paul <pgrigor@scotborders.gov.uk>
Sent: 29 October 2020 15:17
To: localreview <localreview@scotborders.gov.uk>
Subject: RE: Local Review Body - Review of 20/00486/FUL

Good afternoon,

Having reviewed the additional information, I would comment as follows.

Moving the access further west is likely to achieve the required visibility, although the full visibility splays are not shown on the drawing. The inclusion of the service layby would allow the proposed dwelling to be serviced appropriately. Whilst these changes may result in an access which has appropriate visibility and geometrical layout, they would not change my original recommendation for refusal. The primary reason for recommending refusal of this application was not the precise detail of the access, it was the fact that the principle of a new access at this location is not supported when considering the guidance within the Design Manual for Roads and Bridges. New accesses onto B class roads outwith recognised settlements should not be supported unless there is economic justification or a road safety improvement, such as replacing a poor access. Furthermore, there is concern over this proposal in that it would contribute towards sporadic development in the Belses community without proper road infrastructure in place to justify it, particularly when considering pedestrian movement.

However, should the Local Review Body look to support this proposal, appropriate conditions relating to the formation of the access and visibility splays should be included. Access to be formed as per DC-3 standard detail and visibility splays of 2.4 by 120 metres in both directions onto the public road from the access. Suitable wording for these can be provided if required. The applicant should also be reminded that all works within the public road boundary must be undertaken by a contractor first approved by the Council.

Should you require any further information, please contact me.

Kind regards

Paul Grigor
Roads Planning Officer

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Your ref: 20/00486/FUL

Ms Louise McGeoch
Clerk to the Local Review Body
Scottish Borders Council

06th November 2020

BY EMAIL ONLY

Dear Ms McGeoch,

NOTICE OF REVIEW 20/00022/RREF: APPELLANTS' RESPONSE TO SUBSEQUENT COMMENTS OF PLANNING OFFICER AND ROADS PLANNING OFFICER

Thank you for your correspondence of 30th October and passing on the comments of the appointed Planning Officer and the Roads Planning Officer who provided consultee advice. We are grateful for the opportunity to respond to those comments.

It is noted that the Roads Planning Officer has made the following assessment in his comments:

“Moving the access further west is likely to achieve the required visibility, although the full visibility splays are not shown on the drawing. The inclusion of the service layby would allow the proposed dwelling to be serviced appropriately.”

This assessment makes clear that there is no road safety justification for refusal of the Notice of Review currently at hand.

It is acknowledged that the Roads Planning Officer has repeated the planning policy criticism of the appeal proposal, originally set out in his consultation response. The Appellant's position on this criticism is established in paragraph 3.15 of the Local Review Statement, it is considered that there is no requirement to repeat this argument.

The comments of the appointed Planning Officer do not give rise to any revision of the submitted Local Review Statement.

Paragraph 3.7 of the Local Review Statement sets out the accordance of proposed boundary treatments with Policy HD2(A) and the New Housing in the Borders Countryside Supplementary Guidance. The fact of the matter remains that the



boundaries of the application site are to be enclosed with a new hedgerow which will represent the limit of the existing Building Group's setting and preclude further development north-west into the countryside. This approach has been informed by and fully satisfies 2.b.1 of the Supplementary Guidance which states that both "natural boundaries" and "man-made boundaries" – including "means of enclosure" e.g. stone dykes and hedgerows – can contain a sense of place and setting, which give rise to a Building Group.

It is the position of the Appellants' that the most recent comments of the appointed Planning Officer in relation to detailed design take no account of the common design character shared by the proposed dwelling and the nearby existing dwelling Braeside or the fact the proposed dwelling is a bungalow and will have a much lesser visual impact than Braeside (a two storey dwelling).

Moreover, the comments in question fail to account for the modest scale of the proposed dwelling or the prevalence of this form of design throughout most of the rural Borders countryside.

The Appellants' position remains that the appeal proposal was made in accordance with the Scottish Borders Local Development Plan 2016 and the submitted Local Review Statement should be considered up-to-date.

The Appellants' are grateful for this opportunity to address the comments of the appointed Planning Officer and the Roads Planning Officer and thank the Local Review Officer, the Clerk to the Local Review Body, and her staff accordingly.

It is our hope that members of the LRB find these comments to be clear and helpful in completing their determination of the matter at hand.

Yours Sincerely



Ferguson Planning



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 100297180-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	-	Building Name:	Shiel House
Last Name: *	-	Building Number:	54
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Galashiels
Fax Number:	<input type="text"/>	Country: *	Scotland
		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:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Ms"/>	Building Name:	<input type="text" value="per Agent"/>
First Name: *	<input type="text" value="Neil and Valerie"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Fortune"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="and Mauchlen"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" 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"/>			
Northing	<input type="text" value="625076"/>	Easting	<input type="text" value="356914"/>

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 with 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.

Please see Local Review 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)

Please see Local Review Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

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

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

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: [REDACTED]

Declaration Date: 25/08/2020



LOCAL REVIEW STATEMENT
REF: 20/00486/FUL

**ERECTION OF DWELLINGHOUSE WITH
DETACHED GARAGE**

**LAND NORTH WEST OF STRATHMYRE,
OLD BELSES, JEDBURGH, SCOTTISH BORDERS**

**ON BEHALF OF: MR & MRS NEIL AND
VALERIE FORTUNE AND MAUCHLEN**

AUGUST 2020

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- 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS
COUNCIL AND PLANNING POLICY CONTEXT
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- 4.0 CONCLUSIONS



EXECUTIVE SUMMARY

This Statement is submitted in support of a Notice of Review of the delegated decision of Scottish Borders Council to refuse Planning Permission for the erection of a dwellinghouse and detached garage on land to the north-west of Strathmyre, Old Belses on 30th July 2020 (reference 20/00486/FUL). All Core Documents (CD) are referenced in Appendix 1.

It is the Appellants' intention to sensitively develop a new dwelling on a site which is well related to the existing local Building Group. It is agreed between the Planning Authority and the Appellants that a Building Group comprising three existing dwellings is present. Disagreement centres on whether the appeal site is well related to the existing Building Group.

The appeal site lies adjacent to two existing dwellings – Old Belses Cottage and Strathmyre – in addition to sitting opposite a house known as Braeside. The sense of place within the Building Group is defined by the visual prominence of the existing dwellings, created by their spatial proximity. The Building Group does not have distinct landscape boundaries.

Reasons for Refusal

Three reasons were cited for the refusal of the Application.

The first stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as the appeal site “is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400”. The appointed Planning Officer considered that the proposed development would represent “ribbon development” and is “out of character with the clustered form of the group”.

The Appellants do not accept this assessment. The appeal site is spatially adjacent to two of the existing dwellings within the Building Group and sits opposite the third. Therefore the proposed dwelling benefits from a strong spatial relationship with existing dwellings within the Building Group and would serve to ‘square off’ further expansion to the west. The impact of the proposal on landscape character would be limited due to the single storey nature of the proposed dwelling. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.

The second reason for refusal references the consultation response of the Roads Planning team which objected to the proposed development. Unfortunately the consultation response focussed on matters of planning policy and omitted to consider the presence of an existing



residential highway access nearby, on the opposite side of the road, and the existence of substantial visibility sightlines onto the highway in each direction.

These omissions deprived the appointed Planning Officer of the professional advice required to determine the Application and directly caused the mis-placed citation of the second reason for refusal, in spite of the acceptable road safety situation locally.

The third reason for refusal relates to the detailed design of the proposed development despite the acknowledgement that the proposed dwelling and “the property opposite the proposal (Braeside) [are] of similar character”.

The proposed dwelling is a bungalow of modest scale and functional design. For clarity, all accommodation is provided on the ground floor and no storage or livable space is included in an ‘upstairs space’. The proposed dwelling would stand noticeably shorter than both Old Belses Cottage and Braeside and no taller than Strathmyre. The proposed development’s simple design reflects the desire of the Appellants to make use of the new home to live quietly in their retirement. The proposed dwelling would be extensively screened by established hedgerow and would be less significant in the landscape with lesser impacts than all nearby existing dwellings.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Appeal and grant Planning Permission.



1.0 INTRODUCTION AND PROPOSAL SUMMARY

- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission for the erection of a dwellinghouse and detached garage on land to the north-west of Strathmyre, Old Belses.
- 1.2 The appeal site lies adjacent to the north-west boundary of the existing dwellings 'Old Belses Cottage' and 'Strathmyre'. The residential property 'Braeside' sits opposite the site to the north-east of the B6400.
- 1.3 The site comprises part of a field which sits adjacent to the adopted highway. The site is broadly flat but slopes down gently towards the highway from south-west to north-east. A mature hedgerow of mixed native species is established along the site's boundary with the highway. There is an existing field access in the east of the site's boundary onto the public road, which is informally tracked.
- 1.4 The proposed development includes the new dwelling relatively centrally within the east portion of the site. The detached garage is proposed a short distance to the east of the new dwelling. On-site vehicle movement is provided for by a drive to be surfaced in either gravel or a bonded surface. The west portion of the site is proposed for paddock use and would not host built development, the Appellants are prepared to accept a condition securing this provision.
- 1.5 The new dwelling is proposed in 'L shape' plan with residential accommodation arranged in a single storey. The design of each elevation includes at least two windows, while doors are proposed in two elevations. The construction of elevations comprises white render while the roof comprises concrete tiles.
- 1.6 The proposed drive would provide vehicle access to the site from a new highway access, slightly offset from the existing access to Braeside on the opposite side of the road. The proposed drive and hardstanding apron provide sufficient space on-site for turning and parking. The existing field access would be closed with new hedge planting.
- 1.7 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellants are content to secure servicing details via condition. The proposed development makes use of renewable energy generation technology and an air source heat pump with underfloor heating and



a full mechanical ventilation heat recovery system is included to with the design.

- 1.8 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordence of the appeal proposal with the Local Development Plan and other material considerations.



2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 Planning Application 20/00486/FUL was refused on 30th July 2020. The Decision Notice cited three reasons for refusal, set out below:

“1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.

2. The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B6400.

3. The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.”

2.2 Policy HD2 permits the expansion of existing Building Groups, which comprise at least three houses, by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period

2.3 The Appellant’s submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by a single dwelling.

(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.

Fig 1: Policy HD2 Housing in the Countryside – Section (A).

2.4 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.



- 2.5 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
 - b) the suitability of that group to absorb new development.
- 2.6 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 2.7 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
 - New development should be limited to the area contained by that sense of place;
 - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
 - Ribbon development along public roads will not normally be permitted.



3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the application.

GROUND 1: The proposed development represents the erection of a dwelling on a site which is well related to an existing Building Group in the countryside and would contribute positively to the local sense of place and setting.

GROUND 2: The proposed access is well related to the position of an existing access on the opposite side of the road and would not have a significant adverse impact on road safety of the local highway network. Adequate visibility sightlines onto the highway can be provided in both directions.

GROUND 3: The proposed development represents a single storey new dwelling which is modest in scale and sits at a lower height than nearby existing dwellings in the local Building Group.

3.2 The Roads Planning Officer was the only statutory consultee to comment on the application during the course of its determination. The response received objected to the proposed development, which is addressed herein.

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO AN EXISTING BUILDING GROUP IN THE COUNTRYSIDE AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.

3.3 It is the Appellant's position that the appeal site lies within the setting and forms part of the existing Building Group comprising Starthmyre, Old Belses Cottage, and Braeside. It is common ground between the Appellants and the Planning Authority that the three existing dwellings identified form a Building Group and that capacity does exist for expansion by another 2 no. dwellings.

- 3.4 Disagreement centres upon whether the appeal site lies within the sense of place created by the Building Group or adjacent thereto. Report of Handling 20/00486/FUL states that the appeal site lies “is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400”. The appointed Planning Officer acknowledges that Braeside sits “opposite the proposal ... [and] is of similar character” however he considers that the appeal site “is more exposed and prominent”.
- 3.5 It is the Appellant’s position that the Building Group does not have distinct landscaped boundaries. Rather the three existing dwellings sit close to each other creating a shared sense of place and defining a setting. Within this context, it is considered that a new dwelling would not be acceptable if it shared one boundary with an existing dwelling. However, in the case of the appeal proposal, the appeal site is triangulated between all three dwellings, shown on Fig.2. As a result of the triangulated relationship, the proposed dwelling would sit adjacent to both Starthmyre and Old Belses Cottage to the south-west of the B6400 as well as opposite Braeside to the north-east of the highway.



Fig 2: Annotated aerial image of Building Group local to the appeal site.

- 3.6 The new access to the B6400 is proposed in a corresponding position on the opposite side of the road from the vehicle access to Braeside. This element of the appeal proposal will assist in creating a more distinctly defined parameter to the Building Group when approaching on the B6400. This symmetrical relationship is considered to be conducive



to the Planning Authority in resisting further expansion of the Building Group to the west. It is considered that any landscape impact would be slight, particularly as the proposed development can tie into existing soft landscape features in a manner which Braeside cannot.

- 3.7 The west portion of the site is proposed for paddock use within the ownership of the occupants of the new dwelling. The Appellants are prepared to accept a condition specifically securing the continued use of the paddock as shown on SP01 Proposed Site Plan. To this end, it is proposed to plant a hedgerow along the west verge of the proposed drive, creating a distinct boundary enclosing the new residential plot in addition to partly partitioning the site into east and west portions. This approach is in line with 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance. The west portion shall lie fully beyond the established boundary enclosing existing dwellings and be demonstrably unsuitable for development. The paddock contained within the west portion shall also serve as a gradual step-up from west to east as land use moves from agricultural fields, to paddock, to small Building Group.

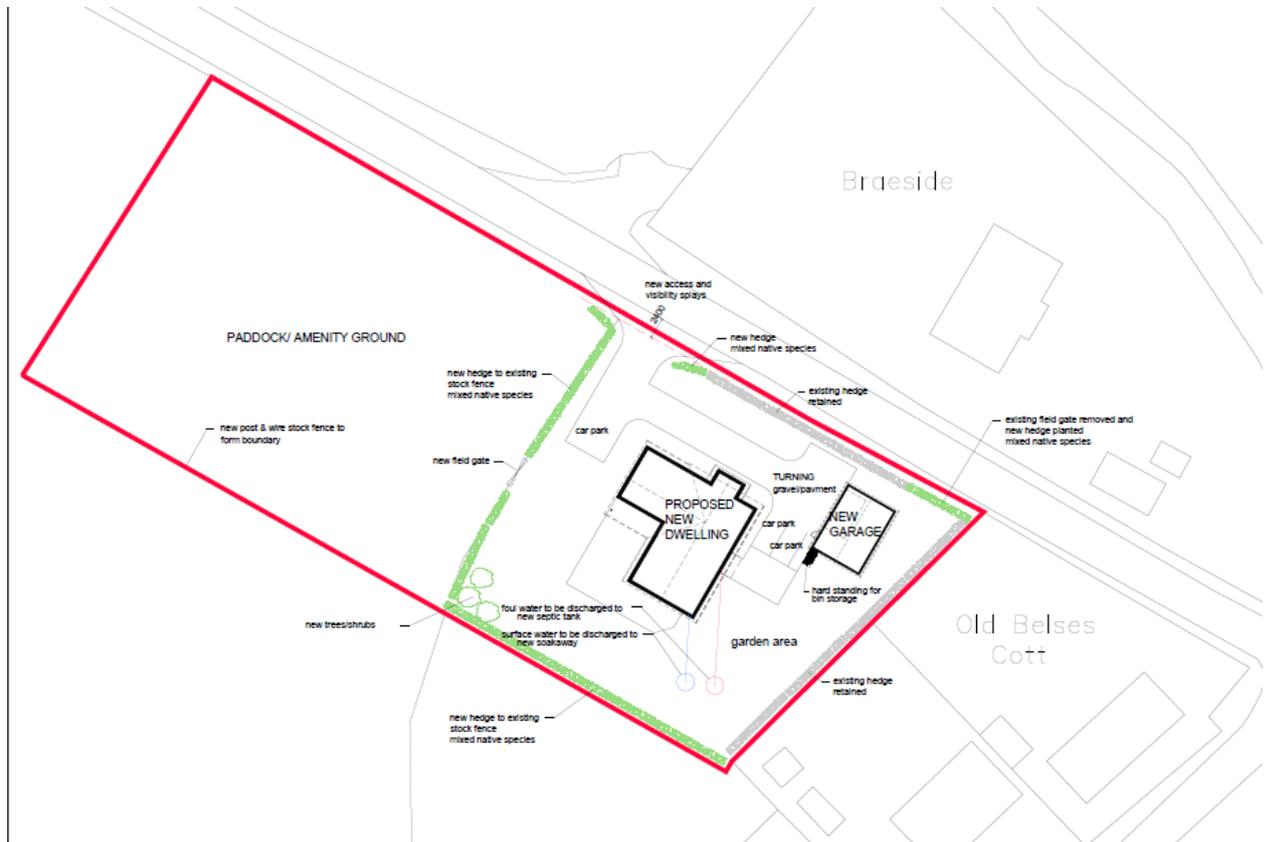


Fig 3: Extract from SP01(2) Proposed Site Plan (Source: Dan Wood Concept Plus).

- 3.8 It is common ground between the Appellants and the Planning Authority that the three existing dwellings identified form a Building Group. Given that the appeal site sits adjacent to two of the existing dwellings and opposite the third and is considered to form part of the Building Group, the appeal proposal is considered to accord with criteria a) of section (A).
- 3.9 It should be noted that there have not been any dwellings approved or built, within or adjacent to the Building Group since the adoption of the current Local Development Plan. Given the limited impact of the proposal on the character of the Building Group and the absence of other development contributing towards impacts on character, the proposed development is considered to satisfy criteria (b) of section (A).
- 3.10 Criteria c) stipulates that Building Groups should not be extended by more than 30% of the existing housing stock or two dwellings. In the case at hand, the maximum permitted



increase in the size of the Building Group is two dwellings. As previously stated, no dwellings have been approved or built in the Building Group since adoption of the current LDP. Therefore the proposal is in accordance with criteria (c).

- 3.11 Therefore, the proposal is considered to accord with section (A) of Policy HD2. The application site comprises part of an existing Building Group, by means of sitting adjacent to two of the existing dwellings within the group and opposite the third. The proposed development has been designed to correspond with the existing dwelling Braeside on the opposite side of the road and ‘square off’ the layout of the Building Group, precluding further expansion to the west. The Building Group in question has capacity to expand within the current LPD period. In addition to being in accordance with adopted policy, the proposal offers the opportunity to secure a new home and retain investment together with associated employment in this part of the Borders.

GROUND 2: THE PROPOSED ACCESS IS WELL RELATED TO THE POSITION OF AN EXISTING ACCESS ON THE OPPOSITE SIDE OF THE ROAD AND WOULD NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON ROAD SAFETY OF THE LOCAL HIGHWAY NETWORK. ADEQUATE VISIBILITY SIGHTLINES ONTO THE HIGHWAY CAN BE PROVIDED IN BOTH DIRECTIONS.

- 3.12 It is noted that the Roads Planning Officer objected to the application on the basis that:

“The principle of accesses on to A class roads in rural areas is not supported without economic or road safety justification. B class roads are much the same but depending on the characteristics of the B road, a new access may be supported providing it does not pose a road safety concern.

When looking at this specific site, there does not appear to be a strong building group and so this does not give an impression to drivers that this would be an area where you would expect an access to be present. My general feeling is that this is not an appropriate location for a new access due to the nature of the road and the lack of a strong building group and could be a danger to road users due to this.”

- 3.13 Unfortunately the consultation response of the Roads Planning Officer has erred in several matters of fact and judgement.
- 3.14 First, it is self-evident that a B class road is not “much the same” as an A class road. The argument that the B6400 or the B3657 or B711 performs a similar function or is largely



alike the A1, the A7, or the A68 is demonstrably false. The role and function of an A class road is separate and distinct from that of a B class road.

- 3.15 Second, it is not the role of the Roads Planning Officer (RPO) to advise the appointed Planning Officer on matters of planning judgement – e.g. the presence or otherwise of a Building Group. The consultation response of the RPO should provide the appointed Planning Officer with advice relating to road safety which he requires to determine the Application. This requisite advice was not provided.
- 3.16 Third, the consultation response ignored the presence of the existing junction onto the B6400 providing vehicle access to Braeside. In ignoring this fact, the advice provided has mistakenly considered the question of whether driver would expect an access to be present. Clearly this question is not pertinent in the context of an existing access already being present. However, with this in mind a pair of highway accesses located close to each other on opposite sides of the road are more visible than a single highway access.
- 3.17 Fourth, the excellent visibility onto the highway from the site of the proposed access has been overlooked. From the location of the proposed access, visibility sightlines extend eastward to the turn in the road east of the Old Belses Cottage and westward to the summit of the hill. These amount to visibility sightlines of approximately 130 metres to the east and 320 metres to the west. These substantial lines of sight are considered to be sufficient to provide for road safety for all highway users.
- 3.18 The road safety impact of the proposed development is considered to be acceptable. The proposed highway access is positioned close to an existing access and benefits from substantial visibility sightlines onto the highway in both directions. The consultation response of the Roads Planning Officer has failed to provide an assessment of road safety impacts competent in the discipline of transport planning and deprived the appointed Planning Officer of the professional advice he required to determine the Application.



GROUND 3: THE PROPOSED DEVELOPMENT REPRESENTS A SINGLE STOREY NEW DWELLING WHICH IS MODEST IN SCALE AND SITS AT A LOWER HEIGHT THAN NEARBY EXISTING DWELLINGS IN THE LOCAL BUILDING GROUP.

- 3.19 Report of Handling 20/00486/FUL establishes the Planning Officer’s opinion that the proposed development is defined by “suburban character” and although “the property opposite the proposal (Braeside) is of similar character, this site is more exposed and prominent. The design is of insufficient quality by incorporating a low shallow pitched roof, horizontal form and fenestration. The external materials require amendment”.
- 3.20 It is common ground between the Planning Authority and the Appellants that the proposed dwelling shares a similar character with Braeside. However the most obvious distinction between the two designs is that the proposed dwelling (the only subject of the Appeal at hand) is single storey while Braeside is a two storey dwelling. Clearly the single storey design would give rise to eave and ridge heights standing shorter than Braeside (or any other existing dwelling) and offset potential visual impact in the landscape. The proposed dwelling represents a modest bungalow and its layout and scale are considered to be acceptable in planning terms.
- 3.21 The elevational design of the proposed dwelling comprises render on block construction. This design is typical of bungalows throughout the Borders and beyond, and emphasises both the functional role and appearance of this form of dwelling. Elevational design includes the timber construction of the porch, in a traditional style. An illustration of how the porch’s timber construction might look has been included on PP01 Floor Plan, Section, and Elevations.
- 3.22 The proposal is considered to be acceptable in design terms. The proposed dwelling represents a bungalow of modest scale which would stand shorter than almost every other existing dwelling nearby. The layout of the development is reflective of the proposed dwelling’s modest scale. The elevational design of the proposed dwelling is unmistakably functional, which is indicative of the Appellants intention to live quietly in their new home.



4.0 CONCLUSIONS

- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 20/00486/FUL and grant consent for the erection of a dwellinghouse with detached garage on land north-west of Strathmyre, Old Belses.
- 4.2 The proposal is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group. The proposed dwelling both reflects the existing pattern of development and respects the local character of the Building Group. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly as the Building Group has capacity to expand by two dwellings over the LDP period and no new development has been approved to date – the Building Group has capacity to expand in line with adopted policy. Therefore the proposal is considered to accord with section (A) of Policy HD2.
- 4.3 Vehicle access to the adopted highway is proposed via a new drive. The consultation response received from the Roads Planning team neglects to address road safety. It focuses on matters of adopted planning policy and omits the presence of an existing highway access nearby on the opposite side of the road and the substantial existing visibility sightlines onto the highway from consideration. Given these two definitive material considerations, the proposed development is considered to be acceptable in highway terms.
- 4.4 The proposed dwelling has been designed in modest scale and functional appearance. Its design is considered to be acceptable however, as set out, the Appellants are prepared to continue engaging with the Planning Authority to manage on-site development appropriately by means of condition.
- 4.5 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse with detached garage.



APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Appeal Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 SP01 Location Plan
- CD3 SP01 Proposed Site Plan;
- CD4 PP01 Floor Plan, Section, and Elevations;
- CD5 Report of Handling 20/00486/FUL;
- CD6 Decision Notice 20/00486/FUL; and
- CD7 SP01(2) Proposed Site Plan.

Main Office:

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

NI Office:

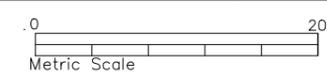
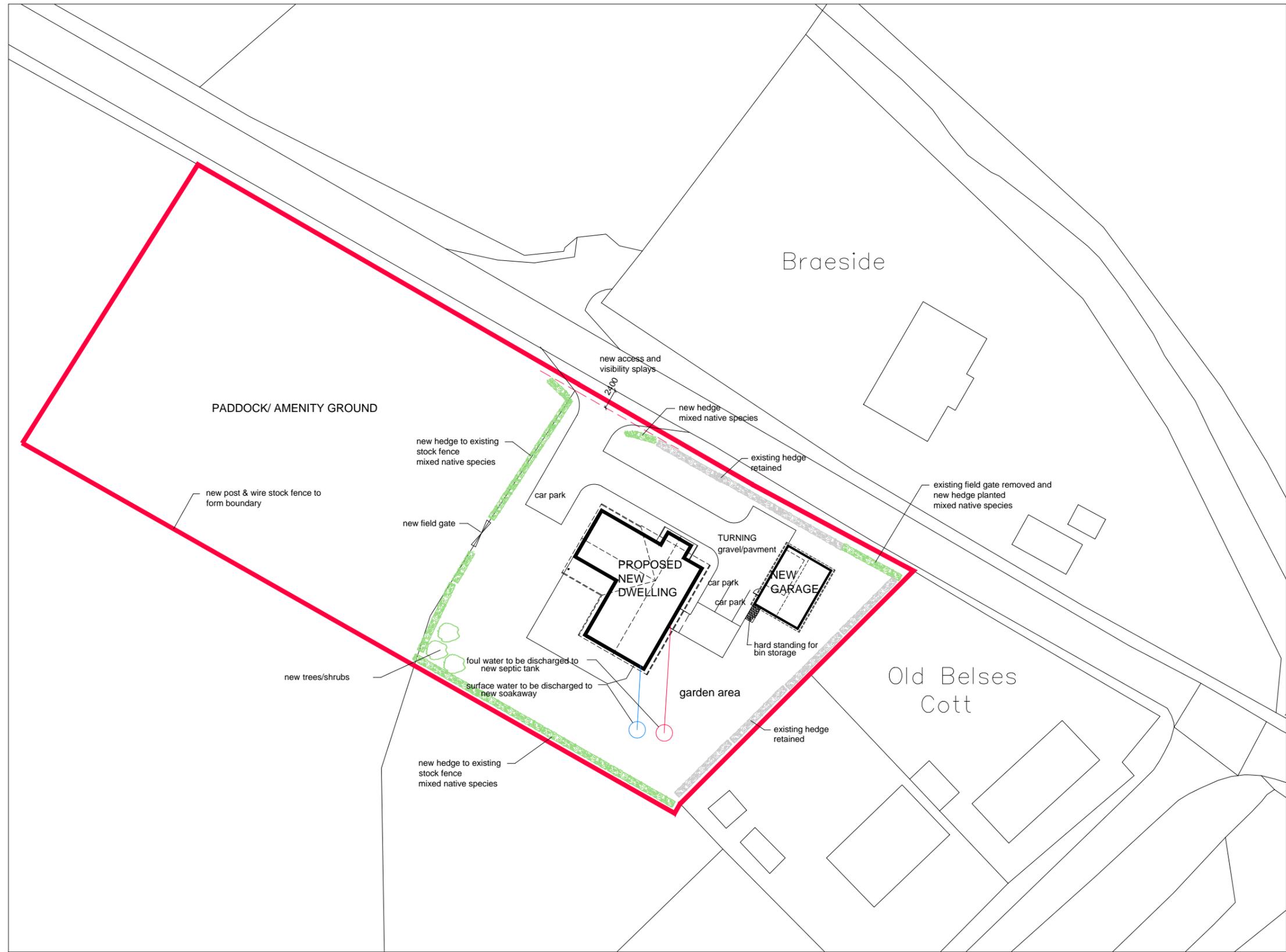
61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

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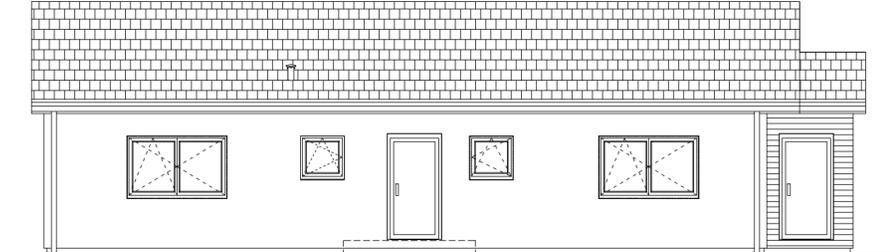
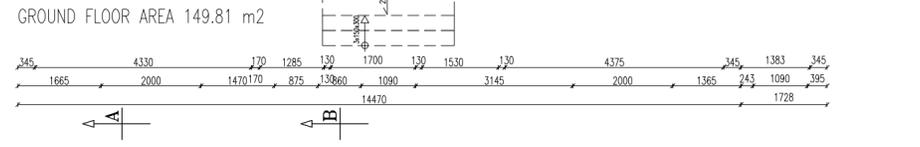
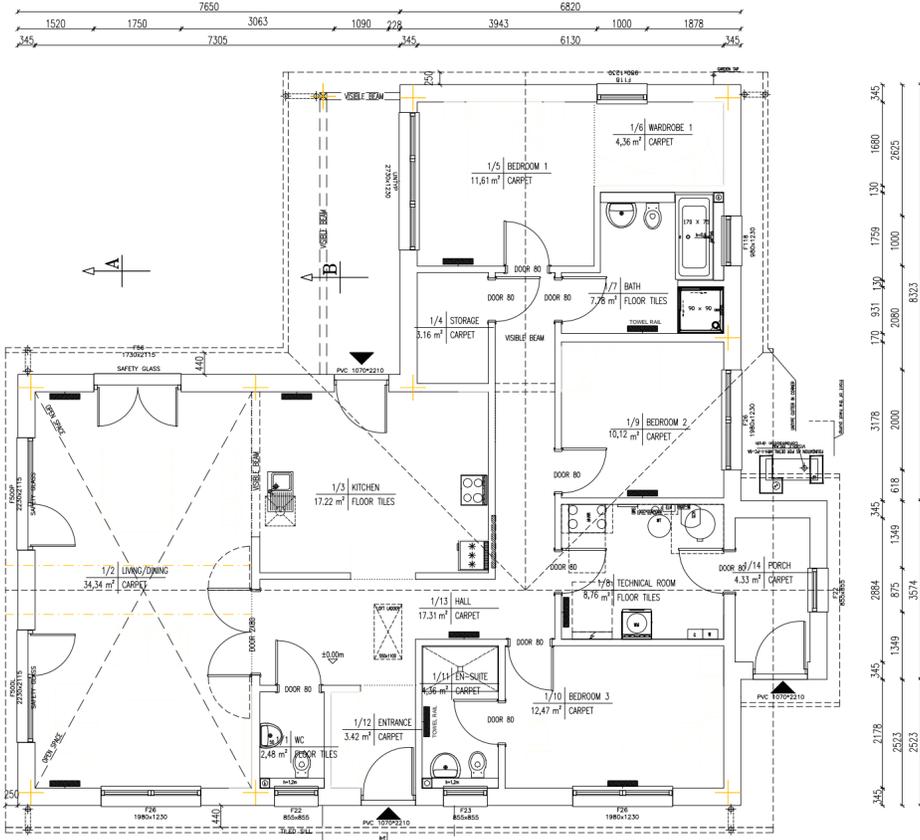


PROPOSED SITE PLAN
1:500

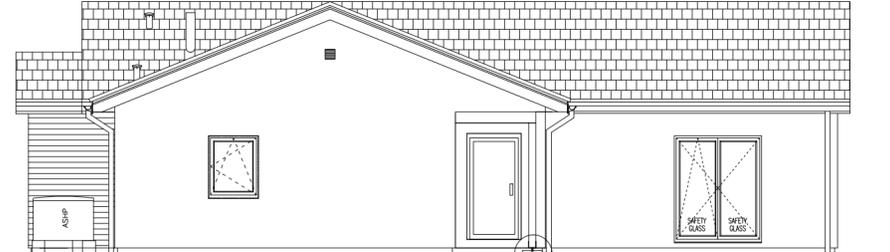
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PERFECT 131E		DINLICH	
DAN - WOOD HOUSE		SINGLE-FAMILY HOUSE	
NUMBER OF CONTRACT/INVESTOR		GB - Fortune	
DRAWING:	TYPE OF HOUSE:	VALID FROM:	
PROPOSED SITE PLAN	PERFECT 131E	05.04.2018	
ARCHITECT GB:	ARCHITECT PL:	SCALE:	
Tomasz Ryniecki	-	1:500	
VERSION:	DATE:	VERSION:	DATE:
1	04.05.2020 v1	4	
2	20.08.2020 v2	5	
3		6	
DRAWING NO.:			SP01
BRANCH: ARCHITECTURE			

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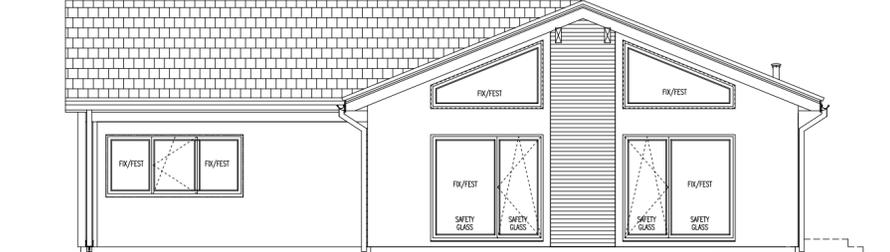
SOUTH EAST ELEVATION



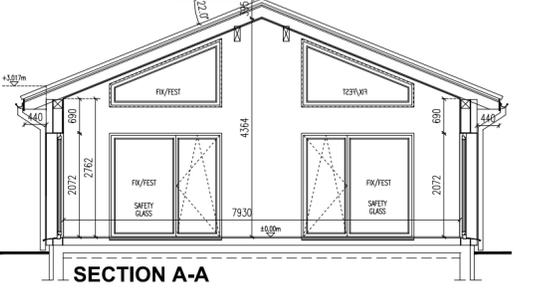
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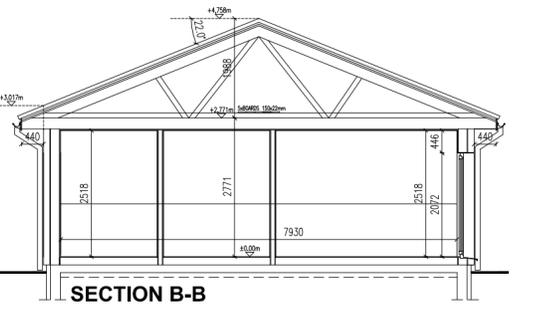
NORTH EAST ELEVATION



SOUTH WEST ELEVATION



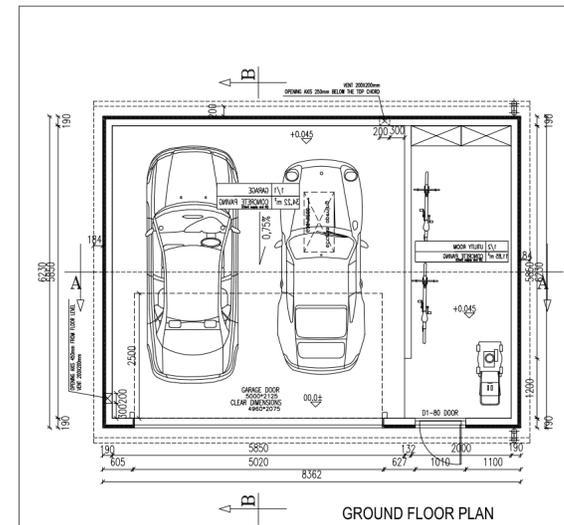
SECTION A-A



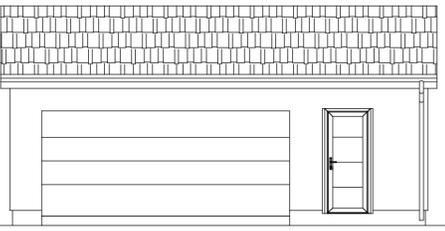
SECTION B-B

SCHEDULE OF FINISHES:
DWELLING:
 WALLS - RENDER - WHITE
 TIMBER CLADDING
 ROOF - CONCRETE ROOF TILES - GREY
 WINDOWS - UPVC - ANTHRACITE
 DOORS - UPVC - ANTHRACITE
 R.W.G. - UPVC - ANTHRACITE - GREY
 SOFFITS AND FASCIAS - TIMBER - WHITE

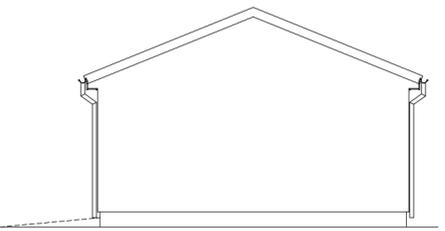
GARAGE:
 WALLS - RENDER - WHITE
 ROOF - CONCRETE ROOF TILES - GREY
 WINDOWS - UPVC - ANTHRACITE
 DOORS - UPVC - ANTHRACITE
 R.W.G. - UPVC - ANTHRACITE - GREY
 SOFFITS AND FASCIAS - TIMBER - WHITE



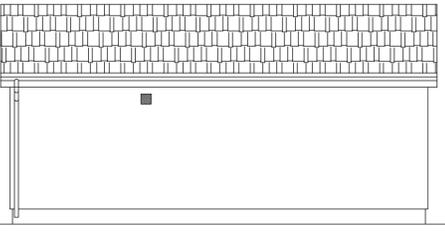
GROUND FLOOR PLAN



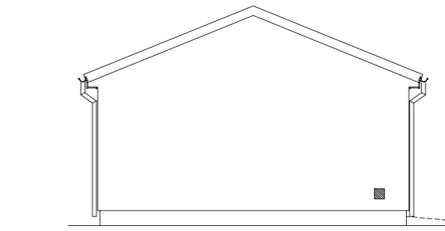
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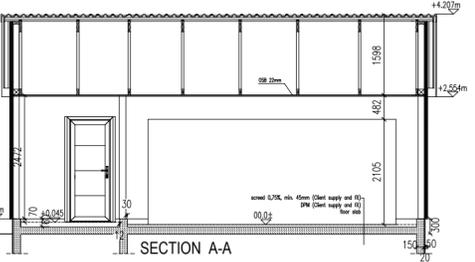
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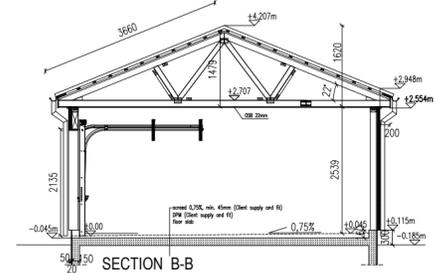
SOUTH EAST ELEVATION



NORTH EAST ELEVATION



SECTION A-A



SECTION B-B



PERFECT 131E

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OBJECT: SINGLE-FAMILY HOUSE		ARCHITECT GB: -	ARCHITECT PL: -	SCALE: 1:100	
NUMBER OF CONTRACT/INVESTOR: GB - Fortune		VERSION: 1	DATE: 04.05.2020 v4	VERSION: 4	DATE: -
DRAWING: FLOOR PLAN, SECTION, ELEVATIONS		VERSION: 2	DATE: 20.08.2020 v5	VERSION: 5	DATE: -
TYPE OF HOUSE: PERFECT 131E		VERSION: 3	DATE: 24.08.2020 v6	VERSION: 6	DATE: -
VALID FROM: 18.11.2019		BRANCH: ARCHITECTURE		DRAWING NO.: PP01	

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Mr and Ms Neil / Valerie Fortune / Mauchlen
per Dan-Wood Concept Plus Ltd
1 Wilderhaugh
Galashiels
Scottish Borders
TD1 1QJ

Please ask for: Brett Taylor
X6628
Our Ref: 20/00486/FUL
Your Ref:
E-Mail: brett.taylor@scotborders.gov.uk
Date: 31st July 2020

Dear Sir/Madam

PLANNING APPLICATION AT Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse with detached garage

APPLICANT: Mr and Ms Neil / Valerie Fortune / Mauchlen

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 : 20/00486/FUL

To : Mr and Ms Neil / Valerie Fortune / Mauchlen per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ

With reference to your application validated on **7th May 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse with detached garage

At : Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders

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

**Dated 30th July 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/00486/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
SP01	Proposed Site Plan	Refused
PP01	Proposed Plans & Elevations	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B 6400
- 3 The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.

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. 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 : 20/00486/FUL
APPLICANT : Mr and Ms Neil / Valerie Fortune / Mauchlen
AGENT : Dan-Wood Concept Plus Ltd
DEVELOPMENT : Erection of dwellinghouse with detached garage
LOCATION: Land North West Of Strathmyre Old Belses
Jedburgh
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
SP01	Location Plan	Refused
PP01	Proposed Site Plan	Refused
	Proposed Plans & Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One letter was received from a neighbouring property neither objecting nor supporting the application.

Consultations

Ancrum Community Council: Have not responded at the time of writing this report.

Education and Lifelong learning: Have not responded at the time of writing this report.

Roads Planning Officer: Objects to the application in that the proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.

Scottish Water: Have not responded at the time of writing this report.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3- Protection of Residential Amenity

EP1: International Nature Conservation and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3 - Local Biodiversity
EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS7 - Parking Provision and Standards
IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2019
Householder Development (Privacy and Sunlight) 2006
Landscape and Development 2008
New Housing in the Borders Countryside 2008
Placemaking and Design 2010
Trees and Development 2008
Waste Management 2015

Scottish Planning Policy 2014

Recommendation by - Brett Taylor (Planning Officer) on 30th July 2020

Site and Proposal

The application site is a relatively level undeveloped field located to the northwest of Old Belses Cottage and opposite the property at Braeside. The village of Ancrum is approximately 6km to the east. The current boundary treatments consist of hedging and post and wire fencing. The site would be served by an existing road the B 6400 which forms the north-eastern boundary of the site. The submitted location plan shows an entrance located on the north-eastern corner of the site.

The applicant is seeking planning permission for a single storey house with a footprint of approximately 171m² and a separate garage of approximately 49m². Access would be taken half-way along the north-eastern boundary of the site opposite the existing access to the property at Braeside. The site would have a private access track with an area of hardstanding including vehicle parking and stand-alone garage.

The proposed house would have a pitched roof and be 'L' shaped, it would measure 16.1m x 14.3m at its widest points and will be 5m in height. Four windows and a door are proposed for the southeast elevation, three windows for the northeast elevation, two windows and a door for the northwest elevation. The southwest elevation would have three windows and two gable windows. The materials would comprise of white rendered walls, grey concrete roof tiles, UPVC windows/doors and rainwater goods. The soffits and fascias would be white painted timber.

The separate garage would be situated to the east of the main house and would have a similar design pitched roof. It would measure 8.3m x 6.2m and would be 4.4m in height. The materials would be the same as the main dwellinghouse.

Other proposals shown on the submitted plans include the installation of a septic tank for foul water and a new soakaway for surface water.

Site History

There is no planning history associated with this site. No pre-application discussions were undertaken.

Key Planning Policies

The key policies against which this application is assessed are PMD2 - quality standards and HD2 - housing in the countryside.

In terms of policy HD2: The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There

are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) Sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area, and;
- 3) In dispersed communities in the Southern Borders housing market area.

The New Housing in the Borders Countryside supplementary planning guidance (SPG) reinforces the terms of policy HD2, albeit the SPG predates the introduction of the 30% threshold in the policy.

Of the above, the application falls into the second criterion. Although the site is not within a defined settlement, it is associated with a building group of three houses (Braeside, Old Belses and Strathmyre) which has not been expanded during the local development plan period.

Our SPG cautions against developing beyond established building group boundaries into undeveloped fields - to do so opens up the potential of expanding the group away from the sense of place which justifies a house in the first place. In this case, the proposed site is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400. As such, this proposal would encourage ribbon development along this section of the B 6400, out of character with the clustered form of the group. This does not comply with Policy HD2 or our SPG as a result, since it will not sympathetically relate to its character or sense of place. Siting a house here would not comprise a sympathetic, organic addition to the area.

Placemaking and design

Policy PMD2 sets out the council's strategy towards design. It states, amongst other things, that: "All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with...its landscape surroundings". The policy sets out the standards which will apply to all development."

For this application, I consider the design of the proposal would fail to make a positive contribution to the sense of place. The design of both the house and garage are of a suburban character, and whilst I acknowledge the property opposite the proposal (Braeside) is of similar character, this site is more exposed and prominent. The design is of insufficient quality by incorporating a low shallow pitched roof, horizontal form and fenestration. The external materials require amendment, and no details have been provided on landscaping and boundary treatment. These latter matters can be addressed by condition, but the overall form and design of the house requires significant change to relate sympathetically to the group and reflect policy aspirations for good quality design.

Overall, in my interpretation, the resulting house and garage would not be sympathetic to the adjacent group or setting and would therefore be contrary to the terms of policies HD2 and PMD2 and related guidance.

Amenity and privacy

Notwithstanding above fundamental matters regarding the principle of development, the site appears to be capable of accommodating a modest house. That would, however, need to be balanced by the impact on the visual amenity of the rural location resulting from eventual design of the development. The submitted design is of little architectural merit and would be an incongruous feature in the countryside. That having been said, the house and garage are sufficiently distance from the neighbouring properties that amenity and privacy would not be adversely affected.

Developer contribution

No developer contributions would be required in respect of education provision and affordable housing.

Ecology

With respect to ecology, given the site is not subject to any natural heritage designations nor nearby any, no buildings would be lost, mature trees removed, or substantial amounts of hedging needing removed, it is,

therefore, considered that the proposal will have a negligible impact on ecology and biodiversity of the surrounding area.

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 site is capable of providing two spaces to support a new house, thus complying with Policies IS7. The site is proposed to be accessed via a new entrance onto the B 6400. The Council's Road Planning Officer has considered the suitability of the proposed access and objects to the proposal due to road safety concerns. The principle of new accesses on to B class roads is not supported without economic or road safety justification. Whilst a site visit was not possible due to Covid-19 restrictions, it has been advised by the Roads Planning Officer that the primary function of B Class roads out with settlement boundaries is movement of vehicles which could potentially travel up to 60mph. To facilitate safe vehicle movements, the Council would seek to limit the number of new accesses onto B class roads unless a proposed development provides a sufficient economic or road safety benefit. In addition, Roads Planning Officer's opinion is that the proposed access is not an appropriate location due to the nature of the road and the lack of a strong building group. These concerns are not capable of being addressed by planning condition.

Overall, this new access would be an isolated access onto a rural section of road without any justification and as such would be contrary to policy PMD2.

Services

The applicant states that the site will be connected to the public water supply. Foul drainage would be by means of a private system including the installation of a septic tank and soakaway.

Trees

There are no trees currently on the site. The plan is not sufficiently detailed and, if permission were to be granted, a fully detailed landscaping plan would be required by condition.

Waste

The submitted site plan indicates provision for the storage of bins next to the garage away from public view.

Conclusion

It is recommended that the application is refused for the reasons given above.

REASON FOR DECISION :

The development would be contrary to Policies PMD2 and HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not be well related to a building group by extending out into an open field alongside the B 6400. It would also be of a design that would not be sympathetic to the character and appearance of the surrounding area, contrary to the above-noted policies and our SPG on Placemaking and Design. Furthermore, the proposed means of access would be unsatisfactory since the development would potentially increase the road safety risk along the B 6400.

Recommendation: Refused

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate

sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.

- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B 6400
- 3 The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.

“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 100250995-001

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)

Proposed New Dwelling House off B6400, North West Old Belses Cottage, Old Belses, Ancrum

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

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:	Dan-wood Concept Plus Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Tomasz	Building Name:	<input type="text"/>
Last Name: *	Ryniecki	Building Number:	1
Telephone Number: *	01896752271	Address 1 (Street): *	Wilderhaugh
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Galashiels
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	TD1 1QJ
Email Address: *	ryniecki@dan-wood.com		

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 Ms	Building Name:	Belses Smithy Cottage
First Name: *	Neil / Valerie	Building Number:	<input type="text"/>
Last Name: *	Fortune / Mauchlen	Address 1 (Street): *	Ancrum
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Jedburgh
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	TD8 5UR
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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

625071

Easting

356926

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

4000.00

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)

Fallow ground

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

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

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)

Area of hard standing annotated for positioning of refuse / recycling bins

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

Do you have any agricultural tenants? *

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:

Mr Robert Nicol

Address:

Strathmyre, Old Belses, Ancrum, Jedburgh, Scotland, TD8 6UR

Date of Service of Notice: *

06/05/2020

(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:

Tomasz Ryniecki

On behalf of:

Mr and Ms Neil / Valerie Fortune / Mauchlen

Date:

06/05/2020

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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes 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 Tomasz Ryniecki

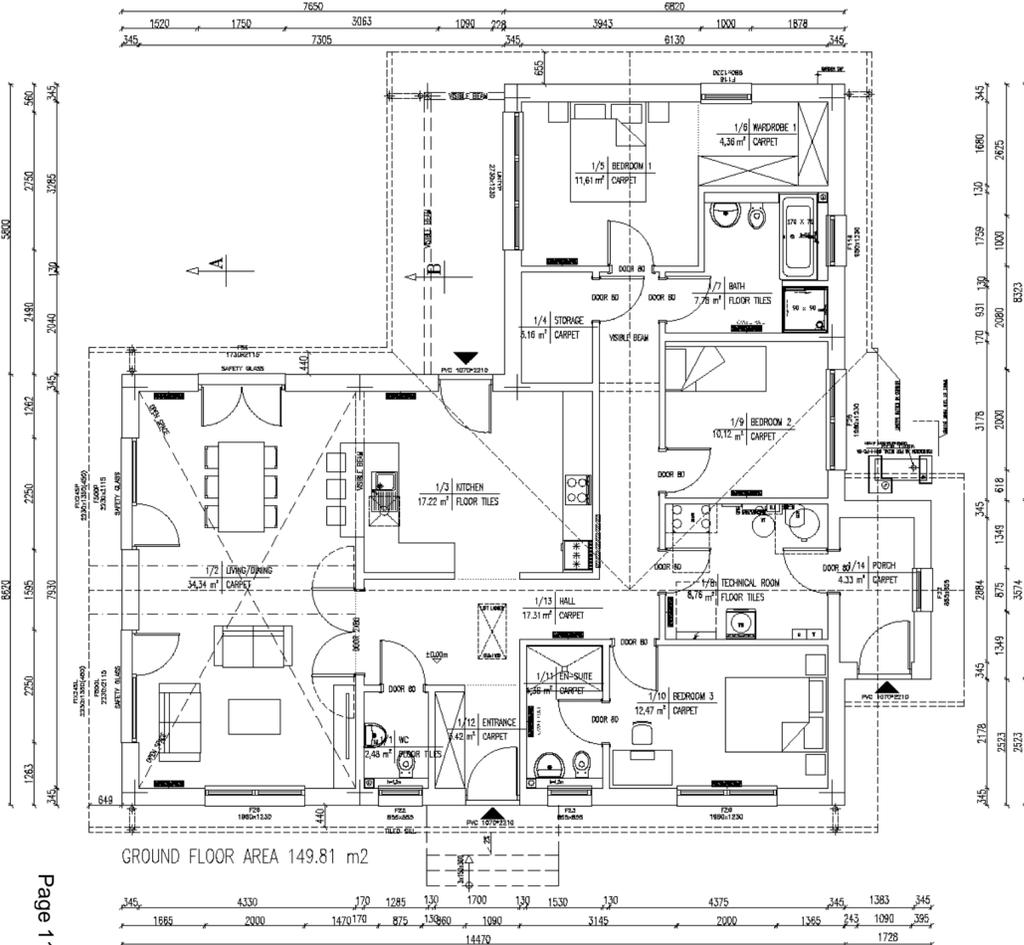
Declaration Date: 21/04/2020

Payment Details

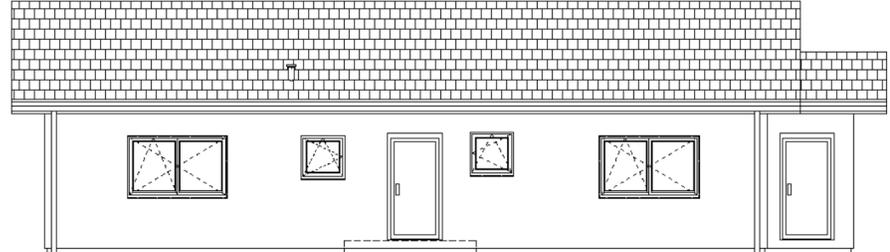
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Payment date: 06/05/2020 09:58:00

Created: 06/05/2020 09:58



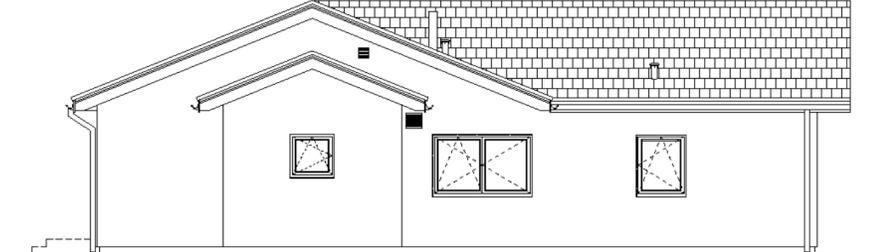
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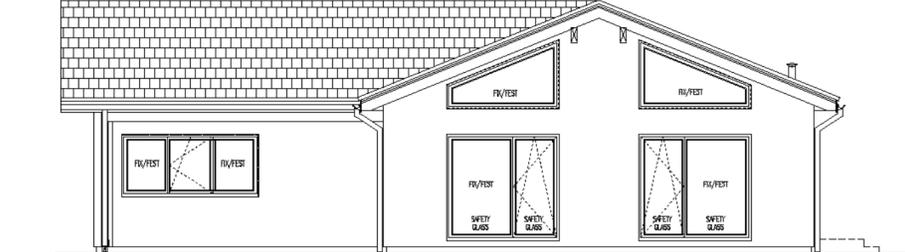
SOUTH EAST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION

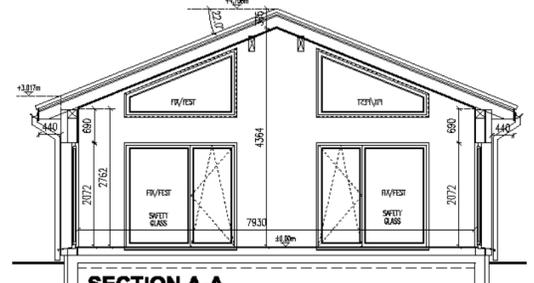


SOUTH WEST ELEVATION

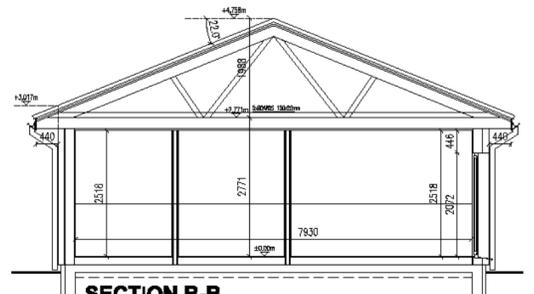
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



SECTION A-A



SECTION B-B

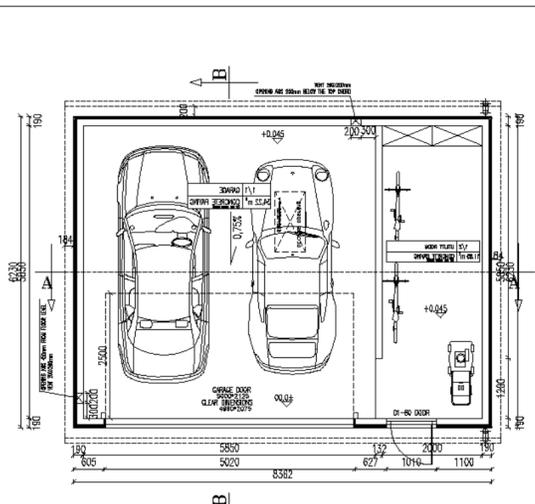
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DWELLING:

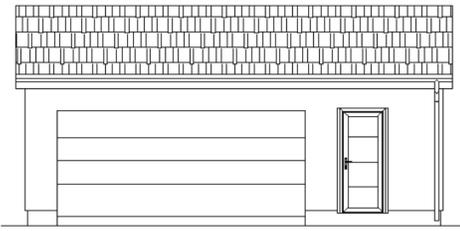
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- ROOF - CONCRETE ROOF TILES - GREY
- WINDOWS - UPVC - ANTHRACITE
- DOORS - UPVC - ANTHRACITE
- R.W.G. - UPVC - ANTHRACITE - GREY
- SOFFITS AND FASCIAS - TIMBER - WHITE

GARAGE:

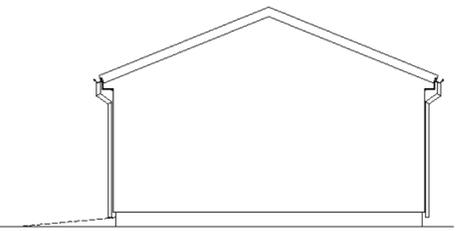
- WALLS - RENDER - WHITE
- ROOF - CONCRETE ROOF TILES - GREY
- WINDOWS - UPVC - ANTHRACITE
- DOORS - UPVC - ANTHRACITE
- R.W.G. - UPVC - ANTHRACITE - GREY
- SOFFITS AND FASCIAS - TIMBER - WHITE



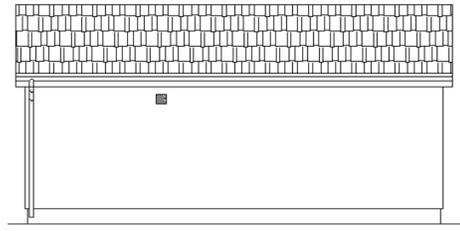
GROUND FLOOR PLAN



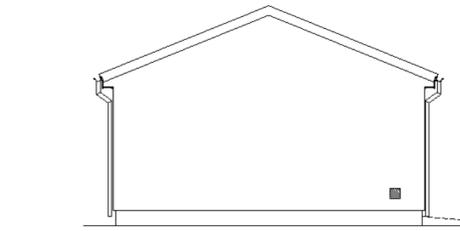
NORTH WEST ELEVATION



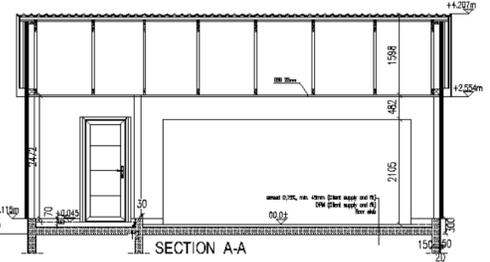
SOUTH WEST ELEVATION



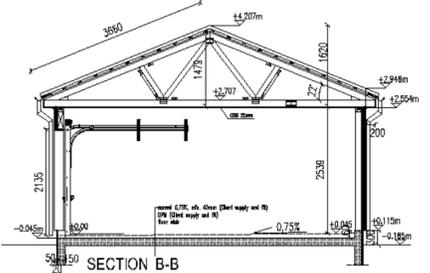
SOUTH EAST ELEVATION



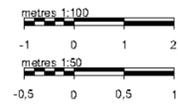
NORTH EAST ELEVATION



SECTION A-A



SECTION B-B



PERFECT 131E

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OBJECT:	SINGLE-FAMILY HOUSE	ARCH/EC: GB:	ARCH/EC: PL:	SCALE:	1:100
NUMBER OF CONTRACTS/INVESTORS:	1	VERSION: DA'E:	4	DA'E:	4
GB - Fortune	2	VERSION: DA'E:	5	DA'E:	5
	3	VERSION: DA'E:	6	DA'E:	6
DRAWING:	FLOOR PLAN, SECTION, ELEVATIONS	TYPE OF HOUSE:	PERFECT 131E	VALID FROM:	18.11.2019
DAN - WOOD HOUSE	110 BR 10001	BRANCH:	ARCHITECTURE	DRAWING NO.:	PP01

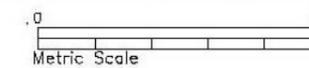
GARAGE PLANS 1:100

REFUSED

subject to the
requirements of the
associated Decision
Notice



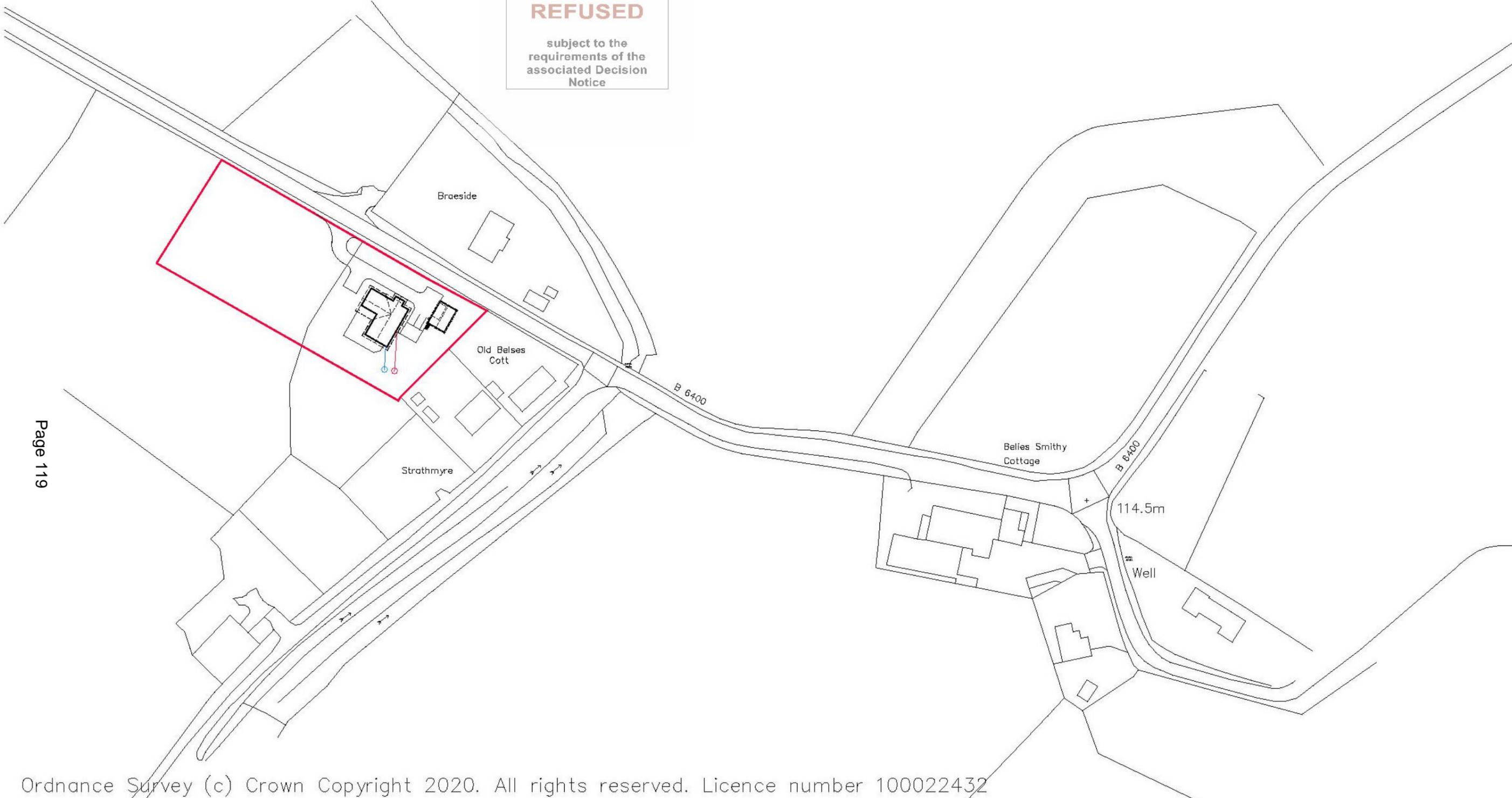
PROPOSED SITE PLAN
1:500



PERFECT 131E

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SINGLE-FAMILY HOUSE		PERFECT 131E	
<small>NUMBER OF FLOOR/LEVELS</small> GB - Fortune		<small>DATE</small> 05.04.2018	
<small>PROPOSED SITE PLAN</small>		<small>SCALE</small> 1:500	
<small>ARCHITECT</small> Tomasz Ryniecki		<small>DATE</small> 04.05.2020 v1	
<small>VERSION</small> 1		<small>DATE</small> 04.05.2020 v1	
<small>VERSION</small> 2		<small>DATE</small> 	
<small>VERSION</small> 3		<small>DATE</small> 	
<small>BRANCH</small> ARCHITECTURE		<small>DRAWING NO.</small> SP01	

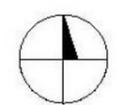
REFUSED
subject to the
requirements of the
associated Decision
Notice



Page 119

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location plan
scale: 1:1250



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PERFECT 131E

 DAN - WOOD HOUSE <small>PERFECT 131E</small> <small>05.04.2018</small>	SUBJECT		SINGLE-FAMILY HOUSE	
	SUBJECT OF PERMISSION/CONSENT		GB - Fortune	
	DATE	DATE	DATE	DATE
DRAWING		PERFECT 131E		05.04.2018
ARCHITECT'S NAME		ARCHITECT'S FIRM		SCALE
Tomasz Ryniecki		-		1:1250
VERSION	DATE	VERSION	DATE	DRAWING NO.
1	04.05.2020 v1	4		SP01
2		5		
3		6		
BRANCH: ARCHITECTURE				

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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Paul Grigor Roads Planning Officer	pgrigor@scotborders.gov.uk 01835 826663		
Date of reply	28 th May 2020	Consultee reference:		
Planning Application Reference	20/00486/FUL	Case Officer: Brett Taylor		
Applicant	Mr and Ms Neil / Valerie Fortune / Mauchlen			
Agent	Dan-Wood Concept Plus Ltd			
Proposed Development	Erection of dwellinghouse with detached garage			
Site Location	Land North West Of Strathmyre Old Belses Jedburgh 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>				
Background and Site description				
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Access onto a classified road • Building group 			
Assessment	<p>It should be noted as a result of restrictions on travel due to the Coronavirus pandemic at the time of writing, no site visit has been undertaken and the comments made below are based purely on the information submitted with this application and local knowledge.</p> <p>The primary function of A & B class roads is movement and the number of accesses should be restricted where possible. The principle of accesses on to A class roads in rural areas is not supported without economic or road safety justification. B class roads are much the same but depending on the characteristics of the B road, a new access may be supported providing it does not pose a road safety concern.</p> <p>When looking at this specific site, there does not appear to be a strong building group and so this does not give an impression to drivers that this would be an area where you would expect an access to be present. My general feeling is that this is not an appropriate location for a new access due to the nature of the road and the lack of a strong building group and could be a danger to road users due to this. This would be an individual access onto a rural section of road without any justification and could set an unwelcome precedent for future development in the area.</p> <p>I have a further concern over this proposal in that it would contribute towards sporadic development in the Belses community without proper road infrastructure in place to justify it.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions/Reason for Refusal	The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.			
Recommended Informatives				

AJS

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Comments for Planning Application 20/00486/FUL

Application Summary

Application Number: 20/00486/FUL

Address: Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse with detached garage

Case Officer: Brett Taylor

Customer Details

Name: Mr Michael Gallagher

Address: 1 Old Belses Farm Cottage, Jedburgh, Scottish Borders TD8 6UR

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

- Land affected

Comment:0/00486/FUL | Erection of dwelling house with detached garage | Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders

Michael Gallagher

1 old Belses Farm Cottage

Jedburgh

TD8 6UR

07947853942

1. From the area drawing it looks like the proposed development extends into and over the boundary of 1 Old Belses Farm Cottage. Can you confirm this is not the case.
2. Can you confirm this is residential only.

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List of Policies

Local Review Reference: 20/00022/RREF

Planning Application Reference: 20/00486/FUL

Development Proposal: Erection of dwellinghouse with detached garage

Location: Land North West of Strathmyre, Old Belses, Jedburgh

Applicant: Mr and Ms Neil/Valerie Fortune/Mauchlen

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 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,
- 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

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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.

(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,

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- 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 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

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- 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

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:

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- 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 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.

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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:
- 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),

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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 Trees and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- Scottish Planning Policy 2014

F E R G U S O N
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Delivered by Email

28th August 2020

Fiona Walling
Local Review Body

Your Ref. 20/00453

Dear Ms Walling

Demolition of garage and erection of dwellinghouse: Garden Ground of Clifton Cottage High Street Kirk Yetholm Scottish Borders

We write in relation to your letter which seeks further information of the appellant following the Local Review Body on 17th August 2020.

Appended to this letter is a cross section drawing of the street and providing the related context of the houses that sit above, below and across from the site. It denotes the associated measurement as accurately as possible. Again, it is important to note, as outlined in our previous submissions, how the subject site sits and steps down the street much like the existing houses do on both sides of the road.

The proposed ridge height is marginally higher than Clifton Cottage opposite by c. 0.4 metres but again the appellant is willing for that to reduce and match the ridge height exactly should that be considered important.

For clarity, the client and architect have worked together on producing the drawing which we hope provides useful context. It was undertaken by measuring the height of the eaves of the bungalow up the hill, number 9 with the owner's permission and with the architect then working out the ridge height based on the pitch of the roof. The client then also took several GPS measurements of the road height next to number 9.

Following this they measured the height of the eaves on Valleydeane, Clifton cottage and Glenview and again the architect then worked out the ridge heights based on the roof pitches.

More GPS measurements at Clifton cottage were taken and further down the hill at Graggystanes (opposite Burnsyde). The architect then used this information to work out the overall gradient of the High Street. Finally, the client then measured the south gable end of Burnsyde to ascertain the associated height and which then provides a complete picture of the street cross section.

While it is not our intention to comment much further on comments made during the LRB it is important to bring to Members attention the rights of all the residents to park outside their homes. Most if not all homes have ample space for two cars to park. The Appellant's would simple return to that should planning permission be granted and to which they are entitled to do like others on the same street.

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In relation to timber lorries, which was raised on a number of occasions, our client would like to point out that the field above the village where the forest was has been cleared (refer to attached photo). All the timber from the felling operation has now been removed there have been no timber lorries on the high street for four weeks now.

This proposal incorporates off street parking and thus will not impact on the current road movements. Any cars owned by the appellant at Clifton Cottage would simple sit in between their neighbours cars and thus again there will be no difference to traffic movement to that which exists today. So, the status quo would remain in that regard and certainly this proposal will not result in any significant change or impact on road movements.

We trust the above and attached are informative but should you require any further information please do not hesitate to contact Tim Ferguson (Director) using the details below.

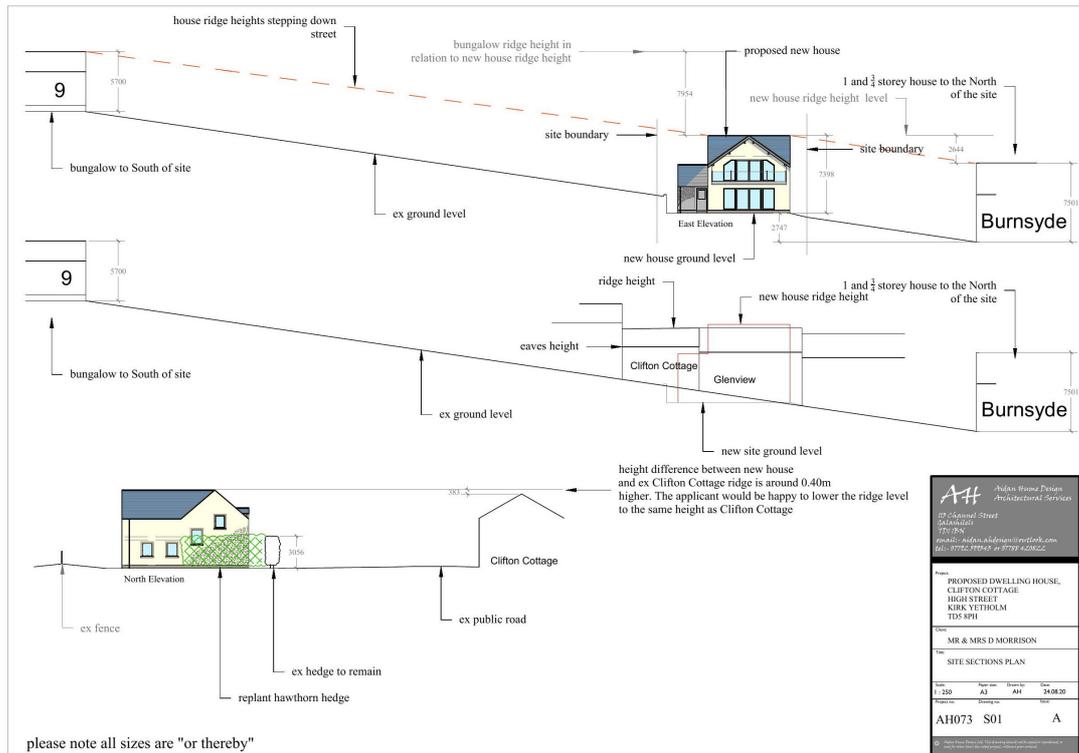
Yours Sincerely



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From: Calvert, Euan <ECalvert@scotborders.gov.uk>

Sent: 01 September 2020 11:56

To: localreview <localreview@scotborders.gov.uk>

Cc: Miller, Craig <CMiller@scotborders.gov.uk>

Subject: RE: LRB 20/00018/RREF - Clifton Cottage

Fiona

I can't help but query why a section has been provided of the rear and including the Bungalow to the south. That's not what was asked. I'm sure the intention will have been for a street scene, from the public elevation, within the Conservation Area, and of the pair in isolation;

- Confirmation of the ridge height of the proposed dwellinghouse and a cross section drawing showing the levels/ridge height of the proposed dwellinghouse in comparison to the neighbouring house to the north of the proposed site.

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Browser: https://mapping.scotborders.gov.uk/LocalViewInt/Sites/Int... Int_Planning

SEARCH: TD6 0SA
 LOCATION: X 382793 Y 628175
 Scale: 1:500
 Bookmarks: Coldstream

TOOLS: Point, Line, Areas, Clear all, Default, Identify, SHARE, SUPPORT

Map Labels: GP, Hill House, Cross (site of), 114.0m, Burnside, Craggystanes, HIGH STREET, Wr T, Allot Gdns, Rowantree, TCB, LB, HILL VIEW ROAD, Angrianan

Basemaps: Map (Greyscale)

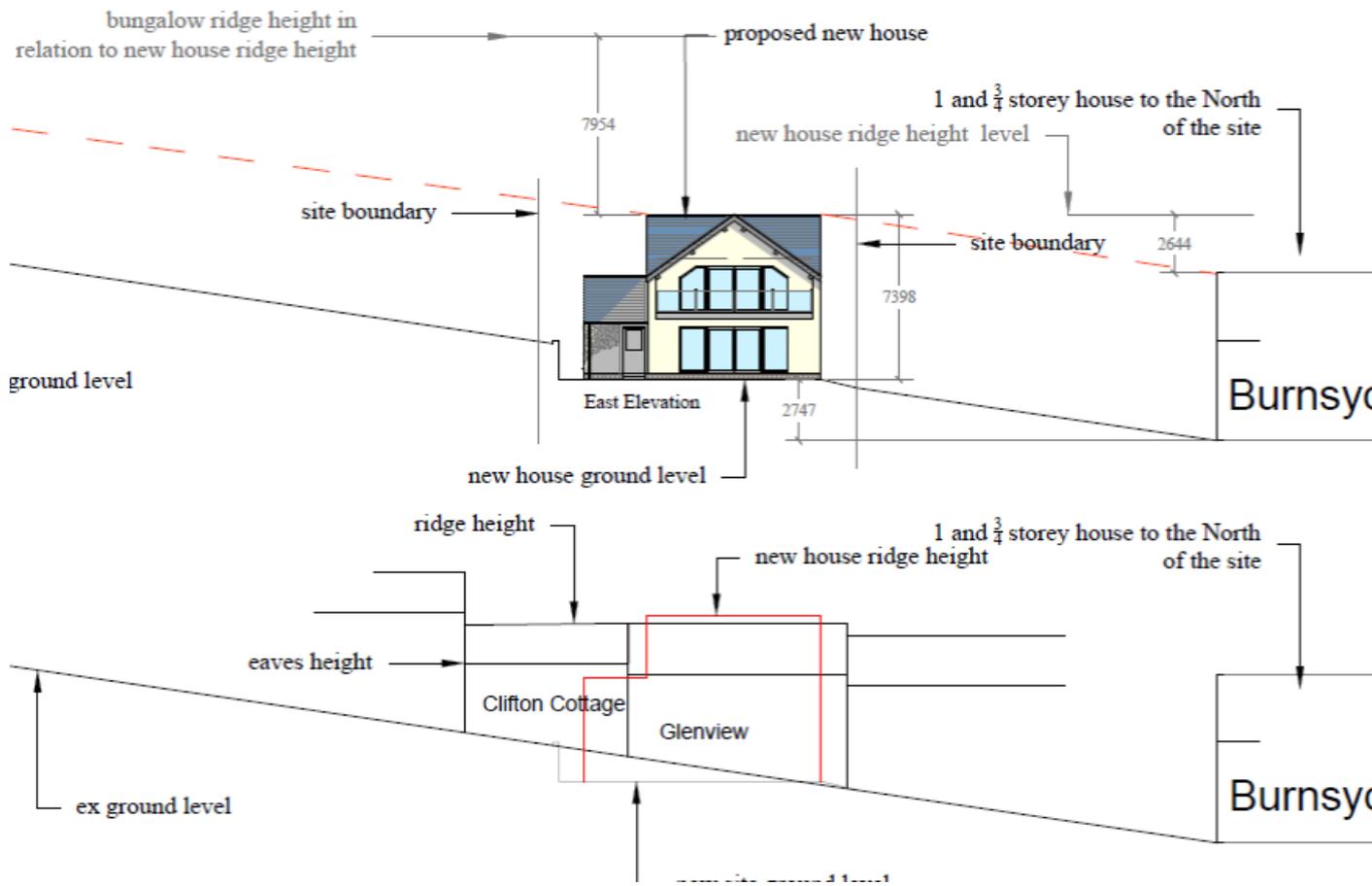
Legend:

- All Layers
- Background Mapping
 - Address Gazetteer (from 1:40,000) +
 - Planning Applications (from 1:40,000) +
 - Building Warrants (from 1:40,000) +
 - Officer Areas +
 - Local Development Plan +
 - Housing SG - Adopted +
 - + LDP2 - Pre-MIR Consultation
- Policy +
- SE Splan +
- Development Contribution Areas +
- Historic Environment +
- Natural Environment +
- Countryside & Access +
- Flood Hazard (to 1:20,000) +
- Transport and Streets +
- Wind Energy +
- Education +
- SBC Assets Register +
- Civic & Electoral Boundaries +

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Euan Calvert
 Assistant Planning Officer (Development Management)
 Regulatory Services,
 Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA
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Kristoffer Smith
East View
High Street
Kirk Yetholm
Roxburghshire
TD5 8PH

7th September 2020

Clerk of the Local Review Body
Council Head Quarters
Newtown St Boswells
Roxburghshire
TD6 0SA

Dear Ms McGeoch

Reference: 20/00018/RRREF

It is with sadness I again find myself writing to you again in connection with the above application and subsequent appeal. However, having had the opportunity to review the latest submission by the applicant, there are a number of significant points that need to be highlighted to the Review Body.

First, I question the accuracy of a measured building survey and topographical survey of the High Street being undertaken by persons not qualified or experienced in doing so. Such surveys are reasonably complex tasks – tasks which take built environment professionals significant time and training to learn and master. This brings in to question the accuracy of the drawing provided. For example, the statement dated 28th August notes; a measurement was taken to the eaves of number 9 and then the ridge height calculated by using the pitch. Was the roof pitch actually measured or estimated? Was the width of the gable measured or scaled off plan? The statement continues - a GPS measurement was then taken of the road height adjacent to number 9. What is the difference in height between where the eaves were measured and the adjacent GPS readings? Where were the GPS reading taken, were they in line with the gable, downhill a bit, uphill; this has the potential to significantly affect the drawing. All of the same can be said asked of the measurements taken at Valleydean Et al. There is a significant elevation drop between these cottages, how was that ascertained? What was measured at Burnsyde? There is no mention of a GPS elevation measurement at Burnsyde, so how do we know the height difference is the 2644mm as indicated on the drawing? The answer is we don't. If a GPS elevation was taken where about was it taken and how does it reference to any building height measurements. In addition, the garage at Burnsyde prevents access to one corner, so measuring the width would be awkward – was it done off plan? How about the pitch, was an inclinometer used? It's quite easy to imagine how a small error in one or multiple of these readings can easily lead to a much, much bigger margin of error. One is therefore left wondering, if the drawing is to be relayed upon, just how accurate is it? The words "or thereby" on the drawing would suggest to me a good degree of inaccuracy.

Second, depending on the quality of the GPS instrument used, there will be a margin of error, particularly and most notably when recording elevation. What instrument was used? Has it been calibrated? Again, if being asked to rely on this drawing, how accurate is it?

Third, the drawing itself. What is presented is not the requested cross section drawing. Instead, presented is a half attempt using GPS elevation readings from random locations on the road. If I read the submission document correctly, no elevation measurements have been taken on the proposed site and none down through the gardens at either side of the proposed site. There is no plan showing where measurements have been taken and there is no datum shown from which to reference any of the heights provided. Furthermore, ground levels, in parts, vary significantly between road and the "allotments", which makes one question how relevant the information provided actually is.

Fourth, without accurate elevation measurements at Burnside, it is impossible to dismiss fears about how the proposal will dominate the principle view south from the Village Green key greenspace. Similarly, it is impossible to conclude anything other than the proposed development causing an unacceptable loss of amenity to neighbouring plots, the Village Green key greenspace and the verge other greenspace.

Fifth, with reference to comments in First above, there are inconsistencies between this and previous submissions. There now appears to be a retaining wall to the south of the site as shown on the Site Sections Plan, and the same plan appears to show the southern half of the site being excavated down to a reasonable level below road height, scaled off screen circa 1.2m. These, on plan, appear to be much more pronounced than the existing site features, so one presumes they are to be newly created. Neither of these features was specified in the LRB or initial planning documents. If excavation is required, this will surely require some works over the verge to provide an incline down into the site – work specifically ruled out in previous submissions. If excavation is not required then this brings into question the levels provided and thus the proposed dwellings height in relation to those around.

Sixth, the Site Sections Plan shows a hawthorn hedge to be replanted. It's not the applicant's hedge that has been removed in the first instance so it should be noted as a new hedge, if that is what is intended. However, similar to Fifth above, there is no note of this feature in the planning application.

Seventh, the recognised timber extraction route is not merely for the Fair Park plantation, it will also be capable of being used for extraction of other felled commercial plantations over in the Halterburn Valley. So, whilst the Fair Park is now cleared, other forestry blocks can be expected to be cleared in coming years. In addition to this point, it's important to note that the High Street is used more and more by large agricultural vehicles which get progressively bigger and bigger each year! As machines have become more powerful, land once only suitable for grazing is now coming into use for cropping as silage or hay or other arable crops. This progression into more intensive agriculture is commonplace in and around the Cheviot foothills. As way of illustration of the difficulties this poses a 1964 Massey Ferguson 135, a mainstay tractor, weighed 1.7tons and was 182cm wide. A modern John Deere 7R 330, a typical modern-day tractor, weighs 11.4tons and is 2.55m wide. This presents a clear problem; roads such as the High Street were never designed for such vehicles. Couple these with parked cars (including my own) and there is a real safety risk to be considered, and that's before you even begin to factor in the exponential increase in traffic from "staycation" visitors to Halterburn driven by the COVID-19 pandemic. The most recent statement from the agent notes there would be no changes in traffic movements as future owners or tenant vehicles of Clifton Cottage would sit amongst neighbours cars. That's not strictly true; different households park on different sides of the street, so in effect the High Street is a bit of a chicane of cars. Another one or two cars outside Clifton Cottage would tighten that chicane effect substantially and make navigating up the High Street even more dangerous and significantly more difficult and hazardous for larger

HGV's and agricultural vehicles. As the parent of a young family I can't stress enough the concern I have about road safety on the High Street.

With the apparent inaccuracy and failure to meet the brief from the Local Review Body, I do not see how the latest submission can add anything other than a general indication of how a house would sit on a sloping site, with all references to adjacent buildings and heights being disregarded. The information provided does not arrest any fears over the detrimental and domineering impact the proposal would have over the character and appearance of the conservation area, or the amenity of the key and "other" greenspaces. If anything, the latest submission reaffirms fears that the proposal will be a huge and obtrusive, overbearing mass, detracting from the character, charm and history of Kirk Yetholm.

I politely and respectfully continue my request for the Committee dismiss the appeal.

Yours sincerely

Kristoffer Smith

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Ms Louise McGeoch
Clerk to the Local Review Body
Scottish Borders Council

28th September 2020

BY EMAIL ONLY

Dear Ms McGeoch,

Thank you for your recent correspondence and passing on the third party comments of 7th September. We are grateful for the opportunity to respond to those comments.

The comments have been discussed with our Client and Aidan Hume Design and it is our understanding that Aidan Hume Design stand by each drawing which has been submitted in support of both the application and Notice of Review. They encourage anyone questioning the veracity of those drawings to make a formal complaint through the correct channels, which will be vigorously contested.

Ferguson Planning are ready and willing to extend our endorsement to the quality of drawings prepared by Aidan Hume Design.

The Appellants have gone to extensive lengths to ensure the accuracy of measurements taken. A GPS unit was used to take measurements and each measurement is an average of three individual readings, all of which fell into a very narrow range. Moreover, the measurements of Clifton Cottage (the Appellants' existing dwelling) were previously taken by Aidan Hume Design (prior to restrictions on work and movement owing to COVID-19) and subsequently used as reference points for the performance of the GPS unit. Each measurement taken on Clifton Cottage proved correct to within 2% tolerance of the professionally taken measurement.

The "retaining wall" criticism within the third party comments is noted. However, the wall in question is the boundary wall between the appeal site and the garden of Valley Dene. The wall comprises concrete block construction and has been in-situ since before the Appellants' purchased the property. No works are proposed to the existing wall. A lot of the structures in the general area are not all that visually pleasing and would be enhanced via the proposal.

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The wall is not shown on previous plans as a cross section was not submitted until 28th August. Submission of a cross section is not a validation requirement kept by SBC for the registration of a planning application and so this position is consistent with best practice and policy locally.

Notwithstanding the above, the wall is clearly shown on photographs submitted to the appointed Planning Officer on 13th May – receipt of which were acknowledged on 14th May – during determination of the original application.

Planting a hedge does not represent development under s.26 of the Town and Country Planning (Scotland) Act 1997. Therefore, hedge planting does not require planning permission and is not a material consideration in the determination of the current Notice of Review. At this stage it should be noted that a number of other observations are made in the third party comments which **do not represent material considerations** and so are not addressed in this representation.

Paragraph 290 of Scottish Planning Policy (SPP) only allows for planning applications to be refused on road traffic grounds in cases where an ‘unacceptable road safety impact’ would be created. **The consultation response of the Roads Planning team does not identify use of the public road by HGV’s transporting felled timber as a reason for refusal.**

This issue has already been extensively addressed in the Planning Statement, Local Review Statement and our representation letters of both 27th May and 4th August. The fact remains that Clifton Cottage sits in a line of existing dwellings, the occupants of which park their cars on-street.

A number of dwellings north of Clifton Cottage have zero off-street parking provision and the occupants of several dwellings to the south park at least 1 no. car on the public road due to personal preference or another personal reason which is not policy-based. Therefore, on-street car parking is a distinguishing feature of the local area.

It again must be clear the owners of Clifton Cottage would, in essence, be parking between existing cars located to the north and south. This situation would mean zero road impact and a continuation of the status quo with regard to how any HGV travel along the road.

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It is important to note that use of a public road by one or more HGV's does not represent a legitimate reason for refusal of new development accessed from that road. Almost every public road in the Borders is used by one or more HGV's every week. Dismissing this Appeal on this basis that High Street is used by HGV's would risk setting a troubling precedent for future development proposals across the Borders.

The Appellants' are grateful for this opportunity to address the public comments of 7th September and reserve the right to respond to any new comment/evidence presented prior to the LRB reconvening.

It is our hope that members of the LRB find these comments to be clear and helpful in completing their determination of the matter at hand.

Yours Sincerely



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