

Public Document Pack



LOCAL REVIEW BODY MONDAY, 18 JANUARY 2021

A MEETING of the LOCAL REVIEW BODY will be held on MONDAY, 18 JANUARY 2021 at 10.00 am. The meeting will be conducted remotely by Microsoft Teams. Arrangements are in place to stream the meeting for public viewing. A link will be provided on the Council's website before the meeting.

J. J. WILKINSON,
Clerk to the Council,

6 January 2021

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Continuation: Hearing in respect of 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.	
	(a) Virtual site visit View video footage of site and immediate surroundings.	
	(b) Further procedure - written submissions:- Further information from applicant - page 3 Responses to additional information - page 7 Further comment from applicant - page 17	(Pages 3 - 20)
	(c) Hearing Statements Statement – applicant - page 21 Statement - objector - page 25 Statement - SBC Architectural Manager – page 89	(Pages 21 - 90)
	(d) Review papers Copies of papers re-circulated as follows:- Notice of Review – page 91 Officer's Report - page 215	(Pages 91 - 364)

	Decision Notice - page 228 Papers referred to in Officer's Report – page 231 Consultations - page 287 Support comments – page 307 Objection comments – page 313 General comment - page 327 Additional representation and response – page 329 List of Policies - page 357	
5.	Any Other Items Previously Circulated	
6.	Any Other Items which the Chairman Decides are Urgent	

NOTE

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

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

F E R G U S O N
P L A N N I N G



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.

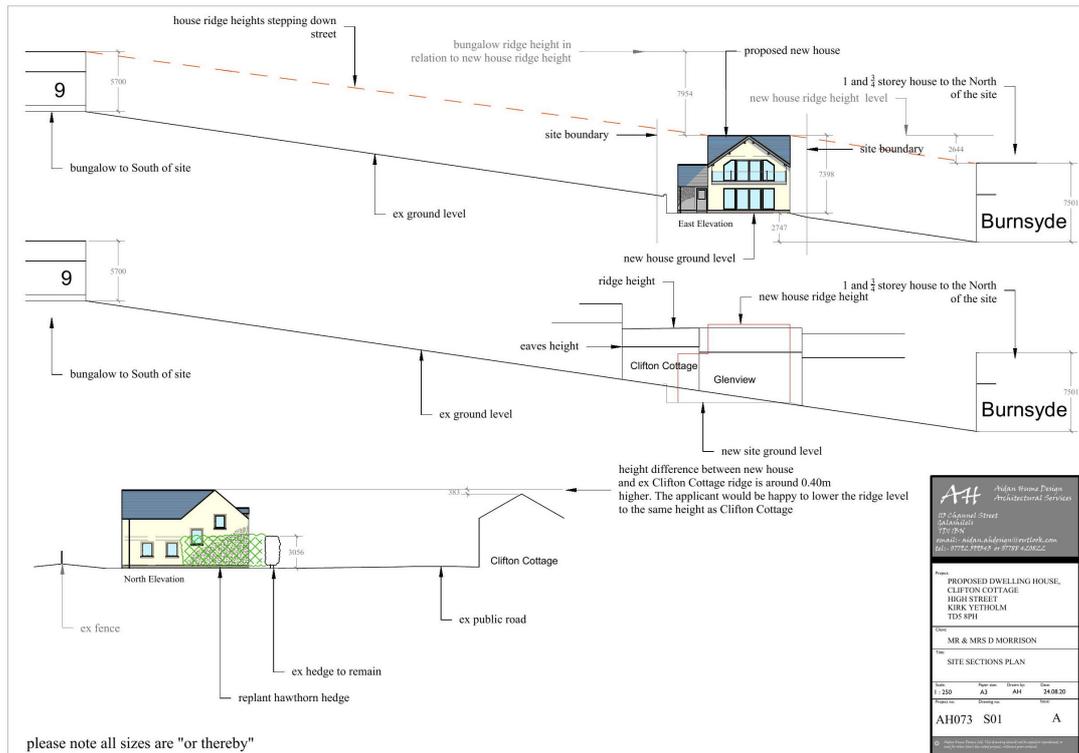
Yours Sincerely



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

Basemaps: Map (Greyscale)

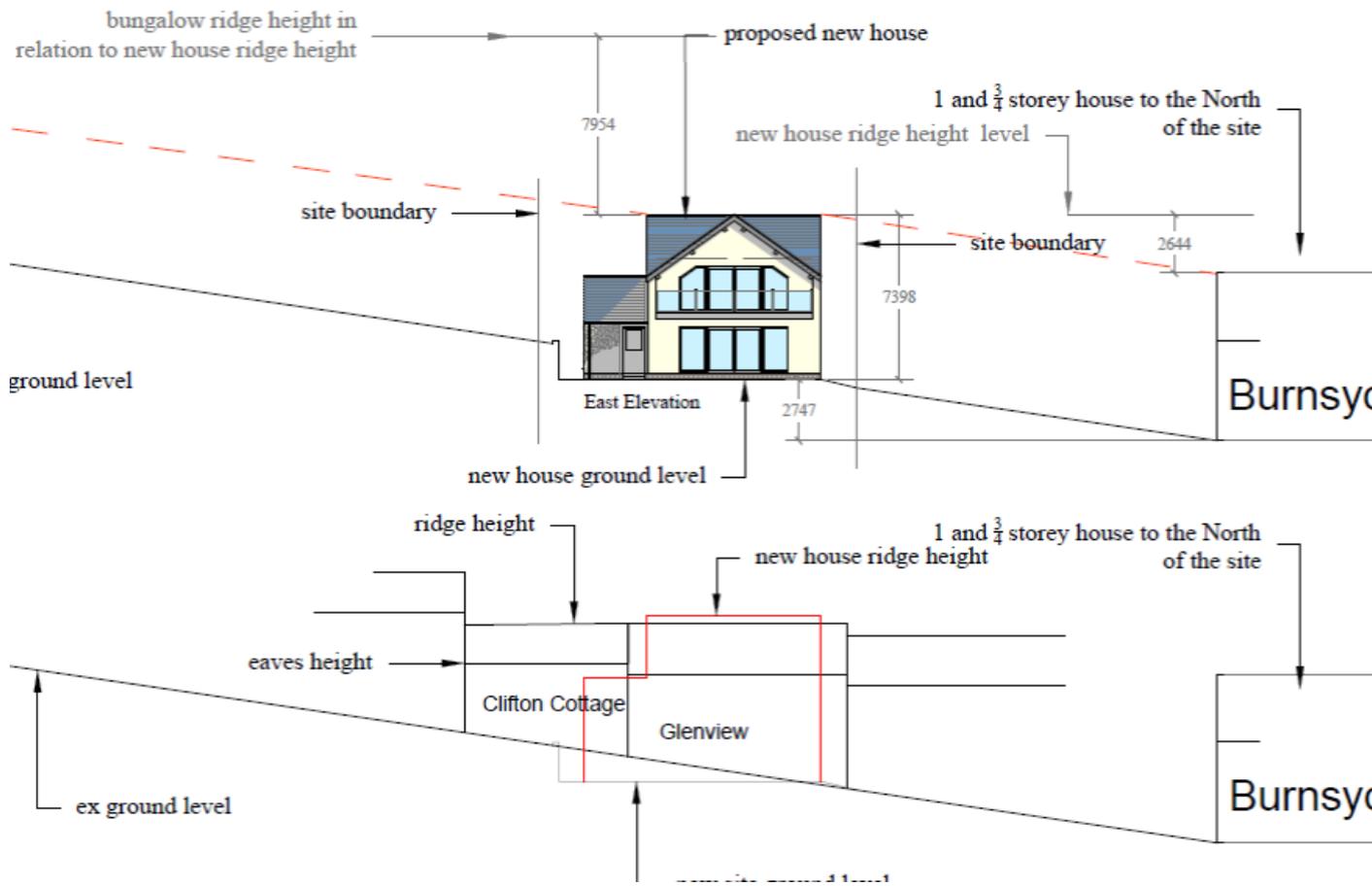
Legend:

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

17 December 2020

BY EMAIL ONLY

Dear Ms McGeoch,

Members of the Local Review Body will be aware that we have written multiple representations on the issue of the proposed dwelling's ridge and eaves height in the period since August 2020. Therefore, this representation seeks to consolidate those representations and minimise the introduction of new evidence.

Principally, it should be understood 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 have extended our endorsement of the quality of drawings prepared by Aidan Hume Design. We reaffirm that endorsement herein.

The up to date drawings comprising the appeal proposal are listed below:

- AH073-P03(B) Location Plan;
- AH073-P02(B) Site Layout Plan;
- AH073-P01(A) Revised Plans;
- Shadow Plan; and
- AH073-S01(A) Site Sections Plan.

With the exception of AH073-S01(A), all measurements relied upon in each drawing were taken on-site by Aidan Hume Design.

Measurements relied upon in AH073-S01(A) were taken by the Appellants as Aidan Hume Design personnel were unable to attend the site owing to restrictions upon work and movement owing to COVID-19.

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.

It should be noted that the proposed dwelling would stand 7.39 metres tall to ridge and 4.65 metres tall to eaves. These dimensions relate to finished ground levels. Furthermore, the relationship of the proposed dwelling's ridge height with ridge heights of nearby existing dwellings is itemised below:

- Clifton Cottage – the proposed dwelling is taller by 0.38 metres (38cm);
- 9 High Street – the proposed dwelling is shorter by 7.95 metres (795cm); and
- Burnsyde – the proposed dwelling is taller by 2.64 metres (264cm).

The ridge of the proposed dwelling standing significantly shorter than 9 High Street but taller than Burnsyde serves to illustrate the influence of the slope upon which all three sit. This slope falls away from south (9 High Street) to north (Burnsyde) as High Street approaches the Village Green.

The broad parity of height with Clifton Cottage (with 38cm discrepancy) shows the proportionate scale of the proposed dwelling. However, although we consider it to be unnecessary, the Appellants are prepared to accept a condition requiring that the ridge height of the proposed dwelling stand no taller than the ridge height of Clifton Cottage.

Third party comments have criticised the “retaining wall” shown on AH073-S01(A). 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.

The wall is not shown on other 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.

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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

A handwritten signature in black ink, appearing to read "Ferguson Planning", written over a light blue background.

Ferguson Planning

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Page 23



Company Registration Number: 614302 (Registered in Scotland)

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Roxburghshire
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3rd January 2021

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

Dear Ms McGeoch

Reference: 20/00018/RRREF

Thank you for your email dated 22nd December and providing me with the opportunity to make this statement to the LRB, ahead of the hearing in connection with the above appeal.

The sentence "Disputed height measurements which were provided to demonstrate the relationship of the proposed house with the neighbouring house to the north." has been used multiple times, in various correspondence of late. You will note from my submission dated 7th September 2020, I have not undertaken a level survey nor have I provided any heights, therefore, I am not in the truest sense of the word, in a position to dispute the dimensions provided on the section drawing. My submissions have been made by me as a neighbour, not as an expert witness; therefore it is not for me to conduct an accurate measured survey. Rather, my previous submission questioned the accuracy of the submission based on, firstly, the difficulties in conducting accurate level surveys and the experience required to conduct such an exercise and secondly, the anomalies and inaccuracies in submissions, the inability to provide the information requested and the clandestine site preparation operation that has taken place. I know not of any professional or regulated practice that would produce a drawing, based on measurements taken by an unqualified and inexperienced individual, without knowledge of the measurement instruments used, and then present that information without any interrogation or check. This is worsened further by the fact the measurements were taken by the applicant, producing a clear conflict of interest.

As I have stated previously, I have concerns about the accuracy of measurements undertaken at Burnsyde. The south gable has a large garage built off it, hampering access to the east most corner. Without having the owner's consent to access the property, I fail to see how it could possibly be measured accurately. It may have been possible to estimate the half way point and measure to it, but that would simply be a guestimate at best.

For the above and the purposes of determining other building dimensions, one presumes the section drawing provided has probably been made with the assistance of mapping software. The foremost mapping software, Promap, uses UKMap to provide" a highly detailed and feature rich mapping layer. It accurately locates buildings, garages, property boundaries, roads, tress and a multitude of other features."... "UKMap has a target accuracy of +/- 1m."¹ Suppose one then uses a building

¹ https://www.promap.co.uk/help/index.html?types_of_map_layers_available.htm

width, taken from the mapping software, and plots against it the height of the eaves and assumes the roof pitch, a ridge height can be calculated. If, however, that building width is inaccurate, +/-1m, there is potential for significant error in the ridge height calculation, Figure 1.

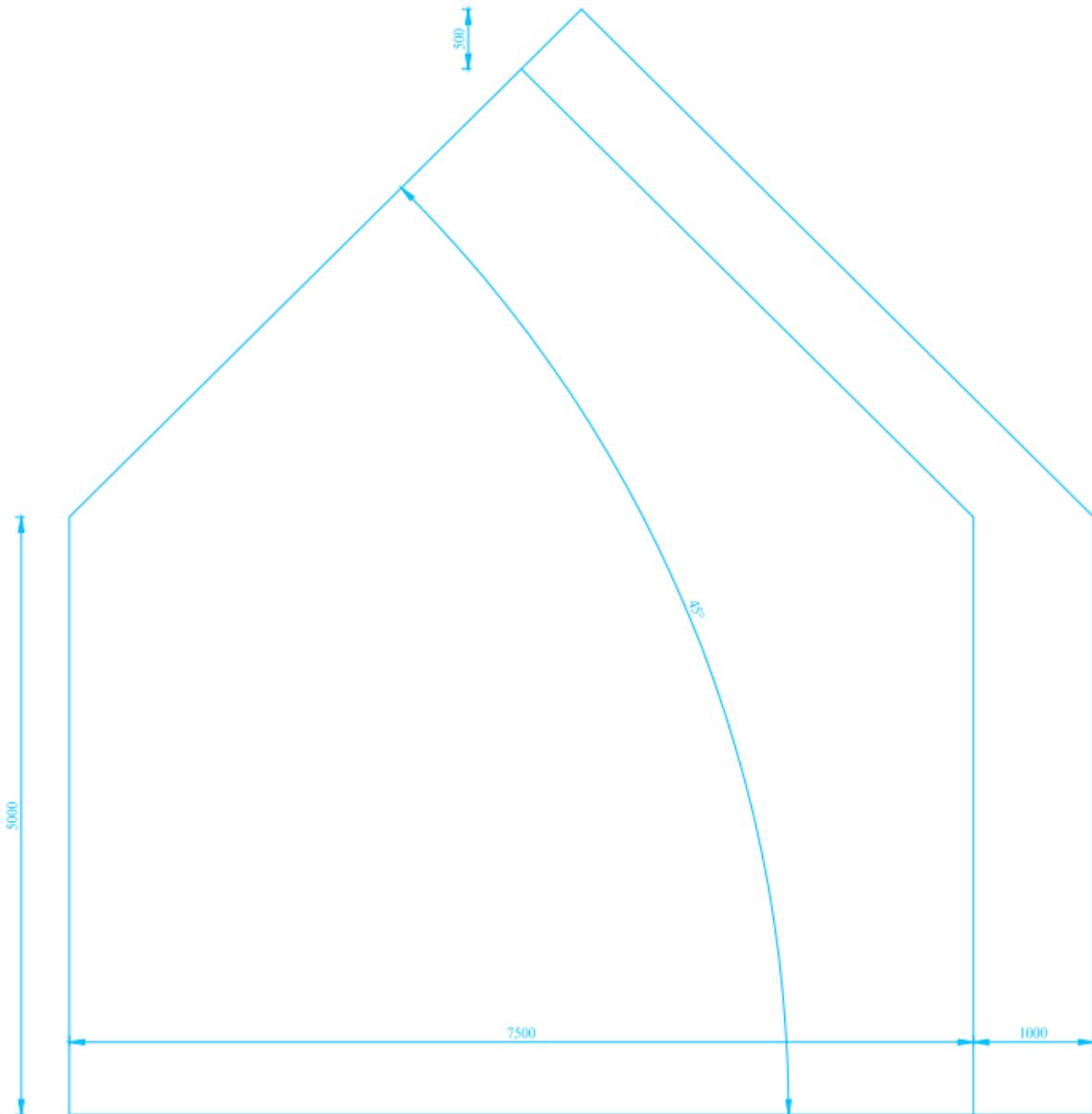


Figure 1: Effect on ridge height from inaccurate building measurement.

In addition to the above, without actually measuring the pitch of a roof, then it is impossible to know their true pitch and impossible to calculate the ridge height with any degree of accuracy or certainty. Perhaps with the exception of Clifton Cottage, there is nothing confirming any other roof has had their pitch measured. Therefore, ridge heights shown in the submission are no more than conjecture. It's true the majority of rooves locally vary between 40° and 50° but without measurement, there is potential for a significant margin of error, Figure 2.

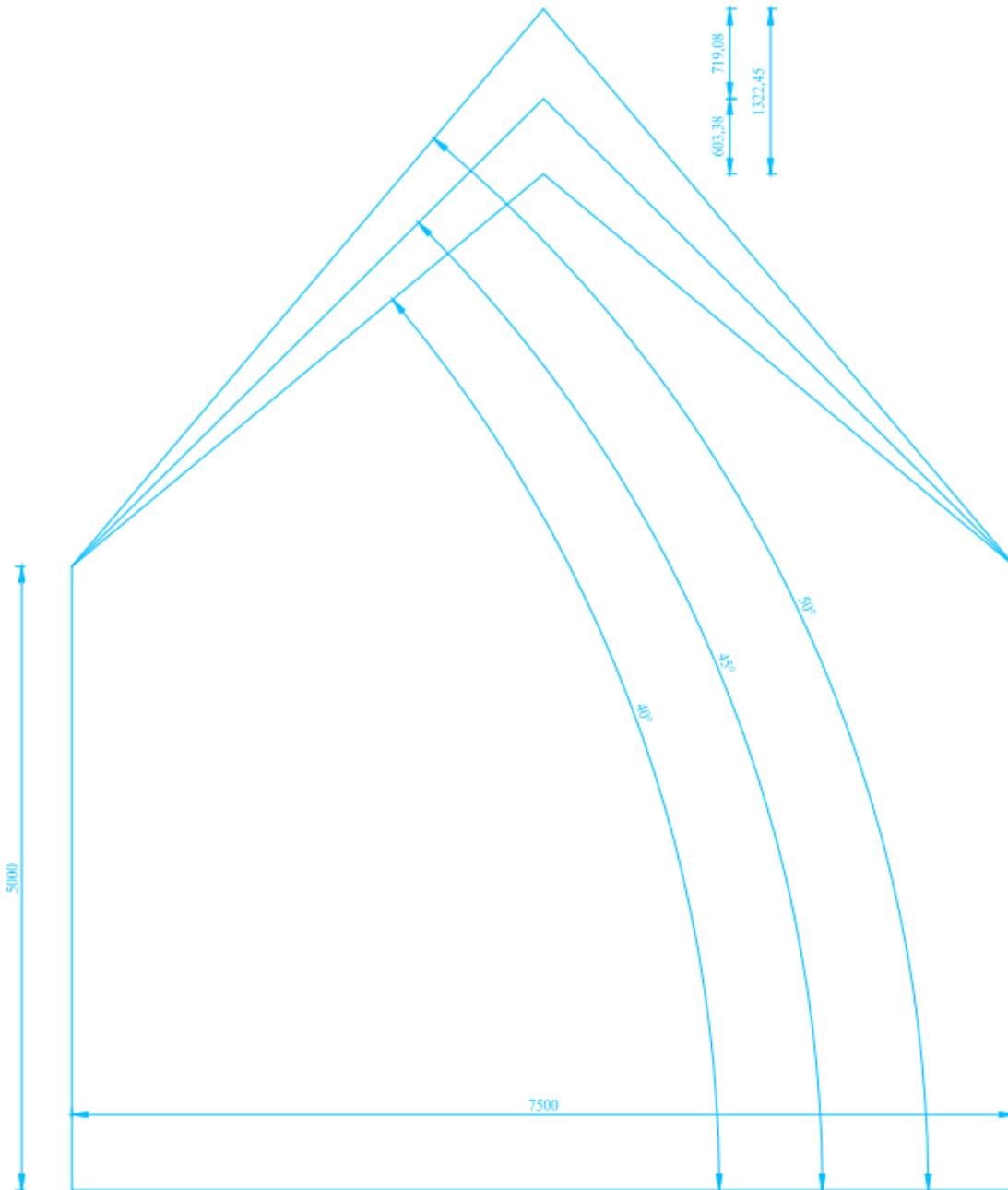


Figure 2: Effect on ridge height from inaccurate pitch measurement.

I understand elevation (height above sea level) measurements for various eaves heights were recorded by GPS. The instrument used is unknown. One presumes it was an easily obtainable, off the shelf recreational type product rather than a highly accurate, specialised receiver from the likes of Leica. The accuracy of such recreational products vary considerably but leading manufacturer Garmin state a possible accuracy within +/-25-50ft.² Apps are available to work with smart phones such as My Altitude and these claim to have an elevation accuracy within +/- 10-20m. Accuracy for all these types of products is greatly affected by weather conditions, buildings and other features which means there is no consistent inaccuracy. For example, next to a building accuracy may be out

² <https://support.garmin.com/en-IN/?faq=tdu65LfVI08mM85HAPoPTA>

by 20m, a measurement taken away from a building may be out by only 1m. With such a potential range of inaccuracy it's easy to see how relying solely on basic GPS/GNSS, particularly from recreational products, to produce accurate and detailed drawings can lead to serious and significant errors. For comparison, a Leica GS16 system, as you may find a professional using, has a vertical accuracy of +/-15mm.³

The location at which GPS measurements were taken also raises some concern. There is no plan of where GPS readings have been taken so it is impossible to know how they correlate to any physical measurement undertaken. It is noted in the applicant's representation dated 28th Aug that the property to the north had the eaves measurement taken and then that measurement was plotted against a GPS elevation reading taken on the nearby public road. This is poor practice and if this is representative of the way in which other measurements have been taken and plotted, it causes grave concern for the accuracy of the information. Figure 3 demonstrates the significant potential for error by the unknown size X.

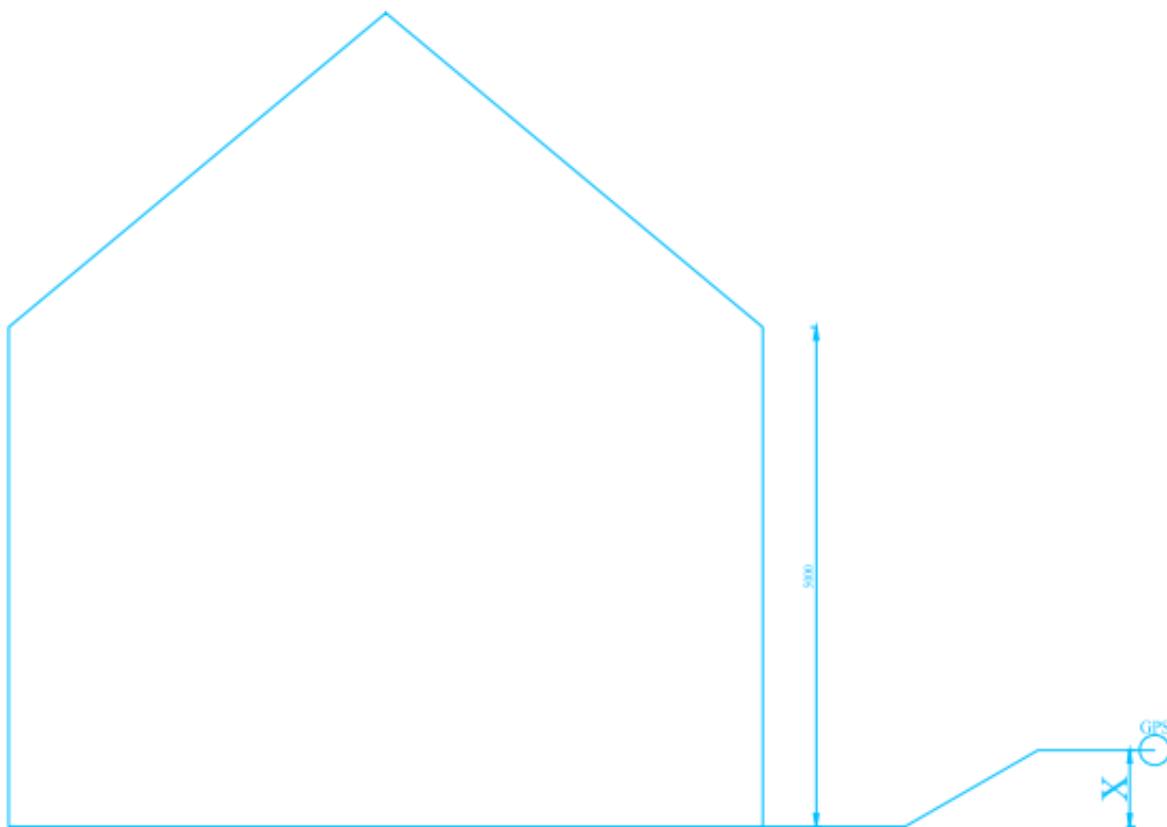


Figure 3: Poor practice in correlating physical measurement to GPS elevations.

The measurement of land and buildings is typically the preserve of a Chartered Surveyor, a qualified and experienced professional regulated by the RICS. As the applicant's Technician is an Associate with RICS, it would seem logical for the survey, used to produce the section, to have been carried out in accordance with the RICS guidance note *Measured surveys of land, buildings and utilities, 3rd edition*. The majority of the document is applicable to the measurement which should have been undertaken in this case, however, a few key points worthy of note are:

³ <https://leica-geosystems.com/en-gb/products/gnss-systems/smart-antennas/leica-viva-gs16>

1.13 Competence of survey staff. The surveyor is responsible for ensuring that his/her staff are qualified, competent, appropriately insured and trained to do the tasks for which they are engaged. Relevant qualifications can include professional and technical membership of RICS, relevant national or regional licences and membership of other equivalent professional bodies.

1.14 Calibration and checking of equipment. The surveyor is responsible for ensuring all equipment is calibrated/verified and checked prior to use and maintained as such throughout the period of survey works, as well as ensuring it is fit for the survey purpose required.

2.1 Survey accuracy. The surveyor is required to eliminate all systematic errors (biases) and gross errors (mistakes) from his/her work and survey outputs. Where possible the surveyor should ensure there is sufficient redundancy in his/her survey observations (control and/or survey detail) to enable survey accuracy to be proven by measurement and analysis of the distribution and size of random errors.

2.6 Survey control network. The surveyor shall establish survey control points that shall be linked together by a network of observations to realise the survey grid on the ground. This network shall include all types of observations required to establish plan and height control and provide sufficient redundancy in observations to allow proof of accuracy

Recommended good practice. Due to the increasing need to relate surveys to national and global coordinate grids and height datums it is recommended that all surveys are linked by direct observation to the relevant national coordinate reference system and regional/international geodetic reference frame. When establishing the relationship between a local grid and national grid via Global Navigation Satellite Systems observations it is recommended that clients and surveyors refer to the RICS guidance note Guidelines for the use of GNSS in land surveying and mapping (2010).

Had the survey and drawing been produced in accordance with the RICS document, one would have full confidence in it and the data would have been capable of interrogation. As it is, being presented with a drawing which in no way meets the brief of the LRB, does not conform to any sort of standard and has had little to no professional input, justifiably raises questions with regards its accuracy.

I look forward to the hearing on the 18th January and would be happy to answer any questions the LRB may have on this or the site video.

Yours sincerely

Kristoffer Smith

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RICS professional guidance, global

Measured surveys of land, buildings and utilities

3rd edition

Measured surveys of land, buildings and utilities

RICS guidance note, global

3rd edition

This guidance note is endorsed by



Published by the Royal Institution of Chartered Surveyors (RICS)
Parliament Square
London
SW1P 3AD
UK
www.rics.org

No responsibility for loss or damage caused to any person acting or refraining from action as a result of the material included in this publication can be accepted by the authors or RICS.
Produced by the Geomatics working group of the Royal Institution of Chartered Surveyors.

First edition published as Specification for surveys of land, buildings and utility services at scales of 1:500 and larger, March 1986

Second edition published as Surveys of land, buildings and utility services at scales of 1:500 and larger, February 1996

ISBN 978 1 78321 064 0

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Typeset in Great Britain by Columns Design XML Ltd, Reading, Berks

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RICS guidance notes

International standards

RICS is at the forefront of developing international standards, working in coalitions with organisations around the globe, acting in the public interest to raise standards and increase transparency within markets. International Property Measurement Standards (IPMS – ipmsc.org), International Construction Measurement Standards (ICMS), International Ethics Standards (IES) and others will be published and will be mandatory for RICS members. This guidance note links directly to and underpins these standards and RICS members are advised to make themselves aware of the international standards (see www.rics.org) and the overarching principles with which this guidance note complies. Members of RICS are uniquely placed in the market by being trained, qualified and regulated by working to international standards and complying with this guidance.

RICS guidance notes

This is a guidance note. Where recommendations are made for specific professional tasks, these are intended to represent ‘best practice’, i.e. recommendations which in the opinion of RICS meet a high standard of professional competence.

Although members are not required to follow the recommendations contained in the note, they should take into account the following points.

When an allegation of professional negligence is made against a surveyor, a court or tribunal may take account of the contents of any relevant guidance notes published by RICS in deciding whether or not the member had acted with reasonable competence.

In the opinion of RICS, a member conforming to the practices recommended in this note should have at least a partial defence to an allegation of negligence if they have followed those practices. However, members have the responsibility of deciding when it is inappropriate to follow the guidance.

It is for each member to decide on the appropriate procedure to follow in any professional task. However, where members do not comply with the practice recommended in this note, they should do so only for a good reason. In the event of a legal dispute, a court or tribunal may require them to explain why they decided not to adopt the recommended practice. Also, if members have not followed this guidance, and their actions are questioned in an RICS disciplinary case, they will be asked to explain the actions they did take and this may be taken into account by the Panel.

In addition, guidance notes are relevant to professional competence in that each member should be up to date and should have knowledge of guidance notes within a reasonable time of their coming into effect.

This guidance note is believed to reflect case law and legislation applicable at its date of publication. It is the member’s responsibility to establish if any changes in case law or legislation after the publication date have an impact on the guidance or information in this document.

Document status defined

RICS produces a range of professional guidance and standards products. These have been defined in the table below. This document is a guidance note.

Type of document	Definition	Status
Standard		
International standard	An international high level principle based standard developed in collaboration with other relevant bodies	Mandatory
Practice statement		
RICS practice statement	Document that provides members with mandatory requirements under Rule 4 of the Rules of Conduct for members	Mandatory
Guidance		
RICS code of practice	Document approved by RICS, and endorsed by another professional body / stakeholder, that provides users with recommendations for accepted good practice as followed by conscientious practitioners	Mandatory or recommended good practice [will be confirmed in the document itself]
RICS guidance note [GN]	Document that provides users with recommendations for accepted good practice as followed by competent and conscientious practitioners	Recommended good practice
RICS information paper [IP]	Practice based information that provides users with the latest information and/or research	Information and/or explanatory commentary

Preface

This third edition of *Measured surveys of land, buildings and utilities* (previously titled *Surveys of Land, Buildings and Utility Services at Scales of 1:500 and Larger*) is published by RICS and prepared by the Mapping and Positioning Practice Panel (MAPPP), the RICS Geomatics Professional Group and a specialist Measured Surveys Working Group. This publication forms part of a series of specifications and guidelines intended to assist those connected with the requesting, purchasing and production of surveys and mapping material at large scales and accuracies, by promoting good practice and avoiding the duplication of effort. The MAPPP is one of the foremost technical practice panels within RICS and is comprised of private and public sector surveying and mapping industry experts, academics and survey instrument manufacturers. This broad expertise enables MAPPP professional/technical guidance and output to adhere to industry good practice.

RICS and MAPPP would like to thank the following main authors and reviewers of this third edition:

Richard Groom MRICS, Environment Agency

Barry Gleeson MRICS, Network Rail

Ian Coddington MRICS, Jacobs UK Ltd

Adam Bradley MRICS, Jacobs UK Ltd

James Kavanagh MRICS, RICS, Director Land Group

All participants in the extensive consultation process

This guidance note represents a complete review of the 1997 edition and supersedes *Surveys of land, buildings and utility services at scales of 1:500 and larger*, 2nd edition. One of the primary changes from the second edition is the use of survey accuracy band, which takes into consideration client requirements for scale independent metadata and digital data handling environments.

In such a fast moving and evolving technology driven environment this third edition is aimed at emphasising the importance of classical surveying and measurement good practice which will hopefully stand the test of time. It need not be connected directly to any specific survey technology or method and can be applied generally to underpin survey products and services. This is considered particularly important in light of the

growth of building information modelling (BIM) and its wider application to the built environment.

The primary intention of this guidance note is to place the relationship and understanding between chartered surveyor and client at the core of any survey project. It is also hoped that it provides a reference document that supports downstream survey data users as well as enhanced collaboration processes such as BIM.

Another change in this edition is the integration of the feature detail annexes into the main specification document according to survey application. This underlines the fact that decisions on what to include in the measured survey are critical to the success of any project relying on survey information. It is hoped this will further complement the concept of level of detail (LOD) and standardisation of metadata to support BIM among other design, build, maintain and operate (life cycle) processes.

However, it is accepted in the current rapidly changing technological environment that an update to this edition may be required in the not-too-distant future.

This edition incorporates ‘recommended good practice’ and ‘background information’ elements within highlighted boxes.

Unlike many survey specifications, this document is intended to provide guidance only and is not intended to be incorporated verbatim into the text of individual contracts. In particular, it requires choices to be selected throughout thus making alternative choices inapplicable. Specification users are free to select the parts of the specification that are relevant to them to incorporate into their own specifications. However, the value of this specification is its structure which will become familiar to clients and surveyors. Users should therefore ensure that they retain the order of clauses within their documents and acknowledge the RICS as source where used.

There are a number of other RICS publications related to the full range of land surveying/geomatics services, including:

Code of measuring practice, 6th edition (2007)

EDM calibration, 2nd edition (2008)

Guidelines for the use of GNSS in land surveying and mapping, 2nd edition (2010)

Terms and conditions of contract for land surveying services, 3rd edition (2009)

Vertical aerial photography and digital imagery, 5th edition (2010).

MAPPP also produces a full range of geomatics client guides on important subjects such as scale, laser scanning, calibration and imagery. A full list of relevant geomatics surveying RICS professional information and other publications can be found within appendix E. In addition, all MAPPP output and further information on the panel can be accessed at www.rics.org/geomatics

RICS is a member of an international coalition initially comprised of 20 founder member organisations to establish the International Property Measurement Standards (IPMS). The first edition of these standards is due to be published in 2014 and the resultant IPMS will relate to and interconnect with all RICS published material (including practice statements, guidance notes and information papers). The use of IPMS will allow 'comparability' in space calculation by using agreed 'area classification' methodologies and an agreed baseline accuracy band as connected to valuation deviation requirements. This is particularly relevant in measured building surveys and this document contains references to the various IPMS Office standard area classifications (IPMS 1, 2, 3). More information on IPMS can be found at www.ipmsc.org

Any comment or feedback on this document should be sent to pgsupport@rics.org and marked for the attention of MAPPP.

Measured survey specification – introduction

This measured survey specification is designed for use by land, engineering and measured building surveyors who are acting in an advisory capacity and by survey knowledgeable clients who specify their own surveys. This document should help clients communicate what they require and expect to receive in terms of survey detail, accuracy, grid, types of survey, formats and final deliverables. It will help both parties clarify related project information issues such as contacts, timescales, data management systems, site access, omissions and supply of existing information. It will assist in having a well-defined set of goals and expectations from a survey for all concerned.

It is recommended that the client and surveyor's initial meeting(s) or discussions in relation to completion of this specification are recognised as being of critical importance to the success of a survey project and if uncertainty exists on either side it is highlighted and resolved before finalisation.

The first question should always be: **What is the purpose of this survey?**

A complete measured survey project specification is contained within this guidance note and particular attention should be paid to the survey detail accuracy band table. The client can choose which features to include in the proposed survey in the relevant section.

Clients and surveyors should also pay attention to the notes and recommended good practice highlighted in boxes throughout this specification that should be followed, unless both parties have agreed it is not appropriate to do so.

Not all measured surveys may require a full specification and where the client-surveyor relationships and expectations are mature, the shorter 'quick specification' within appendix B may be sufficient. However, when specifying surveys all parties are expected to have sufficient competence in the land survey (geomatics) field.

Recommended good practice

It is recommended that this specification is completed by a client or adviser with sufficient competence in land and engineering surveying. If this is not the case he/she should seek advice and support from a chartered land surveyor.

1 Project information

The information given in the following clauses provides essential information needed for the project.

1.1 Project designation

The following are the main client reference titles for this project

Project name:

Project reference no:

1.2 Purpose of project

The project objective is to provide survey information to enable the following work to be carried out by the client:

1.3 Client/agent responsible for payment of works

The client/agent responsible for payment is:

1.4 Form of contract

The terms and conditions of contract are:

[a]	RICS <i>Terms and Conditions of Contract for Land Surveying Services</i> , 3rd edition [2009]	
[b]	Other [specify]	

1.5 Survey location/extent of survey

The location and extent of the survey is shown:

[a]	on a map attached to this specification [filename]	
[b]	as described below:	
[c]	The site is located at [address/description/coordinates]:	

The site contact is (name):

Plot number (if appropriate):

Recommended good practice

It is recommended that the client provides a digital map or plan of the survey extents in PDF and source computer-aided design [CAD] format which allows the surveyor to measure areas, distances etc.

1.6 Project requirements summary

The following sections describe in outline the main scope of work to be carried out by the surveyor and the relevant parts of this specification completed by the client (tick as applicable):

Sections specifying outputs	Required [Please tick]
Section 2: Survey accuracy, control, coordinate grid and datum [mandatory]	
Section 3: Topographic survey	
Section 4: Measured building survey	
Section 5: Underground utility surveys	
Section 6: Setting out	
Section 7: Monitoring and deformation	
Section 8: Deliverables [mandatory]	
Section: Other [specify]	

1.7 Survey schedule dates

The following are the proposed/key survey schedule dates as known at the time of specification issue (if not known insert 'to be confirmed'):

Tender submission:

Commission/award project:

Site works start:

Site works end:

Initial deliverables submission:

Final deliverables submission:

1.8 Project contacts

The principal contact names and addresses relating to this project are given in the clauses which follow – the site contact name is provided in subsection 1.5.

Client

Name:
 Address:
 Email:
 Telephone (office/mobile):

Client representative for matters concerning the project

Position
 Name:
 Address:
 Email:
 Telephone (office/mobile):

Client contact or representative for day-to-day contact

Position
 Name:
 Address:
 Email:
 Telephone (office/mobile):

Others (known local and statutory authorities, etc.)

Position
 Name:
 Address:
 Email:
 Telephone (office/mobile):

1.9 Site access principles

The following site access principles apply to these works (tick one box):

[a]	There is no specific limitation on site access and the surveyor need make no special arrangements.	
[b]	The surveyor shall inform the client in advance of the proposed access dates required, so that the client may make arrangements with the owners/occupiers.	
[c]	The surveyor is required to investigate land ownership and request permission to carry out the survey from land owners/occupiers giving at least a week's notice	
[d]	Other [specify]	

Recommended good practice

In all cases the client should provide a letter of introduction on request from the surveyor to facilitate site access and enquiries from land owners, including authorities. Should the surveyor encounter land owners/occupiers who deny access, he/she should retire politely and inform the client immediately. The client should ensure confidential matters are clarified and to whom letters of introduction cannot be shown to.

1.10 Site access requirements

Responsibility for the following site access requirements are (leave blank if not applicable):

Requirement	By client	By surveyor	Comments
Keys to buildings/gates			
Site specific permits			
Industry safety cards [i.e. UK specific examples CSCS/PTS/ LUCAS/ CCNSG]			
Personal photo ID cards			
Letters of appointment			
Police clearance certificates*			
Security clearance certificates			
Other [specify]			

*Such as Criminal Records Bureau (CRB) certificates in the UK

1.11 Survey facilities

Facilities to be provided (leave blank if not applicable):

Facility	By client	By surveyor	Comments
Office space/co-location			
Inductions (site procedures and health and safety)			
On site welfare (on site toilets, etc.)			
Security personnel			
Safety personnel			
Traffic management			
Temporary access equipment			
Temporary lighting/power			
Training courses (specify)			
Systems access (data)			
Survey equipment			
Software			
Other (specify)			

1.12 Information to support project execution

Information to be provided (leave blank if not applicable):

Information	By client	By surveyor	Comments
National mapping (digital – specify format)			
National mapping (hard copy extract)			
Imagery – satellite and/or orthophotography			
Existing survey information (specify)			
Example survey deliverables			
Site specific hazards*			
Statutory utility records			
Supply of templates for deliverables			
Supply of templates for safety critical document submissions			
Other (specify)			

*If not known state ‘unavailable’

1.13 Competence of survey staff

The surveyor is responsible for ensuring that his/her staff are qualified, competent, appropriately insured

and trained to do the tasks for which they are engaged. Relevant qualifications can include professional and technical membership of RICS, relevant national or regional licences and membership of other equivalent professional bodies.

1.14 Calibration and checking of equipment

The surveyor is responsible for ensuring all equipment is calibrated/verified and checked prior to use and maintained as such throughout the period of survey works, as well as ensuring it is fit for the survey purpose required.

1.15 Protection of property

The surveyor is responsible for the prevention of damage to property and/or the environment caused by his/her works or the actions of employees or people under his/her direct control. This includes responsibility to ensure security of property where the surveyor has been supplied keys for access to normally locked areas and where no additional client security measures are in place.

The client should notify the surveyor of any restrictions in relation to the marking of survey control, vegetation clearance and security requirements. Surveyors should be aware of the potential damage that survey marking can cause to structures, underground utilities and to the environment and take appropriate steps to mitigate this.

1.16 Risk assessment and safety briefing

Unless expressly removed by written instruction the surveyor is responsible for the preparation of method statements, risk assessments, safety and task briefing prior to works commencement and the safety of staff. The surveyor shall provide health and safety documentation to the client as indicated in the following table (tick as appropriate):

Document	Supply for information	Submit for client approval	Comments
Method statement			
Health and safety risk assessments			
Staff briefing document			

The client is to provide the surveyor with any templates to be used for the above documents.

Where client approval is specified, this shall be provided within ... days after submission by the surveyor. If no response is received within that time, the document will, by default, be deemed approved by the client.

Recommended good practice

Notwithstanding legal requirements the client should notify the surveyor of any hazards known to him/her prior to the preparation of the risk assessment [e.g. asbestos, confined spaces, site works].

1.17 Client identified project constraints

The following specific client constraints (e.g. working hours) will apply to the work carried out under this project:

Where constraints are identified by the client after commissioning of works these shall be communicated as soon as practicable to the surveyor and agreement sought on resolution/impact.

1.18 Surveyor identified project constraints

Any constraints identified by the surveyor must be raised in writing to the client during the tender period.

Where constraints are identified after commissioning of works these shall be communicated as soon as practicable to the client and agreement sought on resolution/impact.

1.19 Obscured features

1.19.1 The surveyor will not be responsible for omission of details obscured during site survey dates unless action for clearance in advance has been agreed and completed for:

- (a) features obscured by vegetation, debris, snow, sand, earth, when working outside and plaster, cladding, carpet etc. when working inside buildings
- (b) features obscured by vehicles, trailers, temporary covers, stacked materials
- (c) features inside buildings obscured by coverings, furniture, fixtures and fittings

- (d) features inside inspection covers/manholes/ chambers obscured by debris, blockages (where internal chamber survey details are requested in the scope)
- (e) features obscured by flooding when undertaking non hydrographic surveys
- (f) features omitted due to lack of adequate lighting or physical access (i.e. at height)
- (g) setting out of points where the placement of appropriate markers is restricted due to obscuration, lack of permission, impermeable or un-markable surfaces
- (h) other (specify)

1.20 Action to reduce/remove obscured features

Actions to remove obstructions can be very costly particularly when sought from a surveyor who may not have the opportunity or resources to facilitate such work.

Actions for reducing or removing obscured items are (tick more than one if appropriate):

[a]	to be undertaken by the client prior to the survey date and subject to confirmation as satisfactory by the surveyor for items [specify in relation to letters in 1.19.1]	
[b]	to be undertaken by the surveyor prior to or during the survey work for items [specify in relation to letters in 1.19.1]	
[c]	not expected and may be dealt with by the surveyor if practicable and at his discretion only.	

1.21 Access issues

The surveyor shall advise the client of any access restrictions or related issues which could have an impact on the survey requirements or deliverables. He/ she should notify the client as soon as practical of such issues and ensure all reasonable steps are taken to reduce adverse impacts.

The client and surveyor shall agree any actions to resolve identified access issues or provide explicit agreement on omission from the survey scope of areas proven to be inaccessible.

1.22 Survey records retention

The surveyor shall retain survey records for either (tick one box only):

[a]	a period of no less than 7 years	
[b]	for a period of no less than ... years	

Recommended good practice

It is recommended that surveyors should keep copies of all survey records, including those obtained from other parties, for a period of no less than 7 years. Surveyors and clients should take note of any legal or quality management system requirements to retain records when deciding on this option.

1.23 Survey records access

The surveyor shall make available to the client for inspection, on request, all his/her survey data records including those obtained from other sources.

Recommended good practice

Surveyors shall also observe any legal requirements for records preservation, client confidentiality and protection and ensure adequate storage and security systems are in place to avoid loss or unauthorised access to records.

1.24 Cost for supply of records

1.24.1 Where the surveyor is requested by the client to make accessible all or part of his/her survey records, which are not included as deliverables, the surveyor shall:

[a]	make them available to the client at the surveyors offices without charge	
[b]	make them available by supply to the client without charge	
[c]	make them available to the client at the surveyors offices subject to the following charge [specify costs or basis of charge]	
[d]	make them available to the client by supply subject to the following charge [specify costs or basis of charge]	

1.24.2 Where the surveyor is requested by the client to make accessible all or part of his/her survey records which are not included as deliverables the surveyor shall make them available within the following timescales:

- (a) within one week’s notice
- (b) within (please specify) ... notice
- (c) confirm the access lead time by agreement with the client no less than two days after formal request.

Recommended good practice

Where requested to provide access to records by a client it is recommended the surveyor should confirm availability within 7 days and provide access within no more than 1 month of request date at worst.

2 Survey accuracy, control, coordinate grid and datum

2.1 Survey accuracy

Background information

In a survey context accuracy is considered as the closeness a measurement recorded in a survey has to its true measurement. Differences between the two measurements [recorded and true] are the result of errors with the differences themselves termed residuals. Errors are classified as systematic [biases], gross [mistakes] and random [neither systematic nor gross].

The surveyor is required to eliminate all systematic errors (biases) and gross errors (mistakes) from his/her work and survey outputs.

Where possible the surveyor should ensure there is sufficient redundancy in his/her survey observations (control and/or survey detail) to enable survey accuracy to be proven by measurement and analysis of the distribution and size of random errors.

Background information

Random errors have certain statistical properties and in particular can be expected to be normally distributed. Random errors have an equal likelihood to be larger or smaller than the true measurement and are taken as +/- values. The measure of random errors in a normal distribution is expressed by a term called standard error or sigma. Standard deviation is similar to standard error but is based on a sample of measurements rather than an infinite set [both are represented by sigma]. Standard deviation is taken to be more appropriate for quantifying survey accuracy based on sample measurements. Standard error is typically used as a measure of survey equipment accuracy based the extensive testing carried out by manufacturers.

For survey accuracy to be quantified there must be sufficient measurements to create redundancy in the observations (i.e. repeat or spare observations which allow an average to be generated and residuals to be calculated). Where there are no redundant or repeated observations survey accuracy cannot be verified.

Recommended good practice

Surveyors should eliminate detectable systematic and gross errors by calibrating and checking equipment prior to and during use, by using surveying methodologies and procedures that are self-checking and include independent verifications [e.g. such as comparison of trigonometric, GNSS and levelling data for heighting].

2.2 Survey accuracy banding

Background information

In previous editions of this guidance note, survey detail accuracy has been determined relative to the plot scale at which survey plans or products will be output. Technological changes brought about by digital data capture, storage and processing have made this approach less useful to users of spatial data. It is also likely to be less useful for inclusion in collaborative processes such as building information modelling [BIM]. In this edition RICS has introduced the concept of survey detail accuracy banding. This concept is introduced for all the features recorded and output in surveys, maps/drawings etc. It is expected to support new processes for developing the built environment such as BIM.

The survey detail accuracy band table at 2.3 shall be used to define what accuracies are to be achieved for different surveyed features independent of plot scale.

Where a client requires a bespoke or customised accuracy band(s) he/she shall complete row(s) for custom accuracy in band X Y for plan and band Z for height on the table and insert a prefix for the band within which it falls.

All accuracies quoted within the accuracy band table are taken as the accuracy of individual survey points relative to the survey control points. Verification of the survey detail accuracy by site checks must include measurement to or from survey control.

Relative accuracy between survey detail points shall be subject to the accuracy of each detail point's banding combined, plus the control parts per million (PPM) multiplied by the distance in excess of 100m between the points. This can be calculated by squaring the standard deviation of each survey detail point's relevant band accuracy, adding them together and then taking the square root of the total to establish the relative accuracy, i.e. $\sqrt{(\sigma_1^2 + \sigma_2^2)}$ plus the distance minus 100m multiplied by the specified control PPM.

For example, the relative plan positional accuracy between a band B point and a band D point, located 200m apart and surveyed from survey control specified with 20 PPM will be:

$$[\sqrt{(4^2 + 10^2)}] + [((200\text{m} - 100\text{m}) * 1/50000)] = [11] + [2] = 13\text{mm}.$$

2.3 Survey accuracy band table

The accuracy band table does not determine the level of detail shown for each feature, although it does indicate the minimum size of a feature that will be shown true to scale (true shape/geometry) and not symbolised. Clients may customise this if appropriate to their needs. In general, features will be surveyed by the minimum number of points required to show their geometric position or extents. For example, a tree can be described by a centre point with trunk diameter, spread diameter and a ground and crown level or height. Clients should seek advice from their survey consultant to ensure the correct levels of detail on a feature are surveyed, and to ensure this is consistent with the type of survey outputs requested (i.e. computer-aided design (CAD) model, imagery, scanned point cloud, bespoke measurement etc.).

2.3.1 The accuracy values stated in the table show both 1 sigma (standard deviation/error) and 2 sigma values. 1 sigma accuracy means that 68% of normally distributed observation residuals will fall within the band value shown for 1 sigma with 95% falling within the 2 sigma value. Using sigma accuracy it can be noted that 99.7% of observations will fall within 3 times the 1 sigma value.

2.3.2 Clients should select an accuracy band that suits their accuracy and confidence requirements. For example a client requiring 10mm plan accuracy at 95% confidence interval should select a band C survey (i.e. +/- 10mm at 2 sigma or 95% confidence).

Recommended good practice

Clients should seek advice on the implications of the chosen accuracy band in relation to cost and quality from a chartered land surveyor to ensure that the accuracy bands chosen are suitable for the survey outputs and intended survey data uses.

Survey detail accuracy band table

Plan accuracy (X,Y)			Height accuracy (Z) ¹			Example survey types/uses ²	Approximate legacy plot scale output required to achieve accuracy band ³	Min size of feature shown true to scale [not symbolised]
Band	1 sigma	2 sigma	Band	Accuracy hard detail	Accuracy soft detail			
A	+/- 2mm	+/- 4mm	A	+/- 2mm	N/A	Monitoring, high accuracy engineering setting out and fabrication surveys	1:5	4mm
B	+/- 4mm	+/- 8mm	B	+/- 4mm	N/A	Monitoring, high accuracy engineering and measured building surveys and setting out	1:10	5mm
C	+/- 5mm	+/- 10mm	C	+/- 5mm	N/A	Engineering surveying and setting out, high accuracy measured building surveying, heritage recording	1:20	10mm
D	+/- 10mm	+/- 20mm	D	+/- 10mm	+/- 25mm	Engineering surveying and setting out, measured building surveys, high accuracy topographic surveys, determined boundaries, area registration	1:50	20mm
E	+/- 25mm	+/- 50mm	E	+/- 10mm	+/- 50mm	Measured building surveys, topographic surveys, low accuracy setting out, net area surveys, valuation surveys, area registration, utility verification (QL-A) PAS 128 (UK)	1:100	50mm
F	+/- 50mm	+/- 100mm	F	+/- 50 mm	+/- 100mm	Low accuracy measured building surveys, topographic surveys, high accuracy utility tracing, gross area surveys	1:200	100mm
G	+/- 100mm	+/- 200mm	G	+/- 50mm	+/- 100mm	Topographic surveys, low accuracy measured building surveys, utility tracing surveys, boundary mapping, high accuracy geotechnical, detection (QL-B1 PAS 128 (UK)	1:500	200mm
H	+/- 250mm	+/- 500mm	H	+/- 125mm	+/- 250mm	Low accuracy topographic surveys, national urban area mapping, geotechnical mapping, tree surveys	1:1000	500mm
I	+/- 500mm	+/- 1000mm	I	+/- 500mm	+/- 1000mm	Low accuracy topographic mapping, national non-urban mapping, general boundary mapping, asset mapping, utility survey – detection QL-B4 PAS 128 (UK)	1:2500	1000mm
J	+/- 1000mm	+/- 2000mm	J	+/- 1000mm	+/- 2000mm	Low accuracy route/corridor planning surveys, large area GIS asset mapping	1:5000	2000mm
XY	[Custom] ⁴		Z	[Custom]	[Custom]	Note: To create a customised band please select the band letter required and add as a prefix to XY or Z [i.e. +/-125mm plan = G-XY]		[Custom]

¹ See section 2.3.1 and multiply by 2 for 2 sigma values.

² Example survey types/uses – The table includes examples for users of the types of survey and plot scale output that may be suitable for different accuracies. However, this is not an exhaustive list of examples nor fixed to each band.

³ Legacy plot scale output – This has been included for the benefit of previous users of this document to understand the historical requirements for plot scale related accuracy to achieve this band.

⁴ Add more customised rows if required.

2.4 Survey coordinate reference system

2.4.1 The survey shall use the following coordinate reference system in plan (tick one box only):

[a]	A local grid with a unitary scale factor which is either:	
-	An existing local grid for which there are existing survey control points	
-	A site grid based on existing site features [e.g. a building grid]. Give details:	
-	An arbitrary grid proposed by the surveyor and agreed with the client	
[b]	The country's national grid. Give details:	
[c]	Other [specify]	

Recommended good practice

The selection of grids, height datum and transformation of coordinates is often a complex matter which may have serious technical and financial implications for a project. The client should seek advice from a chartered land surveyor if necessary.

2.4.2 Where a survey control network is tied into or based upon pre-existing survey control points, the source of the coordinate values, expected accuracy, hierarchy and reference grid and height datum shall be confirmed by the client and verified by the surveyor. The surveyor shall notify the client of any discrepancies in supplied control or transformation values which exceeds required accuracies and provide advice on potential implications or solutions to resolve them.

2.4.3 The survey shall use the following height (vertical) datum (select one of the following):

[a]	Surveyed heights [levels] shall be orthometric and quoted in metres above the national height datum published by the national mapping agency.	
[b]	*Surveyed heights [levels] shall be orthometric and quoted in metres above a datum defined by the client using	
[c]	Surveyed heights [levels] shall be orthometric and quoted in metres above a datum defined by the surveyor and agreed with the client [this option could apply, for example, to a building where the datum might be a floor level].	

*Some countries do not have a clearly defined national height datum and height referencing system, in which case either a published global or regional geoid model will have to be used to convert GNSS heights to

orthometric heights or a bespoke geoid model will have to be created for the project.

Recommended good practice

It is recommended that all surveys should be related to the national height datum.

2.5 Connection of chosen survey grid to other coordinate reference systems (where applicable)

Background information

There are instances where 3D coordinate transformations are appropriate, but it is more common to use a 2D transformation for situations where the height component is the same on each coordinate system. The quality of the transformation depends on the number of parameters solved for and this in turn depends on the number, coverage and quality of common points for which the coordinates are known on both coordinate reference systems. The surveyor should report the residuals of the transformed coordinates at each common point and ensure that the client understands any ramifications.

The client requires that (select one of the following):

[a]	The surveyor shall use transformation formulae provided by the client when converting between the survey grid specified in subsection 2.4 and the following coordinate reference systems: [please specify]	
[b]	The surveyor shall observe and compute transformations between the survey grid specified in subsection 2.4 and the following coordinate reference systems: [please specify]	

Recommended good practice

Due to the increasing need to relate surveys to national and global coordinate grids and height datums it is recommended that all surveys are linked by direct observation to the relevant national coordinate reference system and regional/international geodetic reference frame.

When establishing the relationship between a local grid and national grid via Global Navigation Satellite Systems observations it is recommended that clients and surveyors refer to the RICS guidance note *Guidelines for the use of GNSS in land surveying and mapping* (2010).

Where the client provides a defined set of transformation parameters for confirmation, or the surveyor relies on a defined set of parameters supplied by a third party (e.g. national mapping agency) the source values of the parameters shall be validated by the surveyor. When verifying pre-existing survey control coordinate values or transformation parameters to existing reference grids and height datums the surveyor and client should agree the extent of the verification (e.g. selected points/all points) and the type of outputs required (e.g. comparison table of coordinates, best fit transformation parameters and residual).

2.6 Survey control network

The surveyor shall establish survey control points that shall be linked together by a network of observations to realise the survey grid on the ground. This network shall include all types of observations required to establish plan and height control and provide sufficient redundancy in observations to allow proof of accuracy.

Background information

A network can include conventional traversing but should also include cross-bracing and self-checking geometry to ensure geometric weaknesses are mitigated and required accuracy is maintained throughout the network. These observations can include links to national or global survey control networks allowing a coordinated survey control point to be geospatially linked or transformed to national or global coordinate systems.

All survey control point network observations, regardless of observation method, shall be computed and adjusted rigorously using the most appropriate technique to ensure that the survey control accuracy is achieved, and supports the detail accuracy as defined in the accuracy band table and survey detail specification.

Recommended good practice

Where national grid control is relied on for dynamic survey capture [i.e. mobile surveying systems], specific survey control points local to the survey extents shall be established to verify the accuracy of the surveyed detail and/or control the trajectory of the survey sensor.

2.7 Survey control network plan accuracy

The surveyor should use appropriate equipment and techniques to achieve the accuracies required. Should the surveyor decide to use equipment with a higher specification than required, the results should be tested

against the accuracy of the equipment used, not the specification, because unexpectedly large residuals achieved with precise equipment could indicate that there are gross or systematic errors in the observations.

2.7.1 Survey control plan accuracy is specified as a minimum between adjacent points (+/- mm) less than 100 metres apart **and** a ratio or PPM for points over 100 metres apart up to a maximum distance.

2.7.2 Where a survey control network is established it shall be observed and adjusted to achieve the following plan accuracy in the following hierarchy (tick one box):

	The client	The surveyor
Plan control hierarchy shall be defined by:		

Primary/first order plan control accuracy of ...+/- mm up to 100 metres and 1:... or ...PPM in excess 100 metres up to a maximum of ...km

Secondary/second order plan control accuracy of ...+/- mm up to 100 metres and 1:... or ...PPM in excess 100 metres up to a maximum of ...km

Tertiary/third order plan control accuracy of ...+/- mm up to 100 metres and 1:... or ...PPM in excess 100 metres up to a maximum of ...km

(add additional orders/hierarchy if required or add 'n/a' if not applicable above).

Recommended good practice

It is recommended to establish survey control in a hierarchy from primary to secondary to tertiary [first, second or third order] etc. working from the whole to the part [i.e. establish primary or first order control over the full extents of the survey followed by the addition of secondary/second order points etc. to increase density of survey control points for survey detail observation purposes].

The surveyor shall ensure that the required accuracy and suitability of survey control points and traverse/network observations have been met prior to processing of survey detail observations.

The client and surveyor should consider survey control accuracy requirements for the life cycle of a project including future phases which may require a higher accuracy [i.e. setting out, monitoring].

Maintenance of survey control is also important and is covered in subsection 2.13.

2.8 Survey control height accuracy

Survey control height accuracy is specified as a minimum between adjacent points (+/- mm) less than 100 metres apart and a ratio or PPM for points over 100 metres up to maximum distance.

Where a survey control network is established it shall be observed and adjusted to achieve the height accuracy in the following hierarchy:

	The client	The surveyor
Plan control hierarchy shall be defined by:		

Primary/first order plan control accuracy of ...+/- mm up to 100 metres and 1:... or ...PPM in excess 100 metres up to a maximum of ...km

Secondary/second order plan control accuracy of ...+/- mm up to 100 metres and 1:... or ...PPM in excess 100 metres up to a maximum of ...km

Tertiary/third order plan control accuracy of ...+/- mm up to 100 metres and 1:... or ...PPM in excess 100 metres up to a maximum of ...km

(add additional orders/hierarchy if required or add 'n/a' if not applicable above).

Recommended good practice

When tying into national grid or global survey control it is recommended that the tie-in should include observations to sufficient numbers of national or global survey control reference points within and surrounding the survey area.

Where use of mobile survey capture systems is envisaged [i.e. vehicle mounted systems] the trajectory path and adjustment files of sensors must be recorded and evidenced to prove the achievement of survey detail accuracy. In such cases sufficient secondary and tertiary survey control points shall be established within the survey for ease of verification.

Where Global Navigation Satellite System [GNSS] observations are used to observe survey control refer to the RICS guidance note *Guidelines for the use of GNSS in land surveying and mapping* [2010].

For high precision height datum establishment it is common for specialist markers to be used which may require specific adapters. Any use of such markers should be agreed in detail with the client.

2.9 Survey control outputs

Recommended good practice

Survey control may be observed simultaneously with observations to detail, but should always be computed before computing detail observations. The surveyor should ensure that the control is systematic and gross error-free and conforms to the accuracy specification before computing detail observations. If the surveyor fails to do this, he/she runs the risk of having to re-compute the detail survey should a subsequent error be found in the control survey.

The following table confirms the survey control outputs required. The deliverable type column should be used to define the generic output format such as CAD, point cloud, report, hard copy, image file, video file, spreadsheet, textual data, database, GIS database etc.

Description of output	Required	Digital deliverable format (if applicable)	Comments
Survey control report			
Survey control witness diagrams			
Survey control observation adjustment - to be submitted for review before survey detail is processed			
Survey control observation adjustment	Mandatory		
Survey control levelling observations and reductions - to be submitted for review before survey detail is processed			
Survey control levelling observations and reductions	Mandatory		
Survey control network diagram	Mandatory		
Survey control levelling network diagram	Mandatory		
Survey control grid and datum definition/s and transformations between other systems where requested	Mandatory		
Survey control tie-in report showing connections to existing survey control and misclosures or changes to legacy values			
Survey control coordinate list	Mandatory		
Survey control photographs			

Recommended good practice

It is good practice to combine a summary of the survey control outputs in a survey control report with supporting files. A template for such a report can be provided by the client or defined in the deliverables section.

2.10 Survey control markers

The surveyor shall provide permanent survey control markers on site based on (tick one box):

[a]	the minimum number to define the grid and height datum over the geographic extents of the survey area and enable verification of detail accuracy	
[b]	at every setup or survey control point where practicable	
[c]	in accordance with the following client requirements (please specify)	

2.11 Survey control marker locations

Permanent markers for survey control shall not be placed so that they present a health and safety hazard to people or animals or cause damage to property or equipment. Clients shall be consulted if any doubt or difficulty arises.

The surveyor shall locate permanent markers for survey control (tick one box):

[a]	As required for the survey at the surveyor's discretion	
[b]	As required for the survey and agreed in advance with the client	
[c]	As required by the client and confirmed in advance to the surveyor Method of confirmation will be: (please specify)	

In certain environments (railways, heritage, industrial/commercial buildings) installation of permanent markers may be strictly controlled. Clients and surveyors should ensure any such constraints are reconciled with the survey control permanent marker requirements and locations and clearly understood.

Recommended good practice

It is good practice to ensure that the survey control points are located in stable locations with good inter-visibility to other points on the network (for measuring angles) and are likely to be free from disturbance [particularly construction works].
When setting up survey control points for monitoring surveys it is essential that sufficient primary points are located outside any zone of influence of expected movement. The same may be appropriate for all survey works where subsequent site changes are likely to cause substantial loss or disturbance to the survey control network points.
It is useful to plan in advance, with the aid of existing site location information, the intended survey control network and method of installation. When planning monitoring networks it can also be appropriate to confirm the expected accuracy of the survey control network based on pre-analysis of locations and observation geometry.

2.12 Survey control marker types

The following requirements for survey control marker type selection shall be followed (tick one box):

[a]	The surveyor shall use his/her discretion to select the most appropriate marker type for all survey control points noting the examples shown in appendix A.	
[b]	The following types of markers (see examples in appendix A) shall be used: Type 1 for the following hierarchies of control Type 2 for the following hierarchies of control Type 3 for the following hierarchies of control (Client to add additional types as required)	

Recommended good practice

If using specialist marker types that require specific adapters etc. these should be detailed in the specification and/or confirmed by the surveyor in the survey report to ensure future compatibility/usefulness. If survey control is taken from existing site features it should be of sufficient stability and definition (plan and height) to allow verification of the survey control accuracy requirement.

2.13 Survey control maintenance

The following are the survey control maintenance requirements (tick one box):

[a]	The client shall take full responsibility for the protection and maintenance of survey control points post installation	
[b]	The surveyor shall undertake an inspection and report on the status of survey control points [existence, risk of disturbance, visibility to original network] and likely maintenance/update requirements after ... months/years from survey completion and this shall be repeated ... times until ...	
[c]	Other [specify]	

Recommended good practice

Clients should consider in a Survey Strategy, or otherwise, the ongoing need to maintain and replace survey control points, particularly where changes are inevitable as part of planned works. Clients should allow for verification and update of survey control at various stages in a project life cycle including prior to setting out, construction works, final as-built surveys and project hand back. Clients should also consider any need for densification or improvement of survey control if tasks require higher accuracies than those initially anticipated at commissioning [such as for monitoring works].

2.14 Survey control point records

Regardless of the survey control output requirements the surveyor shall record the following in relation to survey control permanent markers or reference points:

- (a) control point hierarchy, accuracy and name
- (b) plan co-ordinates and grid
- (c) height value and datum
- (d) type of marker
- (e) photograph of marker and location
- (f) sketch or plan with dimensions (to 1cm resolution) to adjacent visible features.

Supply of survey control records can be confirmed in the survey outputs table and the format in the deliverables section (section 8).

Recommended good practice

Where use or tie-in to existing survey control points has been specified, a similar list of information defining the existing survey control points should be supplied by the client where available. Where survey control points are taken from existing features [e.g. well-defined building corners or corner of manhole frames] these shall be recorded in the same manner as survey control markers to ensure that the exact reference point can be located and measured from.

3 Topographic surveys

This section will be used by the client to specify which topographic survey features will be surveyed and to what accuracy band, as stated in the survey detail accuracy band table (section 2.3).

The table indicates the size of detail that can be surveyed true to scale for each accuracy band. Detail that is smaller than this size will be generalised or symbolised.

3.1 Default accuracy band

The default topographic survey detail accuracy band for this project will be:

The client will confirm features to be surveyed at a different accuracy band, or that are not to be surveyed, in the following tables.

Recommended good practice

Survey features captured at bands A, B and C are generally considered to involve additional work and may incur additional cost. The methods of survey required are dependent on the survey band selected. It should be remembered that all surveys shall be connected to a local and/or national grid system as outlined in section 2.

3.2 Topographic survey outputs

The following table confirms the topographic survey outputs required. The deliverable type column should be used to define the generic output format such as CAD, point cloud, report, hard copy, image file, video file, spreadsheet, textual data, database, GIS database etc. Section 8 Deliverables shall be used to confirm the specific client requirements for each deliverable type.

Output	Required	Deliverable type	Comments
2D topographic survey			
3D topographic survey			
3D/digital terrain model [grid]			
3D/digital terrain model [triangular irregular network - TIN]			
3D/digital terrain model [string model]			
3D contours			Minor interval Major interval
[1] Registered point cloud [intensity]			
[2] Registered point cloud [colour - RGB values]			
[3] Registered point cloud [viewer format, intensity]			
[4] Registered point cloud [viewer format, colour]			
GIS			
Cross sections			
Long sections/alignments			
ASCII data			
Survey report			
Other [specify]			

Recommended good practice

If aerial imagery is specified clients and surveyors should refer to the RICS guidance note *Vertical aerial photography specification and digital imagery*, 5th edition [2010].

3.3 Topographic features

Recommended good practice

The following tables provide a listing of features to be surveyed. This is not intended to be an exhaustive list and the client should add additional features and comments if required.

Some features have been pre-selected as 'default features'. These are considered by RICS to be features which, if present on site, should be surveyed and presented on a standard topographic survey, irrespective of the accuracy band selected by the client. However, features not required for a specific survey can be identified by the client by removing the tick from the relevant box.

The following topographic survey features are to be surveyed:

3.3.1 Permanent buildings/structures

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Archways, underpasses, culverts	✓		
Bridge over, bridge under	✓		
Buildings/ structures detailed at plinth line	✓		
Building/ structure corners (spot heights)	✓		
Foundations (where exposed)	✓		
Overhead features, canopies, porches, etc.	✓		
Ramps, loading bays	✓		
Ruins	✓		
Steps (generalised)	✓		
Gullies	✓		
Rain water down pipes	✓		
Rodding eyes	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Floor/threshold levels			

Steps: individual			
Steps and ramps, top and bottom (spot levels)			
Threshold/damp proof course levels			
Boot scraper			
Waste pipes			
Additional feature detail not requested above (specify detail required)			
Heights of features (specify detail required)*			
Other (specify)			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.2 Temporary/mobile buildings

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Garden sheds, greenhouses	✓		
Mobile buildings	✓		
Temporary buildings or structures	✓		
Overhead features, canopies, porches, etc.	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Additional feature detail not requested above (specify detail)			
Heights of features (specify detail required)*			
Other (specify)			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.3 Road, path, track features

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Channel line – road	✓		
Centre line – road	✓		
Camber line on roundabouts	✓		
Carriageway edge	✓		
Drop kerbs	✓		
Top of kerb	✓		
Road centreline, channel, kerb, pavement levels shown as text on drawings	✓		Surveyed at [...]m intervals
Crash barriers	✓		
Gullies, kerb outlets	✓		
Pedestrian barriers	✓		
Pedestrian crossings	✓		
Speed humps/ tables/traffic calming features	✓		
Traffic islands, details	✓		
Back edge of footway	✓		
Changes of surface material [hard detail]	✓		
Changes of surface material [soft detail]	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Road markings, painted			
Other road features, e.g. vehicle sensors			
Unmade tracks and paths [specify centre only, or sides required]			
Paving pattern details			
Additional feature detail not requested above [specify detail]			
Heights of features [specify detail]*			
Other [specify]			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.4 Visible boundary features – walls, fences, hedges

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 4)	Comments
Fences: with type, with height [if required]	✓		
Gates	✓		
Hedges and ditches	✓		
Walls: with type, with height [if required]	✓		
Wall buttresses	✓		
Cadastral features [boundary markers, stones, beacons, posts, stakes etc.]	✓		
Trees	✓		
Other			
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Gate: direction of opening shown			
Additional feature detail not requested above [specify detail required]			
Heights of features [specify detail required]*			
Other [specify]			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.5 Street furniture

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Belisha Beacons/ special road crossings	✓		
Barriers	✓		
Bollards	✓		
Bus stops, bus shelters	✓		
Junction/control boxes	✓		
Hoardings	✓		
Lamp posts	✓		
Telegraph/ electricity poles	✓		
Road signs	✓		
Traffic signals	✓		
Post boxes	✓		
Mile posts	✓		
Notice boards	✓		
Posts	✓		
Ticket machines	✓		
Troughs	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Flagstaffs			
Street name plates, wall mounted			
Vent pipes			
Drainage channels			
Cellar hatches and pavement lights			
Coal holes			
Cycle racks			
Litter bins			
Reflector posts			
Salt/grit bins			
Seats/benches			
Additional feature detail not requested above [specify detail required]			
Heights of features [specify detail required]*			
Other [specify]			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.6 Statutory authorities' plant and utility covers where visible

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Air valves	✓		
Cable TV inspection covers	✓		
Cabinets (identified)	✓		
Electricity covers	✓		
Electricity poles	✓		
Fire hydrants	✓		
Inspection covers/manholes with level	✓		
Gas/water stop valves and stop cocks (cover)	✓		
Water meter or gas meter covers (distinguished from valve)	✓		
Marker posts	✓		
Surveillance cameras	✓		
Telecoms inspection covers	✓		
Telegraph poles	✓		
Telephone call boxes	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Cable TV house points			
Pole stay wires			
Lamp posts			
Additional feature detail not requested above [specify detail required]			
Heights of features [specify detail required]*			
Overhead wires, [specify if building connections to be shown]			
Other [specify]			

*Height detail could include spot heights, annotations, 3D graphics or other.

Recommended good practice

Survey of underground utilities is specified in section 6. Also note that identification of service covers should be made where possible from the service cover annotation/appearance.

3.3.7 *Trees, wooded areas, limits of vegetation*

Trees to be surveyed to BS 5837:2012 or equivalent national standard Yes No

Recommended good practice

In the UK, surveys of trees in preparation for a Tree Survey to British Standard BS 5837:2012 requires additional survey work including survey of all individual trees with trunk girth greater than 74mm, when measured at 1m above ground level. This may incur additional cost. Clients and surveyors should refer to their national and/or international standards for tree surveys. If BS 5837:2012 is required for this survey the requirements of the standard will override any conflicting requirements in the following table.

Individual trees/bushes details to be annotated on drawing	
Individual trees/bushes to be numbered with details provided in a schedule	

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Woodlands perimeter trees/ tree canopy	✓		
Bushes/shrubs	✓		Minimum girth to be surveyed [...]m
Individual trees	✓		
Isolated trees	✓		Minimum trunk girth [at 1m above ground level] to be surveyed [...]m
Ornamental/road side trees, including planting boxes	✓		
Edge of vegetation	✓		
Areas of saplings/young trees	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Staked saplings (individual)			

Tree numbers (specify detail required)			
Tree heights (estimated)			
Tree heights (measured)			
Tree spread (canopy diameter)			
Tree trunk girth at 1m above ground			
Tree species (may require specialist knowledge and input)			
Additional feature detail not requested above (specify detail required)			
Other (specify)			

3.3.8 *Pitches/recreation*

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Pitch/playground limits only	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Pitch markings, goal posts			
Playground apparatus			
Additional feature detail not requested above (specify detail required)			
Heights of features (specify detail required)*			
Other (specify)			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.9 Water features

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Watercourses (drains, ditches, streams, rivers) levels to be shown on drawn plans at [...]m intervals	✓		
Waterline	✓		
Water level	✓		
Shore line (detail exposed at low tide)	✓		
Bodies of water (ponds, lakes, reservoirs)	✓		
Top of banks	✓		
Bottom of banks	✓		
Weirs	✓		
Locks	✓		
Flood defence structures	✓		
Flood/lock gates	✓		
Flood/harbour/sea/retaining walls	✓		
Sheet piling	✓		
Groynes/sea defences	✓		
Pipes/outfalls/culverts	✓		Minimum diameter pipe to be surveyed [...]m
Piers, jetties, walkways, gantries, landing stages, bridges	✓		
Fountains	✓		
Waterfalls	✓		
Gabions	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Direction of water flow			
Time of survey for waterline/level			
High water mark (inc. date)			
Low water mark (inc. date)			
Wrack marks			

Bottom bank below water level, surveyed from bank where possible			
Bottom bank below water level, surveyed from within watercourse			
Hard bed levels [surveyed at [...]m intervals]			
Soft bed/silt levels [surveyed at [...]m intervals]			
Bed type/material			
Scours			
Floating structures/booms			
Crest/spill levels			
Pipe/outfall/culvert dimensions (diameter/invert/soffit levels)			Minimum diameter pipe to be surveyed [...]m
Machinery, pumps			
Telemetry equipment			
Navigation beacons			
Aprons, footings, sills, bases			
Steps, access ladders			
Mooring posts, bollards, rings, piles			
Life rings/life buoys			
Rubbing strips			
Ornamental water features			
Gauge boards			Relate readings on gauge board to survey height datum
Fishing platforms			
Pontoons			
Booms			
Additional feature detail not requested above [specify detail required]			
Heights of features [specify detail required]*			
Other [specify]			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.10 Earth works

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Bank bottom	✓		
Bank top	✓		
Hilltops, depressions and saddles (spot heights)	✓		
Mounds, spoil heaps	✓		
Quarries, pits and mineral workings (limit only)	✓		
Quarries, pits and mineral workings, detailed survey	✓		
Retaining wall, base	✓		
Retaining wall, top	✓		
Sloping masonry, bottom	✓		
Sloping masonry, top	✓		
Terraces	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Additional feature detail not requested above (specify detail required)			
Heights of features (specify detail required)*			
Other (specify)			

*Height detail could include spot heights, annotations, 3D graphics or other.

3.3.11 Industrial sites (e.g. treatment works, oil refineries, etc.)

Feature	Required (tick or untick)	Accuracy band (if different to band stated in 3.1)	Comments
Aerials	✓		
Cable tracks/ ducts (outline only)	✓		
Chimneys	✓		
Electric sub stations or transformers (perimeter fence only)	✓		
Filter beds (limits only)	✓		
Inspection pits	✓		
Inspection covers, gullies, ducts and conduits (spot levels)	✓		
Pipe work or ducts (outline only)	✓		
Overhead pipes/ cables	✓		
Overhead line tower/ freestanding mast or pylon, including visible bases	✓		
Tanks/storage chambers (outline only)	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Flood lights			
Water taps/stand pipes/troughs			
Earth rods			
Additional feature detail not requested above (specify detail required)			
Heights of features (specify detail required)*			
Other (specify)			

*Height detail could include spot heights, annotations, 3D graphics or other.

4 Measured building surveys

This section of the specification refers to the internal and external survey of standing buildings or structures. Section 3 (Topographic survey) is intended to deal with the survey of the surrounding area and the provision of external control. Both types of survey can be combined if necessary.

This section shall be used by the client to select specific features for survey and the desired accuracy – **please review the survey detail accuracy band table in section 2.**

At each increase in accuracy more details can be shown. This is not meant to be an exhaustive list.

4.1 Default accuracy band

The default measured building survey detail accuracy band for this project will be accuracy band

The client will confirm features to be surveyed at a different accuracy band, or not to be surveyed, in the following tables.

Recommended good practice

Survey features noted captured at bands B and C are generally considered to involve additional work and may incur additional cost. The methods of survey required are dependent on the survey band selected. Remember that all surveys shall be connected to a local and/or national grid system as outlined in section 2.

4.2 Measured building survey outputs

The following table confirms the measured building survey outputs required. The deliverable type column should be used to define the generic output format such as computer-aided design (CAD), point cloud, report, hard copy, image file, video file, spreadsheet, textual data, database, GIS database, building information modelling, wireframe model, etc. Section 8 Deliverables shall be used to confirm the specific client requirements for each deliverable type.

Output	Required	Deliverable type	Comments
Floor plan drawing			
Roof plan drawing			
Reflected ceiling plan drawing			
Cross sections			
Elevations			
3D model [wireframe]			
3D model [surface]			
3D model [solid]			
BIM [see section 8]			
[1] Registered point cloud [intensity]			
[2] Registered point cloud [colour - RGB values]			
[3] Registered point cloud [viewer format, intensity]			
[4] Registered point cloud [viewer format, colour]			
IPMS 1			
IPMS 2 [components A-H]			
IPMS 3			
ASCII data			
Survey report			
Other [specify]			

Recommended good practice

The tables that follow provide a list of features to be surveyed. This is not intended to be an exhaustive list and the client should add additional features and comments if required.

Some features have been pre-selected. These are considered by RICS to be features which, if present on site, should be surveyed and presented on a standard topographic survey, irrespective of the accuracy band selected by the client. However, features not required for a specific survey can be identified by the client by removing the tick from the relevant box.

4.3 Measured building survey features

The following measured building survey features are to be surveyed:

4.3.1 Structure

Detail	Required [Note: remove if not required]	Accuracy band if different to band stated in 4.1	Comments
Beams	✓		
Ceilings	✓		
Columns	✓		
Doors	✓		
Floors	✓		
Steps/stairs/ ramps/lifts	✓		
Walls	✓		
Windows	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Internal roof and ceiling structure			
Under floor details			
Additional feature detail not requested above [specify detail required]			
Other [specify]			

4.3.2 Fitting out

Detail	Required [tick or untick]	Accuracy band if different to band stated in 4.1	Comments
Partitions	✓		
Raised floor/ changes in floor level	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Cupboards			
False ceiling			
Fixed furniture			
Floor, wall and ceiling description			
Planters			
Window details [specify requirements]			

Additional feature detail not requested above [specify detail required]			
Other [specify]			

4.3.3 Heights/levels annotation

All heights should be (client to tick as appropriate):

Given from floor level	
Related to datum specified in section 2	

Detail	Required [tick or untick]	Accuracy band if different to band stated in 4.1	Comments
Arch heights	✓		
Beam soffits	✓		
Ceiling heights	✓		
Floor levels at centre of each room	✓		
Floor levels at stairs, [top and bottom]	✓		
General floor levels	✓		
Window and door heights	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Floor levels at doorways			
Floor levels in corners of each room			
Heights of other features [specify features and detail required]			
Other [specify]			

Recommended good practice

In this context 'height' refers to dimensional information [the physical distance from a floor level to the top of an arch for example] while 'level' refers to a value derived from an agreed datum.

4.3.4 Services

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
WCs, sinks and basins	✓		
Inspection chambers (cover location and level only)	✓		
Features below will only be surveyed if specifically selected by the client. These are not typically surveyed/required at all accuracy bands			
Fire equipment			
Lights			
Pipework			
Plant			
Radiators			
Risers			
Service intakes			
Sprinklers			
Switches/sockets			
Additional feature detail not requested above (specify detail)			
Other (specify)			

4.3.5 Roofs (if requested in 4.2)

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
Chimneys (outline only)			
Drainage features			
Fire escapes, catwalks (outline only)			
Parapets			
Plant and services (outline only)			
Ridge lines			
Surface materials			
Vents			
Windows and skylights (outline only)			
Additional feature detail not requested above (specify detail)			
Other (specify)			

4.3.6 Internal roof spaces and ceiling voids

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
Ceiling joists - size, spacing and alignment			
Hatches			
Services (specify detail required)			
Tanks (outline only)			
Trusses - size, spacing and alignment			
Additional feature detail not requested above (specify detail required)			
Other (specify)			

4.3.7 External features

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
Balconies			
Car parking			
Curtilage			
Pathways			
Gardens			
Roof terraces			
Swimming pools			
Ponds			
Play areas			
Additional feature detail not requested above (specify detail required)			
Other (specify)			

Recommended good practice

Should more detail/additional features be required for external areas it is recommended that this be specified using section 3 (Topographic survey).

4.4 Areas and dimensions

The following detail features/information is to be shown on floor plan drawings (if requested in 4.2).

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
Dimensions (specify detail)			
Main room dimensions (annotated)			
Room areas			
Room volumes			
Gross External Area (GEA)			
Gross Internal Area (GIA)			
Net Internal Area (NIA)			
IPMS 1			
IPMS 2			
IPMS 3			
Additional feature detail not requested above (specify detail)			
Other (specify)			

4.5 Cross-section features

The following detail features/information is to be shown on cross-section drawings (if requested in 4.2).

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
External building face shown in outline			
External building face shown in full detail			
Sections to show simple outline elevation of facing wall			
Principal heights			
Structural members			
Additional feature detail not requested above (specify detail)			
Other (specify)			

4.6 Elevations features

The following detail features/information is to be shown on cross-sections drawings (if requested in 4.2).

Detail	Required (tick or untick)	Accuracy band if different to band stated in 4.1	Comments
Elevations shown in outline only			
Elevations shown with detail features (as selected below)			
Balconies			
Chimneys			
Door and window reveals			
Door and window sills and heads			
Door and window detail			
Parapets			
Pipes			
Principal heights			
Roof details			
Stonework/brickwork details			
String courses			
Indicate floor levels with broken lines			
Additional feature detail not requested above (specify detail)			
Other (specify)			

4.7 Additional information/references

For the purposes of investment valuation, valuation, estate agency or other forms of property agency, clients and surveyors should refer to the RICS *Code of Measuring Practice*, 6th edition (2007). This document is under review (2014/15) due to the production of the International Property Measurement Standards (IPMS). Within the new guidance note and IPMS document important concepts of space are defined. See the IPMS website (www.ipmsc.org) for the latest updates.

For surveys of historic and heritage buildings and structures, clients and surveyors can find guidance and further information in the *Metric Survey Specifications for Cultural Heritage* (2009) English Heritage (see www.english-heritage.org.uk/publications/metric-survey-specification/).

5 Underground utility surveys

This section of the specification refers to the survey of underground utilities. The term refers to the detection, location, positioning and identification of buried pipes and cables beneath the ground. In order to present the results of the survey in context it will be necessary to provide an associated topographic survey of the surrounding area at surface level in accordance with section 3. This survey should include any surface indications of buried utilities such as reinstatement scars and covers to valves, manholes and inspection pits. If no suitable topographic survey is available then both surveys can be combined into one commission.

In June 2014 the British Standards Institute published in conjunction with the Institution of Civil Engineers a specification on underground utility surveys. PAS 128:2014 *Specification for underground utility detection, verification and location* provides clear and explicit requirements that a survey practitioner is to follow in executing utility surveys. This section advises the client in selecting what specific requirements and methodologies the practitioner should follow.

Note: Other terms used for this type of survey include service tracing, utility detection survey, and utility mapping survey. The terms radar or GPR survey or CAT scan or CAT and genny survey are not appropriate as they refer to just one technique and should therefore be avoided.

Recommended good practice

A successful utility survey will rely on more than just a methodical collection of data with the techniques described below. A holistic approach is needed to understand the whole network of utilities that are present within the survey area. An awareness of how these networks are installed and function is essential requiring experienced, well trained site staff.

5.1 How PAS 128 is structured

PAS 128 follows a hierarchical methodology to underground utility surveying with four levels that the client can instruct:

- 1 **Quality Level D:** The lowest level of survey being essentially a utility record search.
- 2 **Quality Level C:** A reconnaissance survey correlating, where possible, the results of the record drawings with surface features related to the buried utilities thus improving the quality of the record data.
- 3 **Quality Level B:** A detection survey of utilities carried out using, as a minimum, the two techniques of electromagnetic location and ground probing radar (GPR). There are four accuracy bands within Quality Level (QL) B which the surveyor allots to each utility detected. These reflect the accuracy and confidence of the detection results.
- 4 **Quality Level A:** The highest level being a verification survey where critical utilities are exposed so that their precise position and depth can be verified.

5.2 Selection of survey type to be instructed

Underground utility surveys shall be carried out according to Table 1 in PAS 128 or the equivalent in any national or international specification that supersedes PAS 128. It should be recognised that the higher QLs are likely to entail higher costs so the client must balance expenditure against the need to have comprehensive and accurate survey results. The table below demonstrates the relationships between accuracy, confidence and cost for each survey QL.

Quality Level	Scope upon which results are based	Relative accuracy obtained	Relative confidence level in results	Relative cost
D	Desktop utility records search	Lowest	Lowest	Lowest
C	Site reconnaissance	Medium low	Medium low	Medium low
B	Detection with EML and GPR	Medium high	Medium high	Medium high
A	Verification using intrusive inspection	Highest	Highest	Highest

© Table courtesy of Peter Barker at SUMO Services (member of the PAS 128 drafting panel).

It should be understood that generally each type of survey follows on from each other, but in reverse order so a type A survey would usually be a combination of type A + B + C + D. As a minimum a QL D survey is required before either QL C, QL B or QL A surveys are carried out.

Note: Accuracies of surveyed points marked on the ground will not necessarily correspond to the positional accuracy of individual utilities as this will also be affected by the detection method used and the size and depth of the utility itself. Factors such as different accuracies for plan and depth, diameter, wall thickness and concrete surround should be addressed in 3D models.

Recommended good practice

It is important that, if required, an agreed 'colour code' for onsite marking and drawing should be agreed beforehand. This could be based on appendix 4 of *The Essential Guide to Utility Surveys* from The Survey Association (TSA).

The position of detected utilities shall be surveyed according to section 4 of this document. All work should be carried out with due regard to the health and safety guidelines for working within confined spaces.

5.3 Instructing detection survey methodologies

Table 2 in PAS 128 sets out the different options available to the client in specifying the intensity of survey required. In general, complex utility networks will require closely centred survey transects (M3 and M4 in Table 2 of PAS 128). In less complex networks the survey intensity can be relaxed (M1 and M2 in Table 2 of PAS 128). Each of these methodologies can be enhanced by requiring post processing and analysis of the GPR data.

5.4 Extent of survey required

The extent of the utility survey should be shown clearly on a drawing of the site. Note that different quality

levels and intensity of detection survey can be instructed within different parts of a survey area, for example a desktop utility assessment (Quality Level D) could be conducted across the whole of the area, with a detection survey (Quality Level B) targeted at areas where excavations may take place.

5.5 Utility survey outputs

(See section 8 Deliverables)

Survey outputs for underground utility surveys shall include as a minimum:

- computer-aided design (CAD); and
- report.

The survey report should be issued in accordance of the requirements of section 8.7 and survey records shall be retained to align with the timeline in section 1.22 Survey records retention.

5.6 Presentation of survey information

Utility survey results shall be shown on a topographic survey base map. Where the client does not prescribe a specific layer/model naming convention, line style and line weight, the CAD/BIM drawing layers, model names and colour coding shall be in accordance with TSA's *The Essential Guide to Utility Surveys*.

5.7 Additional information

A more detailed explanation of a utility survey and its various techniques and technologies can be found from:

- *The Essential Guide to Utility Surveys* (issue 4 October 2011), TSA (see www.tsa-uk.org.uk/)
- PAS 128:2014 *Specification for underground utility detection, verification and location*, BSI (see <http://shop.bsigroup.com/>)

6 Setting out surveys

This section of the specification refers to the setting out requirements for the project. This section shall be used by the client to specify which of the features below are to be set out, how the setting out shall be marked and the desired accuracy – **review the survey detail accuracy band table in subsection 2.3.**

6.1 Default accuracy band

The default setting out survey accuracy band for this project will be accuracy band The client will confirm features to be surveyed at a different accuracy band, or not to be surveyed, in the following tables.

Guidance: Setting out of features at bands A and B are generally considered to involve additional work and may incur additional cost. The methods of survey required for setting out are dependent on the accuracy band selected. All surveys shall be connected to a local and/or national grid system as outlined in section 2.

6.2 Setting out outputs

The following table confirms the setting out survey outputs required. The deliverable type column should be used to define the generic output format such as CAD, point cloud, report, hard copy, image file, video file, spreadsheet, textual data, database, GIS database etc. Section 8 Deliverables shall be used to confirm the specific client requirements for each deliverable type.

The following outputs are required:

Output	Required	Deliverable type	Comments
Site mark out [set out points physically marked on the ground]			
Setting out report [include surveyed coordinates of set out points compared with design/supplied data]			
Plan drawing of set out points			
Photography of set out points			
Other [specify]			

6.3 Setting out features

The following features are to be set out:

Feature	Required [tick or untick]	Accuracy band [if different to band stated in 6.1]	Comments
Temporary site benchmarks			
Geotechnical survey locations			
Earthworks			
Drainage			
Ground works			
Concrete [including openings, steel rebar]			
Substructure			
Slipform			
Holding down bolts			
Structural steel			
Cladding			
Floor levels			
Piles			
Sheet piling			
Brickwork			
Roads			
Railways			
Structures			
Other [specify]			

6.4 Setting out interval

Points set out should be:

[a]	Marked at the coordinates of points supplied by the client	
[b]	Marked at intervals of ...m	
[c]	Other requirements:	

6.5 Setting out marking

Marking of points – Set out points set out should be marked in the following way:

6.5.1 For points in hard surfaces (concrete, tarmac, etc.)

Marker	Required (tick or untick)	Accuracy band (if different to band stated in 6.1)	Comments
Spray paint mark			
Survey nail (specify type/size if appropriate)			
Other (specify)			

6.5.2 For points in soft surfaces (grass, earth, etc.)

Marker	Required (tick or untick)	Accuracy band (if different to band stated in 6.1)	Comments
Spray paint mark			
Peg (specify type/size if appropriate)			
Peg with nail (specify type/size if appropriate)			
Ground anchor (specify type/size if appropriate)			
Other (specify)			

Recommended best practice

The client and surveyor should discuss the type of survey marker chosen, the duration over which it is expected to remain in place and the nature of work that it will support.

The surveyor should assess the health and safety (i.e. permit to dig/impact of errors) and liabilities associated with the work. As such, the client and surveyor should double check for the presence of underground utilities including transport tunnels, culverts etc., before setting out the site.

7 Monitoring and deformation

This section of the specification refers to the deformation monitoring requirements for the project.

This section shall be used by the client to specify the type of monitoring required; the features to be monitored, the frequency of monitoring required; the monitoring point monumentation to be used and the desired accuracy. **The survey detail accuracy band table in subsection 2.3 should be reviewed.**

7.1 Default accuracy band

The default deformation monitoring survey accuracy band for this project will be accuracy band

The client will confirm features to be surveyed at a different accuracy band, or not to be surveyed, in the following tables.

Recommended good practice

Monitoring of features at bands A and B are generally considered to involve additional work and may incur additional cost. The methods of survey required for monitoring are dependent on the accuracy band selected. It should be remembered that all surveys shall be connected to a local and/or national grid system as outlined in section 2.

7.2 Deformation monitoring outputs

The following table confirms the deformation monitoring survey outputs required. The deliverable type column should be used to define the generic output format such as CAD , point cloud, report, hard copy, image file, video file, spreadsheet, textual data, database, GIS database etc. Section 8 Deliverables shall be used to confirm the specific client requirements for each deliverable type and its presentation, topology.

The following outputs are required:

Output	Required	Digital Deliverable format (if applicable)	Comments
Supply of monitoring points/system			
Installation of monitoring points/system			
Plan of monitoring points			
Survey report detailing methodology			
Survey report detailing monitoring point movement			
Tabular/graphical survey results			
Website based results			
Critical tolerance alerts via email/ SMS text message			
Other [specify]			

7.3 Survey type

A survey is required to monitor the following types of movement:

Movement type	Required	Comments
Horizontal movement		
Vertical movement		
Verticality		
Tilt movement		
Vibrational movement		
Crack/joint expansion		
Other [specify]		

7.4 Features to be monitored

The following features are to be monitored for deformation/movement (client to provide a map showing features):

Feature	Required	Accuracy band (if different to band stated in 7.1)	Comments
Buildings			
Earthworks			
Walls (including retaining walls)			
Industrial/mechanical structures			
Railways			
Roads			
Bridges			
Tunnels/subways			
Pipe work			
Other (specify)			

7.5 Monitoring frequency

The monitoring survey is to be repeated at the frequency stated below:

Frequency	Required	Comments
Constant monitoring		
Hourly		
Daily		
Weekly		
Monthly		
Quarterly/seasonally		
Annually		
Other (specify)		

7.6 Monitoring point monumentation

The following monitoring point monumentation should be used to mark monitoring points.

Marker	Required	Comments
Spray paint mark		
Peg (specify type/size if appropriate)		
Peg with nail (specify type/size if appropriate)		
Ground anchor (specify type/size if appropriate)		
Survey nail (specify type/size if appropriate)		
Reflective/retro target (specify type/size if appropriate)		
Survey prism (specify type/size if appropriate)		
GNSS receiver (specify type/size if appropriate)		
Tiltmeter		
Crack gauge		
Other (specify)		

Recommended good practice

The client and surveyor should discuss the type of marker/sensor chosen, the duration over which it is expected to remain in place and the nature of work that it will support.

The surveyor should assess the health and safety (i.e. permit to dig/impact of errors) and liabilities associated with the work.

Monitoring points must be measured with respect to a reference, which will typically (but not always) be defined by reference monuments of a type and set in locations which will not be affected by the movement to be monitored. They will remain in place for the duration of the monitoring survey.

8 Deliverables

The following defines the client requirements for specific deliverable formats and method of delivery. It is designed to allow a client to refer to his/her existing formats and templates where appropriate.

Due to a lack of convention in relation to digital formatting and standards this section does not incorporate a default specification for formats and it is the client's responsibility to ensure sufficient information is supplied to the surveyor. Where the client does not provide sufficient detail the surveyor shall confirm to the client the proposed format of deliverables.

The formats applicable to the deliverables shall be based on the requirements selected in each section: 3 Topographic surveys, 4 Measured building surveys, 5 Underground utility surveys, 6 Setting out surveys, and 7 Monitoring and deformation.

Recommended good practice

Clients should note that software versions and formats supported change rapidly over time. It is recommended that along with a client system compatible format a standard exchange format should be specified. For certain agencies that have long archiving periods this can be a pre-requisite for acceptance of survey data [heritage].

The list given here is by way of suggestion and not exhaustive, nor does it guarantee that all information in one format can be consistently exchanged into another.

Deliverable type	Suggested exchange formats
CAD	*.dxf
Digital terrain model [TIN/string]	*.dxf
Digital terrain model [grid]	*.csv
Photography	*.jpeg ; *.TIF, *.ECW
Video imagery	*.mpeg, *.avi
Point cloud	*.LAS; E57
Survey reports	*.pdf, *.docx
GIS	*.dxf, *.GML
Textual data	*.csv, *.txt
BIM	Revit®, AutoCAD, MicroStation and Navisworks

8.1 CAD deliverables

8.1.1 Presentation of CAD deliverables

The following CAD presentation standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [i.e. BS 1192 – BIM execution plan]	
[d]	As per the following table:	

Suggested item	Example	Requirement	Comment/explanation
Feature descriptive level/layer naming	Trees, walls, road markings, roads, buildings, walls, windows		
Pre-fix level layer naming	SU [i.e. survey discipline] NRT [i.e. originator] Network Rail Thameslink		
Suffix-fix level layer naming	G-E [i.e. graphics-existing, from BS 1192]		
Detail segregation	Groups/classification [i.e. BIM, utility groups, entity types [3D surfaces, strings, points]]		
Segregation			
Legend			
Key/ Location Plan			
North arrow			
Block/cell types library			
Line styles library			
Colour	Red = electric, green = communications, blue = water – by level/layer or by entity		

8.1.2 *Format of CAD deliverables*

The required software file format/s for CAD deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

The client should ensure CAD deliverable formats and presentation standards are well specified and compatible with his/her own or intended user's systems. Consideration should also be given to the contents of drawing title blocks. These should include:

- survey reference number [so drawings can be related to the report if they are separated]
- survey date
- filename
- project/drawing title
- survey company
- client name
- legend [all used symbols, abbreviations, line styles, etc.]
- north point/arrow
- annotated map grid
- scale bar
- plot scale and applicable paper size
- key plan
- details of the survey control
- grid and datum
- location data referred to elsewhere [cross-sections].

Clients should also note that developing conventions in relation to BIM are designed to increase collaboration and sharing of data in a consistent manner and this can lead to significant efficiencies in data management and decision making. Clients should therefore keep abreast of BIM guidance and overlapping specifications [e.g. BIM execution plan] when completing this section.

Due to the move away from hard copy plans/drawings it is good practice that all digital drawings with title blocks be output as *.pdf as a proof copy. The *.pdf copy serves as a record of the digital deliverable.

8.2 **Digital terrain model (TIN) deliverables**

8.2.1 *Presentation of TIN deliverables*

The following TIN standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.2.2 *Format of TIN deliverables*

The required software file format/s for TIN deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

When specifying a TIN format, clients should confirm specialist rules in relation to direction of face or closing of triangulation [i.e. right-hand rule].

8.3 **Format of digital terrain model (TIN) [grid]**

8.3.1 *Presentation of TIN (grid) deliverables*

The following TIN standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.3.2 *Format of TIN (grid) deliverables*

The required software file format/s for TIN (grid) deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

When specifying a grid format, clients should be aware of the increase in data file sizes with increasing density of points, particularly over large areas. It may be suitable in such circumstances to specify multiple densities or test data sets in consultation with the surveyor. It is important to specify the grid cell size and the position of the centre of cells.

8.4 Point cloud deliverables

8.4.1 Presentation of point cloud deliverables

The following point cloud standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.4.2 Format of Point cloud deliverables

The required software file format/s for point cloud deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

Clients should specify cleaning of spurious data from moving objects captured during the creation of point clouds [i.e. people, moving vehicles, false reflections from car mirrors etc.].

The client should take care to ensure point cloud deliverable formats including generic formats which will serve as future archive of data as well as formats compatible with their own or their intended user's systems.

Clients should also note that developing conventions in relation to building information modelling (BIM) are designed to increase collaboration and sharing of data in a consistent manner and this can lead to significant efficiencies in data management and decision making. Clients should therefore keep abreast of BIM guidance and overlapping specifications [i.e. BIM execution plan].

8.5 Point cloud viewer deliverables

8.5.1 Presentation of point cloud viewer deliverables

The following point cloud viewer standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.5.2 Format of point cloud viewer deliverables

The required software file format/s for point cloud viewer deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

Where clients have requested point cloud data, they should consider specifying a point cloud viewer output. Clients should note when specifying colour image overlaid point cloud viewing formats they should also seek delivery of light intensity only formats to ensure changes in capture between scanning and image does not result in misinterpreted survey data [i.e. moving vehicles].

Recommended good practice

The client should take care to ensure point cloud viewer formats specified are compatible with his/her own or intended user's systems. Where a client does not have a point cloud viewer he/she may be able to download one online as many manufacturers provide free downloadable viewers.

Clients should also note that point cloud viewers can work on lower performance PC's and generally rely upon smaller files which can be shared over online hosting systems.

8.6 GIS deliverables

8.6.1 Presentation of GIS deliverables

The following GIS standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.6.2 Format of GIS deliverables

The required software file format/s for GIS deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

The client should take care to ensure GIS deliverable formats and presentation standards are well specified and compatible with their own or their intended users systems.

GIS data requires detailed format specification in terms of the data topology, rules for feature code snaps, nodes, creation of polygons, dark links etc. This is not a trivial consideration in large datasets and it will have a significant effect on the cost of the data capture and processing.

8.7 Report deliverables

8.7.1 Presentation of report deliverables

The following report standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.7.2 Format of report deliverables

The required software file format/s for Report deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

It is considered good practice to produce a survey report for various types of surveys. It can provide proof of provenance, methodology and agreed specification and can act as an important historical reference document in case of dispute. It can also aid future use of survey deliverables [particularly survey control] and enhance the future value of the surveyed data.

The client should specify the following as a minimum for topographic and utility survey reports where requested, date of survey, details of the specification being followed, outline methodology, name of surveyors involved and roles, computing and presentation of the survey, equipment make, model, serial numbers and calibration certificate, site photography, details of quality control for site and processing work, survey issues or difficulties encountered on site [i.e. omissions, access etc.].

For survey control reports in addition to the above the client should also specify , survey control network diagram, list of supplied survey control, numerical results [loop closures, residuals etc.], network adjustment files, details of survey control points [including location information sufficient to find control stations as stated in subsection 3.10].

8.8 Imagery deliverables

8.8.1 Presentation of imagery deliverables

The following imagery standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.8.2 Format of imagery deliverables

The required software file format/s for Imagery deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

The client should note that file sizes can vary dramatically with different file formats. Clients, where appropriate, should consider multiple formats which preserve the original data capture but also provide lighter file format for ease of handling and sharing. Clients should consider specifying geo-location attribute capture of imagery to ensure location and direction of view can be verified.

8.9 Video deliverables

8.9.1 Presentation of video deliverables

The following video standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.9.2 Format of video deliverables

The required software file format/s for video deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

The client should note that file sizes can vary dramatically with different file formats. Where appropriate, clients should consider multiple formats which preserve the original data capture but also provide lighter file format for ease of handling and sharing. Where clients require CCTV or fly-through video files they should consider specifying supply of a flight path, video trajectory with time, distance correlation. This is particularly important for condition surveys of sewers.

8.10 Spreadsheet deliverables

8.10.1 Presentation of spreadsheet deliverables

The following spreadsheet standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.10.2 Format of spreadsheet deliverables

The required software file format/s for spreadsheet deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

The client should consider carefully spreadsheet output requirements for monitoring or macro driven spreadsheet outputs. This can include validation tools and coordinate conversions where reporting requires change of system from site capture to output analysis.

8.11 Textual data deliverables

8.11.1 Presentation of textual data deliverables

The following textual data standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.11.2 Format of textual data deliverables

The required software file format/s for textual data deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

The client should consider carefully specific textual data formats if they are system dependent. In particular sample data and trial inputs should be included in the specification if submissions are likely to be used in critical operations that require high reliability in data sequencing.

8.12 Supply of surveyor records/ supporting data

With regards to surveyors' records, the surveyor is:

[a]	not required to supply survey records/ supporting data other than those specified in the survey outputs	
[b]	is required to supply survey records/ supporting data on request for QA or audit purposes	
[c]	Other [specify]	

Recommended good practice

The surveyor shall make available the following types of survey records/supporting data as a minimum in relation to this clause – contemporaneous field/office survey notes, photographs, raw data, processed data, observations and computations relating to the survey, quality control checks, equipment calibration certifications and checks.

8.13 Hard copy deliverables

8.13.1 Presentation of hard copy deliverables

The following hard copy standards will be used:

[a]	Client supplied standards	
[b]	Surveyor defined standards	
[c]	Other [specify]	

8.13.2 Format of hard copy deliverables

The required software file format/s for hard copy deliverables are:

Format 1: Software system: Version

And if required:

Format 2: Software system: Version

(Client to add more if appropriate.)

Recommended good practice

Due to the move away from hard copy plans/drawings to digital deliverables the client should specifically state if hard copy deliverables required. These could be paper/ film plots, photograph negatives etc. Clients should be aware that it is not advisable to scale from paper plots.

8.14 Method of delivery

The surveyor shall send the survey deliverables to the client via:

Method	Required
Via FTP site	
Upload to clients system	
Email attachment	
Delivered portable hard drive or USB	
Delivered CD/DVD	
Delivered hard copy	
Other [specify]	

It is assumed that any method of delivery (e.g. hand/post/courier) to the client’s specified address is

acceptable. Proof of delivery must be supplied by the surveyor if required/requested.

8.15 Notification/receipt of delivery

The surveyor/client shall use the following formal notification/acknowledgement as follows (assume not required if left blank):

Notification type	Notification	Receipt
Hard copy transmittal note/receipt		
Email transmittal note receipt	✓	✓
SMS/text transmittal/receipt		
Notification on client’s system		
Other [specify]		

8.16 Validation of delivery

The client should satisfy himself that he/she has received all requested deliverables and notify the surveyor within a reasonable period of time (nominally seven days, but to be agreed by the client and surveyor), should any deliverables be considered to be incomplete or outstanding.

Recommended good practice

The client should take measures to satisfy him/herself that supplied deliverables meet the agreed specification. This may be by way of desktop study, field checks or a set of self-certification checks for the surveyor to complete prior to submission. This does not absolve the surveyor from his/her responsibilities to deliver correct data.

8.17 Building information modelling (BIM)

Should surveys be required for building information modelling (BIM) it is recommended that a BIM deliverable shall be provided in accordance with the employer’s information requirements (EIR) and the BIM execution plan (BEP) as specified in PAS 1192-2:2013 or other national or international equivalent standard as applicable. PAS 1192-3:2014 is due for release in 2014 and should also be referenced.

Recommended good practice

Some BIM software packages use an internal coordinate system which is then referenced to real world coordinates. It is important that surveyors engaging in surveys to BIM projects read section 2 Survey accuracy, control, coordinate grid and datum and correctly set project coordinate systems to enable integration with real world coordinate systems.

Example basic survey for BIM checklist

Stage	Complete
BIM execution plan consulted and/or completed	
Stage 1 – Computational check of control survey and point cloud registration	
Stage 2 – Geometric check of the final BIM model against measured survey data/point cloud/base data	
Stage 3 – Integrity check of BIM model construction, to ensure efficient and consistent construction of families and objects	
Stage 4 – Presentation check to ensure that extracted 2D plans, sections and elevations meet required standards of presentation	

Refer to specified survey accuracy band (subsection 4.1) and measured survey output details (subsection 4.2).

8.17.1 Basic survey for BIM specification

Recommended good practice

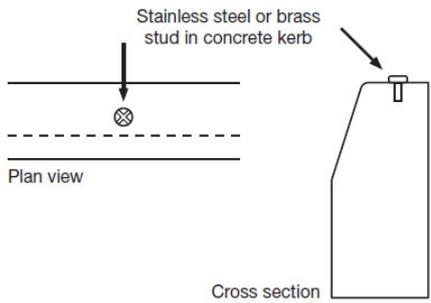
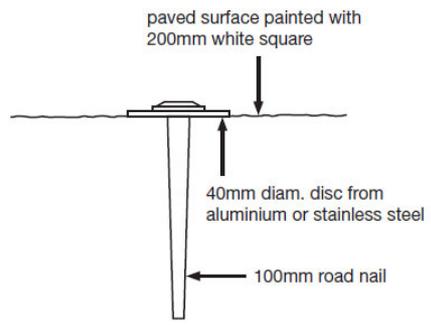
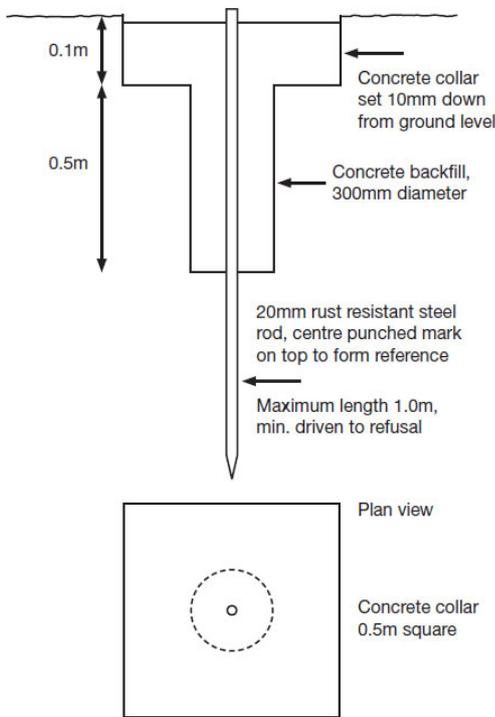
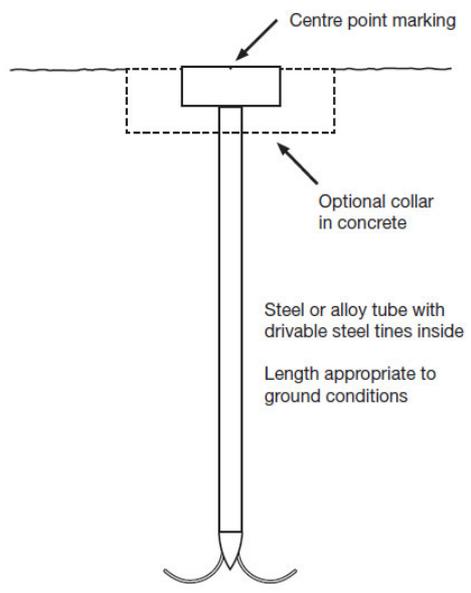
The below sample specification and the level of detail achievable is directly influenced by the required accuracy detail banding [see subsections 2.3 and 4.1].

BIM output	Required	Accuracy band	Comments
Construction detail			
Modelled to fit specification			
All deviations included [medium/high accuracy]			
Graphical level of detail			
Mass model			
Basic structural model			
Basic architectural model			
Detailed architectural model			
Meta data detail			
Basic			
Detailed			
Digital output and delivery [see also section 9]			
Extra information/ other requirements			

Appendices

- Appendix A: Permanent ground markers
- Appendix B: Quick specifications
- Appendix C: Definitions
- Appendix D: References and online resources

Appendix A: Permanent ground markers

<p>Rivet Marker</p>  <p>Stainless steel or brass stud in concrete kerb</p> <p>Plan view</p> <p>Cross section</p> <p>Used in concrete or stone formed surfaces</p>	<p>Type 1 Marker</p>  <p>paved surface painted with 200mm white square</p> <p>40mm diam. disc from aluminium or stainless steel</p> <p>100mm road nail</p> <p>Used in dense, very stable paved surfaces</p>
<p>Type 2 Marker</p>  <p>0.1m</p> <p>0.5m</p> <p>Concrete collar set 10mm down from ground level</p> <p>Concrete backfill, 300mm diameter</p> <p>20mm rust resistant steel rod, centre punched mark on top to form reference</p> <p>Maximum length 1.0m, min. driven to refusal</p> <p>Plan view</p> <p>Concrete collar 0.5m square</p> <p>Used for non-agricultural sites and unpaved surfaces</p>	<p>Type 4 Marker</p>  <p>Centre point marking</p> <p>Optional collar in concrete</p> <p>Steel or alloy tube with drivable steel tines inside</p> <p>Length appropriate to ground conditions</p> <p>This illustration is indicative only – various types of proprietary marker are available in one piece or extendable units.</p> <p>Used for soft surfaces</p>

Appendix B: Quick specifications

This quick reference specification sheet, summarising the full RICS guidance, is intended for use on small or straightforward schemes and assumes that the first option clause (where appropriate) is used throughout. Margin numbers indicate the relevant main guidance sections or clauses.

The client should tick the requirement(s) needed in each subject category. Where no item is selected for a particular category the surveyor will assume that there is no requirement. Additional information, where necessary, should be provided in a covering letter.

If this sheet does not provide adequate opportunity to specify the survey then the main guidance document should be used to prepare the survey specification.

Quick specifications for topographic and measured building surveys

Clause	Subject	Details							
1	Project information								
1.8	Client								
1.8	Contact and telephone								
1.5	Survey extent	Location plan attached	Textual description	Proposals plan	[Indicate items supplied by specifier]				
2.3	Band and/or scale	1:50/D	1:100/E	1:200/F	1:500/G	Other			
2.4.1	Plan control grid	Local grid	Site grid plan	Based on national grid*					
2.4.3	Level datum	GPS derived national datum	Benchmark derived national datum	Site datum	Local datum				
3.2	Detail survey	Boundaries	Outline	Full detail					
3.3.7	Trees	Foliage lines	Trunk over 0.3m dia.	All trees					
23.2	Height information	Spot heights	Contour interval	Road section spacing					
5	Underground services	Cover position	Cover level	Invert/pipe size					
4.2	Buildings external	Outline	Full	Footprint	Eaves/ridge	Elevations			
4.2	Buildings internal	Ground floor	All floors	Roof	Sections				
8	Plan reproduction	Final drawings	Proof plots	Survey report					
8	Digital data	State format		Point cloud	3D model				
8	Computer media	Internet download	Email attachment	Portable hard drive	CD/DVD	Other			
	Remarks								

*Scale factor may apply

Quick specifications for utility surveys

Clause	Subject	Details							
1	Project information								
1.8	Client								
1.8	Contact and telephone								
1.5	Survey extent	Location plan attached		Textual description		Proposals plan			
2.3	Band and/or scale	1:50/D		1:100/E		1:200/F			
2.4.1	Plan control grid and datum	All PAS 128 surveys should be referenced to National Grid							
		GNSS derived datum [recommended]		Benchmark derived datum					
5.2	QL D desktop utility records search [required for levels C-A]				QL C site reconnaissance				
5.2	QL B detection survey				QL A verification survey				
5.2	QL B detection methods	M1		M2		M3		M4	
		Post-processing of GPR data				Yes		No	
5.2	QL A verification methods	Inspection chamber survey		Machine/hand dug trial holes		Vacuum excavation			
		Number of inspection chambers		Soft dig [number]		Hard dig [number]			
5.5	Deliverables and delivery medium	CAD		PDF		BIM		GIS	
		Email		DVD		Paper		Other	

Appendix C: Definitions

Absolute accuracy	Absolute accuracy is the measurement of RMSE of normally distributed error vectors relative to a defined grid and/or height datum. This is typically measured from the nearest survey control marker which was used as part of the primary grid establishment. [See the Ordnance Survey table overleaf.]
Accuracy	In general, when accuracies [or tolerances] have been specified, they refer to vector errors and are defined statistically as root mean square errors [RMSE] or standard deviation. The RMSE or standard deviation is equivalent to 68% of normal distribution of random errors and is often used to express tolerance or confidence in measurements. The standardised normal distribution table determines the ratio of RMSE to different confidence or measurement error tolerances. A 90% tolerance or confidence in a set of measurements is equal to 1.65 times the RMSE or standard deviation when a representative sample of points is tested. Thus a RMSE of $\pm 0.1\text{m}$ indicates that in a representative sample of 100 points, not less than 68 shall be correct to better than $\pm 0.1\text{m}$, and not less than 90 points shall be correct to better than $\pm 0.165\text{m}$. Any errors exceeding three times the RMSE [outside of 99.7% of confidence or tolerance in the normal distribution of errors] in this case $\pm 0.3\text{m}$, may be regarded as gross errors or mistakes.
Datum	The starting point or source of a grid [horizontal datum], height [vertical datum] or projected coordinate system [map datum]. It is commonly referred to in relation to vertical heighting or levelling but can be applicable to a grid origin, global spheroid shape and origin, and origin of a true bearing or rotation and scale factor in a map projection.
Georeferencing	To georeference something means to define its existence in physical space. That is, establishing its location in terms of a map projection and/or coordinate system.
Grid	Generally an orthogonal and planar [flat] coordinate system used to define locations on a map. A grid can have an arbitrary or local origin, or be geospatially related to an earth based datum. Grids can have a 1:1 true-scale factor or be projected from curved surfaces to have non uniform or non-unity scale factors.
Projection	Projections contain the parameters by which measurements on the ground or in space have been scaled, rotated or shifted to present them on a map coordinate system. They are typically used for large areas, country wide or global mapping systems to overcome representing earth curvature on a plan.
Relative accuracy	Relative accuracy is the measurement of RMSE of normally distributed vector errors between proximate features shown in survey or setting out on the ground. The calculation can be made independently of the absolute accuracy of features shown on a grid [i.e. the distance between a two buildings measured from the same survey]. [See the Ordnance Survey table overleaf.]
Survey control	The physical markers or point features that are used to realise coordinate grids on the ground, often referred to as permanent ground markers or PGMs where specifically installed for that purpose. Survey control is typically made up of a number of points observed along interconnected baselines. They are used for setting out or mapping all other features to the established grid. Survey control is generally classified as primary, secondary or tertiary depending on its importance in defining a grid and/or its accuracy for use in surveying or setting out.

Survey traverse or survey control network

The complete set of baselines measured between survey control points is called a survey traverse or control network where the baselines exceed more than 1 [i.e. more than 2 points]. Where the set of baselines closes back on itself it is typically called a traverse loop. A closed traverse is one that starts and ends on a known baseline, even where the baseline is the original start of the traverse [i.e. as in a closed loop traverse]. Where a traverse includes cross-bracing of multiple baselines [more than 2 baselines observed from one survey control point] it is typically referred to as a network. Where a baseline does not close back it can be called a flying traverse or in the case of a single baseline a traverse leg. As with survey control, survey traverses or survey control networks can also be classified as primary, secondary or tertiary depending on its importance in defining a grid and/or its accuracy for use in surveying or setting out. Traverses can include angle, distance, height and co-ordinate measurement.

The following table, based on more than 40 years of accuracy testing, represents the absolute and relative accuracy of UK Ordnance Survey large scale topographic mapping data:

Original survey scale	99% confidence level	95% confidence level	RMSE*
1:1250			
Absolute accuracy	0.9m	0.8m	0.5m
Relative accuracy	+/- 1.1m (up to 60m)	+/- 0.9m (up to 60m)	+/- 0.5m (up to 60m)
1:2500			
Absolute accuracy	2.4m	1.9m	1.1m
Relative accuracy	+/- 2.5m (up to 100m)	+/- 1.9m (up to 100m)	+/- 1.0m (up to 100m)
1:10 000			
Absolute accuracy	8.8m	7.1m	4.1m
Relative accuracy	+/- 10.1m (up to 500m)	+/- 7.7m (up to 500m)	+/- 4.0m (up to 500m)

Table 1: Ordnance Survey mapping accuracies of large scale topographic mapping data

(Confidence level is how frequently a parameter falls within the quoted limits.)

*RMSE (root mean square error) is the square root of the mean of the squares of the errors between the observations.

Source: www.ordnancesurvey.co.uk/oswebsite/support/products-services.html

Ordnance Survey © Crown copyright 2014

Appendix D: References and online resources

Bannister, A., and Raymond, S., *Surveying* (7th edition), Pearson, 1998

Beach, M., and Schofield, M. *Engineering Surveying* (6th edition), A Butterworth-Heinemann, 2007

Bomford, G. *Geodesy* (4th edition), Clarendon Press, Oxford, 1980

Hofmann-Wellenhof, B., Lichtenegger, H., Waskle, H. *GNSS – Global Navigation Satellite Systems: GPS, GLONASS, Galileo and More*, Springer-Verlag, New York, 2007

Iliffe, J.C. and Lott, R. *Datums and Map Projections for Remote Sensing, GIS and Surveying* (2nd edition), Whittles Publishing, Dunbeath, 2008

Kaula, W. *Theory of Satellite Geodesy: Applications of Satellites to Geodesy*, Dover Publications Inc, Mineola, NY, 2003

Leick, A. *GPS Satellite Surveying* (3rd edition), John Wiley & Sons, Chichester, 2004

Metric Survey Specifications for Cultural Heritage 2009 English Heritage (available to download at www.english-heritage.org.uk/publications/metric-survey-specification/)

Seeber, G. *Satellite Geodesy, Foundations, Methods and Applications* (2nd edition), Walter de Gruyter, Berlin, 2003

Survey4BIM task group – www.bimtaskgroup.org/survey4bim/

Uren, J. *Surveying for Engineers* (5th edition), Palgrave Macmillan, 2010

Van Sickle, J. *GPS for Land Surveyors* (3rd edition), CRC Press, Lincoln, US, 2008

The International Standards Organisation (ISO)

ISO produces several suites of standards related to many of the surveying and measurement topics contained within the guidance note. This listing is by no means exhaustive and all ISO standards can be sourced at www.iso.org/iso/home.htm

ISO 17123-1:2010 gives guidance to provide general rules for evaluating and expressing uncertainty in measurement for use in the specifications of the test procedures of ISO 17123-2, ISO 17123-3, ISO 17123-4, ISO 17123-5, ISO 17123-6, ISO 17123-7 and ISO 17123-8.

ISO 17123-2, ISO 17123-3, ISO 17123-4, ISO 17123-5, ISO 17123-6, ISO 17123-7 and ISO 17123-8 specify only field test procedures for geodetic instruments without ensuring traceability in accordance with ISO/IEC Guide 99. For the purpose of ensuring traceability, it is intended that the instrument be calibrated in the testing laboratory in advance.

ISO 17123-1:2010 is a simplified version based on ISO/IEC Guide 98-3 and deals with the problems related to the specific field of geodetic test measurements.

ISO 4463-3:1995 – Measurement methods for building – Setting-out and measurement

ISO/TS 12911:2012 – Establishes a framework for providing specifications for the commissioning of building information modelling (BIM).

ISO 9849:2000 – Optics and optical instruments – Geodetic and surveying instruments – Vocabulary

ISO 19152:2012 – Geographic information – Land Administration Domain Model (LADM)

British Standards Institute (BSI)

BSI also produces suites of standards and Publically Available Standards (PAS) which can be sourced at <http://shop.bsigroup.com/>

British Standards Institute (BSI) PAS 128:2014 – Specification for underground utility detection, verification and location

British Standards Institute (BSI) PAS 1192-2:2013 – Specification for information management for the capital/delivery phase of construction projects using building information modelling, PAS 1192-3:2014 (when available)

The International Federation of Surveyors (FIG)

FIG produces a series of best practice documents of measurement subjects. A full suite of FIG publications can be sourced at www.fig.net/pub/figpub/index.htm

No. 49 Cost Effective GNSS Positioning Techniques. FIG Commission 5 Publication. FIG Report, 2010

The Survey Association (TSA)

TSA also produces a suite of geomatics and surveying related client guides and guidance notes many of which are cross-endorsed by RICS. These can be sourced at www.tsa-uk.org.uk/

Network RTK GNSS Best Practice (2012)

The Essential Guide to Utility Surveys (2009)

Detailed guidance notes for specifying a utility survey (2009)

RICS professional guidance

EDM calibration, 2nd edition (2008)

Guidelines for the use of GNSS in land surveying and mapping, 2nd edition (2010)

Vertical aerial photography and digital imagery, 5th edition (2010)

Terms and Conditions of Contract for Land Surveying Services, 3rd edition (2009)

Code of Measuring Practice, 6th edition (2007)

Boundaries: procedures for boundary identification, demarcation and dispute resolution, 3rd edition (2014)

Party wall legislation and procedure, 6th edition (2011)

Rights of light, 1st edition (2010)

Daylighting and sunlighting, 1st edition (2012)

RICS Geomatics client guides

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From: Cherry, Ray
Sent: 25 November 2020 15:20
To: Calvert, Euan
Subject: LRB 20/00018/RREF - Clifton Cottage

Euan,

Further to your request to review the submission regarding the above in relation to the methodology adopted for the survey, as requested by the Local Review Panel. My observations are as follows:

- The method of measurement seems reasonable, although the description of “GPS measurements” could mean a variety of options. I am assuming that this is a hand-held device as opposed to a GPS survey station. The particular device used will dictate the tolerance of measurement & it may be worthwhile asking the applicant’s agent for some confirmation of this. That said, the approach taken appears to have been a robust one that should have produced consistent results across the area in question.
- I think it might be beneficial if the applicant’s agent could provide a supporting plan drawing identifying the locations of each measurement taken & the cut lines of the two sections provided.
- The provision of level heights / markers at key points on the drawing already submitted would be helpful, e.g. ground levels at each of the houses – No. 9, the proposed house, Clifton Cottage & Burnsyde.
- It would also be beneficial if some further clarity could be provided regarding the methodology used to determine the ridge heights / angle of the roofs.

The reality is that the request of the review panel is a significant task & it would appear that the applicant’s agent has employed their best endeavours to achieve this.

Regards,

Ray

Ray Cherry B.Arch.(Hons), Dip.Arch, M.Arch., RIBA, RIAS, IMaPS
Architectural Manager
Architects' Section
Scottish Borders Council

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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 100277275-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	-	Building Name:	Shiel House
Last Name: *	-	Building Number:	54
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		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 & Mrs"/>	Building Name:	<input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="D & C"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Morrison"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Agent"/>	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" value="Land to the east of High Street, Kirk Yetholm, TD5 8PH"/>

Northing	<input type="text" value="628166"/>	Easting	<input type="text" value="382786"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Demolition of garage and erection of dwellinghouse

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

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.

20/00453/FUL

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

28/04/2020

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

17/06/2020

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr - -

Declaration Date: 08/07/2020

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APPEAL STATEMENT
REF: 20/00453/FUL

**DEMOLITION OF GARAGE AND
ERECTION OF DWELLINGHOUSE**

**GARDEN GROUND OF CLIFTON COTTAGE,
HIGH STREET, KIRK YETHOLM, SCOTTISH
BORDERS**

ON BEHALF OF: MR & MRS D & C MORRISON

JULY 2020

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- 4.0 CONCLUSIONS

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EXECUTIVE SUMMARY

This Statement is submitted on behalf of Mr & Mrs D & C Morrison “the Appellants” against the decision of Scottish Borders Council to refuse Planning Permission for the demolition of a garage and erection of a dwellinghouse within the garden ground of Clifton Cottage, High Street, Kirk Yetholm on 17th June 2020 (reference 20/00453/FUL). All Core Documents (CD) are referenced in Appendix 1.

The Appellants propose to build a new dwelling on land within their single, private ownership opposite their current home. It is agreed between the Planning Authority and the Appellant that the appeal site lies within the single Development Boundary defined for both Town Yetholm and Kirk Yetholm and does not conflict with surrounding land uses. The consultation response of the Forward Planning team has been instrumental in establishing this critical common ground. Disagreement centres upon the design of the proposed dwelling within the Conservation Area, potential impact upon an adjacent roadside verge, and archaeological impacts.

Five reasons for the refusal of the Application were included in the Decision Notice. These reasons centred around four key issues, which are taken in turn.

Impact upon roadside verge

Disagreement between the Appellants and the Planning Authority relates to the possibility of physical works to the roadside verge; including greenspace, the Appellants’ existing drive, and cast iron water pump.

The Appellants position is that all proposed works are contained behind the established, mature boundary hedge on-site – as shown on AH073-P02(B) Site Layout Plan. The proposed development does not include removal of vegetation, laying of tarmac concrete, removal of the water pump, or any other physical alterations to the roadside verge. The existing drive would continue to operate as it does at present and the water pump would be retained in-situ.

Design of proposed dwelling

The design of the proposed dwelling has been criticised by the Planning Officer as being “domineering” and “harmful”.

However, these criticisms fail to acknowledge that the proposed dwelling comprises white



render elevations and slate roof, in a residential area dominated by existing dwellings of white render elevations and slate roofs. Furthermore in addition to sitting behind the established, mature hedge, the principal elevation onto the street is a broad reflection of the house on the opposite side of High Street, with only modest sympathetic progression on the design concept.

The Appellants do not accept the Planning Officer's criticisms of the proposed design as they do not substantiate any harm to the local character of the area, within the context described above. Rather, the design of the proposed dwelling is heavily influenced by the architecture of existing dwellings within this part of Kirk Yetholm and is considered to be acceptable in planning terms.

Impact upon Conservation Area

The site sits within the Yetholm Conservation Area which covers both Town Yetholm and Kirk Yetholm. The Heritage and Design team has objected to the proposed development as they consider that scope does not exist for "development on this site on the scale of a dwellinghouse".

This stated opinion clearly contradicts the Government's authoritative Planning Advice Note 71: Conservation Area Management (PAN-71) which states that: "designating a Conservation Area does not mean a prohibition on development."

The application and relevance of the Planning Advice Notes has been re-affirmed by the Government's Reporters as recently as November 2019.

New development within Conservation Areas is about respecting existing surroundings and coming forward with high quality designed buildings and with an appropriate palate of materials. The design of the proposed development has been mindful of the context, layout, built form, density, and materials of both the appeal site and surrounding plots, dwellings, and other buildings.

The appeal site does not contain or adjoin any core heritage assets and considerable distance exists between it and those parts of the Conservation Area with strong heritage value. It is not set within the curtilage or setting of the Conservation Area's core assets (e.g. Listed Buildings) nor will it have any impact upon them. The proposed development would not create any obstruction impinging on core viewpoints.

As there is no basis for the Planning Authority to categorically resist development because it is located within a Conservation Area, the reason for refusal and the advice from which it derives



are unfounded. The Planning Authority has offered no reason why a new dwelling which reflects the design of this part of the Conservation Area is unacceptable in planning terms.

Archaeological impacts

The Archaeology Officer has reviewed historic maps dating from the 19th century and identified the possibility that the site may contain historic remains.

The Appellants are prepared to accept a condition requiring archaeological investigation prior to the initiation of construction works. This is standard procedure and no justification for a deviation has been substantiated by the Planning Officer.

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 PROPOSAL SUMMARY

- 1.1 This Statement in support of Local Review is submitted to Scottish Borders Council on behalf of the Appellants, Mr & Mrs D & C Morrison, against the delegated decision to refuse to grant Planning Permission for the demolition of a garage and erection of a dwellinghouse within the garden ground of Clifton Cottage, High Street, Kirk Yetholm.
- 1.2 The appeal site lies to the east of High Street in Kirk Yetholm. The site sits opposite a terrace of existing dwellings to the west of the highway. Concise private garden plots adjacent to the north and south of the site while a rectangular parcel of allotment gardens lie beyond to the south.

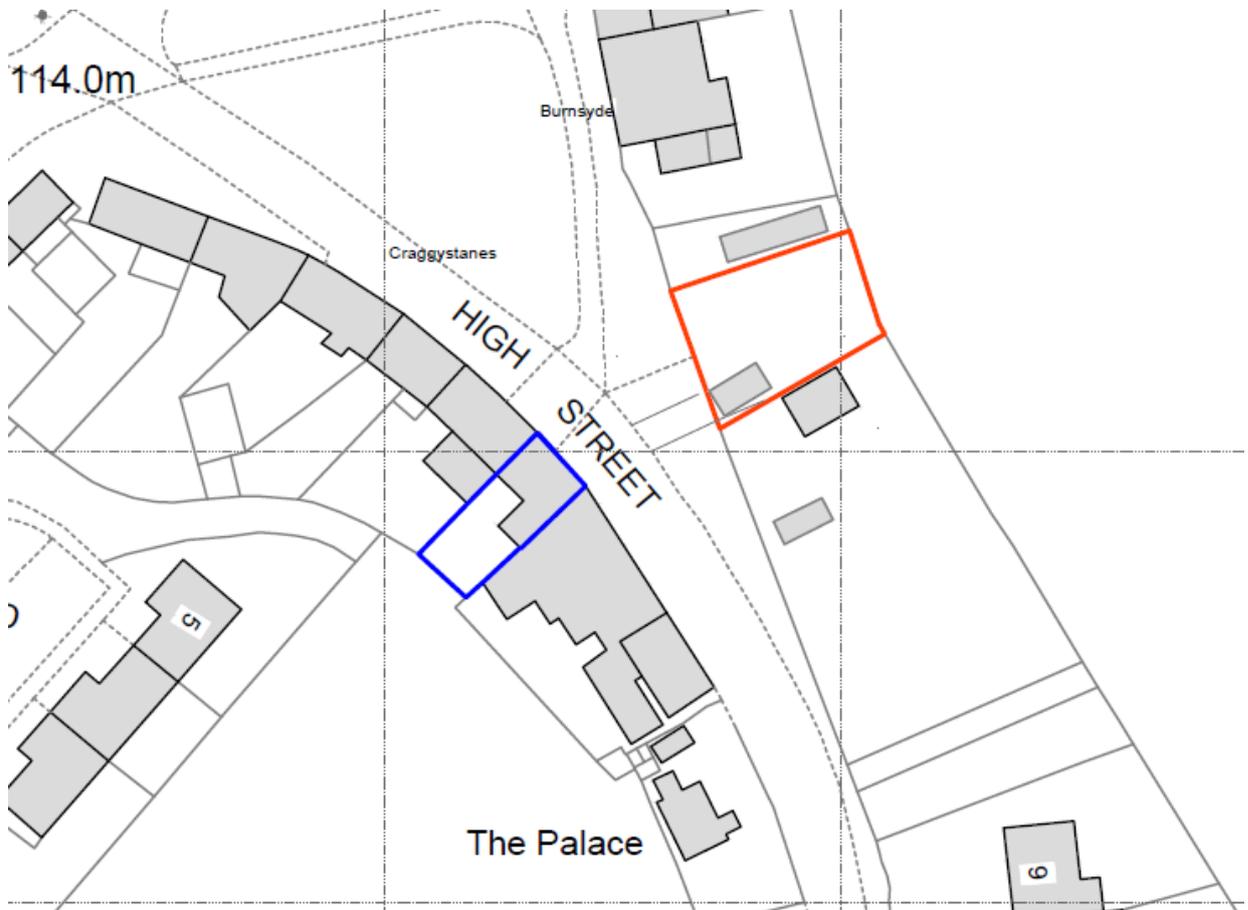


Fig.1. Extract from AH073-P03(B) Location Plan, High Street and the Applicants' home are visible to the west of the site (Source: Aidan Hume Design)

- 1.3 The site comprises a private garden in a single ownership with Clifton Cottage, on the opposite side of the road. The site represents Clifton Cottage’s secondary garden with the primary outdoor amenity space located to the rear of the property. A single garage of render-on-block elevations and profiled sheet roof stands upon the site close to the south boundary. A tall hedge runs across the site from north to south precluding views from the adopted highway into the private garden. An existing vehicle access which comprises compacted gravel runs from the highway to the garage.
- 1.4 The proposed dwelling comprises a two storey detached house, the design of which is heavily informed by existing dwellings in Kirk Yetholm and particularly on High Street. The new dwelling is proposed relatively centrally within the plot and set back from the boundary with the adopted highway to enable the retention of the mature established hedge.

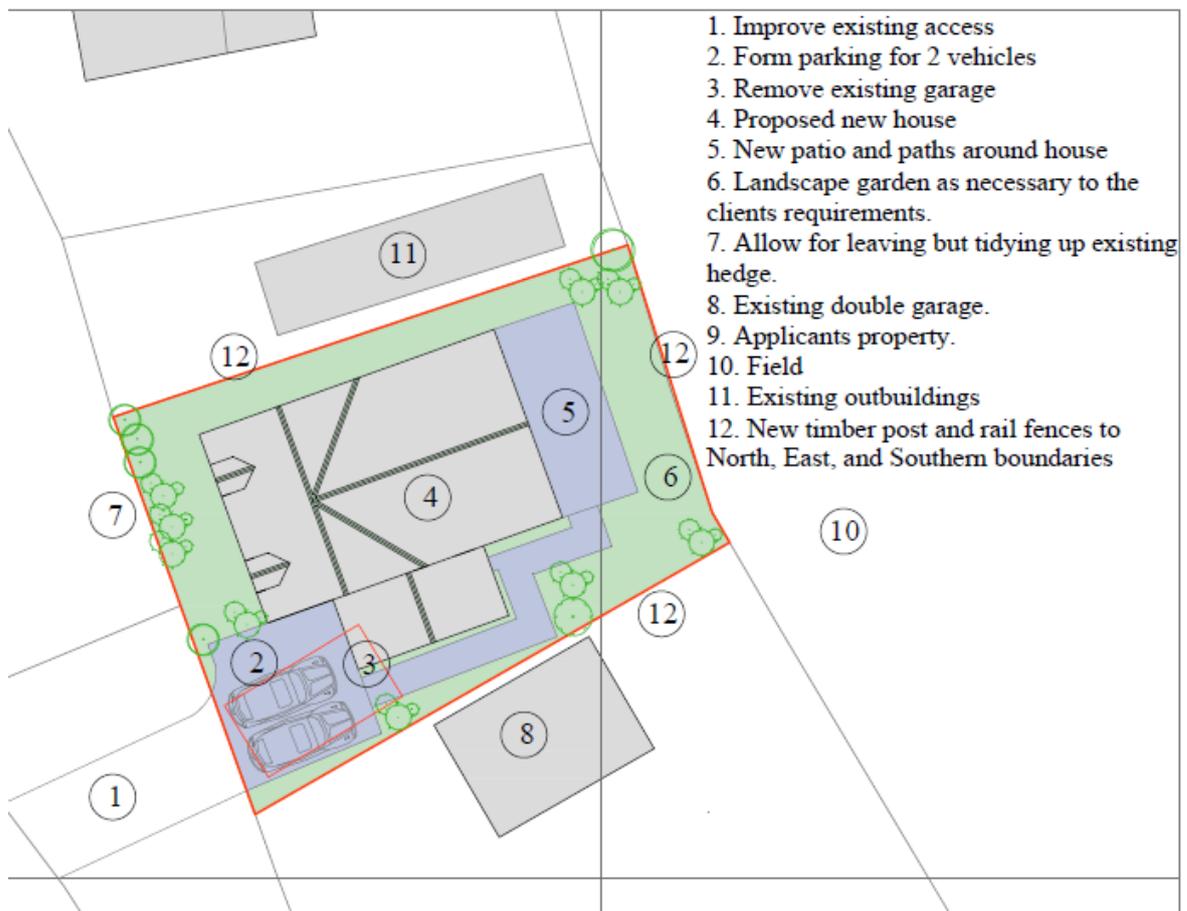


Fig.2. Extract from AH073-P02(B) Site Layout Plan (Source: Aidan Hume Design)



- 1.5 It is proposed to materially retain existing vehicle access arrangements to the adopted highway from the site. Sufficient space on the drive of the proposed dwelling is included to park two cars, as per the adopted parking standards included within the 2016 LDP.
- 1.6 It is proposed that the new house would be served by connection to both the mains water supply and the public foul drainage network which serves Kirk Yetholm. The Appellant is content to secure servicing details via condition.
- 1.7 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance 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 20/00453/FUL was refused on 17th June 2020. The Decision Notice cited five reasons for refusal, set out below:

“1. A dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016 as it would detract from and harm the character and amenity of the surrounding area.

2. The proposals would not comply with Policy EP9 of the Local Development Plan 2016 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area.

3. The proposals are contrary to Policy EP11 of the Local Development Plan 2016 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site, to the detriment of the visual amenities of the area.

4. The proposals do not comply with Policy PMD2 and Policy PMD5 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that they do not respect the scale, form, and design of the surroundings, to the detriment of the visual amenities of the area.

5. Without further field evaluation, the development is contrary to Policy EP8 of the Local Development Plan 2016 in that there is a medium to high potential of the site yielding archaeology of local or regional importance which could be harmed or destroyed by the development.”

2.2 Policy PMD5 permits *“development on non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries”*.

2.3 The Appellants submission is that the Application was made in accordance with Policy PMD5 in that the appeal proposal represents the erection of a single dwelling within the Development Boundary defined for Kirk Yetholm.

POLICY PMD5: INFILL DEVELOPMENT

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

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

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

Fig 3: Policy PMD5: Infill Development.

- 2.4 Policy EP11 identifies a distinction between two categories of greenspace – (A) Key Greenspaces (copied below) and (B) Other Greenspaces.

“(A) Key Greenspaces

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.”

- 2.5 Paragraph 1.1 of the Policy's supporting text states that “the aim of the Policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development. The policy also aims to protect and safeguard the most important spaces within settlements.”
- 2.6 Paragraph 1.2 continues “the Local Development Plan identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection.”

- 2.7 Policy EP9 addresses the management of development within and nearby Conservation Areas in the Borders.

POLICY EP9: CONSERVATION AREAS

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

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

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

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

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

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

Fig 4: Policy EP9: Conservation Areas.

- 2.8 Policy PMD2 sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:
- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
 - Make provision for sustainable drainage;
 - Incorporate appropriate measures for separate storage of waste and recycling;
 - Incorporate appropriate landscaping to help integration with the surroundings;
 - Create a sense of place, based on a clear understanding of context;



- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

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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 Appellant that the proposed development 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 located within the single Development Boundary defined for both Town Yetholm and Kirk Yetholm. The proposed development is also sympathetic to local character and fully compliant with the existing good standard of residential amenity.

GROUND 2: The proposed development would preserve “*the special architectural and historic character*” of the Yetholm Conservation Area.

GROUND 3: The proposed development does not propose works to the greenspace of the existing roadside verge and water pump, both of which would be retained in-situ.

GROUND 4: The design of the proposed development heavily reflects the character of nearby existing dwellings within Kirk Yetholm and represents an appropriate addition to the local built environment.

GROUND 5: By the testimony of the SBC Archaeology Officer, there is no definitive or documented evidence that the site contains archaeological remains. In any case, the existence of any remains does not present a legitimate reason for refusal and the Appellants are prepared to accept a condition requiring archaeological investigation prior to the initiation of construction works.

3.2 During the course of the Application’s determination, the following consultee responses were received from Council Officers and partners:

- Roads Planning team – Objection, responding Technician acknowledged that he had not visited the site and had objected on the assumption that the increase in the number of required parking spaces would represent an unacceptable road safety impact which Scottish Planning Policy allows for the refusal of. No evidence to substantiate this assumption was provided.
- Education Service – No objection.



- Forward Planning team – No objection.
- Community Council – No objection.
- Neighbourhood Services – No comment.
- Heritage and Design Officer – Objection.
- Archaeology Officer – No objection, recommended conditions.

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE LOCATED WITHIN THE SINGLE DEVELOPMENT BOUNDARY DEFINED FOR BOTH TOWN YETHOLM AND KIRK YETHOLM. THE PROPOSED DEVELOPMENT IS ALSO SYMPATHETIC TO LOCAL CHARACTER AND FULLY COMPLIANT WITH THE EXISTING GOOD STANDARD OF RESIDENTIAL AMENITY.

3.3 It is agreed between the Planning Authority and the Appellants that the appeal site lies within the single Development Boundary defined for Yetholm and that the proposed development accords with criteria a) of Policy PMD5 in that there is no conflict “with the established land use of the area” – namely residential.

3.4 Further it is common ground between the Planning Authority and the Appellants that the proposed development is in accordance with both criteria e) and f) of Policy PMD5 and that neither represents a reason for refusal of the Application. However, the Planning Authority consider that the proposed development does not satisfy criteria b), c), and d). It is the Appellants’ position that the proposed development satisfies each criteria of Policy PMD5 – including criteria b), c), and d) – and faithfully accords with the Policy.

3.5 The paragraphs below demonstrate the accordance of the proposed development which each identified criteria in turn.

Criteria b)

3.6 Report of Handling 20/00453/FUL identifies contradiction with criteria b) on the basis that the use of the existing drive by a new dwelling would represent “harm in the form of damage” to the greenspace of the roadside verge, that the proposed development “would distort this interpretation and harm the Conservation Area”, and elements of the proposed external appearance which the Planning Officer considers to be poorly made.



- 3.7 Firstly, and in full embrace of the principle of charity, it is essential to note that each ‘contradiction’ identified by the Planning Officer represents a repetition of a separate but loosely related ‘contradiction with policy’. This repetition to construe a reason for refusal relating to the principle of development – apparently attempting to withstand the acknowledgment of the Planning Authority (made at the direction of the Forward Planning team) that the appeal proposal represents infill development and does not conflict with surrounding land uses – can be most generously understood as an inconsistency.
- 3.8 As a matter of fact, there are no physical works proposed to the roadside verge. The proposed dwelling and all building works are to be contained behind the established, mature boundary hedge (see Fig.2.). Report of Handling 20/00453/FUL contains no evidence to substantiate the assertion that use of the drive by the occupants of the proposed dwelling would represent “harm in the form of damage” in a way that use by the occupants of Clifton Cottage does not.
- 3.9 The “distortion” and “harm” to the Conservation Area identified by the Planning Officer is a further duplication of the “harm in the form of damage” assertion addressed above. Clearly, this would-be justification falls away upon obtaining a factually accurate understanding of the proposed development.
- 3.10 Matters of detailed design are not material to the assessment of whether the principal of development is acceptable. Notwithstanding that reality, it is demonstrably unreasonable to consider that a new dwelling of white render elevations and slate roof detracts from the character and/or amenity of the surrounding area – when it is proposed in a residential area dominated by existing dwellings of white render elevations and slate roofs.
- 3.11 Given the above, the proposed development is considered to satisfy criteria b) of Policy PMD5.

Criteria c)

- 3.12 Report of Handling 20/00453/FUL states:

“I have no concerns about social and infrastructure capacity of the village in respect of this village. (criteria c) of policy PMD5).”



- 3.13 For the sake of good order, criteria c) requires:

“the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or ‘town and village cramming’”

- 3.14 Despite the above extracts from Report of Handling 20/00453/FUL and the Local Development Plan 2016, the Planning Officer proceeds to consider:

“My conclusion is that development fails criteria c) and d) of policy PMD5. Without adequate off-street parking provision proposals are by definition; “over-development”. My concern is that attempts to reconcile parking requirements would have consequential harm on open space and the Conservation Area.”

- 3.15 It is of primary importance to understand that the proposed development includes two parking spaces within the residential curtilage of the new dwelling. This provision satisfies the adopted parking standards laid out within the 2016 LDP.

- 3.16 Furthermore, it is considered that the replication of parking arrangements (for Clifton Cottage) which serve every other existing dwelling in High Street (with the notable exception of Valley Dene) cannot be understood to represent “over-development”. No definition of over-development is contained within Report of Handling 20/00453/FUL, the Local Development Plan 2016, the Placemaking and Design Supplementary Planning Guidance 2010, or Scottish Planning Policy 2014.

- 3.17 No justification to reconcile the two contradictory positions outlined in Report of Handling 20/00453/FUL has been provided. Therefore, it is agreed that the “social and infrastructure capacity of the village” are sufficiently large to accommodate the proposed development, in accordance with criteria c) of Policy PMD5.

Criteria d)

- 3.18 Report of Handling 20/00453/FUL states that the “Planning Statement attempts to reconcile design with the location but I find no working and little fact to the statement that the design heavily reflects the character of existing dwellings.”

- 3.19 The discourse proceeds to describe potential visual impacts on views obtainable from the village green. However, the discourse fails to recognise that those potential visual impacts would be created by a new dwelling of white render elevations and slate roof

– proposed in a residential area dominated by existing dwellings of white render elevations and slate roofs.



Fig.5. Extract from AH073-P01(A) Revised Plans (Source: Aidan Hume Design)

- 3.20 Despite repeated criticisms of the scale of the proposed development; the Planning Officer discloses that: “the scale is not significantly different to the detached dwelling to the north of the site”. The Appellants agree with this assessment and consider it represents further manifestation of the acceptability of the design in planning terms.
- 3.21 It is self-evident that erecting a new single dwelling which is alike in design to the majority of existing dwellings in a Conservation Area is a restrained and measured design solution. No evidence has been presented to substantiate the assertion of consequential “harm to the Conservation Area”. Furthermore on matters of detail the Planning Officer has conceded support for the inclusion of “dual pitched slate roofs, wallhead dormers and rendered bands” in the proposed dwelling.
- 3.22 Additionally the Planning Officer criticises the inclusion of integrated solar panels in the proposed development. It is unclear whether the existence of integrated solar panels in the roof of Maple Cottage, Town Yetholm, TD5 8RD – within the single Yetholm Conservation Area – has been considered.
- 3.23 However, given the May 2019 declarations of a climate emergency by the UK Government and Scottish Government, as well as Cllr Haslam’s statement to the press of November 2019 – the criticism of solar panels would appear to be rather poorly taken. Notwithstanding this, it is within the power of the Planning Authority to condition the exclusion of solar panels in the proposed dwelling. While this would not be ideal, the Applicant would be prepared to accept a condition to that effect.
- 3.24 It is considered that this Statement has demonstrated that the design of the proposed dwelling satisfies criteria d) of Policy PMD5. The design heavily reflects the character of existing dwellings and is sympathetic to the local built environment.

Summary

- 3.25 It is common ground between the Appellants and the Planning Authority that the proposed development accords with criteria a), e), and f) of Policy PMD5. It is considered that accordance with criteria b), c), and d) has been demonstrated in this representation. Therefore the principle of development is considered to be acceptable in accordance with Policy PMD5.

GROUND 2: THE PROPOSED DEVELOPMENT WOULD PRESERVE “THE SPECIAL ARCHITECTURAL AND HISTORIC CHARACTER” OF THE YETHOLM CONSERVATION AREA.

- 3.26 It is noted that Report of Handling 20/00453/FUL identifies “significantly harmful adverse impacts to Yetholm Conservation Area”. The Report explains that:

“The Heritage and Design Officer objects to the proposal and states the principle of introducing a dwelling on the site is unacceptable.”

- 3.27 The following extract has been replicated from the consultation response of the Heritage and Design Officer:

“There may be scope for the introduction of a small, modest structure similar to a garage, shed or possibly small garden studio form as this would not disrupt this established positive contribution to the Conservation Area. However, development on this site on the scale of a dwellinghouse would disrupt these positive characteristics, and therefore constitute harm to the character and appearance of the Conservation Area.”¹

- 3.28 However, the consultation response has clearly been made without due regard to Planning Advice Note 71: Conservation Area Management (PAN-71). PAN-71 is the government’s authoritative guidance on development planning and management within and around Scotland’s Conservation Areas and informs Scottish Planning Policy 2014.

¹ Underline represents the emphasis of this author for members’ specific attention.



3.29 Fortunately, PAN-71 is unequivocal on the role of Conservation Areas. This is clearly outlined in the extract copied below:

“Conservation Areas are living environments that despite their history, will continue to adapt and develop. Designating a conservation area does not mean a prohibition on development. It does mean carefully managing change to ensure that the character and appearance of these areas are safeguarded”.²

3.30 Reporters of the Government’s Planning and Environmental Appeals Division have consistently upheld the status of the Planning Advice Notes as material considerations bearing considerable weight – PPA-110-2380 and PPA-130-2070 (both issued in 2019) – and the ‘in-principle’ acceptability of appropriate new dwellings within designated Conservation Areas – PPA-130-2070, PPA-110-2380, PPA-110-2363, PPA-200-2041, PPA-230-2288, PPA-290-2053; all issued between May 2017 and December 2019.

3.31 In light of the material considerations contained within paragraphs 3.27 & 3.29, it is established beyond doubt that the Heritage and Design Officer has erred in judgement. The opinion: that scope did not exist for “development on this site on the scale of a dwellinghouse” stated within the consultation response clearly demonstrates a misunderstanding of PAN-71 and specifically the fact that the Conservation Area designation “does not mean a prohibition on development”.

3.32 The design of the principal (west) elevation is also considered to be appropriate within the Conservation Area. The architecture of the proposed principal elevation broadly reflects that of Clifton Cottage – the existing dwelling on the opposite side of High Street. While the design largely represents a replication, including of the subservient element to the south complete with front door, a single door (as opposed to two) is included within the elevation for functional reasons. This is considered to represent a modest sympathetic progression on the design concept. Additionally, it should be noted that the established, mature hedge across the site’s frontage will largely screen views from the street.

3.33 It also noted that a Character Appraisal/Assessment has not been prepared for the Yetholm Conservation Area by the Heritage and Design team. The “Conservation Area Statement”³ (a textual webpage hosted on the Council’s website) does not mention

² Underline represents the emphasis of this author for members’ specific attention.

³ Conservation areas - Yetholm.

Available: https://www.scotborders.gov.uk/directory_record/26018/yetholm

‘undeveloped land’ or ‘undeveloped spaces’ nor does it identify any contribution they might make towards local character.



Fig.6. Photograph taken by Appellant from village green looking towards appeal site.

- 3.34 The planning regime – and the legislation and policy which direct it – do not require the Heritage and Design team to serve as the administrator of an embargo on new development within and around the Borders’ Conservation Areas. It is this misunderstanding which has given rise to the unsafe advice provided to the Planning Officer in the consultation response of the Heritage and Design Officer and led to the incorrect application of the second reason for refusal.



- 3.35 The assertion that the proposed development is contrary to the text and aims of Policy EP9 is unjustified. It is considered that the proposed development would preserve “*the special architectural and historic character*” of Kirk Yetholm as required by Policy EP9 because the design of the proposed dwelling is heavily influenced by the architecture of existing dwellings within this part of the village. Neither Report of Handling 20/00453/FUL or the consultation response of the Heritage and Design Officer have provided any substantive justification to doubt this consideration, and less still to cast it aside. Therefore, the proposed development is considered to accord with Policy EP9.

GROUND 3: THE PROPOSED DEVELOPMENT DOES NOT PROPOSE WORKS TO THE GREENSPACE OF THE EXISTING ROADSIDE VERGE AND WATER PUMP, BOTH OF WHICH WOULD BE RETAINED IN-SITU.

- 3.36 Paragraph 3.8 has made clear that no physical works are proposed to the roadside verge, including its greenspace. There is no requirement to repeat these arguments.
- 3.37 For the sake of clarity, the Appellants do not propose works to the existing drive. The “improve existing access” label identified on AH073-P02(B) Site Layout (Fig.2.) refers to a possible replacement of existing gravel which may be completed as a final item on the schedule of construction works, subject to the Appellants discretion. This work does not require planning permission and could be conducted at any time but was included on AH073-P02(B) owing to the robust preparation of the Application. Works to the effect of re-laying the drive in tarmac concrete pavement or similar, would be likely to require planning permission and are not proposed herein. The Appellants are prepared to accept a condition to this effect.
- 3.38 For the avoidance of doubt – the proposed development does not include the removal of the cast iron water pump or any other works to it.
- 3.39 The assertion of “direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump)” is entirely without foundation. Report of Handling 20/00453/FUL – at the direction of the consultation response of the Forward Planning team – has established that the incorrect designation of the appeal site under Policy EP11 does not present a reason for the refusal of the proposed development. Given the absence of detrimental impact on designated greenspace, the proposed development is considered to accord with Policy EP11.



GROUND 4: THE DESIGN OF THE PROPOSED DEVELOPMENT HEAVILY REFLECTS THE CHARACTER OF NEARBY EXISTING DWELLINGS WITHIN KIRK YETHOLM AND REPRESENTS AN APPROPRIATE ADDITION TO THE LOCAL BUILT ENVIRONMENT.

- 3.40 The fourth reason for refusal represents the consistent repetition of content throughout Report of Handling 20/00453/FUL.
- 3.41 It primarily relates to the assertion that the “design [of the proposed dwelling] is not in keeping with [the local] vernacular”. However, as established in paragraphs 3.18-3.24, this assertion is unjustified as it fails to recognise that the proposed dwelling comprises white render elevations and slate roof, in a residential area dominated by existing dwellings of white render elevations and slate roofs. The design criticism also neglects to account for the modest and sympathetic architecture of the principal elevation. The supposed inappropriateness of the design has not been substantiated in this context.
- 3.42 The reason for refusal also draws on the objection of the Roads Planning team. However, Report of Handling 20/00453/FUL makes no attempt to establish how providing two on-site parking spaces and otherwise replicating the parking arrangements which serve every other existing dwelling in High Street (with the exception of Valley Dene) would represent an ‘unacceptable road safety impact’ – which Scottish Planning Policy allows for the refusal of. Therefore this strand of reasoning must be disregarded.
- 3.43 The design of the proposed dwelling is considered to be sympathetic to the local built environment as it comprises white render elevations and slate roof, in a residential area dominated by existing dwellings of white render elevations and slate roofs. Therefore the proposed development has been made in accordance with Policy PMD2.



GROUND 5: BY THE TESTIMONY OF THE SBC ARCHAEOLOGY OFFICER, THERE IS NO DEFINITIVE OR DOCUMENTED EVIDENCE THAT THE SITE CONTAINS ARCHAEOLOGICAL REMAINS. IN ANY CASE, THE EXISTENCE OF ANY REMAINS DOES NOT PRESENT A LEGITIMATE REASON FOR REFUSAL AND THE APPELLANTS ARE PREPARED TO ACCEPT A CONDITION REQUIRING ARCHAEOLOGICAL INVESTIGATION PRIOR TO THE INITIATION OF CONSTRUCTION WORKS.

- 3.44 Report of Handling 20/00453/FUL identifies “a moderate or high potential” of the existence of “Medieval or early Post-Medieval buildings” archeological remains on-site. The Report explains that:

“The archaeologist requires archaeological evaluation of the site prior to any recommendation of approval. This is required to understand whether the site yields Medieval or early Post-Medieval buildings. There is a moderate or high potential in this location (so close to the heart of the settlement) and I am satisfied that archaeological remains, features or finds should be identified and recorded prior to any acceptance of the proposal.”

- 3.45 Unfortunately the Planning Officer is mistaken. The following extracts have been replicated from the consultation response of the Archaeology Officer:

“I have assessed the application against what is recorded in the Scottish Borders Council Historic Environment Record (HER). I have also consulted historic editions of the Ordnance Survey mapping of the area.

The site of this application can be identified in the various Ordnance Survey map editions since the first edition surveyed and published in the mid-19th century. Whilst the garden plots on the eastern side of the street – then called Tinker’s Row – are largely featureless apart from divisions into the plots and paths, their regular layout may suggest the former presence of buildings prior to the survey. The presence of a small stream or burn is also shown by the first edition. By the Ordnance Survey second edition mapping of later 19th century date the stream appears to have been culverted.”

“Given the location of the proposed property on one of the main roads into the village which is of some age it is suggested that an evaluation be carried out prior to the determination of this application. It is anticipated that there may have been some



Medieval or early Post-Medieval buildings present at this location and that any archaeological remains, features or finds should be identified and recorded.”⁴

- 3.46 It is impossible to review the consultation response and fail to notice the distinct caveats. The suggestion of both on-site building(s) prior to the mid-19th century and of development originating closer to the Middle Ages are heavily qualified and the Archaeologist – to his credit – never professes to ‘know’ or to attribute ostensible likelihoods.
- 3.47 In this context, the assertion of “moderate or high potential” of the existence of “Medieval or early Post-Medieval buildings” or other archeological remains on-site can be best understood as exaggerated and the address to possible “archaeological assets of regional or local significance” as pre-emptive.
- 3.48 The facts of the matter are twofold. First, there is no definitive or documented evidence that the site contains archaeological remains. And second, the Appellants are prepared to accept a condition requiring archaeological investigation prior to the initiation of construction works so the existence of any remains does not present a legitimate reason for refusal.

⁴ Underline represents the emphasis of this author for members’ specific attention.



4.0 CONCLUSIONS

- 4.1 The Appeal, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 20/00453/FUL and grant consent for the demolition of a garage and erection of a dwellinghouse within the garden ground of Clifton Cottage, High Street, Kirk Yetholm.
- 4.2 The proposed development is for the erection of a new dwelling on a site within the single Development Boundary defined for Town Yetholm and Kirk Yetholm. The proposed dwelling would sit in harmony with existing land uses nearby and in all other ways represent a sensitive, restrained, and measured addition to Kirk Yetholm. This reflects the position of the Forward Planning team laid out in their consultation response. Therefore, the proposed development is considered to accord with Policy PMD5.
- 4.3 The design of the proposed dwelling is heavily influenced by the architecture of existing dwellings within this part of Kirk Yetholm and so would preserve “*the special architectural and historic character*” of the village, which forms part of the designated Yetholm Conservation Area. Attempted criticisms of the design have failed to establish themselves in or reconcile to this reality. Therefore the proposed development is considered to represent good design and to be acceptable within the Conservation Area in accordance with both Policies EP9 and PMD2.
- 4.4 Report of Handling 20/00453/FUL and the consultation response of the Forward Planning team have established that the incorrect designation of the appeal site under Policy EP11 does not prevent erection of a new dwelling. No physical works are proposed to the roadside verge. The proposed dwelling and all building works are to be contained behind the established, mature boundary hedge. The existing drive on-site is used by the occupants of Clifton Cottage and no evidence to substantiate the assertion that use of the drive by the occupants of the proposed dwelling would represent “harm in the form of damage” has been presented. The proposed development would not have a detrimental impact on designated greenspace and is considered to accord with Policy EP11.
- 4.5 The Appellants are prepared to accept a condition requiring archaeological investigation prior to the initiation of construction works. This is standard procedure and no justification for a deviation has been substantiated.



- 4.6 The Local Review Body is respectfully requested to allow the appeal for the demolition of a garage and erection of a dwellinghouse.



APPENDIX 1

Core Documents

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

- Appeal Form;
- CD1 Appeal Statement, prepared by Ferguson Planning;
- Application Form;
- CD2 (Application) Planning Statement, prepared by Ferguson Planning;
- CD3 AH073-P03(B) Location Plan, prepared by Aidan Hume Design;
- CD4 AH073-P02(B) Site Layout Plan, prepared by Aidan Hume Design;
- CD5 AH073-P01(A) Revised Plans, prepared by Aidan Hume Design;
- CD6 AH073-P04(B) Shadow Plan, prepared by Aidan Hume Design;
- CD7 Representation Letter dated 27th May, prepared by Ferguson Planning;
- CD8 Land Register Title Deed for Clifton Cottage, Kirk Yetholm (private cover);
- CD9 Yetholm Conservation Area Statement, prepared by SBC Heritage and Design team;
- CD10 Planning Advice Note 71: Conservation Area Management;
- CD11 Appeal Decision PPA-130-2070;
- CD12 Appeal Decision PPA-110-2380;
- CD13 Appeal Decision PPA-110-2363;
- CD14 Appeal Decision PPA-200-2041;
- CD15 Appeal Decision PPA-230-2288;
- CD16 Appeal Decision PPA-290-2053;
- CD17 Report of Handling 20/00453/FUL; and
- CD18 Decision Notice 20/00453/FUL.

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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 100250957-001

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)

Demolition of a garage and erection of a dwelling together with access, landscaping and associated works

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:	Ferguson Planning		
Ref. Number:		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:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		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:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Shiel House
First Name: *	D & C	Building Number:	54
Last Name: *	Morrison	Address 1 (Street): *	Island Street
Company/Organisation	per Agent	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	tim@fergusonplanning.co.uk		

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

628166

Easting

382786

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)

Formal pre-application enquiry conducted by Applicant as the landowner

Title:

Mr

Other title:

First Name:

Euan

Last Name:

Calvert

Correspondence Reference Number:

19/00406/PREAPP

Date (dd/mm/yyyy):

09/10/2019

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

Site Area

Please state the site area:

289.00

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)

Private garden

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?

2

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

2

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Proposed drive comprises sufficient space to park 2 no. cars with additional space to place 240L 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

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: --

On behalf of: Mr & Mrs D & C Morrison

Date: 28/04/2020

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

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

Planning Statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr - -

Declaration Date: 28/04/2020

Payment Details

Cheque: Mr D & Mrs C Morrison, 12345678

Created: 28/04/2020 17:31



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Site Referred to in the Application outlined red
Property Owned by Applicant outlined Blue

AH Aidan Hume Design
Architectural Services

117 Channel Street
Galashields
TD1 1BN
email:- aidan.ahdesign@outlook.com
tel:- 07792 599543 or 07785 420522

Project:
**PROPOSED DWELLING HOUSE,
CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH**

Client:
MR & MRS D MORRISON

Title:
LOCATION PLAN

Scale: 1 : 1000 Paper size: A3 Drawn by: AH Date: 15.05.20

Project no: AH073 Drawing no: P03 Issue: B

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Craggystanes

HIGH STREET

1. Improve existing access
2. Form parking for 2 vehicles
3. Remove existing garage
4. Proposed new house
5. New patio and paths around house
6. Landscape garden as necessary to the clients requirements.
7. Allow for leaving but tidying up existing hedge.
8. Existing double garage.
9. Applicants property.
10. Field
11. Existing outbuildings
12. New timber post and rail fences to North, East, and Southern boundaries

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CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH**

Client:
MR & MRS D MORRISON

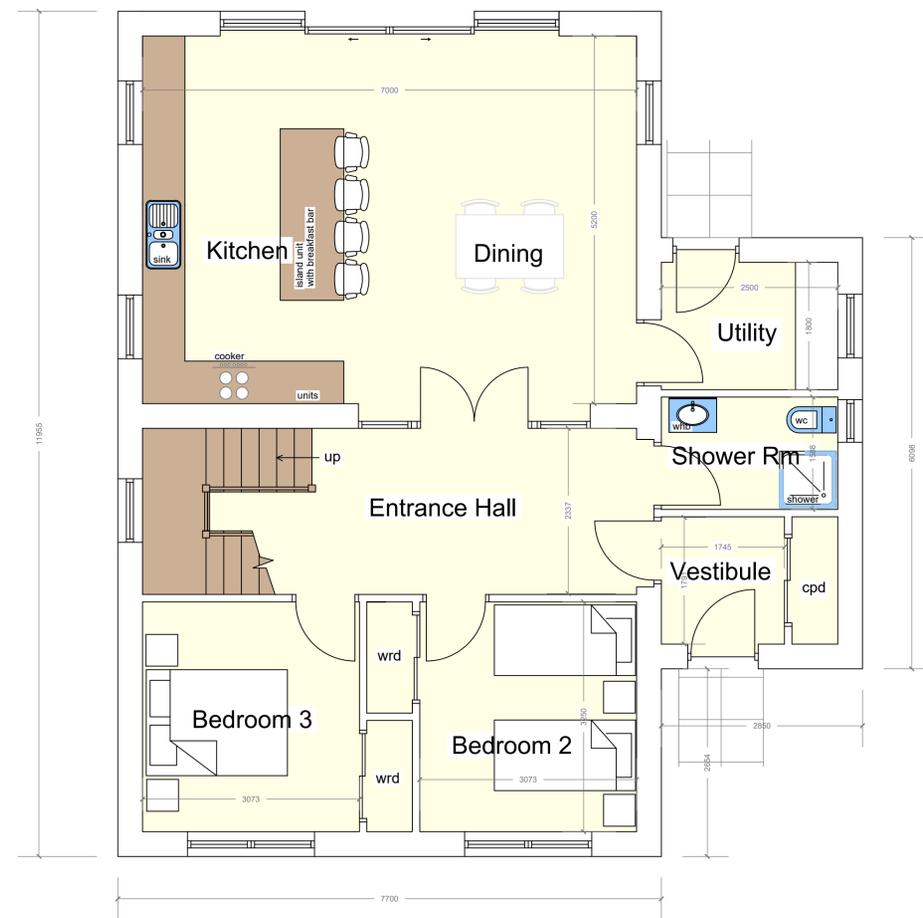
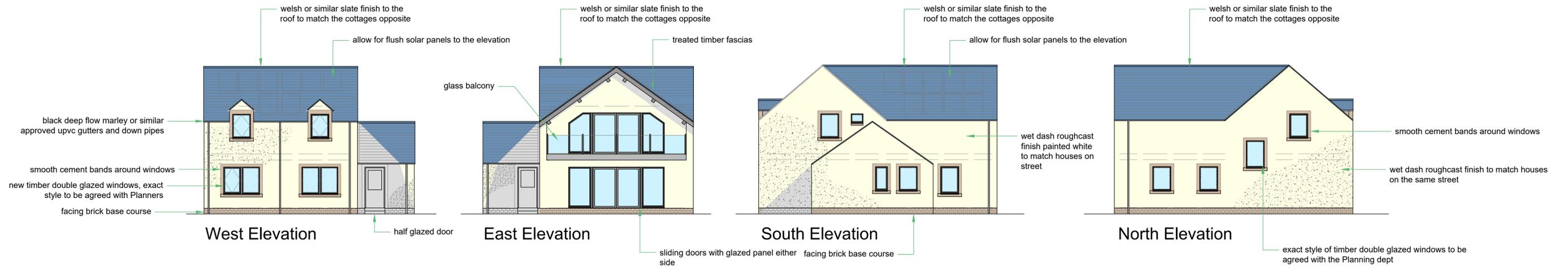
Title:
SITE LAYOUT PLAN

Scale: 1 : 200	Paper size: A3	Drawn by: AH	Date: 15.05.20
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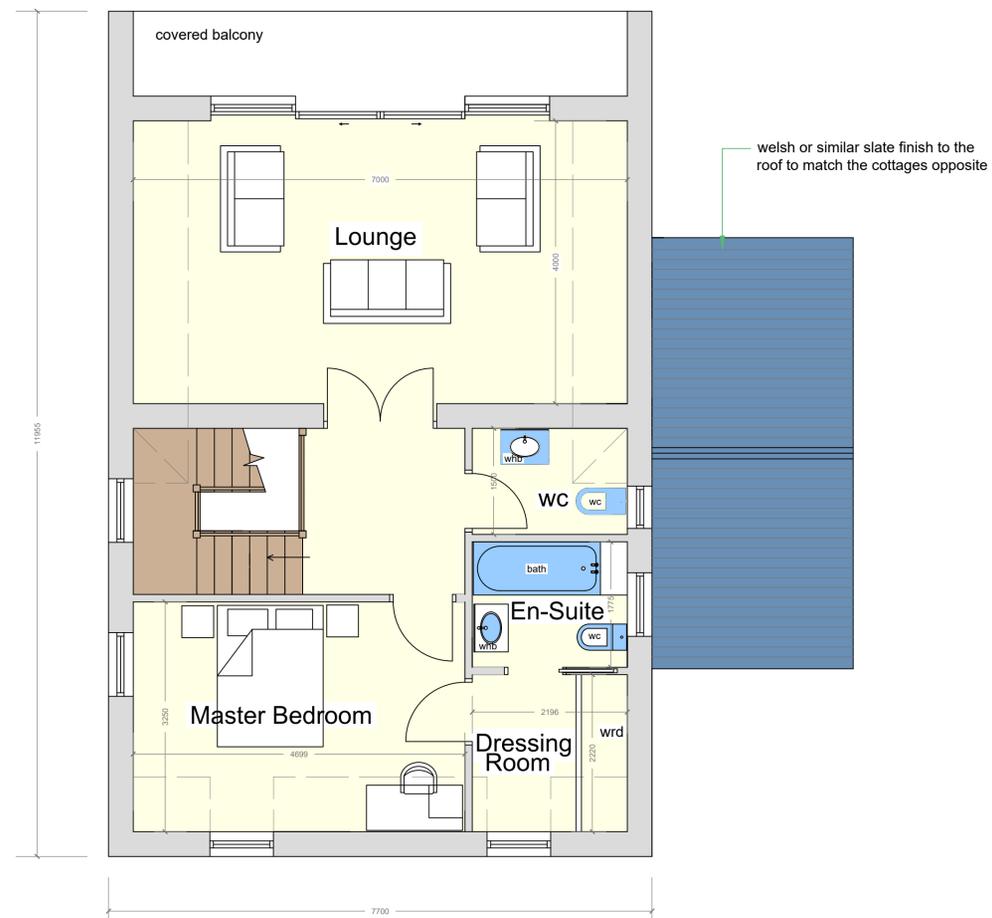
Project no: AH073	Drawing no: P02	Issue: B
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Ground Floor Plan



First Floor Plan

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tel:- 07792 599343 or 07788 420822

Project:
**PROPOSED DWELLING HOUSE,
CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH**

Client:
MR & MRS D MORRISON

Title:
FLOOR PLANS (Planning Drawing)

Scale: 1:50 & 1:100 Paper size: A1 Drawn by: AH Date: 20.04.20

Project no: Drawing no: Issue:

AH073 P01 A

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Project:
**PROPOSED DWELLING HOUSE,
CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH**

Client:
MR & MRS D MORRISON

Title:
SHADOW PLAN

Scale: 1 : 500	Paper size: A3	Drawn by: AH	Date: 27.05.20
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Project no: AH073 P03	Drawing no: B	Issue:
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Delivered by Email

27th May 2020

Euan Calvert
Development Management
Scottish Borders Council

Your Ref. 20/00453/FUL

Dear Euan

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

We write in relation to statutory and third party consultations received to date on the above application and seek to respond to certain matters raised.

It is not our intention to focus on individual comments or repeat the position within our Planning Statement which still stands (as does the supporting evidence provided with it). But rather group them under subject headings and provide key points of response setting out why we consider that the information before you provides the justification or reasoning as to why the proposal can be supported in planning terms.

We also seek to make you aware of certain comments made which are not wholly accurate and why they should be set aside when coming to a determination on the application.

Statutory Consultees

It is understood that most if not all the statutory consultee comments have been made without aid of a site visit. While it is appreciated given the current lockdown we do think that a site visit would provide greater clarity and perhaps may change some observations made.

Roads Planning Service

We note the Roads Service comments on the application. We do not agree or accept the conclusions reached primarily because most of the comments do not relate to the application in question.

The parking arrangement for Clifton Cottage has again historically been to park outside and on the street as each of the neighbouring dwellings have and currently continuing to do along High Street. The subject site was used historically for cutting turf or keeping a small level of livestock and where a garage and parking did not exist pre the 1960s. Clifton Cottage again has further dedicated amenity area to the rear of the property.

There are no restrictions that prohibit the applicant's returning to the parking arrangement the occurred prior to the purchase of the subject site. Indeed, they currently use the on-street parking presently. A picture of which is shown below.

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This is the case in many similar villages throughout the Scottish Borders with no detriment to road movements beyond that which currently exists.

The conclusions outlined by the roads consultation is therefore largely unfounded, in our opinion, and because it does not relate to the acceptability of the subject site/proposal in question.

This proposal does not give rise to any significant impacts regarding the existing road in question nor current parking arrangements which allow for on-street parking. This proposal is not going to significantly impact on the current status quo. Clifton Cottage has ample parking space out front and as shown by the photograph.

Built Heritage & Design

First and foremost, it must be clear that there is no planning guidance or policy that places an embargo on new development or housing within Conservation Areas. Indeed, there are numerous examples elsewhere within Kirk Yetholm.

The Heritage Officer makes a number of general observations within the consultation. It was noted or considered that the associated views eastward from the High Street to the landscape beyond contribute to both the characteristic historic layout of Kirk Yetholm as well as its distinctive close visual and spatial relationship with the surrounding landscape.

This is not accepted. There are no views to the East of the landscape beyond from the High street from anywhere between the Border Hotel and the subject site nor further up High Street due to the houses south of the site.

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 **RTPI**
Chartered Town Planner
Company Registration Number: 614302 (Registered in Scotland)

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Garages again break up visuals between those areas on the High Street and are not considered to relate heavily to the reasoning for the overall village conservation area status. It very much is on the periphery of the core setting.

Again, the subject site has little to no impact on the setting of listed buildings along the High Street. One must put into context what exists on and adjoining the subject site. That being three garages of all varying scales and style none of which of any great architectural merit.

They deter from the streetscape in terms of the local context. The proposal will sit behind the largest garage and 30 ft high trees when viewed up the hill from the Village Green and further screened by the high existing/retained hedgerow. When viewed from the north side of the village green the site is also screened by 30ft high trees that are growing along the side of the garage to the north. **Refer to the pictures below.**



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F E R G U S O N P L A N N I N G



Ultimately the proposal will not alter significantly the built form that already exists. The façade facing the street has been designed again to replicate that of Clifton Cottage and others located opposite to provide a form of synergy and thus, in design terms, cannot be considered out of keeping from the public receptor (public road).

The grassed area between the road and hedge will remain and a form of synergy with the village green. The iron water pump referenced again will remain and agreed to be of heritable value.

The subject site sits and steps drops down in the streetscape and between existing houses. Those located up the hill again are recent additions to the streetscape as are many others within the village. For example, the 'Yett' estate which sits below the Border Hotel and face to the east.

The Category C listing of the high street has limited bearing and is due to historical interest rather than Architectural interest as these are the houses that were at one time gifted to the Kirk Yetholm gypsies. In 1965 a gypsy named Young saved the life of Captain David Bennet at the Siege of Namur. In an unexpected gesture of generosity, the grateful officer gave the cottages to them.

All of the houses that now form the High Street we believe were originally one storey and had turf roads so those themselves have been adapted and changed the streetscape over time.

The east side of the High Street is not underdeveloped there are 3 houses to the North of the subject site and 2 to the south. There are again a total of 4 garages in the space between Burnside and the allotments.

One to the north of the subject site is a large prefab concrete garage now overgrown and under utilised, one on the site built in 1966 and next to this a modern double garage built last year. Then an old wooden garage that is so badly dilapidated that it has no roof this sits just to the north of the Allotments.

There are number of similar examples of new homes built near village greens or on the periphery and which largely go unnoticed. Bowden for example, has a number of properties that sit on the periphery of the village green and that proposed is deemed to be considered in a similar light. Again, more recently a new home has been permitted by the Planning Department in a fairly similar context at Newstead.

The proposal has considered its overall scale, proportions, alignment, density, materials, and fits within those confines and guidance contained with Policy EP 9. The Council have permitted a number of new homes in Kirk Yetholm and one considers the proposal has grounds for being considered in a similar light. Some pictures of the dwellings are again shown below.

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New development within Conservation Areas should not be about pastiche architecture. It is more about respecting the surroundings and coming forward with high quality designed buildings and with an appropriate palate of materials.

The appellant carefully considered the relevant aspects when placing a new home into the conservation area. It took into consideration matters such as:

- Context, layout, built form, design, density and materials;
- Open space and servicing;
- Landscape and ecological issues;
- Compatibility with surrounding land uses;
- Connectivity and character of place.

Conservation Areas, it is acknowledged, should protect and promote existing heritable assets and setting. It is not there, however, to place an embargo on development of modest and acceptable positioned/designed homes.

The subject site does not contain or adjoin any strong heritable asset and has considerable distance between it and those parts of the conservation area with strong heritable value. It is not set within the curtilage or setting of the Conservation Areas core assets nor will it have any impact upon them. Nor does it impinge on any core or protected viewpoints.

Each development nearby has its own appearance and character and it is felt that the proposal, while modern, is a welcomed addition to this particular area of the Conservation Area.

A variety of modern homes are located near the site and, in some instances, at a much greater scale and height to that proposed. These developments have been deemed acceptable locally.

The proposal is for a modest single dwelling and one set within existing landscaping and back from neighbouring properties. The proposal would not constitute overdevelopment and there would not be a significant adverse impact upon the Conservation Area.

The Local Development Plan proceeds with a presumption in favour of continuance of the built form and new development within the confines of existing settlements. There is a growing need to meet housing demand across the Borders.

Although conservation areas involve a higher level of control, this does not mean that development is necessarily opposed; preserving and enhancing the character and appearance of the area is the primary concern.

This is also true when considering proposals for new building, and extensions and alterations to existing buildings. Proposals must be of an appropriate character, scale and appearance to the area.

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Typically, traditional natural materials will be required; however, innovative well-designed contemporary buildings/ extensions may also be acceptable provided that the character, appearance and materials used complement the location (although such development will still have to be of a scale that is sensitive to the area). We believe that the proposal fits that general ethos or agenda set down within guidance.

As noted within Scottish Planning Policy if the effect is largely neutral then it should be deemed not to harm the Conservation Area. Again, related to SPP and other related policies the materials used are modern but ones considered high quality and acceptable within the Conservation Area (eg. timber, natural slate etc).

A proposed Condition can be applied to ensure all the associated finishes safeguard the character of the Conservation Area and this is deemed acceptable to the applicant.

Objection Comments

Reviewing the objection comments received we have addressed a number of the points above and would simply add that:

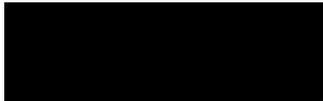
- The subject site is private land not open or green space or allotment land for that matter. The land allocations are incorrect and require amendment as they are not a statement of legal fact and thus should have no related bearing.
- The subject site and built form sits behind an existing hedgerow it is not part of the Village Green. It will set back from it and between existing built form and where the frontage largely replicates that of the cottages opposite. It therefore cannot, in our opinion, be deemed to have significant impact when it relates well to the context of the gap site in between existing built form.
- We have provided detailed commentary regarding overshadowing/looking and the like within Paragraph 3.16 of the Planning Statement. A further plan has been provided by the Client's Architect which again shows no residential property would be affected.
- The proximity of the garages have limited bearing on the overall acceptability of the proposal. There is again suitable distance. Fences once stood between the site and the neighbouring garage whose windows now appear partially blocked up and used for storing garden items and the like. It is not habitable.
- In terms of utilities this is largely a separate matter and would form a standard condition. There is capacity in the local water supply and drainage network and service media again available locally. Any associated surface water again would be treated using standard sustainable urban drainage techniques.

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We trust you find the above comments useful and we kindly request they are taken into consideration prior to making a recommendation on the proposal.

Yours Sincerely



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Conservation areas - Yetholm

Conservation Area

Yetholm

Conservation Area Statement

The Yetholm Conservation Area comprises most of the village, however unlike other Conservation Areas within the Borders it is distinctive in that it comprises of two separate areas – Town Yetholm and Kirk Yetholm.

The Conservation Area of Yetholm has many special characteristics that are not found in many other locations even outwith the Borders.

The most important features of the Yetholm Conservation Area are its historic layout with both Town Yetholm and Kirk Yetholm with their own green, along with its attractive rural setting.

Properties are mainly two storeys in height though one and a half storey properties do exist in Kirk Yetholm. As the layout of Yetholm is one of the most important features of the Conservation Area, it is recommended that new development should respect this characteristic.

Buildings of feature include the Parish Church, Blunty's Mill, and the Old Border Inn all in Kirk Yetholm; and in Town Yetholm the War Memorial and the Wauchope Monument and the listed "Thatched Cottage" on the High Street.

The majority of properties are constructed of traditional materials, whinstone, slate, and harling all predominate. Sandstone can also be found though in the use of rybats, margins, lintels, sills and skews and on some occasions as the main construction material.

With regards to architectural detailing, sash and case windows, margins and rybats, transom lights, simple panel doors, and dormers all appear frequently.

While these individual elements of the built fabric may not appear significant, their collective contribution to the Conservation Area forms its character. Any new development or alterations must therefore aim to respect the individual building and the wider Conservation Area and take account of these important features.

There are 83 properties currently listed within the Yetholm Conservation Area.

Alterations from previous Statement and Boundary

Alterations to the Yetholm Conservation Area boundary from that shown in the Roxburgh Local Plan 1995 consist of the inclusion of the remainder of the allotment gardens (Town Yetholm) and the inclusion of land south-west of the Manse (Kirk Yetholm). General tidying of the boundary was also undertaken so that it follows elements on the ground.

Download PDF

Yetholm Conservation Area

Author

Scottish Borders Council

Published date

July 2012

Contact

Heritage and Design Officer

Online Form

Contact heritage and design officer

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Planning Advice Note

conservation

Area Management

Designation alone will not secure the protection and enhancement of **conservation areas**. Active management is vital to ensure that change can be accommodated for the better



protection and enhancement

Planning series:

- › **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- › **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- › **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

preserve

enhance

appraisal

manage

Planning Advice Note

conservation

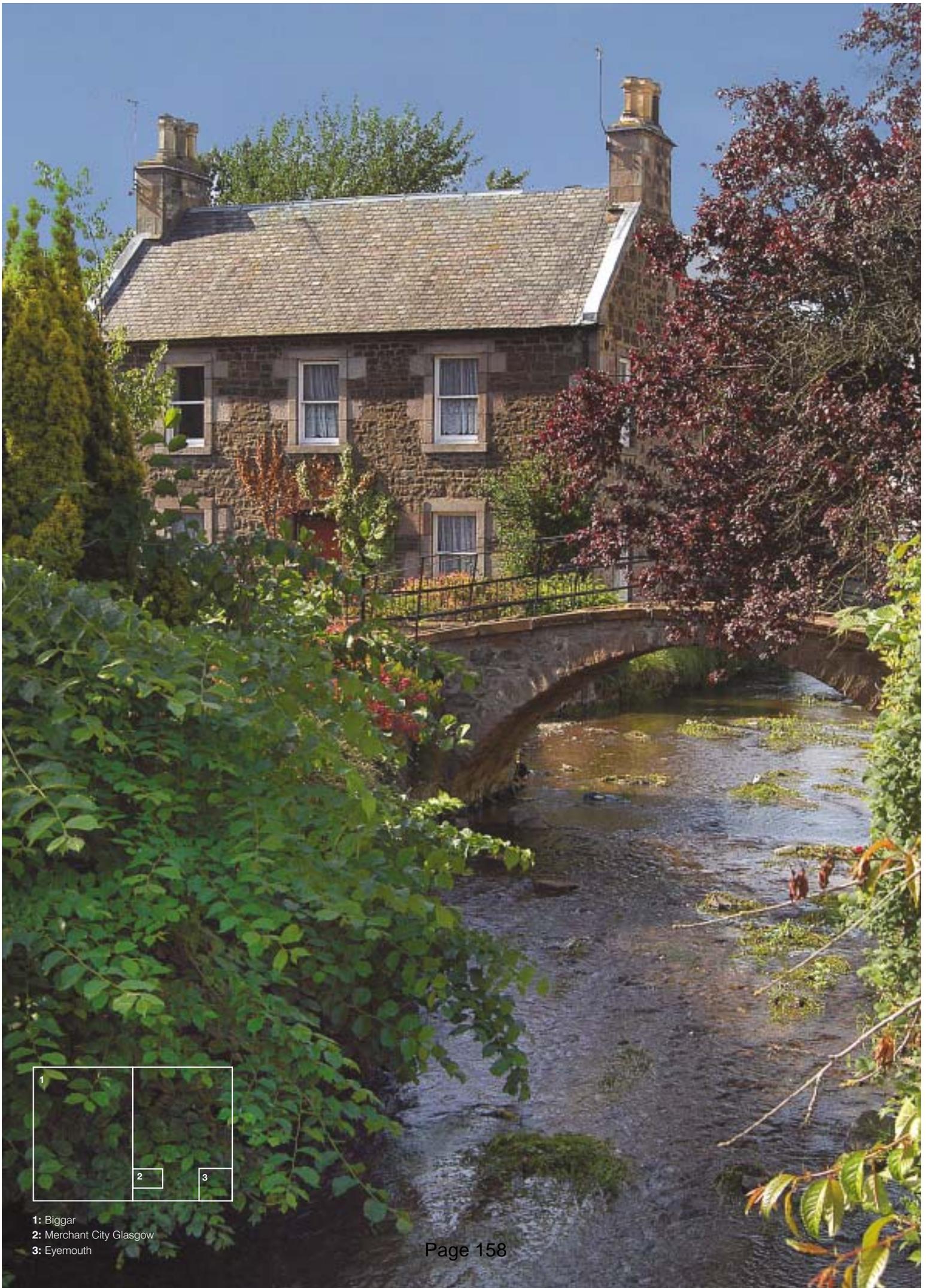
Area Management



December 2004
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ISBN: 0-7559-4206-X
ISSN: 0141-514X

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- 1: Biggar
- 2: Merchant City Glasgow
- 3: Eyemouth

Introduction

Designing Places, published in November 2001, sets out the Scottish Executive's expectations of the planning system to deliver high standards of design and quality. This Planning Advice Note (PAN) fits with Designing Places and forms part of the design series of Advice Notes, which together strive to provide the foundations for tomorrow's conservation areas.

There are over 600 conservation areas in Scotland. They can be found in our cities, towns, villages and in some rural settings, and can play an important role in economic and community regeneration and environmental enhancement. The designation of a conservation area is a means to safeguard and enhance the sense of place, character and appearance of our most valued historic places. Buildings of character, listed buildings, scheduled monuments, trees, historic street patterns, open spaces and designed gardens and landscapes are important components of these areas. The overall layout and pattern of development may be just as important to the character as individual buildings. The activities that go on inside conservation areas are also important. Conservation areas are living environments that despite their history, will continue to adapt and develop. Designating a conservation area does not mean a prohibition on development. It does mean carefully managing change to ensure that the character and appearance of these areas are safeguarded and enhanced for the enjoyment and benefit of future generations.

This PAN complements existing national policy and provides further advice on the management of conservation areas. It identifies good practice for managing change, sets out a checklist for appraising conservation areas and provides advice on funding and implementation.

This PAN should be read in conjunction with other national policy and advice. Of particular relevance are: The Memorandum of Guidance on Listed Buildings and Conservation Areas, NPPG 18 Planning and the Historic Environment, Designing Places: A Policy Statement for Scotland, PAN 52 Planning in Small Towns, and PAN 68 Design Statements.

The advice in this PAN will be of particular relevance to planning authorities, but effective management of conservation areas requires support and input from other stakeholders. This advice is also intended as a guide for other local authority interests, developers, heritage trusts, utility companies, public sector agencies, residents, property owners, community organisations and amenity bodies. Effective co-ordination of the knowledge, enthusiasm, commitment and resources of these interests can contribute significantly to the effective conservation and enhancement of Scotland's historic environment and the quality of life of those who live in, use and enjoy these places.

1





enhance

Designation of a conservation area should not be regarded principally as a means of increasing control but rather as a commitment to take positive action to safeguard and enhance the character and appearance of the conservation area. Memorandum of Guidance, sect 4.21.

Designation and Review

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that conservation areas “are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Local authorities have a statutory duty to identify and designate such areas.

Special architectural interest can be interpreted broadly. As well as the settings of architectural set pieces and the spaces between buildings, designation can give recognition to groups of individual buildings or characteristic forms of urban development and evolution. Equally, conservation area designation provides scope for special recognition of the best examples of town planning and urban design. Special historic interest relates to areas with a connection to events or themes of historic or cultural significance.

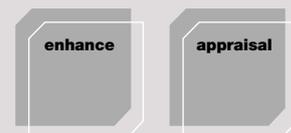
The statutory procedures for designation are well established. Proposals for designation, variation or cancellation must be publicised. The Scottish Ministers also need to be notified. Owners and occupiers of property within a proposed conservation area do not have to be specifically notified and there is no right of appeal against a designation, variation or cancellation. Wherever possible, proposals to designate, cancel or redefine the boundaries of conservation areas should first be subject to public consultation through the local plan process, thus providing opportunity for the views of stakeholders to be taken into account.

Whilst designation is a valuable tool in the protection of important areas, authorities should be careful not to assume that designation alone will secure protection and enhancement. Review of existing areas is required and provides an opportunity to assess the justification for designation, consider the validation of boundaries, identify opportunities for enhancement and set management priorities.

3

1	
	2

1: West Wemyss
2: Inverness



Managing Change

When effectively managed, conservation areas can anchor thriving communities, sustain cultural heritage, generate wealth and prosperity and add to quality of life. To realise this potential many of them need to continue to adapt and develop in response to the modern-day needs and aspirations of living and working communities. This means accommodating physical, social and economic change for the better.

Physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in conservation areas should always be founded on a detailed understanding of the historic and urban design context.

Whilst the scope for new development may be limited in many conservation areas, all will present some opportunities for enhancement. Most will contain buildings, vacant sites or inappropriate street furniture that have a negative impact on the character and appearance of the area. These represent opportunities for improvement and when managed effectively, can act as a catalyst for economic, community and environmental regeneration.



Understanding and Evaluating

Past approaches to conservation area management have too often been based on a limited understanding of the heritage resource involved. In some cases there has also been an overemphasis on regulation and a lack of clarity over priorities for improvement. 'Facelift' schemes which offer short term visual gain rather than more enduring, sustainable conservation, are common. Opportunities for positive planning and enhancement may be missed as a result. A pro-active approach is required.

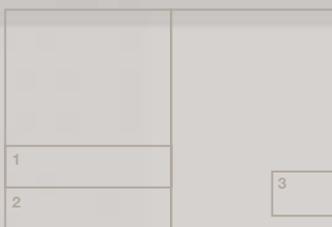
An overall strategy or vision for each conservation area will help to determine priorities. Townscape audits and conservation area appraisals are useful tools for developing and implementing a management strategy.

Townscape audits do not just apply to the historic environment but provide an analysis of the physical characteristics of the entire settlement. An understanding of the wider area is vital in the management of conservation areas. Townscape audits will identify the context, use and function of a conservation area and its relationship and importance to the surrounding settlement. Further information regarding townscape audits can be found in NPPG 18 and PAN 52.

Conservation area appraisals focus on areas which lie within existing or proposed conservation area boundaries. They analyse what makes a place special and assist managers in: defining and reviewing boundaries; identifying opportunities and priorities for enhancement; assisting policy formulation; ensuring consistent decision making and supporting funding bids. An appraisal is a vital tool to enable the active management of conservation areas. Authorities should prepare one for each conservation area to assist the management process. Further guidance on conservation area appraisals can be found in NPPG 18 and an appraisal checklist is set out in the annex to this PAN.

The management strategy for each conservation area should have shared ownership, involving all the stakeholders in an open and inclusive way. There should also be an understanding of what is achievable and what can be delivered in the short, medium and long term.

5



- 1: Beith: 1950's to present
- 2: Beith: 1950's to present
- 3: Glasgow



Policy Framework

Once an understanding of the special characteristics, pressures and priorities of a conservation area has been established, it is vital that they are fed into the development plan or supplementary guidance.

NPPG 18 sets out the requirements for structure and local plans. In the past, authorities have tended to rely on general local plan policies for the protection of conservation areas. Whilst these are important, NPPG 18 also requires that local plans go a step further and set out opportunities and priorities for enhancement. These need not be overly prescriptive but should identify sites of opportunity and areas where the Council and other stakeholders will be taking action. The detail of this, which will be informed by a conservation area appraisal, should be set out in action plans or supplementary guidance. Such detailed guidance will provide more certainty to the decision making process. Local plan policies should promote positive development.

Whilst NPPG 18 states that development which would have a neutral effect upon the conservation area should be treated as one which preserves the area's character or appearance, this should be considered as the minimum standard. Local plan policies and supplementary guidance should promote and reflect this commitment to quality.

Supplementary planning guidance also plays a fundamental role in the protection and enhancement of conservation areas. Appraisals are likely to be the main form of conservation guidance and will identify issues which require further supplementary guidance.

6

preserve

enhance



Development Control

Development control has a fundamental role in the management of conservation areas. It is vital that decision makers have the knowledge, skills and confidence to ensure high design quality in conservation areas. Clear information and guidance is essential for planners, politicians and local communities to come to a quick and considered view on the merits of proposals for change. A clear policy framework and supporting guidance will encourage the submission of quality proposals and promote consistent decision making.

Design statements are a way to explain how specific proposals will enhance the quality of an area. For significant applications within conservation areas, local authorities should encourage applicants to submit design statements based on conservation area appraisals.

Planning applications in outline will rarely provide the level of detail required to assess whether the proposal will harm the character of a conservation area or not. It is important to avoid outline consents for large residential or commercial developments without any understanding or realistic assessment of whether they can be accommodated sensitively within the setting of the area. The submission of a design statement will aid the assessment and consideration of proposals in outline and can be used to inform the preparation of planning conditions. Appropriate conditions and effective enforcement should provide confidence that the desired level of quality can be secured.

Conservation area consent for demolition will not normally be granted in the absence of a detailed application, approved in parallel, for the replacement development. This is to avoid the formation of gap sites and to ascertain that the development will enhance or preserve the character of the area, as defined in the conservation area appraisal.

Conditions attached to a planning permission can assist the effective regulation of development. They should meet the tests set out in Circular 4/1998 The Use of Conditions in Planning Permissions. Use of standard conditions may not be sufficient to maintain and enhance the special character of the conservation area.

Enforcement

Enforcement has a key role to play in the protection of conservation areas. Local authority enforcement strategies are generally reactive, resulting in investigation only when a formal complaint is made. For conservation areas, local authorities should consider a more proactive approach including monitoring development activity and ensuring compliance with the terms of planning permissions. A positive and active approach to enforcement will help to reduce the number of contraventions and secure sustained improvements in environmental quality.

7



1: Inverness
2: Dunkeld



Case Study

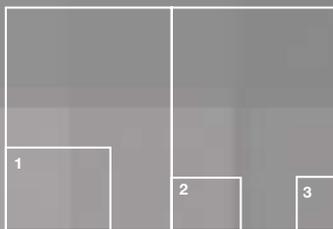
Burgh Yard, Dollar, is a quality development on a key site within an outstanding conservation area. The success of the development is attributable to Clackmannanshire Council's active management process, which was recognised in 1997 with a Scottish Award for Quality in Planning.

The brownfield site provided a rare opportunity for new build within the conservation area. Clackmannanshire Council recognised that wider benefits could be achieved by collectively considering the site along with two neighbouring sites which were considered to have a negative impact on the conservation area.

A detailed development brief was prepared and a design competition launched. A panel of conservation experts (including the Royal Fine Art Commission for Scotland, The Scottish Civic Trust, the Architectural Heritage Society and the Dollar Civic Trust) acted as judges and unanimously chose the winning scheme.

The Council's management strategy also had a number of safeguards to ensure that a quality development was achieved. This included tying detailed drawings into feuing conditions for the site and using the Builder's Licence Scheme.

Clackmannanshire Council displayed excellent management skills by considering not just the opportunity site but the interests of the conservation area as a whole. The brief set out the detailed requirements for the area and the Council were committed to ensuring that a high quality development was secured.



- 1: Burgh Yard, Dollar
- 2: Beith
- 3: Beith



Protecting Vulnerable Areas

Article 4 Directions

The objectives of conservation area management can for the most part be met through an effective policy framework and the positive use of existing development control and enforcement powers.

There will, however, also be a place for further regulation to ensure that the character and appearance of the conservation area is not eroded through incremental change.

Proposals for Article 4 Directions to remove or reduce permitted development rights should be advertised or progressed through local plans. Local authorities should be clear about the classes of development they want to bring within planning control and provide appropriate justification. They should not resort to blanket restrictions of regulation but should relate to the character defined in the specific conservation area appraisal. Further policy guidance on the use of Article 4 Directions is set out in NPPG 18.

Buildings at Risk

Where appraisals identify listed or significant properties which are at risk from neglect, authorities should alert the Scottish Civic Trust, which maintains the Buildings at Risk Register on behalf of Historic Scotland. The register aims to unite owners of neglected properties with those who have the resources to restore them. Further information regarding buildings at risk can be found in NPPG 18, the Memorandum of Guidance on Listed Buildings and Conservation Areas and from the Scottish Civic Trust. A dedicated website which provides information on many of the properties on the Register can be accessed at www.buildingsatrisk.org.uk

Urgent Works Notices

Urgent works notices allow local authorities to carry out works which they feel are necessary to preserve a historic building suffering from neglect. The notice may be used to deal with listed and unlisted buildings in conservation areas. Notices should, however, only be served on unlisted buildings that make a positive contribution to the character or appearance of the conservation area. Any costs incurred in carrying out the works can be recovered from the owners. Urgent works notices are confined to those parts of a building which are unoccupied.

The scope of the works covered by the notice should be restricted to the minimum necessary to secure the building rather than comprehensive repair and restoration. For example, it may be adequate to install a temporary roof covering over a building rather than undertake the full repair of the roof.

The use of urgent works notices should not be reserved solely for buildings in an advanced state of disrepair. They can also target relatively inexpensive works where a building is at an early stage of decline. Addressing relatively minor issues such as blocked gutters or rhones can halt deterioration to a more serious and expensive condition. Further advice on the procedures for urgent works notices can be found in the Memorandum of Guidance on Listed Buildings and Conservation Areas.



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Decision by Mike Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-130-2070
- Site address: Barr Bheag, Taynuilt PA35 1HY
- Appeal by Mr Sean Honeyman against the failure of Argyll and Bute Council to determine the application for planning permission no. 18/01786/PP, dated 15 August 2018, within the prescribed period.
- The development proposed: demolition of a dwellinghouse and the erection of a replacement dwellinghouse.
- Application drawings: as listed in the schedule at the end of the decision notice
- Date of site visit by Reporter: 4 February 2019

Date of appeal decision: 14 February 2019

Decision

I allow the appeal and grant planning permission subject to the four conditions listed at the end of the decision notice. Attention is drawn to the three advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are:
 - (a) whether the demolition of the existing house on the site and its replacement by a new house would constitute a sustainable form of development, also taking into account relevant provisions of national planning policies and guidance; and
 - (b) whether there are any other matters, including the impact on the tenant of the existing house and his business, which constitute material planning considerations relevant to the determination of the application.

Background

2. The present house on the site is a small, single-storey building. The original part of the house dates back to the 1930s and is clad in corrugated metal sheeting. There is a more recent extension to the rear and side, constructed of rendered blockwork. The roof of the whole building is covered with profiled metal sheeting.



3. There is no dispute that the house is in need of repair. It is owned by a trust, of which the appellant is a trustee, which has been served with a Repairing Standard Enforcement Order (RSEO) issued by the Housing & Property Chamber First Tier Tribunal, requiring certain repairs to be carried out and an architect's report to be undertaken on how to make the house weathertight and cure the problem of dampness throughout. That report, dated 15 August 2017, following a limited inspection of the building, highlighted certain issues, but concluded that the building had reached the end of its useful life and should be replaced with a new house.

4. In response to this, the tenant of the house commissioned a firm of chartered surveyors to value the property and estimate the cost of essential repairs. This estimate amounted to £25,000.

5. The council did not reach a decision on the planning application within the prescribed time. In its submissions, it has explained that this was for a number of reasons including: the number of third party representations received; the need to obtain legal opinion on a number of matters, amongst which was the weighting to be afforded to the complex legal issues associated with the RSEO; the need for the appellant to commission a bat survey and obtain the necessary licence from Scottish Natural Heritage; and the need for the planning authority to determine whether the proposal represented an appropriate form of sustainable development.

6. With regards to this last matter, the council had before it the two reports referred to above and was advised to obtain an independent assessment of the current condition of the building and the estimated cost of essential repairs. Despite putting this work out to tender, with a deadline of 12 December 2018, the council received no expressions of interest. In the absence of clarification on this question, the council's current position is that it is unable to demonstrate whether or not the proposals would constitute an appropriate sustainable development. Consequently, adopting a precautionary principle, the council asserts that planning permission should be refused.

The sustainability of the proposed development

7. The development plan for this area consists of the Argyll and Bute Local Development Plan 2015 (LDP), together with any associated statutory supplementary guidance. The fundamental policy relating to sustainable development is LDP STRAT 1, which states that developers should seek to demonstrate a number of sustainable development principles, which the planning authority will also use in deciding whether or not to grant planning permission. The council's position is, essentially, that this development has failed to demonstrate that it meets the second of these principles; namely, to make efficient use of vacant and/or derelict land including appropriate buildings.

8. The appellant, on the other hand, has drawn support from policy LDP DM1, which concerns development within the Development Management Zones identified in the LDP. The appeal site lies within a Rural Opportunity Area, where the policy states that encouragement will be given to sustainable forms of development of a small scale on appropriate sites, as well as small scale infill, rounding-off, **redevelopment** (*my emphasis*) and changes of use of existing buildings. This policy does not, therefore, preclude the redevelopment of existing buildings.

9. At issue in this case is how the sustainability of a proposal to demolish an existing building and replace it with a new one has to be demonstrated. The council's position seems to be that this requires an assessment of the costs of repairing the existing building so that it can be retained. I am not persuaded that this is the case. Such an assessment is in fact more a consideration of the economic viability of a proposed development rather than its inherent sustainability.

10. I do not think that it can be automatically assumed that the erection of a new house rather than the repair and retention of an existing one is an unsustainable option. Taking a long-term view, a new house with modern methods of construction and insulation may well be a more sustainable development than seeking to repair an unsatisfactory existing building. The difference between the two reports submitted in connection with this proposal could well be characterised as the difference between a long-term (and possibly pessimistic) view and a short-term (and possibly optimistic) approach. Thus the report commissioned by the appellant concludes that, even with repairs, it cannot be guaranteed that the building will be wind and watertight or free of dampness; and therefore fit for human habitation in the long run. In contrast, the report undertaken for the existing tenant concludes that necessary repairs could easily be carried out without undue disruption to the occupants at what appears to be a relatively modest cost.

11. I am not in a position to make an informed judgement between these two views, put forward by qualified professionals; a position which the council also found itself in. Unlike the council, however, I do not consider that it is necessary to do so. I do not consider that the LDP requires such a detailed assessment in every case. As indicated in paragraph 8 above, policy LDP DM1 allows for the redevelopment of existing buildings in the area in which this site is located. The current proposal is consistent with that policy.

12. The appellant's agent has drawn attention to other applications for the demolition of existing houses in Argyll and Bute, listing 46 that have been approved since 2008. I appreciate that individual cases have to be treated on their merits and, of those listed, a majority were considered before the current LDP was adopted. In addition I have no detailed information on the circumstances and context of most of these approvals. However, details have been submitted of two cases which were considered at about the same time as the application which is the subject of this appeal was being processed. Planning permission was granted for the demolition of an existing house and the erection of a replacement house in Appin in September 2018; and for a similar proposal on the Isle of Tiree in October 2018. The Report of Handling of the former application states that the existing "traditional" dwellinghouse was in a state of neglect and presented a suitable opportunity for redevelopment in accordance with policy LDP DM1. In the second case the Report of Handling contains no discussion about the relative merits of retaining and repairing the existing house. In both reports, under the question of whether a sustainability checklist has been submitted the answer is in the negative, and no issue has been raised with this. The conclusion in both cases is that the development complies with, amongst others, policies LDP STRAT1 and LDP DM1.

13. I acknowledge that this proposal has proved particularly controversial (and I return to some of the issues raised later), and this has no doubt influenced the council's approach. The cases referred to above make clear, however, that that the council does not automatically require an assessment of the costs of repair before agreeing to the demolition

of an existing house or deciding whether such a proposal is compliant with policy LDP STRAT1. Indeed, the available evidence suggests that it is not its normal practice to do so. Notwithstanding the contentious nature of this proposal, in considering the intrinsic planning issues it raises, I find that it is not necessary to make a detailed assessment of the costs of repairing the present house.

14. More pertinent is whether there are any overriding planning reasons that justify the retention of that house. It is not listed as being of special architectural or historic interest; nor is it within a conservation area. I appreciate, however, there will be attractive buildings that are unlisted and outwith conservation areas that, nonetheless, make a significant contribution to the character of an area; and which the planning authority would not wish to see demolished and replaced by a modern structure. The council has stated in this case that the existing house exhibits some degree of local distinctiveness, and that its demolition without being able to demonstrate that it does not represent an opportunity to preserve the local distinctiveness of the area through its conservation and continued use would be contrary to the advice contained within Planning Advice Note (PAN) 72: Housing in the Countryside.

15. I consider that the council's position on this matter is overstated. Whilst the original cottage might be of some interest because of its age and construction, I find that, taken as a whole, the house is of no significant architectural interest or distinction. It is situated at some distance from the village of Taynult in a rural area where there is a scattered pattern of development showing no coherent architectural character. I consider that its demolition would have no adverse impact on the overall character of the local area. This reinforces my finding that there is no requirement to justify that demolition in comparison to the costs of repair.

16. The council has made no comments on the design of the proposed replacement house. This would be a small, single-storey building to be clad in timber with a profiled metal roof. I consider that its size and design are appropriate to the locality and that it would be an acceptable replacement for the present house in design terms. I find that it would be consistent with policy LDP 9 concerning development setting, layout and design. It would also not conflict with policy LDP 3, which seeks to protect, conserve or where possible enhance the established character of the built environment.

17. In terms of other development plan policies that have been mentioned in submissions, policy LDP 10 states that the council will support all development proposals that seek to maximise resources and minimise consumption; and accord with a number of factors including sustainable design principles and minimising waste. The council has made no reference to this policy. As I have indicated in paragraph 9 above, the cost of repairing and retaining a building is not a measure of the sustainability of that option compared to replacing it with a new building. I acknowledge that the demolition of the present house would generate some waste materials that would need to be disposed of but, given the small size of the building, I do not see this to be a serious issue. The construction of the new house would require new materials, the production of which would have some carbon footprint. However, there is no inherent reason why some of these materials, particularly the timber required, cannot come from sustainable sources. As I have also previously stated, a new house with modern construction and insulation standards may well have a lower carbon footprint in the long term than a repaired existing house. The council

has not required a sustainability assessment to be carried out for this proposal. I note that in the cases referred to in paragraph 12 above, the council either made no mention of policy LDP 10 or concluded that the development accorded with it. I am satisfied that the current development does not conflict with that policy.

18. In the submissions for the tenant, reference is made to supplementary guidance policy SG LDP ENV 21. This policy is within supplementary guidance on the historic built environment and archaeology. It provides additional detail to policy LDP 3 and states that opportunities for the enhancement and re-use of existing buildings will be sought, through proposals for re-building, re-use or change of use, to maintain the fabric of the building and its value to the community. I have concluded above that the present house is of no historic or architectural significance, and that its replacement with the proposed new house would not conflict with policy LDP 3. I therefore find it would also not conflict with policy SG LDP ENV 21.

19. Supplementary guidance policy SG LDP BUS3 seeks to safeguard existing businesses. Although I consider the effect of this development on the tenant's business in due course, the current proposal has no direct impact on the building in which that business is located, which lies outwith the appeal site. I therefore consider policy SG LDP BUS3 is of no direct relevance in this case.

20. I conclude that the proposed development complies with policies LDP DM1 and LDP 9 and does not conflict with policies LDP STRAT1, LDP 3 and LDP 10. Despite references to the vision and objectives of the LDP in the submissions made on behalf of the tenant, I do not consider that the development would in any way affect the achievement of those objectives. I therefore find that, taken overall, the proposal accords with the relevant provisions of the development plan.

21. It therefore remains to consider whether there are any material planning considerations which would, nevertheless, warrant the refusal of planning permission.

National planning policies and guidance

22. Scottish Planning Policy (SPP) contains a presumption in favour of development that contributes towards sustainable development. Paragraph 29 states that policies and decisions should be guided by a number of principles, including making efficient use of existing capacities of land, buildings and infrastructure. As with policy LDP STRAT 1 I do not believe that this requires that every existing building must be retained, and it is clear from some of its previous decisions involving the demolition of existing houses that the council also accepts this. I have concluded that there is no overriding reason in terms of preserving the character of the area to retain the existing house, and therefore no overriding reason to prevent its demolition.

23. I therefore find that there is no overall conflict between this development and SPP. Similarly, there is no conflict with PAN 72 which, whilst it refers to the opportunity provided by the sympathetic restoration of existing buildings to maintain the character and distinctiveness of places, contains no implication, in my view, that all existing rural houses need to be retained. I have concluded that the demolition of the present house would not

have an adverse effect on the character or distinctiveness of the area. The erection of a new house on its site would ensure no overall loss of rural housing.

Other considerations

24. There is no doubt that the controversy generated by this proposal arises to a large extent because of the concerns raised by and on behalf of the tenant of the existing house; and particularly the implication that he may become homeless and also be unable to continue to run his bicycle hire business (the Rusty Cycle Shed) as a result. Some 130 email objections have been lodged, all with a similar wording, and most from people living a considerable distance from the site. The tenant's submission states that many of these objectors are regular visitors to the area and/or clients of his business

25. It is suggested that demolition of the present house may contravene the tenant's rights under Article 8 of the European Convention on Human Rights, which provides for respect for private and family life, home and correspondence. However, I consider that the tenant's rights in respect of his occupation of the house are safeguarded through other legislation. I note that proceedings are pending regarding the landlord's attempt to obtain possession of the house and they are an entirely separate matter. The details of the tenancy agreement, including the tenant's rights and the landlord's obligation, are not a matter for me to consider. Granting planning permission for the demolition of the house does not override any decision made by the courts. It is therefore conceivable that, even if planning permission were to be granted, the appellant would be unable to implement it because of other legal requirements. The landlord would still need to obtain possession of the house, which would be a matter for the courts to decide. If the tenant were to be rendered homeless as a result, the council as housing authority may have obligations to address that fact.

26. Related to this matter is the claim made in the objections that the appellant is only seeking to demolish the house to avoid compliance with the RSEO. The motivation of a person in applying for planning permission is rarely a material planning consideration, and I see no reason to make an exception to that general view in this case. Again, I note that there are ongoing proceedings regarding the enforcement of the RSEO, the outcome of which might affect whether the appellant can implement any planning permission granted. I do not accept, however, the council's contention that consideration of the RSEO has any material bearing on whether such permission should be granted. Rather it is a parallel process to be determined in accordance with its own relevant legislation and procedures. Enforcement of the RSEO, which would require certain repairs to the house to be undertaken, is not, in my view, directly relevant to the issue of the sustainability or otherwise of the current proposal; which is, as I have indicated above, more than simply a comparison of respective costs.

27. A second issue raised by the objectors concerns the future of the tenant's business if he is unable to live in the house. This business is operated from a shed situated to the west of the house and outwith the boundaries of the current appeal site. Access to the shed, however, runs through the site. I understand that this shed is held under a separate legal arrangement with the trust, which is also seeking its re-possession. That is a separate legal matter. I accept that, if the tenant is unable to remain living in the vicinity, there would be practical difficulties, including access, in continuing to run his bicycle hire business from

its present premises. However, that is not a direct consequence of the demolition of the present house and its replacement with a new one. Rather, it arises from the tenant's legal relationship with his landlord. It is conceivable, for example, that if the lease of the shed was terminated, the business would have to cease in any event.

28. I appreciate that the bicycle hire business may provide a useful facility supporting tourism in the area, and it obviously commands a degree of loyalty from its customers. There is no evidence before me, however, as to whether or not alternative premises, either in the immediate locality or in Taynuilt itself, could be found from which to operate the business. The council, in its submissions, makes no reference to the business, which may reflect its view that it is not a material planning consideration in this appeal. If that is its position, I consider that it is correct. The future of the business is not a material consideration in assessing the planning issues raised by the current proposal to demolish the existing house and build a new one on its site.

29. I understand that this development, if implemented, would cause difficulties for the present tenant of the house. However, I do not consider that his personal circumstances, including the relationship with his landlord, represent a material planning consideration in this case. The purpose of the planning system is generally taken as to manage development and land use in the broader public interest, rather than to protect individual private interests. I have concluded above that this proposal accords with the relevant policies of the development plan and does not conflict with national planning policies. I do not believe that the issues raised by the tenant concerning his occupation of the house and the operation of his business override that conclusion or indicate that the appeal should be determined other than in accordance with the development plan.

30. During the course of the consideration of the original application by the council, the potential presence of bats, which are European Protected Species, using the existing house was raised. Consequently a bat survey was undertaken, which confirmed that there was evidence of a single summer, non-breeding, long-eared bat roost in the roof, which would be destroyed if the building was demolished. There was no evidence of other bat species using the building. Mitigation measures were recommended, including on the timing and supervision of demolition works, and the erection of two bat boxes on a nearby tree. Subsequently the necessary licence for disturbing the bat roost was obtained from Scottish Natural Heritage. I am therefore satisfied that the protection of any bats using this site can be adequately covered through a planning condition requiring the necessary mitigation measures to be implemented.

Conclusion

31. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

32. The council has recommended five conditions to be imposed if planning permission were to be granted. The first of these is unnecessary, as the developer is obliged to carry

out the developer in accordance with the approved plans, as listed below. I have imposed the remaining conditions with minor modification as necessary.

M D Shiel

Reporter

Application drawings

Location plan at 1:10,000 scale

Location plan at 1:2500 scale

Drawing A1 showing site plan, plan and elevations of new house

Drawing A2 showing plan and elevations of existing house

Conditions

1. No development shall commence until written details of the type and colour, including any proposed staining and/or painting, of the timber boarding and metal sheeting to be used to clad the external walls and roof of the dwellinghouse hereby approved have been submitted to and approved in writing by the planning authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: to help integrate the new development into its surroundings.

2. No demolition works shall commence until details of the proposed means of boundary and surface treatment to be applied to the cleared site have been submitted to and approved in writing by the planning authority. Upon completion of the demolition works all waste materials shall be removed from the site, and the duly approved scheme of boundary and surface treatment implemented in full within a period of one month from the completion of the works unless otherwise agreed in writing with the planning authority.

Reason: to protect the amenity of the locale.

3. The existing dwellinghouse, Barr Bheag, shall be demolished solely in accordance with the mitigation strategy for bat species contained in the European Protected Species Licence issued by Scottish Natural Heritage (licence number 131346, currently held by Mr Ross Preston of Middle Cottage, 2 East Kames, Lochgair, Argyll) or any subsequent European Protected Species Licence that might be issued. No demolition of this building shall be carried out without an extant European Protected Species Licence issued by Scottish Natural Heritage, or else following written confirmation from Scottish Natural Heritage that such a licence is no longer required.

Reason: in order to ensure the protection of bats and appropriately mitigate for the loss of potential or actual bat roosts.

4. The development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. Details of the requisite surface

water drainage shall be submitted to and approved in writing by the planning authority before development commences on the site, and shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: to ensure the provision of an adequate surface water drainage system and to prevent flooding.

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

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Decision by Alison Kirkwood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2380
- Site address: Castleton Guest House, 3 - 4 Castleton Terrace, Braemar, AB35 5ZR
- Appeal by Mr Glenn Perkins against the decision by Aberdeenshire Council
- Application for planning permission APP/2019/0676 dated 26 March 2019 refused by notice dated 20 June 2019
- The development proposed: erection of dwellinghouse (for use as short-term holiday lets) and erection of boundary fence and gate
- Application drawings 2019-018_P03 and 2019-018_P01G
- Date of site visit by Reporter: 19 November 2019

Date of appeal decision: 27 November 2019

Decision

I allow the appeal and grant planning permission subject to the five conditions listed at the end of the decision notice. Attention is also drawn to the three advisory notes at the end of the notice.

Preliminary

The appellant has submitted a claim for expenses. I have issued a separate decision on this claim.

I note that the appellant has indicated that the stamped 'site plan and elevations' drawing was not the most up-to-date version. It is stated that an amended version, which removed a proposed internal boundary fence, was submitted and accepted by the council during the application process.

My remit in determining this appeal is to consider the application refused by the council. I have therefore based my determination on the stamped drawing (2019-018_P01G).

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.

2. The site lies within the Braemar conservation area. In accordance with section 64(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, I must



therefore also pay special attention to the desirability of preserving or enhancing its character or appearance.

3. Having regard to the provisions of the development plan, the main issues in this appeal are the principle of development; access and parking; the impact on the conservation area; and residential amenity. The development plan in this case comprises the Cairngorms National Park Local Development Plan (LDP) 2015. Material considerations include the previous appeal decision from January 2019 (reference PPA-110-2366) and matters raised in representations.

4. The appellant and some other parties have mentioned the proposed Cairngorms LDP, which I am aware has now been submitted for examination. However, the council has not referred to the proposed LDP in its determination of the application or appeal statement. Whilst an emerging development plan can be a material consideration in the determination of an appeal, in this instance I have given negligible weight to it. The adopted 2015 LDP, against which the proposal must be assessed, contains provisions relating to all of the relevant matters in this appeal.

Principle of development

5. The appeal site lies within the Braemar settlement boundary and incorporates the former guest house at 3 – 4 Castleton Terrace, a bothy on School Road and a L-shaped garden. The site forms part of a row of traditional residential properties along Castleton Terrace with long narrow gardens, many of which include outbuildings. The site is bound to the north and south by narrow lanes running from School Road to Castleton Terrace.

6. The proposed single storey, one bedroom dwellinghouse (referred to as a pod by the appellant) would be used for short term holiday lets only. The existing bothy building on School Road, which was to be converted to holiday accommodation in the previous proposal, would remain in storage use.

7. The proposal would provide additional tourist accommodation in Braemar which, in principle, complies with LDP policy 2 part 2. Located in the heart of the village close to local facilities, the dwelling would enhance the range of tourist accommodation available in Braemar and has the potential to be used all year round.

8. I conclude that the proposal accords in principle with LDP policy 2. This policy also requires me to consider the environmental impact of the proposal on the site and neighbouring area. My findings on relevant environmental matters are set out in the sections below.

Access and parking

9. LDP policy 3 part 1 j) requires proposals to include an appropriate means of access and egress and space for off-street parking. The proposal includes two parking spaces and a turning area which would allow guests to drive forward in and out of the property via an access lane from School Road.

10. Local residents have indicated that guests may find it difficult to turn into the narrow access lane from School Road, which is in itself narrow and is used for on-street parking. Concerns have been expressed regarding potential damage to vehicles and the buildings on either side of the lane and guests choosing to park on the road instead which would add to the pressure for on-street parking spaces. Concerns have also been raised about potential collisions with pedestrians using the lane.

11. I note that the roads authority had no objection to the application and I attach weight to this. However, one of the reasons for refusal was that the proposed off-street parking could not be adequately accessed due to the narrowness of the access lane.

12. During my site inspection, I measured the width of the lane between the two buildings to be just less than 3.0 metres. I note that the access already serves 4 School Road and during my site inspection, the occupier of this property demonstrated that it was possible to drive into the lane, albeit taking a slow and careful approach. Whilst there is no formal turning area within the garden ground at 4 School Road, I observed that a flat paved area provided space to turn a vehicle to enable forward access and egress from this property.

13. I note that the occupiers of 4 School Road have indicated that, due to the narrow access, they tend to park on the street, if there is a space available. However, I also note the photographic evidence submitted by the appellant showing a large white van parked within the garden area at 4 School Road.

14. In the previous appeal, the reporter concluded that the proposed off-street parking could be adequately accessed but was concerned that there could be insufficient spaces for occupiers of both the converted bothy and the proposed dwelling. This would have forced visitors to park on School Road which would have a detrimental effect on existing street parking.

15. The proposal before me provides two parking spaces for the one bedroom dwelling. This means that, even in the unlikely event that visitors bring two cars, the turning area would be available to allow forward access and egress. I agree with the previous reporter that, whilst the access to the off-street parking area is narrow, it is adequate. Due to the geometry of the access, drivers would have to move slowly and I find that the risk of any conflict with pedestrians would therefore be negligible.

16. I conclude that the proposal includes an appropriate means of access and egress and space for off-street parking in accordance with LDP policy 3.

Impact on the conservation area

17. The proposal is for a single storey building measuring 9.6 metres by 3.6 metres with a ridge height of 4.5 metres. It would be of traditional vernacular proportions, clad in vertical timber with timber doors and windows and a red corrugated metal roof. The proposal would provide an area of private garden, including timber decking, to the south of the building and new timber fencing next to the garden and along the lane.

18. The dwelling would bisect the existing garden ground and be positioned parallel to the properties at 3 – 4 Castleton Terrace and the bothy on School Road. It would sit on the opposite side of the lane from a timber shed in the garden of 4 School Road.

19. LDP policy 9 part 2 requires development in a conservation area to enhance its character and to use design, materials, scale, layout and siting appropriate to the site and its setting. LDP policy 3 part 1 b) also refers to the need for development to be sympathetic to the traditional pattern and character of the area, local vernacular and local distinctiveness. The LDP Braemar settlement statement seeks to protect those parts of the village that are important to its character and setting and to ensure Braemar's built heritage is preserved and enhanced.

20. In the absence of a Braemar conservation area appraisal or management plan, I note that the LDP Braemar settlement statement includes a section on cultural heritage. This highlights the importance of protecting the Victorian character of the village. It also indicates that there is a tradition of backhouses which are ancillary to the primary dwelling and that it is important that this tradition is not lost or adversely affected.

21. The council's committee report dated 28 May 2019 provides information on the extent and use of backhouses and ancillary buildings at 1 Castleton Terrace / 2 School Road and 4 School Road. During my site inspection, I observed a single storey timber clad property bisecting the garden ground between 1 Castleton Terrace and 2 School Road and a green timber shed at 4 School Road, adjacent to the site of the proposed dwelling. I also note, from the historic map and aerial photograph submitted by the appellant, that a cottage and outbuilding were previously positioned within the existing garden ground at 3 - 4 Castleton Terrace.

22. I find that buildings of a subservient scale and design located to the rear of the properties along Castleton Terraces were characteristic of the historic urban pattern and that buildings and structures currently exist within the garden ground of neighbouring properties.

23. The appellant has referred me to Scottish Government's Planning Advice Note 72 which provides advice on the design of rural housing. I find that the development would have a vernacular style and, in terms of its scale, design and materials, would be similar to the new visitor accommodation located next to Braemar Mountain Sports on Invercauld Road. From my site inspection, I observed other examples of timber clad buildings and the use of grey and red corrugated roofing within the Braemar conservation area.

24. From my site inspection, I note that the proposed development would not be visible from the main A93 road or the village centre. The scale, design and location of the dwelling would reflect the tradition of backhouses and the resulting development would be subservient to the main properties at 3 - 4 Castleton Terrace. I do not consider that the proposal would represent over development, but would be compatible with the character of the surrounding area and complement other recent developments in the village.

25. I find that the development would be sympathetic to the traditional pattern of development in its immediate environment and have a neutral effect on the character of the conservation area as a whole. The siting, design, materials and scale are appropriate to

the site and its setting. I conclude that the proposal accords with the relevant parts of LDP policies 3 and 9.

Residential amenity

26. LDP policy 3 part 1 i) seeks to protect the amenity enjoyed by neighbours of a development site. Amenity concerns raised in representations include access to the site, which I have already addressed, overshadowing and privacy.

27. I note the results of the shadow impact study submitted by the appellant. This shows that there would be little or no overshadowing impact on the garden ground of neighbouring properties at any time of the year. I consider the overshadowing impact of the proposal to be acceptable.

28. In terms of privacy, the use of roof lights means that only the south elevation would have windows. There would be no impact in terms of window to window privacy for any neighbouring property. The timber decking and garden area would be adjacent to a blank elevation and stone wall at 8 School Road and as such there would be no privacy impact.

29. The removal of the existing conifers along the northern boundary would increase views into and from the site. However at my site inspection, I observed that the existing shed, fence and gate at 4 School Road and the fence at 2 Castleton Terrace would mitigate any potential privacy impacts caused by guests moving between the front door of the dwelling and the parking area.

30. I conclude that the proposal accords with LDP policy 3 part 1 i), as it would not have an unacceptable impact on the amenity enjoyed by neighbours.

Other matters

31. Subject to appropriate conditions, the proposal accords with LDP policy 10 in terms of water supplies and connection to sewerage.

32. I note that the adjacent properties at 6 and 7 Castleton Terrace, the observatory in front of 2 Castleton Terrace and St Margaret's Church are all listed buildings. I do not consider that the proposals would harm the setting of any of these buildings. I also find that there would be no impact on wildlife, including bats. Land ownership and rights of access across the lane are not material planning considerations and concerns regarding construction traffic relating to a single dwelling would not justify the refusal of planning permission.

33. I do not consider that the proposal would set a precedent for allowing holiday accommodation in back gardens. I have assessed the proposal before me on its individual merits in accordance with development plan and other relevant material considerations.

34. The council has requested that a condition be attached to restrict the use of the unit to holiday letting. I agree that this is necessary as permanent occupation of the dwelling may present different planning issues and such a condition would ensure that any change of use from holiday letting purposes would require planning permission. The reason for the

condition given by the council stated that a house for permanent occupation in this area would not comply with the LDP. I find no reason why the principle of residential development in this part of the village could not be supported. I have therefore amended the stated reason for this condition to reflect that the development assessed was a holiday let as proposed.

Conclusion

35. I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission.

Alison Kirkwood

Reporter

Conditions

1. The dwelling shall be used solely as temporary holiday letting accommodation and for no other purposes, including use as a permanent residential unit. The dwelling shall not be occupied as a person's sole or main residence and the owner of the holiday let shall maintain an up-to-date register of the name of each occupier of the holiday lets on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The development has been assessed as a holiday let, as proposed. Other uses of the dwelling including its use as a permanent residential unit could raise different planning considerations which would require to be separately assessed.

2. The dwelling shall not be occupied unless its turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the parking area to an adequate standard in the interests of road safety.

3. No works in connection with the development shall commence unless a sample/details of all the materials/roof/wall/windows/doors/rooflights and rainwater goods to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character or appearance of the conservation area.

4. The dwelling shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans. The foul and surface

water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

5. The development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

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Decision by Don Rankin, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2363
- Site address: 3A Mid Street, Cairnbulg, Fraserburgh, AB43 8WJ
- Appeal by Mr James Sutherland against the decision by Aberdeenshire Council
- Application for planning permission APP/2017/3250 dated 21 December 2017 refused by notice dated 1 June 2018.
- The development proposed: erection of dwelling house (amended design) and erection of boundary walls and gates.
- Application drawings: Site Plan, PL2183-11 – Floor Plans, Elevations and Site Plan
- Date of site visit by Reporter: 30 October 2018

Date of appeal decision: 22 November 2018

Decision

I allow the appeal and grant planning permission subject to the 2 conditions listed at the end of the decision notice.

Background

The planning application, the subject of this appeal, is for full planning permission submitted retrospectively to regularise unauthorised amendments to a previous planning consent of 2008 (APP/2007/4274). A further planning consent (APP/2009/0147) was obtained in 2010 in respect of boundary walls surrounding open ground between the adjacent house No.7 Mid Street and Shore Street. Investigation in 2016 of issues regarding the implementation of this latter permission revealed significant variations between the approved design of the house and that constructed as well as concerns regarding the height of the walls surrounding the garden ground in front of No.7 Mid Street, seaward side, Shore Street entrance.

It was considered by all parties that the most appropriate course of action was for submission of a revised retrospective planning application to secure consent for the discrepancies of design and layout. This revised application for planning permission was however not approved by the council and a refusal notice issued on 1 June 2018. To the best of my knowledge no enforcement action has been taken by the council in respect of the unauthorised works. There is ongoing litigation with regard to whether a right of way exists across the site affording access to Shore Street.

Reasoning



1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are: (1) whether the proposed development would be detrimental to the character or appearance of the Cairnbulg-Inverallochy Conservation Area; (2) whether it would be detrimental to road safety; and (3) whether other material planning considerations warrant the grant or refusal of planning permission.
2. The matters before me in this appeal arise from inaccuracies in the drawings originally submitted with the planning applications in 2008 (development of dwelling house) and in 2010 (garden walls around open ground on Shore Street). The principle of a new build construction on the site and the enclosure of the site with walls has already been established. The issues therefore centre on whether these inaccuracies have resulted in an adverse and unacceptable impact either on the conservation area or on road safety, these being the council's grounds of refusal.
3. Turning to the first of these issues, the impact on the conservation area, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 imposes a duty to have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. This duty is carried forward with Policy HE2 of the Aberdeenshire Local Development Plan 2017. I note from the council officer's Report of Handling that the submitted drawing inaccuracies do not significantly affect the footprint of the house on the site and I see no reason to disagree. There are however considerable differences in design both on the seaward side of the house and the south facing Mid Street frontage which result in an increased area of glazing and an enlarged balcony. These alterations however are on the façades of an uncompromisingly modern house and in the context of maximising the views to the sea from such a house do not result in a design which is significantly more incongruous or detrimental to the character or appearance of the conservation area than the original approved development.
4. Concern has also been expressed about the design and siting of the walls enclosing the garden ground between No. 7 Mid Street and Shore Street. The design of these walls has however been already agreed by the planning permission in 2010. There is an implicit assumption that the style and permitted height of 1 metre are appropriate to the conservation area. I note that subsequent irregularities in the height have now been corrected by the appellant. In any case there are several very similar styled walls nearby onto the Shore Street frontage. I find therefore that the design of the walls does not fail to preserve the character and appearance of the conservation area.
5. The outstanding issues about the character and appearance of the conservation area are therefore whether the provision of gates to permit access to the lane running along between Nos. 3A and 7 Mid Street is inappropriate and whether the reduction of the access lane to the Shore Street entrance of No.7 from an estimated 3 metres to about 2 metres has an adverse impact. Whilst I appreciate that both of these matters are the subject of litigation between the appellant and the owners of No.7 this has no direct bearing on my interpretation of planning policy. I consider the inclusion of access gates to be if anything more in keeping with the character of the conservation area, implying as it does continued usage of the lane between the buildings to gain access to the foreshore. Many parts of the

former fishing village are characterised by narrow lanes and entrances and access to the foreshore through these lanes is an integral part of the character of the conservation area. I therefore consider the narrowing of the seaward access to No.7 is not especially incongruous and is therefore compatible with the character and appearance of the conservation area.

6. Having regard to all of the above with respect to the design alterations to the dwellinghouse and the changes to the approved garden boundary walls I conclude that the development does not adversely impact on the character and appearance of the conservation area and in consequence complies in this respect with the statutory duty and local development plan policy noted above.

7. Turning to road safety there appears to be concern that Shore Street does not have protected footways, pedestrians including local school children must walk in the roadway. There is a fear that any reduction in the road width or loss of open land adjoining the roadway could be detrimental to road safety making it difficult for cars to pass each other at this point.

8. The principle of the wall is already established by the extant permission of 2010. Although there are recognised to be inaccuracies in the original site plans this does not appear to have any significant impact on the siting of the wall on the Shore Street frontage. There is therefore no unforeseen narrowing of the road which would be detrimental to road safety. Shore Street is a very lightly trafficked access road with slow moving vehicles. The absence of footways will be well appreciated by drivers who may be expected to exercise special care while driving along the road. I note that the councils traffic engineers have not expressed any concerns over road safety. I conclude therefore that there is no significant adverse impact on road safety arising from the development which in consequence complies in this respect with Policy RD1 of the local development plan.

9. For the reasons set out above I conclude that the proposed development accords overall with the relevant provisions of the development plan and there are other no material considerations which would still justify refusing to grant planning permission.

Don Rankin
Reporter

Conditions

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority. (Reason: In the interests of the character and appearance of the development.)
2. The access and parking arrangements for the site shall be in accordance with the following criteria;
 - a) The maximum gradient of the first 5m of the access must not exceed 1 in 20;
 - b) The first 5m of driveway (measure from the edge of the road or the back of the footway) is to be fully paved;
 - c) Off-street parking for 3 cars, surfaced in hard standing materials must be provided within the site;
 - d) Visibility splays measuring 2.0m x 25m are to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level;
 - e) A refuse bin uplift/store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being windblown. Details must be submitted to Roads Development for approval;
 - f) A suitable vehicle turning area, measuring not less than 7.6m x 7.6m must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear; and
 - g) The height of the boundary wall to the south where vehicles access to and from must not exceed 0.9m. (Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians, and in the interests of road safety)



Decision by Mike Croft, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-200-2041.
- Site address: 3 Bank Avenue, Milngavie, Glasgow, G62 8NG.
- Appeal by Mr Paul Gilbride against the decision by East Dunbartonshire Council.
- Application for planning permission ref TP/ED/16/0696 dated 4 October 2016 refused by notice dated 31 January 2017.
- The development proposed: the erection of a new detached house, and alterations and extensions to the existing detached house.
- Application drawings: see annex 1.
- Date of site visit by Reporter: 19 April 2017.

Date of appeal decision: 31 May 2017.

Decision

I allow the appeal and grant planning permission subject to the 10 conditions listed at annex 2. Attention is drawn to the three advisory notes at annex 3.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Glasgow & Clyde Valley Strategic Development Plan (2012) and the East Dunbartonshire Local Development Plan (2017). There is no suggestion that the first of these has any significant bearing on this case. The local development plan was adopted (and so became part of the development plan for the purposes of this appeal) in February 2017. The submissions in this case were made substantially in relation to the local development plan's predecessor, the East Dunbartonshire Local Plan 2 which had been adopted in 2011. However, at my request the parties have indicated which policies of the new local development plan they consider support their cases in this appeal, and I have taken account of those submissions. The appeal site lies within the Tannoch Conservation Area, and that means that special regard must be had to the preservation or enhancement of the conservation area. No objection is raised to the proposed alterations and extensions to the existing house, and I have no such objection.

2. Therefore, having regard to the provisions of the development plan and bearing those other points in mind, the main issues in this appeal are therefore whether the proposed house would (a) fail to at least preserve the character and appearance of the conservation area and/or (b) harm the living conditions of nearby residents.

Character and appearance of the conservation area

3. There are two main policy requirements in the local development plan. One is a requirement in policy 2 for developments of all scales to accord with 9 specified design and placemaking principles, one of which is that the development is to be designed to ensure a positive impact on the character, function and amenity of the surrounding area, including compatibility with existing uses. The other requirement, in policy 10, is for development within a conservation area to preserve or enhance its character and appearance.

4. I saw during my visit to Milngavie that much of the existing development in the conservation area dates from the Victorian period. That development includes large detached and semi-detached villas set within spacious plots. The buildings are usually of stone, with slate roofs. Substantial mature vegetation on the plot boundaries is often associated with such development, and that vegetation is often a dominant feature in views from the roads. But there are also contrasting areas such as Montrose Gardens (about 100 metres from the appeal site) with smaller plots and houses closer together. The conservation area also includes water areas, including Tannoch Loch just beyond Montrose Gardens. I also note that the appeal site is on the edge of the conservation area, the site's western boundary coinciding with the conservation area boundary.

5. The appeal site is set within a part of the conservation area which has large detached Victorian houses with well treed boundaries, but the existing house there is more modern and it is of brick. The appeal project includes the cladding of the existing house in natural blonde sandstone. Another very important characteristic of the appeal site is a difference in levels: it falls steeply west of the existing house, and it is on the lower level that the new house would be built.

6. Although the council considers that the appeal project presents a policy conflict, I find the assessments of the council's officer (who recommended permission) and the appellant more persuasive. Although the new house would be three storeys high (in contrast to the more usual two storeys here) it would be built on the lower part of the existing curtilage, resulting in its roof ridge height being 3.4 metres lower than the existing house within the site and lower than all of the immediate neighbours. The new house would differ in design from the existing detached villas nearby, but the existing house already presents contrasts in design terms. As I have mentioned, tree cover is important in the conservation area. In this case I am satisfied that, with appropriate protection measures, there would be little impact on the boundary trees. I bear in mind that most of the boundary tree cover is deciduous, but my assessment – and my site inspection was at a time when most of the trees were only just coming into leaf – is that the retained tree cover on the appeal site boundaries would mean that the new house would not have a significant presence in most private views in the locality. I consider one exception to this in paragraph 12 below. The existence of that boundary tree cover, together with other trees in the vicinity (protected where they lie within the conservation area), takes me to a similar conclusion about public views from nearby roads.

7. The main parties disagree about the impact of splitting the existing plot into two. The new house would have a plot of 0.10 hectare. That is smaller than many in the locality, but there are already two plots smaller than that on Bank Avenue. It is also significant from my observations in the locality that it is often difficult to detect differences in plot size from the

public domain. I also note, and accept, the council officer's view that both the new house and the existing one would have adequate garden ground.

8. There is no objection to the use of sandstone as the main material for the new house, but exception is taken to the substantial use of copper on its roof and its eastern, southern and western walls. The council contends that this has particular potential to harm the character of the surrounding area as copper is not typically found on domestic properties and is not a characteristic of traditional Scottish architecture other than on grand civic buildings in an urban context. To the council it would appear as an incongruous and overly prominent feature. I am more inclined to the view that this can be regarded as a design element using a high quality material that may contrast visually with the local environment but which is not necessarily harmful to that environment. Also relevant here are my remarks above about the limited visual presence of the new house.

9. Overall, and bearing in mind all the other points made about the design of the new house in its locational context, it is my view that the house would, at worst, do little harm to the local scene. It is a carefully designed, individual house to be inserted into a site (that is unusual given its varying levels) amid other individual houses. Its impact on the character of the conservation area would be limited. It would clearly preserve the conservation area's character and appearance. My assessment is that it is satisfactory so far as issue (a) is concerned.

Living conditions of nearby residents.

10. Local development plan policy 2 is relevant to this issue as well as to issue (a), with its requirement for developments to be designed to ensure a positive impact on the amenity of the surrounding area, including compatibility with existing uses.

11. 4 Bank Avenue is a detached house to the north of the appeal site, with a large garden. Concern is expressed particularly about two proposed bridges that would link the upper floor of the new house (containing the main living rooms) with a covered parking area in the higher part of the site. The more northerly of the two bridges would be only 1.8 metres from the site's boundary with 4 Bank Avenue. It is contended that this would be intrusive to number 4's garden and would result in noise and loss of privacy. I agree that there is likely to be some impact in these terms on that part of the garden nearest the more northerly bridge, but I consider that impact would be limited to that small area. That small area is some 20 metres and more distant from the house at number 4 and is located obliquely to the main elevation of number 4.

12. 6 Mossbank Road lies to the south-west of the appeal site. It is a detached house with a garden that adjoins the full extent of the appeal site's western boundary. That garden tapers to a point about 100 metres from the house at number 6. The proposed house would come to within 1.3 metres of the garden boundary, and it would be seen as a tall structure from the nearest part of the adjacent garden. In this context the council refers to the development being overbearing and over-dominant. But the nearest part of the new house would be over 40 metres from the house at number 6, and number 6's garden is clearly very extensive: quite apart from its length as noted above, it has a maximum width of about 30 metres and that maximum is reached near the location of the new house. It

seems to me that the impact on the living conditions of those at number 6 must be seen in that context, and that context makes the impact more limited.

13. I am satisfied also that, because of the design and location of the new house and the distances between it and nearby houses, there would be no serious problems of overlooking or loss of daylight or sunlight. I therefore come to the conclusion that the new house would be satisfactory so far as issue (b) is concerned.

Other matters and overall conclusion

14. Having reached the position that the new house succeeds on both main issues, there is no other consideration that takes me from the conclusion that planning permission should be granted. The council's officer recommended the imposition of 11 conditions had the council granted permission, and the council seeks the imposition of those conditions in the event of a permission now. The appellant is content with those conditions. I follow the thrust of the council's suggestions with the following exceptions. One of the council's conditions sought a pre-start meeting to consider tree protection barriers, but as that condition left the outcome of such a meeting unclear I impose a requirement for details to be submitted and approved: that does prevent a pre-start meeting being held as a means of reaching the required position. I also combine the council's three conditions on flooding and drainage into one. Having consulted the main parties on the point, I add a condition to ensure the visual advantage of cladding the existing house in natural blonde sandstone as part of the project as mentioned in paragraph 5 above.

15. With those conditions in place, I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

Mike Croft

Reporter

Annex 1: application drawings

000/16 101	Location plan
000/16 102	Existing house floor plans and elevations
000/16 103	Location plan - surrounding area
000/16 104 rev A	Proposed block plan
000/16 105	Site plan - topographical survey etc
000/16 106	Proposed east and west elevations
000/16 107	Proposed north elevation
000/16 108	Proposed south elevation
000/16 109	Proposed lower ground floor plan
000/16 110	Proposed ground floor block plan
000/16 111	Proposed mid floor plan pf new house
000/16 112	Proposed roof plan second house, existing house second floor plan
000/16 113	Existing house: existing and proposed west and east elevations
000/16 114	Proposed cross sections

Annex 2: conditions

1. The development hereby permitted shall be carried out in accordance with the submitted Tree Survey and Arboricultural Implications Assessment (dated 5 December 2016) and the recommendations therein. *[Reason: to ensure effective tree protection during the construction phase.]*
2. No development hereby permitted shall take place until details of tree protection barriers which will form a construction exclusion zone around retained trees have been submitted to and approved in writing by the planning authority. *[Reason: to ensure effective tree protection during the construction phase.]*
3. No development hereby permitted shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the planning authority. The boundary treatment shall be completed before completion or occupation of the buildings, whichever is sooner. The boundary treatment shall be carried out in accordance with the approved details and permanently retained. *[Reason: to ensure the provision of an adequate boundary treatment.]*
4. No development hereby permitted shall take place until cross-sectional plans which clearly show the extent of the development on the site, its finished floor levels and ridge levels, the levels of all adjacent land and buildings and their relationship to the proposed development, have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with those approved details. *[Reason: for the avoidance of doubt.]*
5. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the planning authority, shall be carried out only between 0800 and 1900 hours on Mondays to Fridays

inclusive, between 0800 and 1300 hours on Saturdays and at no time on Sundays or bank holidays. *[Reason: to protect the living conditions of nearby residents.]*

6. No development hereby permitted shall take place until details of the proposed Wendy house have been submitted to and approved in writing by the planning authority. The Wendy house shall be constructed in accordance with those approved details.

[Reason: for the avoidance of doubt.]

7. No development hereby permitted shall take place until details of a speed reducing measure (in the form of road hump or access narrowing), to be installed in the existing driveway of 3 Bank Avenue, have been submitted to and approved in writing by the planning authority. That measure shall be constructed before the first occupation of the new house in accordance with those approved details. *[Reason: in the interests of highway safety.]*

8. No development hereby permitted shall take place until a construction methodology statement has been submitted to and approved in writing by the planning authority. This shall include details of the provision and programming of any temporary access route and junction, site compound office, workers' parking provision, wheel washing facilities, material store areas and the operation and location of security lights. The provision and programming of those measures shall be in accordance with the approved statement.

[Reason: to ensure safe access and minimise disruption during the construction phase.]

9. No development hereby permitted shall take place until (a) a plan showing 1 in 200 year pluvial flooding overland routes and how these will be contained on site, (b) calculations for the design of the drainage network and (c) a letter of acceptance from Scottish Water (stating the agreed and allowable discharge route of surface water to their infrastructure, and the calculations for the design of the drainage network) have been submitted to and approved in writing by the planning authority. *[Reason: in the interests of flood prevention and satisfactory drainage.]*

10. The new house hereby approved shall not be occupied until the cladding of the existing house in natural blonde sandstone has been completed in accordance with the approved plans. *[Reason: to ensure the satisfactory appearance of the project overall.]*

Annex 3: advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

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Decision by Gordon S Reid, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2288
- Site address: 3F2, 17 Bruntsfield Gardens, Edinburgh, EH10 4DX
- Appeal by: Mr T Hyde against the decision by The City of Edinburgh Council
- Application for planning permission 19/00792/FUL dated 15 February 2019 refused by notice dated 2 July 2019
- The development proposed: creation of new flatted dwelling within attic space and alter existing third floor flat. Proposed new access from existing communal stairwell (as amended)
- Application drawings: site location plan (drawing OS(00)001), existing plans (drawing GA(EX)001) and proposed plans (drawing GA(00)001 revision B)
- Date of site visit by Reporter: 7 November 2019

Date of appeal decision: 5 December 2019

Decision

I allow the appeal and grant planning permission. Attention is drawn to the three advisory notes at the end of the notice.

Preliminary matters

(i) The appellant has made a claim for expenses. I have issued a separate decision on this claim.

(ii) The appellant has queried whether the proposed rooflights constitute development. I confirm that the installation of the five rooflights in the front and rear elevation of the flatted property would constitute development in terms of section 26(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. As the appeal site lies within the Marchmont, Meadows and Bruntsfield Conservation Area, in accordance with section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.



2. Having regard to the provisions of the development plan the main issues in this appeal are whether the proposed flat is of an acceptable standard and location, the appropriateness of the design, materials and positioning of the rooflights, the impact on the character and appearance of the conservation area, the impact on residential amenity and the impact on road safety.
3. The development plan consists of the approved SESplan Strategic Development Plan (2013) and the adopted Edinburgh Local Development Plan (2016). I find that there are no strategic development plan policies of relevance to this appeal. However, the following documents are relevant: the Scottish Government's Scottish Planning Policy (2014) and the council's non-statutory guidance contained in: the Edinburgh Design Guidance (2017); the Listed Buildings and Conservation Area Guidance (2019); and the Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal (2006).
4. The appeal site is located on the west side of Bruntsfield Gardens to the south of the junction with Bruntsfield Place. The property is a four storey stone built traditional tenement with pitched roof finished in slate. There is a small private garden to the front and large communal garden to the rear. The surrounding area is primarily residential with retail and commercial uses to the north within the Morningside and Bruntsfield town centre.
5. The proposal is to create a two bedroom flat over two levels utilising a bedroom from the existing flat and the vacant attic space above. Access would be from a new doorway formed on the landing in the communal stairwell. The new accommodation would consist of a small bedroom and staircase on the third floor entrance level, with a lounge, kitchen, bathroom and bedroom formed in the attic space. The existing flat is to be altered to maintain it as a three bedroomed flat and these works do not form part of my considerations at this appeal. Five conservation style rooflights are to be installed in the existing sloping slate roof with three in the front (east) elevation and two in the rear (west) elevation.
6. Local development plan Policy Hou1 Housing Development seeks to deliver the identified land supply for housing and relevant infrastructure over the plan period. Only criterion d) is of relevance to the proposed development which supports additional housing on suitable sites in the urban area, provided they are compatible with other policies in the plan. The proposed development is for the formation of a new flat in an existing residential tenement within the urban area and, as detailed below, is acceptable in terms of the other relevant policies of the local development plan. I find that it complies with the provisions of Policy Hou 1.
7. Local development plan Policy Hou 3 Private Green Space in Housing Developments seeks to ensure that there is an appropriate level of greenspace provision for new housing developments. For new flatted accommodation a standard of 10 square metres per flat is sought. Exceptions are considered justifiable if there are good reasons why the level of space cannot be provided. The proposed flat is to be formed within an existing tenement property and there is no scope to add additional private green space. However, the property already has a generous area of communal open space to the rear which could adequately serve new and existing residents and is also located within close proximity to the public open space at Bruntsfield Links. I consider that there are justifiable reasons for not providing additional greenspace in this instance and find that the proposal complies with Policy Hou 3.

8. Local development plan Policy Hou 4 Housing Density - seeks to promote an appropriate density of development, taking account of site characteristics and location. The policy requires that regard is given to four criteria. Criterion a) relates to the characteristic of the proposal and those of the surrounding area. The proposal is for a two bedroomed flat within an existing tenement in the urban area, surrounded by tenement properties in residential use. The proposed flat would be a compatible use and in keeping with the characteristics of the existing building and surrounding area and would meet the requirements of criterion a).
9. Criterion b) seeks the creation of an attractive residential environment and the safeguarding of living conditions within the development. The Edinburgh Design Guidance sets out the standards for new residential development in terms of flat sizes, daylighting and open space. In terms of size the proposed two-bedroomed flat at 73 square metres would be in excess of the minimum floorspace standard of 66 square metres (the existing three-bedroomed flat at 88 square metres would be in excess of the minimum floorspace standard of 81 square metres). The proposed flat would have dual aspect with rooflights on the east and west elevation. This would provide adequate natural light into all of the main rooms. I have already found above that the existing communal space is adequate to serve the proposed flat. In terms of safeguarding living conditions as the proposal is for a residential use I consider that it would not introduce any disturbance that would detrimentally affect the amenity of existing residents. The proposed flat would meet the requirements of criterion b).
10. Criterion c) seeks to ensure there is accessibility to public transport and criterion d) seeks to encourage and support the provision of local facilities necessary to high quality urban living. The appeal property is close to the Morningside and Bruntsfield town centre and would benefit from the existing full range of shops, services, public transport facilities and active travel routes. Residents of the proposed flat would therefore have easy access to nearby public transport facilities and would also help to support the local shops and services in the town centre. The proposed flat would meet the requirements of criteria c) and d). I find that proposed development would meet all four criteria and be in accordance with Policy Hou 4 and the Edinburgh Design Guidance.
11. Local development plan Policy Des 5 sets out the requirements for amenity in the design of new buildings to meet the needs of users and occupiers, with consideration given to impacts on neighbouring properties. It sets out five criteria of which only a) and e) are relevant to the appeal proposals. Criterion a) is the main consideration and seeks to ensure that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. The works to form the flat, apart from the rooflights, would be internal to the existing building with only the new entrance door viewed from the communal landing of the internal stairwell. I conclude below that the proposed rooflights are of an acceptable design and would not result in an unreasonable loss of privacy for neighbours. In addition, as the proposal is for a two bedroom flat in a residential tenement I consider that there would be no unreasonable disturbance from noise. I find that there would be no adverse effect on the amenity of neighbours in the existing property from the formation the proposed flat.

12. In terms of the amenity for future occupiers the flat is of an appropriate size, has a dual aspect and is on the top floor and attic of the tenement. This would provide good levels of daylight, sunlight, privacy and immediate outlook. I find that the proposed flat meets the requirements of criterion a). Criterion e) seeks the sensitive integration of related services including refuse/recycling facilities, cycle storage, plant and services. As the proposed development would utilise existing services in the building and no additional cycle storage is required in this instance, I find that the proposal is acceptable in terms of criterion e). The proposed development is in accordance with Policy Des 5.

13. Local development plan Policy Des 12 Alterations and Extensions seeks to ensure that the impact of a proposal on the appearance and character of the existing building and street scene must be satisfactory. The policy sets out three criteria that require to be met. Criterion a) advises that proposals in their design and form, choice of materials and positioning be compatible with the character of the existing building. As already stated most of the works are internal and raise no issues of concern. The rooflights would be external and are all of a conservation style; would lie flush within the roof-plane; and be finished in black with a central glazing bar. The existing building is a four storey Victorian tenement with sloping roof finished in natural slate. I find that the proposed rooflights given their style, materials and positioning are compatible with the appearance of the existing property. The proposed development meets the requirements of criterion a).

14. Criterion b) advises that proposals should not result in an unreasonable loss of privacy or natural light to neighbouring properties. The five rooflights would introduce some potential for overlooking of the windows of surrounding properties to both the east and west. I observed that the windows of most of the surrounding properties in Bruntsfield Gardens and Bruntsfield Place are already directly overlooked from the windows of the existing tenement flats to the east and west. Given the position of the new rooflights they would be set slightly further back than the existing windows in the tenement and the views from them would be more acute and restricted due to the angle of the roof and the position of the existing chimney breasts. I find that whilst the introduction of the five rooflights would result in some additional overlooking, over that which exists at present, it would not constitute an unreasonable loss of privacy to surrounding neighbours. As only the rooflights would be external parts of the proposed development there would be no loss of natural light to neighbours. The proposed development meets the requirements of criterion b).

15. Criterion c) seeks to ensure that proposed developments would not be detrimental to neighbourhood amenity and character. I have concluded above that the proposed development is acceptable in terms of residential amenity and that the rooflights are of an appropriate style, materials and position. Local residents raised concerns about the adverse visual impact of the proposed rooflights on the appearance of the building and surrounding area. I observed from my site visit that given the position of the rooflights they would not be visible from the street to the front or the communal garden to the rear of the property. The only public vantage point where the rooflights would be visible at street level would be in the vicinity of the properties at 46-48 Bruntsfield Gardens. I also observed that there were existing conservation style rooflights in the property at 29 Bruntsfield Gardens. These were smaller in size but more directly visible given the location opposite the junction in Bruntsfield Gardens. Local residents submitted photographs showing that the rooflights would be visible from views within the some of the existing flats on the east side of

Bruntsfield Gardens and from some of the windows and stairwell windows of the flats in Bruntsfield Place to the west. I acknowledge that these demonstrate that the rooflights would be more visible from some private vantage points. However, I have already concluded that the design, materials and positioning of the rooflights are compatible with the character of the existing building. In addition, only those on the front elevation would be visible from some limited public viewpoints in the surrounding area. I find that the proposed rooflights would not be detrimental in terms of the visual impact on neighbouring amenity or character. I find that the proposed development is in accordance with criterion c) and therefore overall with the provisions of Policy Des 12.

16. Local development plan Policy Env 6 Conservations Areas (Development) and the council's guidance on Listed Buildings and Conservation Areas requires new development within conservation areas to preserve or enhance the special character or appearance of the conservation area, be consistent with the conservation area character appraisal and require a high standard of design and materials appropriate to the historic environment. The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal advises that the essential character is of an urban form comprising Victorian tenement perimeter blocks of a uniform height, massing and use of stone and slated roofs with most having small front gardens to the street. In addition, the Scottish Government's Scottish Planning Policy advises that proposals that do no harm to the character or appearance of the area should be treated as preserving it. I have already concluded that the design, materials and positioning are of a satisfactory standard for the existing building and given that they include the conservation area style of rooflight they would be of an acceptable standard within a conservation area. I have also found that the rooflights would not be highly visible from the surrounding streets. I have also acknowledged that there would be some views from within existing properties. I conclude that the proposed rooflights would do no harm to the appearance of the area and as a result would preserve the character and appearance of the conservation area. I find that the proposed development is in accordance with the provisions of Policy Env 6, the guidance on Listed Buildings and Conservation Areas and the advice in Scottish Planning Policy.

17. Local development plan Policy Tra 2 – Private Car Parking and the Edinburgh Design Guide set out parking requirements for new developments including the factors to be considered when assessing whether a lower parking provision is appropriate. These include the accessibility to public transport stops on well served routes and to shops, schools and centres of employment by foot, cycle and public transport. The parking standards would seek the provision of one parking space for the proposed development. No new parking is proposed as part of the development as there is no additional space to accommodate it. The council roads authority advised that zero parking provision for this development was acceptable under the council's parking standards as it was located within the extend controlled parking zone where the residents would be eligible for a residential parking permit. In addition, the council advised that the proposals did not raise any concerns in terms of any impact on existing parking provision. I find that given the size of the flat, the lack of space to provide additional car parking and its close proximity to the services and existing public transport routes within the Morningside and Bruntsfield town centre it would comply with the design guidance in terms of lower parking standards. In addition, I do not consider that it would have any detrimental impact on the amenity of neighbours through additional on street parking demand or traffic safety issues. I consider that the proposal accords with the provisions of Policy Tra 2.

18. Local development plan Policy Tra 3 seeks to ensure that cycle parking within new housing developments is in accordance with the standards set out in the Edinburgh Design Guidance. The council have acknowledged the difficulty in achieving cycle parking in tenement properties. No cycle parking is provided as part of the proposed development. As the new flat is located within the attic space of an existing four storey tenement I find that it is not practical to provide private cycle parking in this instance. There was no objection from the council on this matter. I find that the proposal is acceptable in terms of Policy Tra 3.

19. There were concerns raised by neighbours to the proposed development in relation to the impact on the conservation area, impact on parking and traffic safety, inadequate living conditions for future occupiers, the impact on the amenity of neighbours within the tenement and the impact on local services. I have taken these concerns into account in my assessment of the appeal proposal. Concerns were also raised relating to the impact on neighbours from the disposal of domestic waste from the new flat. I note that the council have advised that they can provide satisfactory collection of domestic waste in line with the service already provided to the existing residents in the property. I do not find that the concerns raised in the representations from neighbours are sufficient to warrant dismissal of this appeal in this instance.

20. I find, that the proposed flat is of an acceptable standard and location and would not have a detrimental impact on residential amenity or road safety. In addition, I find that the proposed rooflights are of an appropriate design, materials and position and would not adversely impact the appearance of the property and surrounding area. I conclude that the proposed development would be in accordance overall with the relevant provisions of the development plan. There are no material considerations which would still justify refusing to grant planning permission. Furthermore, the proposed development would preserve the character and appearance of the Marchmont, Meadows and Bruntsfield Conservation Area. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Gordon S Reid
Reporter

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

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Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2053
- Site address: 3 Eskview Villas, Eskbank, Dalkeith EH22 3BN
- Appeal by Mrs. Christina Walters against the decision by Midlothian Council
- Application for planning permission 18/00760/DPP dated 5 October 2018 refused by notice dated 30 January 2019.
- The development proposed: Erection of dwellinghouse, formation of access and car parking and associated works.
- Application drawings listed in schedule
- Date of site visit by Reporter: 6 May 2019

Date of appeal decision: 23 May 2019

Decision

I allow the appeal and grant planning permission subject to the 6 conditions listed at the end of the decision notice. Attention is drawn to the 4 advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The appeal site is within Eskbank and Ironmills Conservation Area I must also have regard to the duty imposed by section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the 1997 Act). This requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

2. The development plan comprises the South East Scotland Strategic Development Plan (SESPlan) approved in 2013, and the Midlothian Local Development Plan 2017, (the local development plan). Having regard to the development plan the key issue in this appeal is whether the design and scale of the proposed house is compatible with the character and appearance of Eskbank and Ironmills Conservation Area. No relevant policies in the strategic development plan have been brought to my attention and my decision is based upon an assessment of the appeal proposal in the context of the local development plan.

3. The site comprises of an unused area of some 430 square metres of former garden ground previously associated with a house at 3 Eskview Villas built in the 1980's and which, since the late 1990's, has accommodated the Happy Days Children's Nursery. The appeal

seeks planning permission for a two-storey, four-bedroomed detached house some 12.6 metres wide, 8.6 metres deep and 5.1 metres high. A 4.5 metre-wide vehicular access, acceptable to the council in road safety terms, would be taken from Eskview Villas to where three paved parking spaces would be formed. To the rear of the proposed house an enclosed rear garden of some 130 square-metres would be provided. To the council the modern design of the house does not respect the historic context of the surrounding area; it is neither complimentary to the character of its surroundings, nor is it an “assertive contrast”, making no attempt to interact with the character of the streetscape in the immediate surroundings. In refusing the planning application the council has advised that it does not consider the proposal to constitute the over-development of the site, nor is it opposed to the proposed access and car parking arrangements.

4. Located south of the two-storey terraced houses at Eskview Villas the site is bordered by mature trees, a hedge and a fence. The proposed building would be of a modern design with an irregular fenestration pattern which includes full height glazing. It would be finished in a “contemporary palette” of finishing materials and would have a slate roof, ivory coloured render, untreated larch timber cladding and grey coloured aluminium-clad doors and windows.

The Development Plan

5. The council’s sole reason for refusing the planning application was due to its conflict with local development plan policy ENV19 ‘Conservation Areas’ which requires there to be no adverse effect caused by new development on the character or appearance of a conservation area. In coming to my view on the proposal I have had regard to other relevant local development plan policies. Specifically, policy STRAT2: ‘Windfall Housing Sites’ allows housing on unallocated sites provided it meets specified criteria including its effect on the character of the area. Policy DEV2: ‘Protecting Amenity within the Built-Up Area’ requires that new development must be appropriate to the area where it is located. Policy DEV6 ‘Layout and Design of New Development’ requires good design and a high quality of architecture and the layout and design of new developments must meet specific criteria.

6. The supporting text to policy ENV19 provides that although conservation areas require a higher level of control, this does not mean that development is necessarily opposed; preserving and enhancing the character and appearance of the area is the primary concern. The local development plan also advises that innovative, well-designed contemporary buildings may be acceptable provided that the character, appearance and materials used complement the location. The council’s conservation area character assessment of Eskbank and Ironmills Conservation Area describes the area as a spacious, leafy, low density, late 19th century suburb which possesses high architectural quality with a variety of building styles. The character assessment stresses the need to ensure that new infill development is sensitively designed and relates carefully to adjacent buildings.

7. On my site inspection I observed in detail the prevailing character and appearance of this part of Eskbank and Ironmills Conservation Area, particularly in the vicinity of the appeal site. I agree with the council that the houses on the northern side of Eskview Villas are characterised by a well-integrated relationship between the existing terraced houses and the overall street-scene. I note that the adjacent category ‘A’ listed Eskbank House is

identified as a 'key building' in the conservation area character assessment and I am satisfied that the proposal would not adversely impact upon its setting. I also note that the trees around Glenesk House, to the west of the appeal site and visible from Eskbank Villas, are identified as a main tree group within the conservation area but because of the intervening distance I am satisfied that the proposal would not give rise to any threat to their integrity.

8. From my observations it was apparent to me that the part of the conservation area around the appeal site has seen pressure for new development. Most notably, the modern steel roof and functional, blank rear elevation of 'Wall Cottage' acts as a dominant focal point of the street scene, unrelated to the character and appearance of the adjacent terraced villas. The 1980's architecture of the adjoining nursery school, adapted from a house to its current use, reflects the architectural style of its time. Very recently the council has approved a large double-garage building some 22 metres east of the appeal site opposite Eskbank House, at the junction of Eskbank Villas and Glenesk Crescent. South-west of the appeal site planning permission has been granted on several occasions for extensive new building at Glenesk House in the conservation area, some of which is adjacent to and visible from the appeal site. A little more distant, at the rear of 42 Eskbank Road, I observed a residential plot with planning permission being advertised for sale pursuant to the council's approval of a new house in the grounds of an existing villa. I conclude that development pressures within this part of the conservation area have been allowed with, to a greater or lesser extent, respect to the conservation area's character and appearance.

9. I have taken into account the design and finish of some of the more recent developments around the site. Located in a well-screened site at the west end of Eskbank Villas the proposed house, even after the formation of its new access, would be markedly less visible than the double garage currently under construction at the corner of Eskbank Villas and Glenesk Crescent. While I am in little doubt that the house would be of a contemporary design I do not consider it to be "awkward and contrived" as suggested by persons opposing the proposal. The use of slate for its roof will be complimentary to the character and appearance of the conservation area, as recognised by the council. I find that this choice of finish would be more appropriate than both the red brickwork of the former house now used by the nursery and the steel roof on the building which dominates the west end of Eskbank Villas. I find that the contemporary design of the proposed house makes more of a positive contribution than several of these other developments and, overall, I conclude that it would not have an adverse effect on the conservation area.

10. Having regard to the findings I set out above and the character assessment for the conservation area I conclude that the innovative, well-designed contemporary building complies with local development plan policies STRAT2, DEV2 and DEV6. In accordance with policy ENV 19 'Conservation Areas' I conclude that the scale, choice of materials and design of the proposed house preserves and enhances the character and appearance of Eskbank and Ironmills Conservation Area.

Material Considerations

11. I have carefully assessed the representations that have been received for and against the proposal, including that received from Eskbank and Newbattle Community Council and

which is supportive of residents. However, as I set out above, I disagree with those comments that are made on the potential adverse effects of the proposal on Eskbank and Ironmills Conservation Area and on existing amenity. I have noted the lengthy planning history of the both the site and the adjacent children's nursery.

12. I have observed that there is little, if any, provision of off-street parking available to residents of Eskbank Villas. However I am mindful of the absence of any objection from the council on road safety grounds and the proposal would provide 3 off-street car parking spaces within the appeal site. The council's planning officer advises that this provision complies with the council's parking standards. Overall, I conclude that the limited additional traffic that would be generated by a single house would not exacerbate, in any significant way, any current difficulties relating to on-street car parking, or road safety generally, in Eskbank Villas and its adjacent streets.

13. Given the intervening distance between the front elevation of the proposed house and the houses at Eskbank Villas, set out by the council's planning officer, there are no grounds to oppose the proposal on the basis of the suggested loss of privacy, daylight and sunlight to existing houses at Eskbank Villas. I am satisfied that proper statutory publicity has been given to the proposal and matters relating to perceived impacts on child safety are not material planning considerations.

14. Scottish Planning Policy (SPP) provides that design is a material consideration and I have set out above, in accordance with SPP, why I conclude that the appeal should be allowed on design grounds.

15. Having regard to the statutory duty imposed by the 1997 Act, I conclude that the appeal site at 3 Eskbank Villas, Dalkeith does have the capacity to absorb the scale and the visual impact of the proposal and consequently it would not be to the detriment of the character and appearance of Eskbank and Ironmills Conservation Area.

16. I therefore conclude, for the reasons set out above, that the proposed development does accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Chris Norman

Reporter

Conditions

1. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:

- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv. the condition of the site on completion of the specified decontamination measures.

Reason: To ensure that any contamination and/or previous mineral workings on the site are adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

2. On completion of the decontamination works referred to in Condition (1) above and prior to any dwellinghouse on the site being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied unless or until the planning authority have approved the required validation.

Reason: To ensure that any contamination and/or previous mineral workings on the site are adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

3. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason: To ensure the development does not result in the loss or damage of trees which merit retention in accordance with local and national planning guidance and advice.

4. Prior to any external finish materials, hard surface materials; and fences/boundary walls being installed details and, if requested, samples of the materials shall be submitted to and approved in writing by the planning authority. Thereafter development shall comply with the approved details unless otherwise approved in writing by the planning authority

Reason: To safeguard the character of the conservation area.

5. The parking and access arrangements shown on the approved site plan (drawing no. HD ESKH 04A) shall be completed and operational prior to the house being occupied.

Reason: To ensure that the house is provided with safe and adequate access and parking; and to protect the amenity of local residents.

6. Prior to the house being occupied the brick boundary wall shown on the approved site plan (drawing no. HD ESKH 04A) shall be completed.

Reason: To protect the amenity of future occupants of the dwellinghouse and to protect the amenity of children attending the neighbouring nursery.

Schedule of Plans

Location Plan HD ESK 01A
 Block Plan HD ESK 02A
 Site Plan (Existing) HD ESK 03
 Site Plan (Proposed) HD ESK 04A
 Proposed Floor Plan HD ESK 05A
 Proposed Floor Plan HD ESK 06A
 Roof Plan HD ESK 07A
 Proposed Elevations West HD ESK 08A
 Proposed Elevations North HD ESK 09A
 Proposed Elevations South HD ESK 10A
 Proposed Elevations East HD ESK 11A
 Proposed Cross Section AA HD ESK 12A
 Proposed Cross Section BB HD ESK 13A
 Root Protection Details 1712.L.G(92)003
 Access Statement
 Coal Mining Risk Assessment
 Design Statement
 Landscape Architect Report

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to

confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.]

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

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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 : 20/00453/FUL

APPLICANT : Mr & Mrs D & C Morrison

AGENT : Ferguson Planning

DEVELOPMENT : Demolition of garage and erection of dwellinghouse

LOCATION: Garden Ground Of Clifton Cottage
High Street
Kirk Yetholm
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P01	Proposed Plans & Elevations	Refused
P03 B	Location Plan	Refused
P02 B	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 11
SUMMARY OF REPRESENTATIONS:

13 neighbours were notified and adverts were placed in The Southern Reporter and on tellmesotland.gov.uk. No site notice has been erected owing to covid-19 restrictions.

There were 4 support comments noting:

- Sympathetic building design proposals will fit well to the adjacent buildings.
- Off-road parking
- Enhancement of an overgrown, dilapidated site and adjacent the Green.
- Discreet and positive addition to the Conservation Area.

There were 6 objection comments citing:

- Access to the site is part of the highway and not a parking space.
 - The garden has already recently lost a beautiful large tree.
 - Loss of view from neighbouring properties.
 - Loss of business from holiday home rental due to loss of tradition and loss of vistas from windows.
 - The building would be out of character with CA.
 - The land should be protected for beauty and the natural environment.
 - Proposed development size and elevation would irreversibly impact special views in Kirk Yetholm.
- The lland should be protected as Greenspace.
- Overshadowing by deep sided/ long elevation.
 - Overlooking.

- House layout is perpendicular to the other buildings on street.
- Height would be out of place.
- The site is historically undeveloped and proposals set a precedent on this whole side of the street, which has survived in layout, (bar garages and no9 and 11) since the first settlers.
- This site is central to the principal and iconic view and gateway which brings town and country together at the start/end of the Pennine Way.
- Footprint and mass is significant for plot.
- Large detached dwellings are not common place in the Conservation Area .
- Tall building rather than 1.5 storey vernacular.
- Dwelling sits back on plot rather than roadside vernacular.
- No alignment with adjacent dwellings.
- Land formerly subdivided as allotments during WW2, the Open Space Audit reflects the historic and largely current use, the growing of vegetables and flowers, and not tenure. "Allotment" is the predominant land use despite not being; "a plot of land rented by an individual for growing vegetables or flowers". There are nuances between definition and actual use of this area of Greenspace/ open space defined by PAN65.
- The need for development does not outweigh loss of greenspace, ample brownfield sites in Kirk Yetholm and allocations in Local Development Plan 2016. There is no social, economic or community justification.
- No compensatory greenspace proposals.
- The site is too small to accommodate rainwater SUDS.
- Public road is a recognised timber extraction route.

There was one neutral comment noting concerns for the Conservation Area; height of the building, loss of view and concerns for parking. A neutral comment was issued and a request that the decision to be deferred until the covid-19 restrictions are lifted.

A Planning Statement has been submitted:

- This design is heavily informed by existing dwellings in Kirk Yetholm and particularly on High Street.
- Private garden and balcony would not be visible from within village.
- Design reflects the appearance and scale of existing dwellings.
- Scale is contained by the secondary element on south gable.
- Key greenspace allocation 003 is erroneous. This site is within ownership of applicant and the village allotments are kept nearby on land to the south of the site.
- The site is distinct (75m) from The Green.
- The existing and previous uses are material considerations on this site.
- Development would not result in the loss of an allotment garden, any allotment space, or any other Greenspace.
- Use, appearance, footprint, and scale would be complementary to the "special architectural and historic character" of the Conservation Area. White roughcast render and slate roof are particularly prevalent in the Conservation Area. Timber windows are proposed.
- Garage makes little contribution to the Conservation Area: development will be an enhancement of the site and Conservation Area.
- Two in-curtilage parking spaces plus on-street for Clifton Cottage complies with parking standards of the Local Development Plan 2016.
- The Proposal respects the falling land and will appear a step from residential use to allotment/ country.
- 2 storey design respects vernacular.
- Overlooking, overshadowing, inter-visibility/ privacy are all satisfied. Burnsyde, 20m to the north, does not have windows in its south gable.

Further supporting comments to rebut consultation responses, dated 28 May:

- On-street parking provision prevalent and proposals will not significantly alter or impact current road or parking arrangements.
- It is not accepted that the views eastward from the High Street to the landscape beyond contribute to the characteristic historic layout of Kirk Yetholm and distinctive close visual and spatial relationship with the surrounding landscape. These views are already intervened by surrounding houses and hotel. Garages break up the visuals.

- There is intervening screening/landscaping which will obscure views from the principal views in The Green.
- The street façade has been designed to replicate that of Clifton Cottage.
- The Category C listing of the High Street has limited bearing and is due to historical interest rather than architectural interest. The site was gifted to Messrs Young, a gypsy, by Captain Bennett after saving his life at the Siege of Namur.
- New development within Conservation Area should not be pastiche architecture and the building has been chosen/ designed in this light.
- Proposal is not set within the curtilage or setting of the Conservation Areas core assets nor will it have any impact upon them. Nor does it impinge on any core or protected viewpoints. No overdevelopment of significant adverse impacts identified.

Consultations

Roads Planning: Object. Policy PMD2 Road Safety. There is currently capacity to park two vehicles out with the public road. The proposal would remove this existing parking without accommodating the loss elsewhere. Clifton Cottage would have no designed off-street parking and would be forced to park on-street.

Education: A contribution of £2,978 is required toward Kelso High School. No contributions to Yetholm PS.

Forward Planning: No objection. It is confirmed that there is no community purposes for this part of Key Greenspace therefore no demonstrable social, economic or community loss arising. Green Space can be in both public and private ownership. Land in question has not been used as allotment recently therefore it has little amenity public open space values. No allocation of housing in Kirk Yetholm but Town Yetholm has two housing allocations RY1B Deanfield Court and RY4B Morebattle Road.

Community Council - Neutral response. Half agree with proposals and half object.

Heritage and Design Officer: Object. Some very limited-scale structures (e.g. garages and sheds) have been introduced over the years to the east side of the High Street. Due to their small size and secondary-structure character they do not notably disrupt the characteristic connection to the wider landscape and historic layout of the area. There may be scope for the introduction of a small, modest structure similar to a garage, shed or possibly small garden studio form as this would not disrupt this established positive contribution to the Conservation Area. However, development on this site on the scale of a dwellinghouse would disrupt these positive characteristics, and therefore constitute harm to the character and appearance of the Conservation Area. Cannot support the principle of introducing a dwelling on the site and no detailed comment is given. However, it is clear that the scale and design proposed will not preserve or enhance the character and appearance of the Conservation Area.

Archaeology Officer: Further information required in the form of an archaeological evaluation prior to determination. The garage for demolition is of low archaeological interest. A site adjacent to an historic main road in to the settlement is likely to be of high archaeological importance. It is anticipated that there may have been some Medieval or early Post-Medieval buildings present at this location and that any archaeological remains, features or finds should be identified and recorded. An evaluation should be carried out prior to the determination of this application. Reporting of this evaluation may result in comments leading towards an objection from the Archaeology Officer.

Neighbourhood services: No objection.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

- PMD2 Quality Standards
- PMD5 Infill Development
- HD3: Protection of Residential Amenity
- EP8: Archaeology
- EP9: Conservation Areas

EP11: Protection of Greenspace
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Developer Contributions, 2018
Guidance on Householder Developments, 2006
Placemaking and Design, 2010
Landscape and Development, 2008
Greenspace 2009

Recommendation by - Euan Calvert (Assistant Planning Officer) on 16th June 2020

This is a report of handling considering full planning permission for a dwellinghouse within garden ground of Clifton Cottage, High Street, Kirk Yetholm. It has not been possible to visit the site owing to Covid-19 restrictions. Assessment of the application has been reliant on the agent supplying photographs; my photographs from a site visit to the adjacent property in 2017; viewing Streetview; and aerial images.

Site and Location

Clifton Cottage forms part of an irregular terrace of dwellings on the west side of the High Street in Kirk Yetholm. The terrace is staggered as the hill rises away from The Green. The downhill (northern) neighbour is Glenview and the uphill (southern) neighbour is former Valleydene / a hostel known as the "The Singing Donkeys Hostel". All three buildings are category C-Listed. This site is garden ground on the opposite side of the street from the property.

The Terrace dates from the early 19th century with significant historic character arising from the irregular appearance. It was formerly known as Tinkers Row and is historically significant as having been gifted to travellers who then settled in the village.

The proposed site is a garden on the opposite side of the street from Clifton Cottage. The garden is set back from the black top road by a grass verge which is 10m in depth. This mown verge extends to about 65m in length and tapers in width as it fronts the other gardens both north and south. This verge features a cast iron water pump by Glenfield & Kennedy and dates from the late 19th century. It is of historic significance to this village. There is an identical pump in the north-west corner of The Green which is Category C-listed. The verge is broken by a hedge which divides the drive of this site with the adjacent drive of Valleydene.

A loose stone drive gives access across the verge to a white coloured concrete rendered garage which is 3m in width x 6 m in length. This garage features an alloy up-and-over door in the gable wall fronting the street. The roof is dual pitched cement asbestos sheet clad with clipped verge and eave detail.

The frontage of this garden is ~16m in width and is characterised by a tall hedge (privet or mixed species) which obscures views from the street. The plot is almost 21m in depth with a shorter rear boundary measuring 12m, forming a rectangular shape. The regular shape suggests a feu plot. The garden has not been levelled and appears to correspond with the fall of the hill. The eastern boundary is a wire stock fence beyond which there is a rotational agricultural field. Streetview shows a mature tree characterising the site but this is not evidenced by recent photos of the site.

The southern mutual boundary with Valleydene garden has no fence. A new garage has been constructed, 17/01086/FUL, 6.4m in length x 4.7m in width. The garage is on a concrete platform constructed behind a concrete platform which was the foundation of a former timber garage. This former garage would have been situated parallel to the garage on this site. The siting of this new garage, 17/01086/FUL, therefore allows parking for 2 vehicles off the road. This garage is block construction and is to be timber clad. It features a single up-and-over door under an overhanging and boxed slate clad gabled roof with over-sailing verge detail.

The north boundary of the site is also unfenced. I assume that the neighbouring garden to the north is Glenview, being the corresponding northern neighbour of Clifton Cottage. This neighbour plot is about half the width (7m) and is similar in depth. The site is occupied by a prefabricated concrete garage under asbestos sheet roof which measures 3m in width x 11m in depth. It too is set behind the grass verge. A track gives access to this garage and gives access to the east side of The Green. Burnside and the neighbouring Hill House enjoy frontages which address the track and overlook The Green.

Planning History

A pre-application decision was issued in 2019, 19/00406/PREAPP in which the Planning Authority confirmed objection to development of a dwellinghouse on this site.

Policy

The garden is both within the settlement boundary and Conservation Area of Yetholm. This wider area measuring 0.12ha has been identified as Key Greenspace (GSYETH003). Policy EP11 Protection of Greenspace and the Greenspace SPG, 2009 identifies protection and sets criteria for considering proposals in on these sites.

Development within the settlement boundary will be considered against Infill Development Policy PMD5. A set criteria is given to consider any proposals.

Clifton Cottage is category C-listed but this area of garden is separate therefore I do not consider the development to be within the curtilage of the Listed building. I will not consider Policy EP7 on Listed Buildings.

Policy EP9 on Conservation Areas states that development must be located and designed to preserve or enhance the special architectural or historic character and appearance. Scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes will all be considered. Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

PMD2, Placemaking and design requires all development to be high quality and be compatible with the character and neighbouring built form. Development must be of a scale, massing, density and height appropriate for the setting.

The development should be sufficient in terms of road adoption standards and in-curtilage parking and turning, policy IS7, in the interests of road safety. There should be no significant adverse impacts to residential amenity, policy HD3.

Policy EP13 seeks to protect trees and hedgerows.

Placemaking and Design 2010 SPG seeks for new development to contribute to the locally distinctive built character.

Proposal

The block built garage is to be demolished to give way for a parking court. A two bay, one and three-quarter-storey dwellinghouse is proposed to be situated 2.8m behind the current hedge line, central to the plot. A three bedroom house is proposed. The building would be orientated to align with boundary hedge. The hedge is proposed to be half removed and half retained to the north. The current drive would be improved and two in-curtilage spaces would be formed immediately forward of the house. The proposed southern gable would feature a secondary single storey gable roofed building 2.8m x 6m. It would be contiguous to the house and include vestibule and utility rooms. The front door to the property would be in this secondary building, set back from the building line by the in-curtilage parking.

The main building would be rectilinear in plan, 7.7m in width x 12m in depth, under a T-plan intersecting pair of dual pitched roofs. Eaves would be 4.6m high and the ridge would be 7.4m in height. The principal elevation would feature symmetry in the fenestration with pairs of single windows in wallhead dormers breaking the eaves. They would be given smooth banding and pitched gables. Eight solar PV panels would be installed on this west pitch. The eaves and verges of the roof would be clipped to the wallheads on north,

west and south elevations. At ground floor there would be pairs of 1.2m tall windows in each bay featuring timber mullions and surrounded by smooth stone coloured bands.

The north and south elevation would feature asymmetric fenestration. Windows on this elevation would also receive smooth stone coloured banding. Walls would all be finished in a wet dash roughcast coloured a white/ offwhite/ yellow tone. The east elevation would be unashamedly modern in appearance with full-height glass doors and flanking fixed lights. There would be an armoured glass balustrade to a first floor balcony under a 35° over-sailing roof. There would be a pedestrian door in the rear of the secondary building.

Notional landscape and boundary treatment details have been provided including post and rail fencing and retaining a northern portion of the existing privet hedge. A scatter of green bubbles, shaded areas of green or blue/grey all suggest an approach to landscaping the garden grounds but there is no specification.

Assessment

Demolition.

There is no requirement for Conservation Area Consent for demolition of a garage of the size/capacity in this location. The loss of garage has been confirmed by both Archaeology and Heritage and Design Officers to be of neutral impact and I'd agree that it makes little contribution to Yetholm Conservation Area (Policy EP9).

Principle

Non-allocated or infill opportunities within settlement boundaries may only be considered where the proposal fulfils all of Policy PMD5 criteria:

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

The established land use in the surroundings is residential and I find a dwellinghouse an appropriate contribution which would have no obvious conflicts in terms of amenity. Criteria a) is satisfied.

Key Greenspace

This specific site has been allocated as a Key Greenspace in the LDP. The designation given arises from the Green Space SPG, Oct 2009 where the site was identified in an Audit by Halcrow consultants as "Functional green space". This is significant. The LDP policy seeks to offer protection to two typologies. Functional green spaces (outdoor sports facilities such as playing fields, play areas, allotments, cemeteries, churchyards, green corridors such as rivers or former railway lines); and amenity green spaces (parks and gardens, natural green spaces, woodlands and green spaces within residential areas used informally).

This parcel of land (GSYETH003) was identified as meeting criteria defined as B2 Allotments. Within Appendix D of the SPG the Green Space Strategy for the Borders, Page 19 defines quality and value. In Appendix G (Page 5) the area in question is outlined in black, shaded red and coded 606. The red shade signifies Low Quality and Low Value. Within Appendix I there was further assessment of the site where quality and value of this site were assigned 55%. There has been a clear and methodical process of identifying and assessing this Key Greenspace which now appears in the LDP. However, this application has some interesting revelations.

The SPG identifies "Detailed Provision Standards" for considering "B2 Allotments". I have concerns that this site does not fit the definition of "B2 Allotment"; "Land laid out and managed as a statutory or non-statutory allotment site". I have received representations and consultations that both confirm that these "Allotments" are owner/occupied private gardens. There has been no objection from both the Community Council and Neighbourhood Services. Contrary to several representations received, the fact that the land is in multiple ownership is not something which would be incompatible with B2 allotment use.

Functional green space

I conclude that the SPG and Policy EP11 are erroneous in this designation in that this Key Greenspace is neither a statutory or non-statutory allotment site. I can find no definition for "statutory" in the SPG but the meaning is clear.

Fruit, flowers or vegetables are produced on this land only by the exclusive use of the owner in title and not by a third party. I suspect the "allotment" designation has been derived directly from OS mapping data which places a label; "Allot Gdns" over this site. My inspection of photos, streetview and aerial images all confirm that several owners are using the land for agricultural production but this private use does not constitute "Allotment" as defined by Oxford Dictionaries; "A plot of land rented by an individual for growing vegetables or flowers." These are gardens and not allotments - there is no manager or committee and there is no evidence presented that a consideration payment can be made for a third party to use the land for production.

If this is not an allotment (Key Greenspace) I have no requirement to consider arguments of social, economic and community justification for this proposal. There is no requirement for me to consider need or consider compensatory provision of function open space. The owner has submitted a Title Plan which confirms the land belongs Clifton Cottage.

Other Greenspaces

Key Greenspaces are not a comprehensive list of all those spaces which satisfy PAN 65 typologies. I consider the roadside verge forward of the site to be a strong candidate for satisfying "Other Greenspaces" of EP11. This verge makes a significant and strong contribution as an "Amenity green space"(SPG). It contributes significantly to the appearance of this gateway to the Village and The Green itself. This is the Pennine Way and the verge contributes significantly to the visual amenity of this avenue. Somewhere under this verge is a stone cundy (a culverted stream) running right through the centre of The Green and down to Blunty's Mill. The two water pumps on its route signify the importance of this spring as a former water source for the Village long ago. Historically, it has dictated the layout of the street.

This proposal would result in development of a drive over this verge. No Design Statement and no topographic data has been supplied but I strongly believe that development of a drive will significantly adversely impact both this Greenspace and the water pump feature in future. Both are historic features of the Conservation Area. They would be adversely affected by a dwellinghouse on this site. There would be direct impacts through the physical erosion of the green verge by vehicles but indirect impacts will be the loss of public feel to this space.

I conclude that there would be no quantifiable loss of functional open space arising from the proposal but there would be harm in the form of damage caused to "Other Greenspaces" (the roadside verge and water pump) which front the site (Policy EP11). In this respect criteria b) of policy PMD5 is not satisfied.

Conservation Area

Principle

The Heritage and Design Officer objects to the proposal and states the principle of introducing a dwelling on the site is unacceptable. This development would disrupt the positive characteristics of the Conservation Area. Similar arguments surrounding the history of settlement of Kirk Yetholm have been raised by objectors. I would add that the neighbouring pattern of development (nos9 and 11 to the south) further emphasises the historic context of this land as being unsuitable for a residential dwellinghouse.

The historic perspective of this site is most clearly articulated in policy terms by the Heritage and Design Officer. At this location, the east side of the High Street makes a positive contribution to both the characteristic historic layout of Kirk Yetholm as well as its distinctive visual and spatial relationship with the surrounding landscape.

The Officer has noted that a small, modest structure similar to a garage, shed or possibly small garden studio form would not disrupt the established positive contribution this site makes to the Conservation Area. However a change of use of the site to a dwellinghouse would disrupt and harm the character and appearance of Kirk Yetholm.

I support the Heritage and Design Officer's conclusion and note that there are secondary buildings adjacent to this site but they do not adversely affect the appearance of the wider Conservation Area. The phrase "largely undeveloped" has been used by the Heritage and Design Officer to describe the nature of this east side of the High Street. This is a reference to current plot/ building ratio and also the garden/ garage use.

Several objections received throughout this process have highlighted the importance of this historically undeveloped feature within Kirk Yetholm.

The value of the site is twofold. Firstly in the visual backdrop it provides to the Conservation Area but secondly, and significantly, in the wider history of the Terrace and development of Kirk Yetholm. The use of this land always has been part-and-parcel of the character of "Tinkers Row" and to change this relationship would change the character of the Street and the wider history surrounding the settlement of Kirk Yetholm.

This is a significant gateway to the village at the start/end of the Pennie Way and also part of the St Cuthbert's Way. Owing to the elevated prominence of the site it does define the landscape and townscape structure around it. The garden is publicly visible both from The Green and transiently, in the passing. It contributes significantly to the identity of the settlement and the Conservation Area.

I conclude that development of a dwellinghouse would distort this interpretation and harm the Conservation Area (policy EP9). Development must be considered to fail criteria b) of Policy PMD5.

Archaeology

The archaeologist requires archaeological evaluation of the site prior to any recommendation of approval. This is required to understand whether the site yields Medieval or early Post-Medieval buildings. There is a moderate or high potential in this location (so close to the heart of the settlement) and I am satisfied that archaeological remains, features or finds should be identified and recorded prior to any acceptance of the proposal. Policy EP8 makes clear that development which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset. At this time, the ground needs further investigation. It's worth noting for record that a site evaluation yielding in-situ archaeology could pave the way for objection on archaeological grounds.

PMD2, Placemaking and Design SPG, 2010.

Design

There has been no Design Statement submitted in support of the application which is a requirement of Policy EP9. The Planning Statement attempts to reconcile design with the location but I find no working and little fact to the statement that the design heavily reflects the character of existing dwellings.

The choice of design is overtly large in scale and mass resulting in a domineering appearance. There are traditional cues to the design with dual pitched slate roofs, wallhead dormers and rendered bands however both the north and south elevations would be overbearing on the surroundings. The north elevation would be seen from The Green owing to its mass, absence of neighbouring buildings and this prominent position. The consequence would be harm to the Conservation area. Specimen trees throughout The Green would intervene views but no amount of further landscape or boundary planting would soften these impacts and my conclusion has to be that this is the wrong design for this chosen site (Policy PMD2).

The addition of solar panels on a pitched roof fronting the principal elevation of a Conservation Area is also objectionable.

The development fails criteria d) of policy PMD5 in this respect.

Site and Layout

The building has been pushed back from the grass verge by attempts to provide in-curtilage car parking. I can accept that a proposal for a dwellinghouse being set back on the site lessens the potential impacts from size and scale, but the choice is in contrast to vernacular. Adjacent dwellings all have a strong street presence/ frontages.

The layout has been conceived around providing all the private (bedroom) space on the principal elevation to allow modern/ open plan living to the rear. This layout contrasts with traditional plans whereby the principal rooms are left and right of a main door at ground floor. The result is a confused appearance to the

main building which would detract from the rhythm of the Conservation Area. The front door is proposed in a secondary building, back from building line jarring with the defining character of the neighbouring buildings.

Scale, form and density.

The scale is not significantly different to the detached dwelling to the north of the site. However, the building would be significantly higher in the slope and viewed in isolation to these neighbours therefore the impacts would be dramatic. The dual pitched roof and T-form plan is a tried-and-tested design however this design fails owing to the scale, height and massing of the rear projection. There is no reduction in plan or pitch height that would give the rear projection a subordinate/subservient appearance. The consequence is that the north and south wing walls would be of a scale which would be dominant and prominent on both north and south approaches to the site. My conclusion must be that the building scale/ plot ratio would be inappropriate. The effects would be magnified by the absence of any residential buildings in the surrounding.

The design is not in keeping with vernacular and fails Policy PMD2, in that the design fails to make an appropriate contribution to the settlement. On a prominent site like this, the strength of objection must be reiterated in that the chosen rectilinear plan would adversely affect the appearance of the street and village. The subordinate secondary building on the south gable does little to mitigate any impacts to the body of the Conservation Area.

External Appearance: Materials, Fabrics and Colours

I acknowledge attempts to finish the property with vernacular harl and smooth bands but this does not distract from the fact that a house of this character is better suited to a location away from the Conservation Area designation. The choice of uPVC rainwater goods is a good example of a product which fails to protect or enhance the Conservation Area. I acknowledge the presence of uPVC in the surroundings but use of such a material is inappropriate, suburban and does not satisfy Policy EP9, which seeks to preserve or enhance character and appearance. The brick basecourse is an equally poor contribution.

Boundaries

I acknowledge attempts to retain a hedge on the principal elevation and maintain distinction between private garden and open space however the overarching issues with scale of the building and prominence of the site are irreconcilable. The prominence of the site and the absence of any mature boundary features will compound to harmful effects.

Fenestration

This is a core frontage in the Conservation Area and window choices on the principal elevation are considered to fail requirements of size, design, opening method and configuration. I acknowledge that timber mullioned form may be in use in the surroundings. I also acknowledge that there are several poor examples of modern window replacements in the surrounding however the choice of fenestration in this application does not conform to any of the unique characteristics supportable under Policy EP9 today. Again, the LDP demands that proposals within Conservation Areas will not just preserve but enhance character or appearance. New dwellings should be exemplary to the Conservation Areas and not a pastiche of surrounding policy failings.

My conclusion is the proposals fail the requirements of the Placemaking and Design SPG, 2010 and policy PMD2 and fails criteria b) and d) of PMD5.

I have no concerns about social and infrastructure capacity of the village in respect of this village. (criteria c) of policy PMD5).

Developer Contributions

Policy IS2 can be resolved and the agent has confirmed that the applicant would consent to a s.69 agreement and for a contribution to Kelso High School to be made in advance of any consent.

Access

The Roads Planning Officer has objected. They state that the proposal will remove existing parking for Clifton Cottage without accommodating the loss elsewhere. Two in-curtilage spaces are a requirement for a new build and whilst this has been provided, it would displace Clifton Cottage's off-street parking. Parking on-street is not an acceptable alternative.

I agree with the Road Planning Officer, in that development will result in the loss of parking against provision standards and will result in a compromise of road safety and road design standards and cannot be supported in accordance with Policy IS7. This is further emphasised by the fact that this road is an identified timber haulage route which will shortly to be used for extraction of timber in a neighbouring woodland.

My conclusion is that development fails criteria c) and d) of policy PMD5. Without adequate off-street parking provision proposals are by definition; "over-development". My concern is that attempts to reconcile parking requirements would have consequential harm on open space and the Conservation Area.

Servicing (Water supply, foul drainage and surface water disposal)

Public mains water supply is proposed. In this Village location waste will be required to sewer. In respect of SUDS/ surface water drainage these details can similarly be secured by condition. The proposals can satisfy criteria e) of policy PMD5, subject to further design details.

Neighbouring residential amenity

I have considered loss of daylight, sunlight and overshadowing and impacts on privacy arising from overlooking. The agent has provided a plan demonstrating shadow cast from the proposed building which I must presume is demonstrating summer impacts. In winter there would be greater shadow cast to the north and impacts to the northern neighbouring gardens are inevitable from this elevated site. However I do not identify any significant loss of light or overshadowing to habitable rooms therefore development respects the parameters of policy HD3. Impacts of overlooking have not been addressed by the agent. There is a habitable room in the gable of the neighbouring building to the north. There would be a direct line of sight from the northern gable window of the proposed master bedroom. The intervening distance is 18m or thereby and there are intervening trees therefore privacy would be protected. I am satisfied that development could meet Policy HD3 and criteria f) of policy PMD5. Levels of visual impact have already been covered adequately above under Policy EP9: Conservation Areas.

I acknowledge the Supporting Statement of 27 May which rebuts objections and makes observations of planning decisions in Conservation Areas within the Local Authority Area. I cannot place any weight to such advocacy. This decision is based on clear sound reasoning informed by representations from respective professions having considered the proposals against LDP Policies of 2016. This position is not a precautionary principle approach owing to Covid-19 restrictions. Those professionals consulted are best placed to consider issues of heritage, traffic safety, and archaeology and it would be a dangerous precedent to disregard the quality of these representations.

The Community Council has placed a neutral comment with the committee split equally in opinion.

I also acknowledge all comments that highlight (what is best termed) blight allegedly arising from the unkempt gardens and poorly maintained garage buildings in the surroundings. This decision would have little bearing on these matters. The maintenance of neighbouring properties is beyond the scope of this report, beyond the control of the Planning Authority and beyond the control of this applicant. Future planning decisions will control development on these neighbouring sites as they are all within the Conservation Area designation.

REASON FOR DECISION :

It is considered that a dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016. It would detract and harm the character and amenity of the surrounding area.

The proposals would not comply with Policy EP9 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area. The site provides a visual backdrop to the Conservation Area and makes significant contribution to the history of the Terrace and development of Kirk Yetholm. The characteristic historic gateway of The Pennie Way and the St Cuthbert's Way would be harmed.

The proposals represent piecemeal loss to development which is guarded against by Policy EP11 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site.

The proposals are contrary to Policy IS7 in that no provision for off-street parking for Clifton Cottage has been made, resulting in road safety concerns.

The proposal would not respect the scale, form and design of the surroundings thereby failing Policy PMD2, Policy PMD5 and the Supplementary Planning Guidance on Placemaking and Design.

Development is contrary to Policy EP8 in that a site evaluation is required in order to quantify the medium to high potential of encountering Medieval or early Post-Medieval archaeology.

There are no material considerations that outweigh these conflicts with policy.

Recommendation: Refused

- 1 A dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016 as it would detract from and harm the character and amenity of the surrounding area.
- 2 The proposals would not comply with Policy EP9 of the Local Development Plan 2016 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area.
- 3 The proposals are contrary to Policy EP11 of the Local Development Plan 2016 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site, to the detriment of the visual amenities of the area.
- 4 The proposals do not comply with Policy PMD2 and Policy PMD5 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that they do not respect the scale, form, and design of the surroundings, to the detriment of the visual amenities of the area.
- 5 Without further field evaluation, the development is contrary to Policy EP8 of the Local Development Plan 2016 in that there is a medium to high potential of the site yielding archaeology of local or regional importance which could be harmed or destroyed by the development.

“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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Mr & Mrs D & C Morrison
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

Please ask for: Euan Calvert
☎ 01835 826513
Our Ref: 20/00453/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 19th June 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Garden Ground of Clifton Cottage High Street Kirk Yetholm
Scottish Borders**

PROPOSED DEVELOPMENT: Demolition of garage and erection of dwellinghouse

APPLICANT: Mr & Mrs D & C Morrison

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 : 20/00453/FUL

To : Mr & Mrs D & C Morrison per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **29th April 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Demolition of garage and erection of dwellinghouse

At : Garden Ground of Clifton Cottage High Street Kirk Yetholm Scottish Borders

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

**Dated 17th June 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/00453/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
P01	Proposed Plans & Elevations	Refused
P03 B	Location Plan	Refused
P02 B	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 A dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016 as it would detract from and harm the character and amenity of the surrounding area.
- 2 The proposals would not comply with Policy EP9 of the Local Development Plan 2016 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area.
- 3 The proposals are contrary to Policy EP11 of the Local Development Plan 2016 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site, to the detriment of the visual amenities of the area.
- 4 The proposals do not comply with Policy PMD2 and Policy PMD5 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that they do not respect the scale, form, and design of the surroundings, to the detriment of the visual amenities of the area.
- 5 Without further field evaluation, the development is contrary to Policy EP8 of the Local Development Plan 2016 in that there is a medium to high potential of the site yielding archaeology of local or regional importance which could be harmed or destroyed by the development.

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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PLANNING STATEMENT

SITE ADDRESS

LAND EAST OF HIGH STREET, KIRK YETHOLM, TD5 8PH

PROPOSAL

**DEMOLITION OF GARAGE AND ERECTION OF A DWELLING
TOGETHER WITH ACCESS, LANDSCAPING AND ASSOCIATED
WORKS**

APPLICANT

MR & MRS D & C MORRISON

APRIL 2020

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2. PLANNING POLICY CONTEXT
3. ASSESSMENT OF DEVELOPMENT PROPOSAL
4. CONCLUSIONS

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1. INTRODUCTION AND PROPOSAL DESCRIPTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicants Mr & Mrs Morrison. The Statement supports an application for Planning Permission for the demolition of a garage and erection of a dwelling together with access, landscaping and associated works on land to the east of High Street, Kirk Yetholm.
- 1.2 The purpose of this Statement is to provide a good level of understanding of the application site and the context within which it lies, before providing background to the proposed development and its accordance with planning policy.
- 1.3 The site lies to the east of High Street in Kirk Yetholm. The site sits opposite a terrace of existing dwellings to the west of the highway. Concise private garden plots sit adjacent to the north and south of the site while a rectangular parcel of allotment gardens lie beyond to the south.
- 1.4 The site comprises a private garden in a single ownership with Clifton Cottage, on the opposite side of the road. The site represents Clifton Cottage's secondary garden with the primary outdoor amenity space located to the rear of the property. A single garage of render-on-block elevations and profiled sheet roof stands upon the site close to the south boundary. A tall hedge runs across the site from north to south precluding views from the adopted highway into the private garden. An existing vehicle access which comprises compacted gravel runs from the highway to the garage.
- 1.5 The extract below indicates the application site in red together with other land within the Applicant's control in blue. The existing dwellings nearby and other buildings are also indicated.

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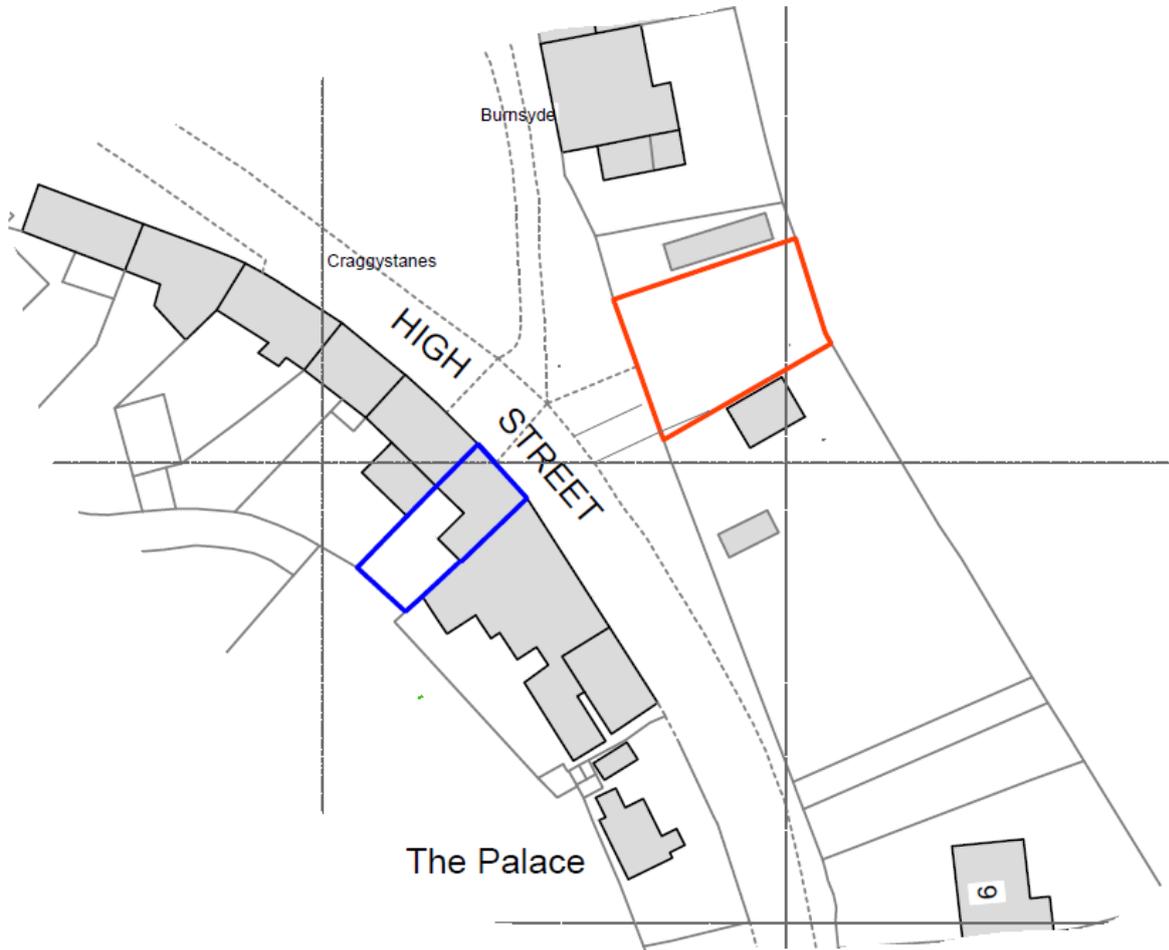


Fig.1. Extract from AH073-P03(A) Location Plan, High Street and the Applicants' home are visible to the west of the site (Source: Aidan Hume Design)

Proposal

- 1.6 The layout and access arrangements of the proposed dwelling are conceptually illustrated on AH073-P02 Site Layout Plan. The proposal is for the demolition of the existing garage and erection of a single dwelling on the site together with access, landscaping and associated works.

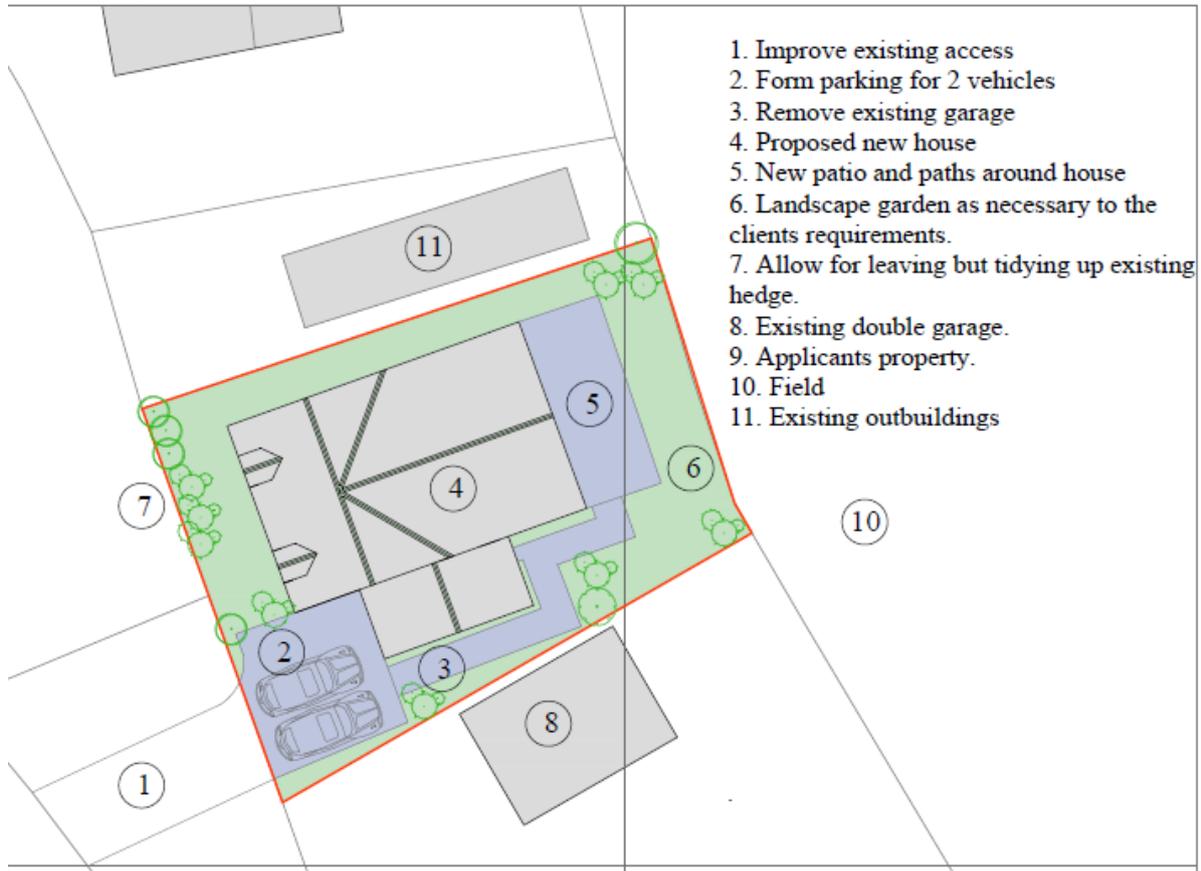


Fig.2. Extract from AH073-P02(A) Site Layout Plan (Source: Aidan Hume Design)

- 1.7 The proposed dwelling comprises a two storey detached house, the design of which is heavily informed by existing dwellings in Kirk Yetholm and particularly on High Street. The new dwelling is proposed relatively centrally within the plot and set back from the boundary with the adopted highway to enable the retention of the mature established hedge.
- 1.8 The construction of the proposed dwelling will comprise wet dash roughcast elevations set upon a brick plinth and a roof of natural slate. The wet dash roughcast has been selected with achieving a sensitive design specifically in mind. Smooth cement bands shall be set around timber frame windows.
- 1.9 The east elevation faces into the garden of the proposed dwelling and has been detailed to provide for the amenity of future occupiers. Sensitive folding doors are proposed from the ground floor to the garden. The doors shall open to a patio and will enable the kitchen and dining space to redeem maximum benefit from morning light. It is also proposed that a covered balcony, accessed by glazed doors from the living room, shall project from the first floor. The



balcony would not be visible from within the village but would benefit from natural views created by land falling away to the east of Kirk Yetholm.

- 1.10 The scale of the new dwelling would be contained by partition into a principle element and a secondary subservient (albeit conjoined) element to the south. This design reflects the appearance and scale of existing dwellings which face the application site opposite.
- 1.11 Works are not proposed at Clifton Cottage, the Applicants' existing dwelling, which would retain its primary rear garden. The proposed dwelling will be serviced by connection to the public foul drainage network which serves Kirk Yetholm. The Applicant proposes to connect to the existing mains water supply network.
- 1.12 The remainder of this Statement considers relevant planning policy and thereafter provides a reasoned justification within the policy context. Together with this Statement the following drawings have been submitted to support the application:
- AH073-P01(A) Floor Plans, prepared by Aidan Hume Design;
 - AH073-P02(A) Site Layout, prepared by Aidan Hume Design; and
 - AH073-P03(A) Location Plan, prepared by Aidan Hume Design.



2. POLICY CONTEXT

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

Scottish Planning Policy (SPP) 2014

2.2 SPP supports the creation and protection of successful and sustainable places which support sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This outcome sits side-by-side with the other three outcomes which target the delivery of low carbon places which reduce carbon emissions and adapt to the changing climate, natural and resilient places which protect and make use of natural and cultural assets, and better connected places which support and capitalises on transport and digital infrastructure.

2.3 SPP creates a presumption in favour of development that contributes to sustainable development and establishes that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and



- avoiding over-development, protecting the amenity of new and existing development and
- considering the implications of development for water, air and soil quality.

2.4 SPP sets out how successful, sustainable places includes protecting and enhancing the vibrancy of rural, coastal, and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas.

2.5 In rural areas the Government intends the planning system to:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Scottish Borders Local Development Plan

2.6 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:

- **Policy PMD2: Quality Standards**
- **Policy PMD5: Infill Development**
- **Policy HD3: Protection of Residential Amenity**
- **Policy EP9: Conservation Areas**
- **Policy EP11: Protection of Greenspace**

Policy PMD2: Quality Standards

2.7 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;



- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

Policy PMD5: Infill Development

2.8 The Policy permits “*development on non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries as shown on proposals maps will be approved where the following criteria are satisfied:*

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

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

Policy HD3: Protection of Residential Amenity

2.9 The Policy states that “*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:*

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- 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 sunlight provisions. These considerations apply especially in relation to garden ground or 'backland' development,*
 - iii. *the generation of traffic or noise,*
 - iv. *the level of visual impact."*

Policy EP9: Conservation Areas

- 2.10 The Policy establishes the Council's support for *"development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes."*
- 2.11 Conservation Area Consent is stated to be acceptable *"in the context of appropriate proposals for redevelopment and will only be permitted where:*
 - a) *the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and*
 - b) *the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and*
 - c) *the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape."*
- 2.12 Following the grant of Conservation Area Consent *"demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed."*

Policy EP11: Protection of Greenspace

- 2.13 The Policy identifies a distinction between two categories of greenspace – (A) Key Greenspaces (copied below) and (B) Other Greenspaces.

"(A) Key Greenspaces

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported."



- 2.14 Paragraph 1.1 of the Policy’s supporting text states that “the aim of the Policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development. The policy also aims to **protect and safeguard the most important spaces within settlements.**”
- 2.15 Paragraph 1.2 continues “the Local Development Plan identifies Key Greenspaces within Development Boundaries. **The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection.**”

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3. ASSESSMENT OF DEVELOPMENT PROPOSAL

Principle of Development

- 3.1 The proposal is for the demolition of a garage and erection of a single dwelling on a secondary garden plot in Kirk Yetholm. Development on “*non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries*” is permitted by Policy PMD5. The application site lies entirely within the Development Boundary defined for Yetholm. As the proposal is for the erection of a new dwelling on a site within a defined Development Boundary, it is considered to accord with Policy PMD5.
- 3.2 The application site lies within the designated “*Key Greenspace*” GSYETH003. GSYETH003 is identified as “*Kirk Yetholm Allotments*” within the Yetholm Settlement Profile. **Unfortunately, the designation represents a major error of fact.** The application site sits entirely within the sole ownership of the Applicants and has always been in use as private garden. While the village allotments are kept nearby on land to the south of the site, they are fully beyond the ownership of the Applicants and are both functionally and visibly distinct from the application site. For the purposes of clarity neither the application site or any constituent land is in lawful use as an allotment garden; the site is not available for the purposes of allotmenting and never will be. The site also sits distinct from the village green which lies either side of Main Street, approximately 75 metres north-west of the site. The application site is not and has never been held in shared ownership or trust with the local authority, community council, or any other charitable or community trust.
- 3.3 It is beyond the scope of this representation to identify the origin of the incorrect designation. However the Applicants believe that the error may originate from the “*Open Space Audit*” conducted by the Halcrow Group upon the Council’s behalf in 2008. An extract from the Audit has been included in Appendix 1.
- 3.4 Both the existing and previous uses and lawful use of the site are material considerations in the determination of the application and should be afforded **significant weight**. While the designation of the site under Policy EP11 is factually incorrect, it cannot simply be ignored. However it is considered that the significant weight afforded to existing and previous uses and lawful use of the site are sufficient to outweigh the adopted policy which is supported by a factually incorrect assessment of the village’s Greenspace. Therefore the erection of a new dwelling upon the garden plot which comprises the application site, is considered to be acceptable in planning terms as it would not result in the loss of an allotment garden, any allotment space, or any other Greenspace.
- 3.5 The principle of development for the demolition of a garage and erection of a dwelling together with access, landscaping and associated works is considered to be acceptable as: the application



site lies within a defined Development Boundary where development is permitted in accordance with Policy PMD5 and the application site comprises a private garden plot which is entirely within the Applicants' ownership and private use. The proposal represents the erection of a single dwelling on a site within a Development Boundary which would make more efficient use of the existing capacity of the land and the rural community.

Conservation Area

- 3.6 As the application site lies within Yetholm Conservation Area, Policy EP9 is material to the determination of the application. The character of Kirk Yetholm is defined by dwellings of render elevations and slate roofs which are in active residential or holiday let use. The beautiful eponymous Kirk together with a small number of dwellings comprising rubble and dressed stone elevations add variety to the local character. A few dwellings are also roofed in thatch which create an atmospheric feel to the village. The proposal is for a new dwelling (residential use) which reflects the existing local land use. Furthermore the proposed design incorporates both white render elevations and a slate roof which are particularly prevalent on High Street. It is considered that by means of its use, appearance, footprint, and scale the proposed dwelling is complementary to the "special architectural and historic character" of the Conservation Area.
- 3.7 The proposal includes the demolition of the Applicants' garage, which is not a Listed Building. The garage itself is an un-remarkable building of render-on-block elevations and profiled sheet roof. It makes little contribution to the built character of Kirk Yetholm and significant scope is considered to exist for replacement with a more sympathetic building.
- 3.8 The proposed development would remove an existing building which makes minimal contribution to the Conservation Area and replace with a sensitively designed dwelling. Due to its limited physical form and the unsuitability of extensive modification and extension to create a new dwelling, the existing building cannot provide "*reasonably beneficial use*" in its current form. The proposed development is considered to represent an enhancement of the site and of this part of the Conservation Area more widely.
- 3.9 It is therefore considered that the proposal represents a sensitive addition to the Conservation Area which would enhance "*the special architectural and historic character*" and accord with Policy EP9.

Access and Parking

- 3.10 It is proposed to retain the existing vehicle access to provide access from the highway to the proposed dwelling. The surface of the existing access may be re-laid should it be prove desirable, however it is understood that existing visibility sightlines are acceptable within the 30MPH speed restricted zone in Kirk Yetholm.



- 3.11 Sufficient space shall be provided on the proposed drive to park two cars. This is considered to accord with the Parking Standards contained within Appendix 3 of the Local Development Plan 2016.
- 3.12 Clifton Cottage and the existing dwelling Valley Dene (adjacent to the south) are unique in the street as they both benefit from off-street car parking in secondary garden plots on the opposite side of the road. On-street parking is common on High Street, particularly on the north bound carriageway. It is considered that on-street parking capacity exists to accommodate the occupants of Clifton Cottage's vehicles and does not present a threat to highway safety.

Impact on Local Character

- 3.13 The proposal is considered to represent a sensitive design which respects the local built character. The local character along High Street is defined by minimalist and simply constructed dwellings which comprise white render elevations under slate roofs. It is acknowledged that the frequency of roughcast render in new buildings has decreased over recent decades however it is considered that incorporating the building method into the proposal is necessary to achieve a sensitive design.
- 3.14 Buildings along both sides of the street are limited in scale and make frequent use of distinct but integral components to break up the building mass. The proposed dwelling has been designed to reflect this characteristic and makes use of a secondary, subservient element in the south of the site. Along High Street land falls away from south to north, with both the eaves and ridge of existing dwellings on higher land standing taller than those on lower lying land. The proposal respects this characteristic and represents a 'step' between residential development north and south of the site.
- 3.15 The design of the proposed dwelling has been heavily informed by the local character of Kirk Yetholm and would represent a sensitive new dwelling, in accordance with Policy PMD2.

Residential Amenity

- 3.16 The proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling and surrounding dwellings. With regard to the criteria of Policy HD3:
- a) As addressed above, the principle of the proposed development is considered to be acceptable.
 - b)
 - i. The type of development (a single detached dwelling) is considered to be appropriate to the site and the local area. At two storeys the height of the proposed dwelling is typical of existing dwellings on High Street and the rest of Kirk Yetholm. It is acknowledged that this is fairly unusual in the rural areas of the



Borders, but nonetheless existing dwellings within Kirk Yetholm are predominantly two storey in design.

The form of the proposed dwelling is also heavily informed by existing dwellings in the village, reflecting the Conservation Area designation. Accordingly the proposal represents a simple, traditional design which makes use of slate for the roof and white render elevations. It is considered that the proposal clearly fits with the existing residential area within Kirk Yetholm.

- ii. The location of the site is generally conducive to good residential amenity with a frontage of existing dwellings fronting onto High Street to the west and a general lack of other dwelling to the north, east, and south.

The closest dwelling to the south lies approximately 50/55 metres from the proposed dwelling and windows are not set into the first floor of the elevation which faces the site. 'Burnsyde', the closest dwelling to the north of the site lies approximately 20 metres away and does not have first floor windows in its south elevation – negating privacy concerns such as overlooking and intervisibility. Both substantial vegetation and a small garden shed exist on the third party land between the application site and 'Burnsyde'.

The possibility of views opening between the two properties are finally closed-off by the large roof structures of the contiguous rear element and lean-to garage at 'Burnsyde'. Therefore the risk of privacy loss is negligible as there are no windows to be overlooked, or to open lines of intervisibility with, or to obstruct sunlight from. The substantial existing roof structures also prevent overlooking of the garden.

The substantial distance which the proposed dwelling is set back from the developed frontage to the west of the highway – assisted by the substantial verge east of the highway – negates the risk of sunlight obstruction. As a pattern of development, developed frontages contiguous with the adopted walkway negate the risk of overlooking.

The orientation of the proposed dwelling within the site and the alignment (angle) of the first floor windows in the west elevation would not allow lines of intervisibility to be opened with existing dwelling to the west. There are no existing dwellings nearby which lie to the east of the application site.

- c) It is considered that the highway safety and noise generation impacts of development will be negligible.
- d) Views of the site from public vantage points are primarily from the adopted highway to the west. These views are set in the context of an existing settlement which has been defined by a Development Boundary in the Local Development Plan. The proposal represents the enhancement and enlargement of the existing settlement at Yetholm by



a single new dwelling and the retention of the established, mature hedge will serve to soften views of the proposed dwelling from the adopted highway, in a similar manner to the existing dwelling and established hedge at 11 High Street, to the south of the site. Overall the visual impact of the proposal on the local area is considered to be slight in degree.

- 3.17 As the proposal provides for good amenity on-site and in the surrounding area it is considered to accord with Policy HD3.

Site Servicing

- 3.18 The proposed dwelling will be serviced by connection to the nearby mains water supply network. Foul water drainage will be managed by connection to the public network. Satisfactory connection arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.



4. CONCLUSION

- 4.1 Ferguson Planning has been appointed by the Applicant to submit an application for Planning Permission for the demolition of a garage and erection of a dwelling together with access, landscaping and associated works on land to the east of High Street, Kirk Yetholm.
- 4.2 The proposal represents the erection of a new dwelling upon a site which lies within the Development Boundary defined for Yetholm, incorporating both the Town and the Kirk. The site does fall within the Key Greenspace GSYETH003 designation, however the site lies within the sole private ownership of the Applicants and is not burdened or subject to shared rights. Simply put, the site is not and never has been an allotment garden. Therefore the principle of the development of a new dwelling upon the site is considered to be acceptable in accordance with Policy PMD5.
- 4.3 The design of the proposed dwelling heavily reflects the character of existing dwellings within the Conservation Area and is considered to represent a sensitive addition to the local built environment. The proposal would also involve the demolition of the Applicants' existing garage which is not of sensitive design and makes almost no positive contribution to the Conservation Area. It is considered that the proposal would make a positive contribution to the Conservation Area by removing an insensitive building and erecting a high quality, sensitive new dwelling; in accordance with Policy EP9.
- 4.4 It is proposed to retain the existing vehicle access to serve the new dwelling. This both reflects local character and would benefit from the 30MPH speed restriction in place on the local road network. Two parking spaces are included within the proposal. The proposed development is considered to be acceptable in transport terms.
- 4.5 The proposal is considered to accord with Policy PMD2 as the proposed dwelling reflects and incorporates the minimalist and simple design which defines local built character as well as limiting the proposed visual scale of development.
- 4.6 The proposal has been designed in accordance with Policy HD3 and represents an acceptable form of development in this location. It is considered that the proposed dwelling would benefit from good amenity and safeguard the privacy of surrounding dwellings.
- 4.7 The proposal represents appropriate rural housing development within the Borders. In addition to delivering local direct investment, future occupants of the proposed dwelling would expand purchasing power in the local economy and support existing rural services. It is considered that the proposal accords with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. It is respectfully requested that planning permission is granted.

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20/00453/FUL

17.06.2020

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Page 249



Site Referred to in the Application outlined red
Property Owned by Applicant outlined Blue

AH Aidan Hume Design
Architectural Services

117 Channel Street
Galashiels
TD1 1BN
email:- aidan.ahdesign@outlook.com
tel:- 07792 599543 or 07785 420522

Project:
PROPOSED DWELLING HOUSE,
CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH

Client:
MR & MRS D MORRISON

Title:
LOCATION PLAN

Scale: 1 : 1000	Paper size: A3	Drawn by: AH	Date: 15.05.20
Project no: AH073	Drawing no: P03	Issue: B	

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20/00453/FUL
17.06.2020

Craggystanes

HIGH
STREET

1. Improve existing access
2. Form parking for 2 vehicles
3. Remove existing garage
4. Proposed new house
5. New patio and paths around house
6. Landscape garden as necessary to the clients requirements.
7. Allow for leaving but tidying up existing hedge.
8. Existing double garage.
9. Applicants property.
10. Field
11. Existing outbuildings
12. New timber post and rail fences to North, East, and Southern boundaries

10

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

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subject to the
requirements of the
associated Decision
Notice

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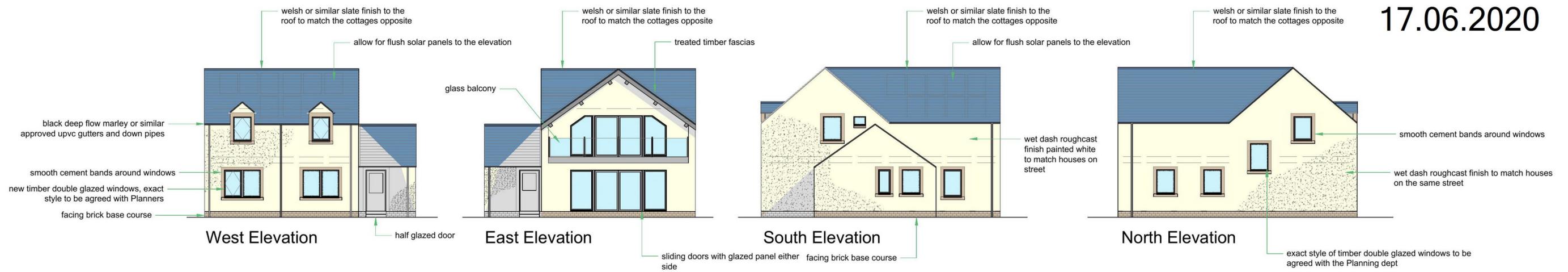
Project:
PROPOSED DWELLING HOUSE,
CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH

Client:
MR & MRS D MORRISON

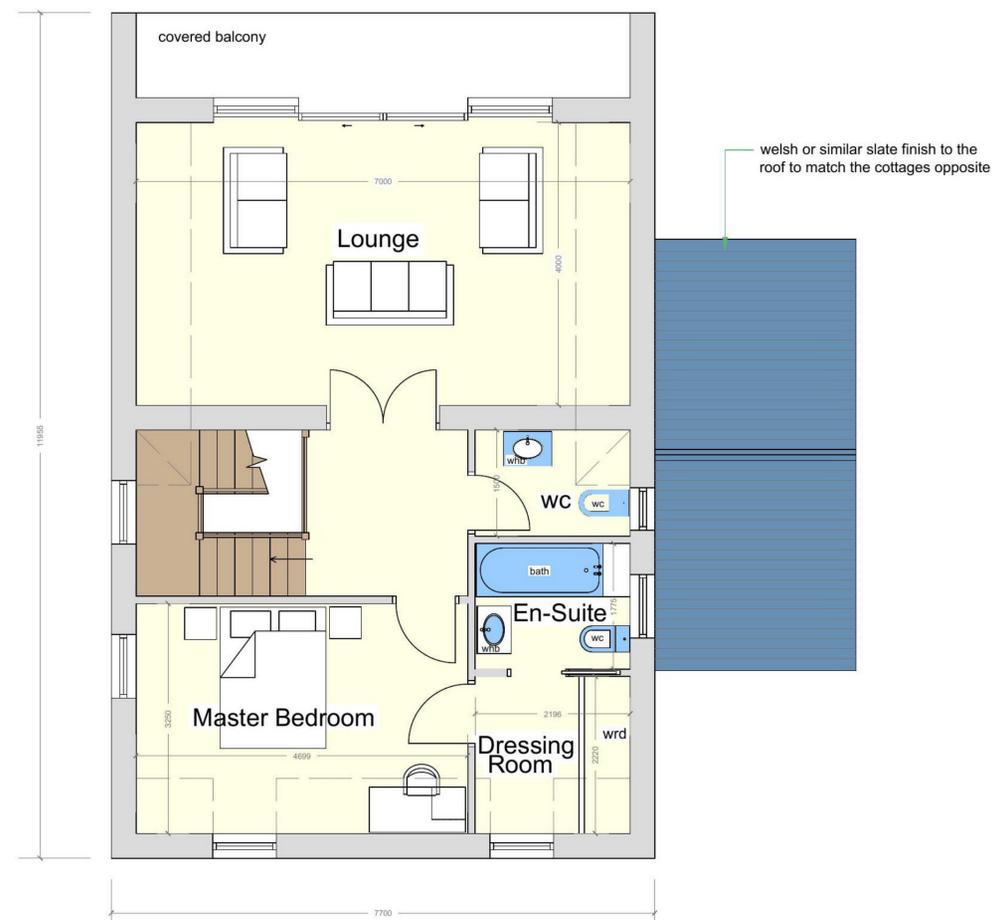
Title:
SITE LAYOUT PLAN

Scale: 1 : 200	Paper size: A3	Drawn by: AH	Date: 15.05.20
Project no: AH073	Drawing no: P02	Issue: B	

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Ground Floor Plan



First Floor Plan

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

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Project:
PROPOSED DWELLING HOUSE,
CLIFTON COTTAGE
HIGH STREET
KIRK YETHOLM
TD5 8PH

Client:
MR & MRS D MORRISON

Title:
FLOOR PLANS (Planning Drawing)

Scale: 1:50 & 1:100 Paper size: A1 Drawn by: AH Date: 20.04.20

Project no: Drawing no: Issue:

AH073 P01 A

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Delivered by Email

27th May 2020

Euan Calvert
Development Management
Scottish Borders Council

Your Ref. 20/00453/FUL

Dear Euan

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

We write in relation to statutory and third party consultations received to date on the above application and seek to respond to certain matters raised.

It is not our intention to focus on individual comments or repeat the position within our Planning Statement which still stands (as does the supporting evidence provided with it). But rather group them under subject headings and provide key points of response setting out why we consider that the information before you provides the justification or reasoning as to why the proposal can be supported in planning terms.

We also seek to make you aware of certain comments made which are not wholly accurate and why they should be set aside when coming to a determination on the application.

Statutory Consultees

It is understood that most if not all the statutory consultee comments have been made without aid of a site visit. While it is appreciated given the current lockdown we do think that a site visit would provide greater clarity and perhaps may change some observations made.

Roads Planning Service

We note the Roads Service comments on the application. We do not agree or accept the conclusions reached primarily because most of the comments do not relate to the application in question.

The parking arrangement for Clifton Cottage has again historically been to park outside and on the street as each of the neighbouring dwellings have and currently continuing to do along High Street. The subject site was used historically for cutting turf or keeping a small level of livestock and where a garage and parking did not exist pre the 1960s. Clifton Cottage again has further dedicated amenity area to the rear of the property.

There are no restrictions that prohibit the applicant's returning to the parking arrangement the occurred prior to the purchase of the subject site. Indeed, they currently use the on-street parking presently. A picture of which is shown below.



This is the case in many similar villages throughout the Scottish Borders with no detriment to road movements beyond that which currently exists.

The conclusions outlined by the roads consultation is therefore largely unfounded, in our opinion, and because it does not relate to the acceptability of the subject site/proposal in question.

This proposal does not give rise to any significant impacts regarding the existing road in question nor current parking arrangements which allow for on-street parking. This proposal is not going to significantly impact on the current status quo. Clifton Cottage has ample parking space out front and as shown by the photograph.

Built Heritage & Design

First and foremost, it must be clear that there is no planning guidance or policy that places an embargo on new development or housing within Conservation Areas. Indeed, there are numerous examples elsewhere within Kirk Yetholm.

The Heritage Officer makes a number of general observations within the consultation. It was noted or considered that the associated views eastward from the High Street to the landscape beyond contribute to both the characteristic historic layout of Kirk Yetholm as well as its distinctive close visual and spatial relationship with the surrounding landscape.

This is not accepted. There are no views to the East of the landscape beyond from the High street from anywhere between the Border Hotel and the subject site nor further up High Street due to the houses south of the site.

Garages again break up visuals between those areas on the High Street and are not considered to relate heavily to the reasoning for the overall village conservation area status. It very much is on the periphery of the core setting.

Again, the subject site has little to no impact on the setting of listed buildings along the High Street. One must put into context what exists on and adjoining the subject site. That being three garages of all varying scales and style none of which of any great architectural merit.

They deter from the streetscape in terms of the local context. The proposal will sit behind the largest garage and 30 ft high trees when viewed up the hill from the Village Green and further screened by the high existing/retained hedgerow. When viewed from the north side of the village green the site is also screened by 30ft high trees that are growing along the side of the garage to the north. **Refer to the pictures below.**



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Company Registration Number: 614302 (Registered in Scotland)



Ultimately the proposal will not alter significantly the built form that already exists. The façade facing the street has been designed again to replicate that of Clifton Cottage and others located opposite to provide a form of synergy and thus, in design terms, cannot be considered out of keeping from the public receptor (public road).

The grassed area between the road and hedge will remain and a form of synergy with the village green. The iron water pump referenced again will remain and agreed to be of heritable value.

The subject site sits and steps drops down in the streetscape and between existing houses. Those located up the hill again are recent additions to the streetscape as are many others within the village. For example, the 'Yett' estate which sits below the Border Hotel and face to the east.

The Category C listing of the high street has limited bearing and is due to historical interest rather than Architectural interest as these are the houses that were at one time gifted to the Kirk Yetholm gypsies. In 1965 a gypsy named Young saved the life of Captain David Bennet at the Siege of Namur. In an unexpected gesture of generosity, the grateful officer gave the cottages to them.

All of the houses that now form the High Street we believe were originally one storey and had turf roads so those themselves have been adapted and changed the streetscape over time.

The east side of the High Street is not underdeveloped there are 3 houses to the North of the subject site and 2 to the south. There are again a total of 4 garages in the space between Burnside and the allotments.

One to the north of the subject site is a large prefab concrete garage now overgrown and under utilised, one on the site built in 1966 and next to this a modern double garage built last year. Then an old wooden garage that is so badly dilapidated that it has no roof this sits just to the north of the Allotments.

There are number of similar examples of new homes built near village greens or on the periphery and which largely go unnoticed. Bowden for example, has a number of properties that sit on the periphery of the village green and that proposed is deemed to be considered in a similar light. Again, more recently a new home has been permitted by the Planning Department in a fairly similar context at Newstead.

The proposal has considered its overall scale, proportions, alignment, density, materials, and fits within those confines and guidance contained with Policy EP 9. The Council have permitted a number of new homes in Kirk Yetholm and one considers the proposal has grounds for being considered in a similar light. Some pictures of the dwellings are again shown below.

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New development within Conservation Areas should not be about pastiche architecture. It is more about respecting the surroundings and coming forward with high quality designed buildings and with an appropriate palate of materials.

The appellant carefully considered the relevant aspects when placing a new home into the conservation area. It took into consideration matters such as:

- Context, layout, built form, design, density and materials;
- Open space and servicing;
- Landscape and ecological issues;
- Compatibility with surrounding land uses;
- Connectivity and character of place.

Conservation Areas, it is acknowledged, should protect and promote existing heritable assets and setting. It is not there, however, to place an embargo on development of modest and acceptable positioned/designed homes.

The subject site does not contain or adjoin any strong heritable asset and has considerable distance between it and those parts of the conservation area with strong heritable value. It is not set within the curtilage or setting of the Conservation Areas core assets nor will it have any impact upon them. Nor does it impinge on any core or protected viewpoints.

Each development nearby has its own appearance and character and it is felt that the proposal, while modern, is a welcomed addition to this particular area of the Conservation Area.

A variety of modern homes are located near the site and, in some instances, at a much greater scale and height to that proposed. These developments have been deemed acceptable locally.

The proposal is for a modest single dwelling and one set within existing landscaping and back from neighbouring properties. The proposal would not constitute overdevelopment and there would not be a significant adverse impact upon the Conservation Area.

The Local Development Plan proceeds with a presumption in favour of continuance of the built form and new development within the confines of existing settlements. There is a growing need to meet housing demand across the Borders.

Although conservation areas involve a higher level of control, this does not mean that development is necessarily opposed; preserving and enhancing the character and appearance of the area is the primary concern.

This is also true when considering proposals for new building, and extensions and alterations to existing buildings. Proposals must be of an appropriate character, scale and appearance to the area.



Typically, traditional natural materials will be required; however, innovative well-designed contemporary buildings/ extensions may also be acceptable provided that the character, appearance and materials used complement the location (although such development will still have to be of a scale that is sensitive to the area). We believe that the proposal fits that general ethos or agenda set down within guidance.

As noted within Scottish Planning Policy if the effect is largely neutral then it should be deemed not to harm the Conservation Area. Again, related to SPP and other related policies the materials used are modern but ones considered high quality and acceptable within the Conservation Area (eg. timber, natural slate etc).

A proposed Condition can be applied to ensure all the associated finishes safeguard the character of the Conservation Area and this is deemed acceptable to the applicant.

Objection Comments

Reviewing the objection comments received we have addressed a number of the points above and would simply add that:

- The subject site is private land not open or green space or allotment land for that matter. The land allocations are incorrect and require amendment as they are not a statement of legal fact and thus should have no related bearing.
- The subject site and built form sits behind an existing hedgerow it is not part of the Village Green. It will set back from it and between existing built form and where the frontage largely replicates that of the cottages opposite. It therefore cannot, in our opinion, be deemed to have significant impact when it relates well to the context of the gap site in between existing built form.
- We have provided detailed commentary regarding overshadowing/looking and the like within Paragraph 3.16 of the Planning Statement. A further plan has been provided by the Client's Architect which again shows no residential property would be affected.
- The proximity of the garages have limited bearing on the overall acceptability of the proposal. There is again suitable distance. Fences once stood between the site and the neighbouring garage whose windows now appear partially blocked up and used for storing garden items and the like. It is not habitable.
- In terms of utilities this is largely a separate matter and would form a standard condition. There is capacity in the local water supply and drainage network and service media again available locally. Any associated surface water again would be treated using standard sustainable urban drainage techniques.



We trust you find the above comments useful and we kindly request they are taken into consideration prior to making a recommendation on the proposal.

Yours Sincerely



SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01086/FUL

APPLICANT : Mr & Mrs R Lawrie

AGENT : Stuart Patterson Building & Timber Frame Design

DEVELOPMENT : Alterations and single storey extension to dwellinghouse and erection of garage

LOCATION: Valley Dene
High Street
Kirk Yetholm
Scottish Borders
TD5 8PH

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
17-592-1004	Location Plan	Approved
17-592-1001	Existing Layout	Approved
17-592-1002	Existing Layout	Approved
17-592-1003	Existing Elevations	Approved
17-592-2001	Planning Layout	Approved
17-592-2002	Planning Layout	Approved
17-592-2003	Elevations	Approved
17-592-3002	Sections	Approved
17-592-4001 garage	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

12 neighbours were notified by the Council and adverts for development within the Conservation Area placed in the Southern Reporter and on PINS website. No representations were received.

Consultations were received as follows:

Roads Planning: No objections to this proposal provided the first two metres of the verge crossing for the driveway to the new garage is surfaced to my specification i.e. 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Archaeology: Valley Dene may contain remains of a single-story 18th century cottage and possible association with the Romany population that settled Kirk Yetholm at around that time. There is a high

likelihood that stripping the interior of the building will reveal evidence for the 18th century phases of the structure, along with the later addition of a second floor. This evidence is of local historical interest and should be recorded prior to potential damage or the obscuring of features through development. If consented, any internal strip the building should be recorded to an ENHANCED level by a suitably qualified buildings archaeologist. A Developer Funded Historic Building Survey is requested by condition.

Heritage and Design Officer: The principle architectural and historic interest in Valleydene relates to the front elevation and the contribution that the façade makes to the stepped streetscape of the High Street. Welcome the works to upgrade and repair, remodel and extend to the rear. The rear part of the existing building should retain its render finish rather than being over clad in timber boarding. Standard conditions requiring detailed submissions:

- o Details to be provided of the replacement windows and external doors showing sections
- o Samples of the external timber cladding including finish to be approved
- o External decoration scheme

The new garage will have a neutral impact on the Conservation Area.

Principal elevation: Details of double glazing and doors to be submitted.

Rear elevation:

1. No objections to removal of the existing single storey extensions (no architectural or historic interest). The rear elevation of the property is well concealed from public view and is set down slightly below the field level. A two storey flat roofed section provides a link between different elements of this rear.
2. Content with the proposed new flat roofed GF extension to provide the utility, kitchen and breakfasting area and for this to be clad in timber.
3. Rear wall of existing building should not be clad in timber but retained in render.
4. Double glazed casement timber windows to the rear are appropriate.

Interior:

The plan layout of the front part (earlier part) is being retained and this is appropriate for LBC.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards

HD3 Protection of residential amenity

EP7 Listed Buildings

EP8 Archaeology

EP9 Conservation Areas

IS7 Parking provision and standards

Supplementary Planning Guidance: Placemaking and Design, 2010

Recommendation by - Euan Calvert (Assistant Planning Officer) on 29th September 2017

Householder planning permission and listed building consent applications have been made for partial demolition, alterations and single storey extension to Valley Dene, High street, Kirk Yetholm. A garage is also requested to be constructed in-curtilage. This is proposed to be sited in unfenced garden ground on the opposite side of the road located slightly downhill from the property.

LOCATION AND SITING

Valleydene forms part of a terrace of properties on the west side of the High Street. The terrace is staggered into the hillside from The Green. There are reports of the building formerly running as a hostel "The Singing Donkeys Hostel" although no formal change of use is recorded. The property is bounded to the north by Clifton Cottage and south by no8. Valleydene. This is a sprawling property owing to an

expansive extension to the rear. It also includes a "wing" that runs the full width of the rear of no.8 High Street, which is the end terrace building.

The house dates from the early 19th century and comprises a 3 bay two storey house and also a secondary single storey building on the north gable. This secondary building faces the street and reads as being an independent cottage. The property has had extensive alterations and additions to the rear since the 1920s (based on the historic OS maps). This house shows significant signs of neglect and the significant extensions within the rear garden ground are now displaying signs of dilapidation.

The property was added to the statutory list of Listed Buildings at category C in 1993 as part of the resurvey of the parish.

Policy and History

There is only one record in the system for previous changes:

99/0132/LBC 99/01133/FUL Single storey extensions.

Policies PMD2 and HD3 seek to ensure that building quality standards are maintained, and neighbouring residential amenity is protected, when considering development proposals. Policy IS7 seeks to ensure that in-curtilage car parking is maintained in the interests of maintaining the safety and sufficiency of the road network.

A material consideration of this application is the C listed status of the building. Policy EP7 - Listed Buildings states that the Council will support development proposals that protect, maintain and enhance active use and conservation of Listed Buildings. Policy EP9 - Conservation Areas states that development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.

PROPOSAL

The existing plans demonstrate 7no bedrooms: 3-bedrooms upstairs in the main house, 2-bedrooms in the secondary building behind no.8 and 2 bedrooms in the extension which shares a party wall with Clifton Cottage. This proposal is for a family home with bedroom, lounge study and sitting room in the existing GF building. At FF, 2 bedrooms would be in the main house, a bathroom in the flat roofed extension and a bedroom and plant room in the secondary rear wing.

Interventions

1. The single storey rear extensions are to be demolished leaving only the party wall in place. The window in the party wall is to be blocked closed.
2. The utility room is proposed for demolition which features an intersecting slate clad piend roof with chimney.
3. In place of demolition is the proposed construction of a large flat roofed open plan kitchen/breakfast/utility and shower room 12m x 8.6m, attached to the flat roofed 2 storey extension and accessed from the current lounge and kitchen.
4. Amongst a host of internal partition changes, the main interventions proposals are;
 - a. Closing the door for window in the rear wing behind no.8;
 - b. Changing the fenestration to the existing FF flat roofed extension by blocking 2 windows;
 - c. Installing two velux in place of the intersecting roof;
 - d. Closing access from the second front door;
 - e. Photovoltaic panels on the FF roof;
 - f. Garage set back 7 metres from the edge of the public road within garden ground.
 - g. Air source heat pump.

Site visit

I visited the site with the Heritage and Design Officer on 11 August 2017 when only an external inspection was possible. Interval renovations had commenced and scaffolding fronted the property.

ASSESSMENT

PMD2 and Placemaking and Design SPG
Siting and orientation, size and scale.

The siting and orientation of the proposed extensions are considered to be appropriate in that they are to the rear of the property and are replacements for rather poorly constructed interventions in the past. The development will largely be hidden from any public view owing to the appropriate orientation and siting (within a hollow) in the garden. The land to the rear is an agriculture enclosure. I conclude that there will be no visible impact to the character and appearance of the Conservation Area, and that the size and scale of extension is appropriate (Policy EP9). The proposal is large but not too large for the accepting house and garden (Policy PMD2).

Mass and form

The flat roof extension will make a good relationship to the building in that its form will contrast with the traditional design. The development will appear modern and high quality in construction with large expanses of glazing and a cupola roof light. The development will actually be on a reduced footprint to the current configuration therefore the mass may be considered a net reduction. Removal of a section of intersecting pitched roof ensures that this extension will appear smaller in form to that which currently stands. The size of open plan footprint will be successfully concealed by its proposed flat roof design, which is appropriate for this rear elevation.

Conservation Area

As above, the extensions will be of no impact to the Conservation Area and the Heritage and Design Officer confirms likewise (Policy EP9). Casement windows and timber cladding are appropriate interventions on the rear elevation, which is not publicly visible and less sensitive to change. The garage will have no impact on the Conservation Area however to ensure that the Council are able to control development I shall require horizontal timber boarding as shown and not dry dash render (as is specified in the adjacent specification). The photovoltaics are on a concealed flat roof away from the principal elevation therefore concealed from public view and appropriately sited for the Conservation Area (Policy EP9).

Listed Building

I identify the element of greatest sensitivity to be the principal elevation of this building which retains significant character in design and form. It makes significant contribution to the character of this street. The Heritage and Design Officer supports the interventions on the the principle elevation; Sash and case windows with double glazing in timber frames and central glazing bar; timber/ composite door, style and colour to be agreed (vertical timber lining shown); Walls to be patched and repainted in white to match existing.

I am satisfied that the proposals demonstrate an understanding of the sensitivities in this building. The building will be enhanced and protected in the long term (Policy EP7).

These window and door proposals are in accordance with the Windows and Doors SPG, but further specifications are required to be certain that they make an appropriate contribution to the Conservation Area and the Listed Building.

Conditions are required to secure:

- o Details of replacement windows and external doors showing sections, colours and materials (Anthracite grey is mentioned)
- o External decoration scheme (white wash is to be retained)

REAR ELEVATION

The Heritage and Design Officer objects to the use of horizontal timber cladding on the rear elevation of the existing house and extension. I agree that the use of timber panel causes confusion to the appearance of the Listed Building. There should be a clear distinction between new and old architecture to ensure the appearance of this Listed Building. The existing rear walls should be rendered in traditional harl and a condition will ensure that this is implemented.

The extension; casement windows; alterations to fenestration; installation of Velux windows; and air source heat pump are all considered to be acceptable and are supported for this C Listed Building in that these changes will be a net improvement and will not harm the appearance of the Principal elevation (of significant character). The interventions will maintain and enhance active use of this building in accordance with Policy EP7.

INTERIOR

Much of the interior fabric has been altered or removed by the time of application however the Heritage and Design Officer is satisfied that the layout of the early part of the building is being maintained in traditional form (with central turn stair and hall in bay 2 leading to rooms either side.) Policy EP7 is satisfied.

Amenity

Loss of a door behind No.8 (for a window) is a net improvement in amenity in that there will be less impact on neighbouring privacy. A window in the northern party wall is to be blocked closed and this will also actually create net improvement in terms of neighbouring residential amenity. These changes ensure that there is no direct overlooking to garden ground or the houses beyond (Policy HD3). I identify no impacts in terms of overshadowing or loss of light in relation to the extension or the garage. There have been no representations in respect of development therefore I must assume that development of the garage; extension; and air source heat pump have all been considered and accepted by nearest neighbours. I do not identify any impact from development of any of these items and I am satisfied that the Council have discharged their duties in terms of Policy HD3 and PMD1 in that there will be no harm to neighbouring residential amenity and public health and safety are satisfied.

Access

The Roads Planning Officer notes no objection but cites need for a condition to ensure implementation of a sealed surface verge crossing. I am satisfied that these details should be a matter for condition to ensure protection of road safety and design standards. The first two metres of the verge crossing for the driveway to the new garage shall be surfaced to specification;

75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Archaeology

The archaeologist wishes a record of condition. The interior may be of local historical interest and should be recorded prior to potential damage or the obscuring of features through development. A Developer Funded Historic Building Survey is requested. I am happy to secure this provision through condition, in the interests of record an historic asset of local significance (Policy EP8).

No third party representations have been made.

REASON FOR DECISION :

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

Recommendation: Approved subject to conditions

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 A schedule of all external joinery (windows and doors), including colour, finish, opening method and profile, proposed to be used on the principal elevation of development hereby approved shall be submitted to and approved in writing by the Planning Authority before the development commences. The approved scheme to be implemented as part of the development.
Reason: To protect the character of the Category C-Listed Building and the Yetholm Conservation Area.

- 3 Sample panels of the external wall render and any colour treatment to be prepared on site for prior approval by the Planning Authority. The development then to be completed in accordance with the approved details.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Notwithstanding the approved plans, the rear walls of the existing house shall be finished in a harl (rough cast) and not horizontal timber board unless the prior written approval of the Planning Authority has been granted for the use of an alternative product.
Reason: To ensure that the alterations make an appropriate contribution to the Listed Building.
- 5 Notwithstanding the approved plans, the walls of the garage shall be finished in horizontal timber board and not dry dash render unless the prior written approval of the Planning Authority has been granted for the use of an alternative product.
Reason: To ensure that the alterations make an appropriate contribution to the Conservation Area.
- 6 Prior to construction of the garage hereby approved the first two metres of the verge crossing for the driveway (giving access to the new garage) shall be surfaced to specification; 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
Reason: To ensure safe access and egress to the public road and to ensure loose material does not foul the public road, in the interests of road safety.
- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.
Reason: To preserve by record a building of historical interest.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01086/FUL

**To : Mr & Mrs R Lawrie per Stuart Patterson Building & Timber Frame Design 5 Burnflat Lane
Hawick Scottish Borders TD9 0DZ**

With reference to your application validated on **3rd August 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations and single storey extension to dwellinghouse and erection of garage

at : Valley Dene High Street Kirk Yetholm Scottish Borders TD58PH

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

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

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

**Dated 2nd October 2017
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01086/FUL
Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
17-592-1004	Location Plan	Approved
17-592-1001	Existing Layout	Approved
17-592-1002	Existing Layout	Approved
17-592-1003	Existing Elevations	Approved
17-592-2001	Planning Layout	Approved
17-592-2002	Planning Layout	Approved
17-592-2003	Elevations	Approved
17-592-3002	Sections	Approved
17-592-4001	Elevations	Approved

REASON FOR DECISION

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

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 A schedule of all external joinery (windows and doors), including colour, finish, opening method and profile, proposed to be used on the principal elevation of development hereby approved shall be submitted to and approved in writing by the Planning Authority before the development commences. The approved scheme to be implemented as part of the development.
Reason: To protect the character of the Category C-Listed Building and the Yetholm Conservation Area.
- 3 Sample panels of the external wall render and any colour treatment to be prepared on site for prior approval by the Planning Authority. The development then to be completed in accordance with the approved details.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Notwithstanding the approved plans, the rear walls of the existing house shall be finished in a harl (rough cast) and not horizontal timber board unless the prior written approval of the Planning Authority has been granted for the use of an alternative product.
Reason: To ensure that the alterations make an appropriate contribution to the Listed Building.
- 5 Notwithstanding the approved plans, the walls of the garage shall be finished in horizontal timber board and not dry dash render unless the prior written approval of the Planning Authority has been granted for the use of an alternative product.

Reason: To ensure that the alterations make an appropriate contribution to the Conservation Area.

- 6 Prior to construction of the garage hereby approved the first two metres of the verge crossing for the driveway (giving access to the new garage) shall be surfaced to specification; 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Reason: To ensure safe access and egress to the public road and to ensure loose material does not foul the public road, in the interests of road safety.

- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.

Reason: To preserve by record a building of historical interest.

FOR THE INFORMATION OF THE APPLICANT

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

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

Monday-Friday 0700-1900

Saturday 0800-1300

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

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

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

Notice of Initiation of Development

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

Notice of Completion of Development

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

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

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

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

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

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

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

17/01086/FUL
02/10/17

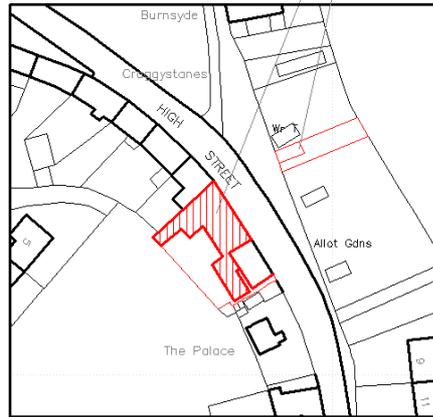
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

APPROVED

subject to the
requirements of the
associated Planning
Notice

PROPERTY REFERRED TO
IN THE APPLICATION.

ADDITIONAL GROUND WITH
TIMBER GARAGE SERVING
VALLEY DENE.



Ordnance Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

Location Plan

SCALE 1:1250..

Stuart Patterson

Building & Timber Frame Design

3 Burnflat Lane, Hawick,
Roxburghshire, TD9 9DZ
phone - 01450 373772
email - stuartpattersondesign@gmail.com

CLIENT/PROJECT

**Mr & Mrs R. Lawrie
PROPOSED EXTENSION & ALTERATION AT
VALLEY DENE, HIGH STREET,
KIRK YETHOLM, KELSO.**

SCALE

1:1250..

DATE

6/7/17

DRAWING TITLE

LOCATION PLAN

DRAWING No.

17-592-1004

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From: Calvert, Euan
Sent: 25 May 2020 19:37:57 +0100
To: Planning & Regulatory Services
Subject: FW: Community Council Consultation for application 20/00453/FUL

Please upload to dms and acknowledge cc response.

Many thanks

Euan Calvert

Assistant Planning Officer (Development Management)

Regulatory Services,

Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA

Tel: 01835 826513 | ecalvert@scotborders.gov.uk

From: Shane Black [REDACTED]
Sent: 25 May 2020 18:52
To: Calvert, Euan <ECalvert@scotborders.gov.uk>
Subject: RE: Community Council Consultation for application 20/00453/FUL

CAUTION: External Email

Over all it would be neutral as. 3 against and 3 for and 3 no response hope that helps Shane Yetholm Cc

On 25 May 2020 at 10:50 "Calvert, Euan" <ECalvert@scotborders.gov.uk> wrote:

Can you confirm objection or no objection from Yetholm Community council??

Euan Calvert

Assistant Planning Officer (Development Management)

Regulatory Services,

Tel: 01835 826513 | ecalvert@scotborders.gov.uk

From: Shane Black [REDACTED]
Sent: 24 May 2020 13:00
To: Calvert, Euan <ECalvert@scotborders.gov.uk>
Subject: Re: Community Council Consultation for application 20/00453/FUL

CAUTION: External Email

Hi we have 3 cc agreeing with the letter from Kristofer Smith the remaining cc are stating it looks ok as it would tidy up that side of Kirk Yetholm I think it is no different to some of the other builds that have happened in both villages .thank you Shane Yetholm CC

On 30 April 2020 at 09:15 ecalvert@scotborders.gov.uk wrote:

Please see attached document

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PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 30th April 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00453/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 21st May 2020. If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 21st May 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr & Mrs D & C Morrison

Agent: Ferguson Planning

Nature of Proposal: Demolition of garage and erection of dwellinghouse

Site: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: Keith Elliott Archaeology Officer	Contact e-mail/number: Keith.Elliott@scotborders.gov.uk 01835 824 000 ext 8886
Date of reply	02.06.2020	Consultee reference:
Planning Application Reference	20/00453/FUL	Case Officer: Euan Calvert
Applicant	Mr & Mrs D & C Morrison	
Agent	Ferguson Planning	
Proposed Development	Demolition of garage and erection of dwellinghouse	
Site Location	Garden Ground Of Clifton Cottage, High Street, Kirk Yetholm, Scottish Borders	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	<p>This application seeks the demolition of an existing garage and its replacement with the construction of a new house, associated landscaping to improve vehicular access, in the garden ground of Clifton Cottage on the eastern side of High Street, Kirk Yetholm.</p> <p>This archaeological consultation has been prompted by the site lying immediately opposite a number of historic buildings of the village which have been recorded by the Scottish Borders Historic Environment Record (HER). It is thought a moderate to high potential that there may be some archaeological remains of Medieval or early Post-Medieval date that would need recording here.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Impact upon the potential archaeology of the site. 	
Assessment	<p>I have assessed the application against what is recorded in the Scottish Borders Council Historic Environment Record (HER). I have also consulted historic editions of the Ordnance Survey mapping of the area.</p> <p>The site of this application can be identified in the various Ordnance Survey map editions since the first edition surveyed and published in the mid-19th century. Whilst the garden plots on the eastern side of the street – then called Tinker’s Row – are largely featureless apart from divisions into the plots and paths, their regular layout may suggest the former presence of buildings prior to the survey. The presence of a small stream or burn is also shown by the first edition. By the Ordnance Survey second edition mapping of later 19th century date the stream appears to have been culverted.</p> <p>This application is composed of two parts.</p> <p>The first of these is the demolition of the existing garage building. Through examination of the Google StreetView photographs of the existing garage, and confirming the location with the submitted application details, this can be identified. It is not thought to be of particular archaeological importance for any historic building recording, though a double take was made to check that it had not been</p>	

	<p>constructed out of an old police force telephone box.</p> <p>The second part of the application is the construction of the new house as a whole. This will involve groundworks for foundation and service trenches. Given the location of the proposed property on one of the main roads into the village which is of some age it is suggested that an evaluation be carried out prior to the determination of this application. It is anticipated that there may have been some Medieval or early Post-Medieval buildings present at this location and that any archaeological remains, features or finds should be identified and recorded. Given how little we know of the archaeological origins of the smaller villages of the Scottish Borders it is felt that the level of this work is an appropriate response. Should the evaluation be carried out, the application pursued and be granted planning permission further archaeological conditions should be expected, if not more of an objection raised at that time.</p> <p>This archaeological work may also have the benefit of establishing the course of the culverted stream given the location of the proposed house and useful for the placement of the associated service trenches.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> Further information required
Recommended Conditions	<p>An archaeological evaluation is recommended prior to determination of the application. Further archaeological conditions may be recommended upon the completion and reporting of this first initial work, and if necessary to comments leading towards an objection. Details for what the evaluation work should be composed of are given below.</p> <p>ARCH02 Archaeology: Developer Funded Evaluation</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.</p> <p>Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.</p>			
Recommended Informatives				

PLANNING CONSULTATION

To: Education & Lifelong Learning (Neil Hastie)

From: Development Management

Date: 30th April 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00453/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 21st May 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 21st May 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr & Mrs D & C Morrison

Agent: Ferguson Planning

Nature of Proposal: Demolition of garage and erection of dwellinghouse

Site: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Education & Lifelong Learning (Neil Hastie) (Officer to fill in own name)			
Date of reply	11 May 2020		Consultee reference:	
Planning Application Reference	20/00453/FUL		Case Officer: Euan Calvert	
Applicant	Mr & Mrs D & C Morrison			
Agent	Ferguson Planning			
Proposed Development	Demolition of garage and erection of dwellinghouse			
Site Location	Garden Ground Of Clifton Cottage High Street Kirk Yetholm 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)				
Assessment	<p>I refer to your request for Educations view on the impact of this proposed development which is within the catchment area for Yetholm Primary School and Kelso High School.</p> <p>A contribution of £2,978 x 1 is sought for the High School, making a total contribution of £2,978.</p> <p>Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders area.</p> <p>This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.</p> <p>Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index, therefore, we reserve the right to vary the level of contributions.</p> <p>If you require any further information please do not hesitate to contact me by emailing estatemangement@scotborders.gov.uk</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	
Recommended Informatives	

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 27th May 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00453/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 17th June 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 17th June 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr & Mrs D & C Morrison

Agent: Ferguson Planning

Nature of Proposal: Demolition of garage and erection of dwellinghouse

Site: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: Forward Planning Section Sharon Renwick Assistant Planning Officer	Contact e-mail/number: sharon.renwick@scotborders.gov.uk
Date of reply	11/06/2020	Consultee reference:
Planning Application Reference	20/00453/FUL	Case Officer: Euan Calvert
Applicant	Mr & Mrs D & C Morrison	
Agent	Ferguson Planning	
Proposed Development	Demolition of garage and erection of dwellinghouse	
Site Location	Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders	

The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.

Background and Site description	This application seeks consent for the demolition of a garage and the erection of a dwellinghouse at the garden ground of Clifton Cottage, High Street, Kirk Yetholm. It is noted that the proposed development is on an area of Key Greenspace as safeguarded within the Scottish Borders Local Development Plan (LDP) 2016.
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Loss of Greenspace • Development in a conservation area • Character and amenity of the surrounding area
Assessment	<p>The application footprint is within the Development Boundary of Kirk Yetholm. The application is on allocated Greenspace GSYETH003 Kirk Yetholm Allotments and the application is also within the Conservation Area of Yetholm.</p> <p>The application site is located on part of a Key Greenspace as identified within the LDP and is therefore protected under Policy EP11: Protection of Greenspace. That Policy states:</p> <p><i>“Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.</i></p> <p><i>... development that would result in the loss of greenspace, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:</i></p> <p><i>d) there is social, economic and community justification for the loss of the open space; or</i></p> <p><i>e) the need for the development is judged to outweigh the need to retain the open space; and</i></p> <p><i>f) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource. ...</i></p>

The Planning Statement submitted with the application states that:
“The application site lies within the designated “Key Greenspace” GSYETH003. GSYETH003 is identified as “Kirk Yetholm Allotments” within the Yetholm Settlement Profile. Unfortunately, the designation represents a major error of fact. The application site sits entirely within the sole ownership of the Applicants and has always been in use as private garden. While the village allotments are kept nearby on land to the south of the site, they are fully beyond the ownership of the Applicants and are both functionally and visibly distinct from the application site. For the purposes of clarity neither the application site or any constituent land is in lawful use as an allotment garden; the site is not available for the purposes of allotmenting and never will be.”

It is highly unusual to depart from policy on greenspace however the area in question is not used for community purposes and there does not seem to be of much social, economic or community loss in allowing development on the site. It's also noted at time of writing Neighbourhood Services have not commented. It's not unusual for some greenspace (also known as open space) to be in private ownership. It is understood that this area has not been used as allotments, at least in quite a considerable amount of time. It is therefore considered that the land has little amenity/public open space values and in the circumstances it is not considered the loss of this part of the designated key greenspace is a major issue.

It is also noted that the site is located within the Yetholm Conservation Area and therefore any application will require to be assessed against Local Development Plan Policy EP9: Conservation Areas. The aim of that policy is to preserve or enhance the character or appearance of conservation areas. The policy states:
“The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes”.

It is therefore recommended that the views of the Heritage and Design Officer are sought and considered and the criteria test identified above within Policy ED9 are fully scrutinised.

The application is within the Development Boundary of Kirk Yetholm therefore Policy PMD5: infill policy applies. Within this policy and in this instance consideration should be given to:-

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

.... b) it does not detract from the character and amenity of the surrounding area; c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and does not lead to over-development or ‘town and village cramming; and d) it respects the scale, form, design, materials and density in context of its surroundings...”

The Forward Planning team are supportive of housing within the Development Boundary where appropriate. Kirk Yetholm itself does not have any housing allocations although in close neighbouring Town Yetholm there are two housing allocations RY1B Deanfield Court and RY4B Morebattle Road.

Consideration should be given to surrounding property as stated Policy HD3: Protection of Residential Amenity. *“Development that is judged to have an adverse*

	<p><i>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:...</i></p> <p><i>b) the details of the development itself particularly in terms of:</i></p> <p><i>(i) the scale, form and type of development in terms of its fit within a residential area,</i></p> <p><i>(ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions. These considerations apply especially in relation to garden ground or 'backland' development,...</i></p> <p><i>(iv) the level of visual impact."</i></p> <p>In conclusion, based on the above it will be important for the Development Management Section to consider the proposals against Local Development Plan Policies EP9: Conservation Areas and EP11: Greenspace, and Policy PMD5: infill policy, and Policy HD3: Protection of Residential Amenity.</p>			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Christina Sinclair Heritage & Design Officer Built Heritage & Design	Contact e-mail/number: christina.sinclair@scotborders.gov.uk Ext 6511
Date of reply	15/05/2020	
Planning Application Reference	20/00453/FUL	Case Officer: EC
Proposed Development	Demolition of garage and erection of dwellinghouse	
Site Location	Garden Ground of Clifton Cottage, Kirk Yetholm	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	<p>The Yetholm Conservation Area is broadly characterised for its two distinct areas – Town Yetholm and Kirk Yetholm – as well as its historic layout, rural setting and vernacular architecture.</p> <p>Within this context, the site in question forms part of the historically undeveloped land on the east side of the High Street. The associated views eastward from the High Street to the landscape beyond contribute to both the characteristic historic layout of Kirk Yetholm as well as its distinctive close visual and spatial relationship with the surrounding landscape. To a similar but lesser degree, this also contributes to the setting of the Category C Listed Buildings along the High Street, including Clifton Cottage.</p> <p>Some very limited-scale structures (e.g. garages and sheds) have been introduced over the years to the east side of the High Street, however due to their small size and secondary-structure character do not notably disrupt the characteristic connection to the wider landscape and historic layout of the area noted above. The garage currently on site makes no contribution to the special interest of associated heritage assets.</p> <p>What appears to be a historic cast iron water pump lies near to the site area – this is a feature of local interest seen in the Town and Kirk Yetholm area and is worthy of conservation.</p> <p>The advice below is provided on the basis of the information provided, and subject to the provision of relevant further information.</p>	
Principal Issues (not exhaustive)	<p>The principal legislative and policy considerations from a heritage perspective in this case are;</p> <ul style="list-style-type: none"> Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that local planning authorities ensure that, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of any buildings or other land in a conservation area in fulfilling its planning functions. 	

	<ul style="list-style-type: none"> • Section 59 of the Town and Country Planning (Scotland) Act 1997 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the local planning authority to, “have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses”, in considering whether the grant planning permission affecting a listed building. • One of the key outcomes for the planning system is to help protect and enhance our natural and cultural assets, and facilitating their sustainable use (Outcome 3, SPP). • The siting and design of development should take account of all aspects of the historic environment (paragraph 140, SPP) • Proposal for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area (paragraph 143, SPP) • The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes (Policy EP9). <p>Therefore, the principal consideration(s) from a heritage perspective from this case are;</p> <ul style="list-style-type: none"> • Whether the proposed works would preserve or enhance the historic character and appearance of the Conservation Area • Whether the proposed works would preserve or enhance the contribution made to the special interest of the Listed Building made by its setting
<p>Assessment</p>	<p>The garage in question does not make a positive contribution to the character and appearance of the Conservation Area, nor the setting and special interest of the Listed Building. There is therefore no objection to its demolition.</p> <p>As outlined above the largely undeveloped nature of the east side of the High Street makes a positive contribution to both the characteristic historic layout of Kirk Yetholm as well as its distinctive visual and spatial relationship with the surrounding landscape. There may be scope for the introduction of a small, modest structure similar to a garage, shed or possibly small garden studio form as this would not disrupt this established positive contribution to the Conservation Area. However, development on this site on the scale of a dwellinghouse would disrupt these positive characteristics, and therefore constitute harm to the character and appearance of the Conservation Area. We therefore cannot support the principle of introducing a dwelling on the site, in line with legislative and policy considerations outlined in the preceding section.</p> <p>For this reason, we do not provide detailed comment on the design of the proposed house, but do note that it is not clear that its scale or design preserves or enhances the character and appearance of the Conservation Area. Should the principle of development be considered appropriate for wider planning reasons, further design development to appropriately reinforce local character in line with legislative and policy requirements would be necessary.</p>

	<p>The impact upon the historic water pump near the site boundary is unclear, and it should be noted generally that this historic local feature merits conservation insitu wherever possible.</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	<p>N/A</p>			
Recommended Informatives	<p>N/A</p>			

PLANNING CONSULTATION

To: Neighbourhood Services

From: Development Management

Date: 27th May 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00453/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 17th June 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 17th June 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr & Mrs D & C Morrison

Agent: Ferguson Planning

Nature of Proposal: Demolition of garage and erection of dwellinghouse

Site: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Neighbourhood Services Craig Blackie		CBlackie@scotborders.gov.uk	
Date of reply	27/05/20		Consultee reference:	
Planning Application Reference	20/00453/FUL		Case Officer: Euan Calvert	
Applicant	Mr & Mrs D & C Morrison			
Agent	Ferguson Planning			
Proposed Development	Demolition of garage and erection of dwellinghouse			
Site Location	Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description				
Key Issues (Bullet points)	<ul style="list-style-type: none"> • 			
Assessment				
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				

Recommended Informatives	
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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:	Craig Johnston Roads Planning Technician	craig.johnston@scotborders.gov.uk 01835826856		
Date of reply	18 th May 2020	Consultee reference:		
Planning Application Reference	20/00453/FUL	Case Officer: Euan Calvert		
Applicant	Mr & Mrs D & C Morrison			
Agent	Ferguson Planning			
Proposed Development	Demolition of garage and erection of dwellinghouse			
Site Location	Garden Ground Of Clifton Cottage High Street Kirk Yetholm 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	The site was subject to a pre-application under 19/00406/PREAPP. Whilst there was no consultation with the Roads Planning Service, the Planning Officer's response makes reference to the likely need for two in-curtilage parking spaces within the plot and accommodation for the parking spaces which would be lost.			
Key Issues (Bullet points)				
Assessment	<p>The site currently houses a garage and is accessed via a relatively short length of unsurfaced track. Therefore, there is the capacity to park two vehicles out with the adjacent public road. The current application would remove this existing parking without looking to accommodate the loss elsewhere. This would mean that the applicant's property would have no designed off-street parking and would be forced to park on street.</p> <p>Given the above, I must object to this proposal.</p> <p>It should be noted due to the restrictions on travel as a result of the Covid-19 pandemic at the time of writing, no site visit has been undertaken and the comments made above are based purely on the information submitted with this application and local knowledge.</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
Reason for Objection:	I object to this proposal as it does not comply with the Council's Local Development Plan Policy PMD2 which ensures that a development has no adverse impact on road safety.			

AJS

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Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Barry Morrison

Address: 3 Deanfield Court, Town Yetholm, Scottish Borders TD5 8RW

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Myself and my family live in Town Yetholm . We are often over at Kirk Yetholm and feel that after looking at the plans this new build will make this area a lot more attractive. The house itself is designed , in my opinion , to fit in well with the built up area surrounding the site and the countryside. No negatives only positives

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Brian Murdoch

Address: Briarley, Sandystones, Jedburgh, Scottish Borders TD8 6UP

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Being keen hillwalkers we especially love to park in the lovely village of Kirk Yetholm and make a day outing into the Cheviot Hills. As we walk up High Street on many occasions we have commented that the area to the left of the road was a bit overgrown and in need of a makeover.

We now find that an application has been submitted to build a new dwelling on this site. Having looked at the proposal it seems that the applicant had been very sympathetic towards the build appearance and off road parking as this is a conservation area. Hopefully the application will be approved and the site will enhance the lovely village green area.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Brian Townsend

Address: 17 Queen's Croft, Kelso, Scottish Borders TD5 7NL

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I feel that this application will overall enhance the look of the village green, At present the top area of the green is shabbily overgrown, and the untidy looking garage do nothing for the appearance of this part of the village, their removal will be a huge improvement. Clearly the proposed property has been designed to sit comfortably and blend with other surrounding houses and properties, whilst providing a modern, energy efficient dwelling. In my view this house will be a positive addition to the Village conservation area.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mrs Carole Lawrie

Address: Valley Dene, High Street, Kirk Yetholm, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We live close to the site in Kirk Yetholm and have no concerns about the proposal as we believe it has been thoughtfully designed and is relatively discreet.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Lee Logan

Address: 57 Inchmead Crescent, Kelso, Scottish Borders TD5 7LL

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We as a family have spent many years visiting Kirk Yetholm and think that this development will do nothing but enhance the area of ground to the east of the High street at the top of the village green. We often stop and have a picnic on the green and have noticed over the last few years that this area has become overgrown and looks dilapidated.

We think that the proposed development would help the overall appearance of the village green area.

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Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Kenny McLaren

Address: Craggystanes, High Street, Kirk Yetholm, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Detrimental to environment
- Height of
- Listed Building
- Loss of light
- Loss of view
- Overlooking
- Trees/landscape affected

Comment: The plot is across from Craggystanes, of which I was stayed at for six years, just moved out a few weeks ago. The impact would be dramatic to the beautiful village of Kirk Yetholm, with the views towards the English border impacted. The village is the end of the pennineway, and this large build will impact the perception the of a lovely village, with mainly cottages the new build is out of character. Looking at other comments, they are stating that this will be good for the village due to mess of the plot - which is strange considering the a applicant owns the garage of land!!!

Craggystanes was not notified of this at all, considering the outlook from the front would be impacted.

Kirk Yetholm is a conservation village and should be strongly protected from this proposal at first opportunity. I strongly believe that this land should continue to be used for natural beauty, natural growth and the natural environment

Kristoffer Smith
East View
High Street
Kirk Yetholm
Roxburghshire
TD5 8PH

Dear Mr Calvert,

I write in connection with the planning application 20/00453/FUL. Whilst I entirely understand and appreciate the applicant's reasoning for bringing this Planning Application forward, I feel I must object to it. As the custodian of my family's two allotment plots within the Greenspace referred to in the application, I feel it is incumbent on me to preserve and maintain this important aspect of the village for current and future generations. The basis for my objection is:

1. Conservation Area

The aim of policy EP9 of the LDP is to *"preserve or enhance the character or appearance of Conservation Areas"* due to their *"unique and irreplaceable contribution"*. The LDP Settlement Profile for Yetholm states, *"Yetholm benefits from many views within and out of the settlement."*

The High Street is of great significance to the story of Kirk Yetholm. It is here the initial settlement was put down and from which the village has evolved ever since. The layout, streetscape and greenspace of the High Street are therefore of vital importance to the history, character, and appearance of the Village.

The proposed development would see the destruction of an area of green, open, undeveloped land which has survived since the time of the first settlers and which has become part of the character and appearance of the Village. The proposal would irreversibly change what is a historic undeveloped space, which acts to bring the countryside and village together, into a developed site which has the potential to set a dangerous precedent of development. As such the proposal goes against policy EP9 of the LDP.

One of the principal and most iconic views from the Village is from the Village Green uphill to Staerough, a view which has remained almost unchanged for well over a hundred years. The exceptions being the erection of Numbers 9 and 11 High Street and a few small, basic garages resulting from more relaxed planning regulations in the mid-late 20thC. Nevertheless, the view is one that would still be recognised by generations who have gone before us, even those earliest settlers

The Village is famous for being the start / end point of the Pennine Way. For these important walking tourists, the view up the High Street from the Green is not just pretty but, in a single snap, symbolises the long, steep struggle ahead or the long arduous route just completed – a unique and irreplaceable image. This particular view from the village, outward to the hill-scape, is therefore of great importance to the Village's character through its history of being and its iconic nature.

The proposed development site is central within this special view and as such would serve to change it forever. Owing to the orientation and elevation of the proposed plot in relation to the Village Green, the long and massive proposed north elevation would cause a significant interference in the view and Greenspace, negatively altering the character and appearance of the Conservation Area in the process

In addition, policy ED9 states proposed development should accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes. Whilst not wanting to appear too critical of the plans, its clear a lot of time and effort has been expended in their development, in my opinion the proposal does not accord with any of the required ED9 criteria.

- The proposed building has a significant footprint and mass compared to plot size;
- The proposal is for a significantly sized detached dwelling - such are not commonplace nor a characteristic of the conservation area;
- The proposed building extends deeply into the plot whereby the proportions of the local vernacular is long and shallow dwellings;
- The proposed building is tall in comparison to the local vernacular – typically 1.5 storey. Despite having dormers to the front, going off the proposed ceiling heights, in all intents and purposes this is a 1 ¾ storey / 2 storey building;
- The proposed dwelling sits back from the edge of the plot whereby the local vernacular is for the dwelling to be at the front, roadside edge with gardens behind;
- The proposed development shares no alignment with the dwellings on the east of the Green.

2. Principle of Development / Land Use

How the land east of High Street has evolved into current usage is like many other land uses and ownerships in the village, an unknown quirk. In the earliest OS map of the area (1859) the land now referred to as Greenspace GSYETH003 appears to have been an extension of the Village Green with a path crossing it to the field beyond and a ditch or water course running through. Subsequent revisions to mapping demonstrate the loanings further up and this extension to the Village Green becoming larger parcels of land transferred into individual ownership. As can be seen on the 1920 revision, the land referred to as GSYETH003 formed a single, large parcel of land stretching up to what is now 9 and 11 High Street. Our deeds indicate this larger parcel of land was sold as strips around the late 1930's / early 40's – perhaps as a result of demand for land on which people could grow their own as part of the war effort.

Post war the land remained as “allotment” strips and owing to more relaxed planning regulation, the placement of garages and the development of Nr's 9 and 11 was permitted. The result is the mix of gardens often with small garages on the street side that we see now.

Whilst the Greenspace GSYETH003 has been identified as Yetholm allotments in the Settlement Profile of the local plan, realistically the area of land has not been allotments in the truest sense, “*a plot of land rented by an individual for growing vegetables or flowers*” for almost a century. It is my belief the term “allotment” has been assigned to this area of land by the open space audit to reflect its historic and largely current use, the growing of vegetables and flowers, and not tenure. Of all the strips within the designated greenspace, the proposed site is the only one being used as a recreational garden. The proposed site is nestled amongst “allotments” so it would appear to make sense to term the overall parcel of greenspace land as “allotments” – the predominant land use.

The time at which the proposed development site moved from a space for the growing of vegetables and flowers is unknown but it's certainly relatively recent. Photographs from as late as the 60's show the area being open, cultivated land. However, just because the proposed site is a “recreational garden”, nestled amongst a series of allotments, does not mean it cannot be designated Greenspace. LDP policy EP11 states its aim as giving protection to a wide range of defined types of greenspace (also

known as open space). It continues to state the types covered by this policy are based on those in PAN65.

PAN65 describes an open space as “greenspace consisting of any vegetated land or structure, water, path or geological feature within and on the edges of settlements”. It continues “All spaces, regardless of ownership and accessibility (i.e. public and private spaces) contribute to the amenity and character of an area and can be taken into account by councils when undertaking their open space audits and strategies.”

Table 1 of the same document specifically lists Private Gardens or Grounds as being a type of open space.

Whilst there are some nuances between definition and actual use for this area of Greenspace in which the development is proposed, the material fact is that the proposed development site clearly lies within the bounds of a longstanding Greenspace that is integral to the story of Kirk Yetholm.

The above demonstrates that policy EP11 is applicable to the proposed development site and it should not be supported because:

- It would mean the loss of Greenspace;
- There is no social, economic or community justification;
- The need for development does not outweigh the loss of greenspace – there are ample brownfield sites in the village and;
- There is no proposal to provide compensatory greenspace.

3. Drainage capacity

The settlement profile for Yetholm makes mention of limited wastewater capacity. Presumably Building Standards and Scottish Water would resist anything other than foul water connection to the existing mains drainage.

From the site plan, the plot does not look sufficiently large enough to accommodate the proposed building and a rainwater soakaway, bearing in mind a soakaway should be a minimum of 5m from a boundary or building.

In addition, just a point to note, there is a significantly sized concrete tube cundy going under the proposed site which takes wastewater from the dwellings uphill and storm water runoff from Staerough. Inevitable there will be work needed to the cundy at some point in time, concrete tubes do not have an infinite life. The development raises the prospect for significant impact on the effectiveness of the storm water removal system, not to mention the proposed dwelling should access to the cundy be required at any time.

4. Overlooking & Overshadowing

Whilst there is no automatic right to light, the slightly elevated nature of the proposed plot and the sheer scale and height will inevitably result in an unacceptable loss of daylight and more significantly sunlight, to the most immediate plot and garage building the north. Point 3.6 in the Privacy and Sunlight Guide states “Overlooking and overshadowing of adjoining garden ground can also impact on people’s privacy and undermine their amenity and general enjoyment of their property”. Point 4.1 of the same guidance states “If the new building will cause a significant loss of sunlight to an existing building then it is unlikely to be supported.”

The proposal would result in significant overshadowing of the plots to the north and overlooking from what would be the kitchen and master bedroom windows. In addition, the building on the plot immediately north of the proposed site (admittedly a garage) as well as the garden itself, will be robbed of almost every minute of sunlight of which it currently enjoys. The proposal would therefore result in an unacceptable loss of amenity and enjoyment of land by adjacent landowners.

5. Irregularity

Until recently, either 2018 or 19, there was a significantly sized broadleaf tree on the proposed plot. The tree has since been removed and roots dug out. I understand works to trees within a conservation area need to be notified to the local authority. There is no online record of this.

I should be grateful if you can confirm receipt of this letter.

With kind regards.

Yours sincerely

Kristoffer Smith

Euan,

Whilst I do not want to enter into a tit for tat, having viewed the numerous responses to this application, I'd just like to clarify a couple of important points:

I have not spoken to any of the other objectors, however, from the comments made I think the underlying tone is not one of an anti-development perspective. In fact, I'd say we as a community are very much the opposite, I think the community is very supportive of development in general, providing it is appropriate and adds to the character of the village. What is clear from the objection comments is that the local community feel the proposed development is not appropriate and would have a significant adverse impact on conservation area and village.

Much has been made by supporters about the development tidying up this part of Kirk Yetholm. It is credit to the applicant that their garden is by far the tidiest on the street! Therefore, removing a tidy garden and replacing it with a building will do nothing to tidy up the gardens either side of the proposed plot. The applicant has no control over neighbouring plots; thus the areas of untidiness will remain regardless of what happens on the proposed site.

The dilapidated buildings referred to by some supporters are not on the proposed site but are owned by others on different plots of land in and out with the Greenspace. The applicant has no control over these so they will remain, in their current dilapidated state!

There are several mentions of the development being screened by various bits of soft landscape. The only bits of screening provided by the applicant is the already established hedge to the front, street side elevation. None of the large trees referred to in the documents are on the applicant's land and are therefore not within their control. Given this, they cannot be considered as "screening". Additionally, the street side hedge screen is not a feature seen elsewhere in the conservation area so cannot be said to be in keeping.

The proposed building may sit "behind" the garage to the north but the garage to the north does nothing to screen the proposed building. The high street slopes steeply downward south to north, thus the garage sits low in relation to the proposed site and will leave the massively deep side elevation on full display to the village green. The impact of the gradient, height and mass of the proposal is highlighted by the shadow cast plan which shows the neighbouring plot being devoid of sunlight as a result of the proposal.

There are not 4 garages between the allotments and Burnsyde. There are 3 garages within the Greenspace and 1 out with, to the north of the proposed site. The garages referred to in the proposal do not bring a lot in the way of architectural merit I agree, but they are utility buildings, small in scale, spaced out and surrounded by vegetation and as a result do not detract from the conservation area either. Compare this to the solid mass of the proposed 12m long 2 storey gable end/ side elevation which will always be visible, particularly from the key vista – from the village green up to Staerough.

I'm not qualified in road safety, but I feel the roads department make very valid comments. Having only recently discovered the High Street is a recognised timber extraction route, I feel there is clear and valid safety concerns – particularly with the size of vehicles used not only in forestry but in modern day agriculture too. The picture provided showing the vehicle parked outside Clifton Cottage is not an image familiar to me.

Reference has been made to various other consents through the years in Kirk Yetholm. These do not in my opinion set a precedent for the proposed development. None of the developments shown are within the core of the village; none can be seen from the village green for example. They do not

impose on the conservation area or intrude on important visual aspects of the village. They have been constructed on recognised infill sites or brownfield land, they are not within an allocated Greenspace and none have received objections from the community in which they have been constructed.

You will note all the objections for the proposed development stem from members of the local community, all concerned about the impact this development will have on the character of our village. Whilst they are entitled to make comment, you will note all but one of the support comments come from out with the immediate, affected community.

I think we all recognise the need for housing in the Borders, but I for one would certainly argue there needs to be an emphasis on affordability in that supply – there is ample supply of mid-upper market type property locally. The community of Yetholm has already contributed to the need for additional housing through the allocation of new build sites in the LDP. Additionally, there are ample brownfield sites in and around the village that are ripe and appropriate for development.

Having checked back the planning history for the passed 5 years in Bowden I can see no record of a “similar” new build proposal. There have been a couple of small garden building type structures passed and some extensions but nothing to the size and scale of the proposed. Importantly none of the construction in Bowden have encroached on an allocated Greenspace. The site mentioned in Newstead is only similar in that it is a new build in a conservation area! It is located on the very peripheries of the village and on a significantly larger site than the proposed, which allows for a larger garden to help soften the impact. The site at Newstead does not form part of a significant vista from the village and the site cannot be seen from any key greenspace – it is in all ways hidden other than from the small number of houses adjacent to the site. Crucially however, the site is not within a designated Greenspace.

It’s clear those on both side of the fence on this debate are at polar opposites regarding the appropriateness of design and impact on the conservation area. The professional charged with making that decision on behalf of the authority and us the public, has provided their judgement and settled the debate. However, I think it is worth reiterating the objection comments highlight the strength of feeling locally – specifically the adverse impact we believe it will have on a key and fundamental part of our conservation area. This part of the conservation area is not only key to the visual streetscape of the village today but is also important historically, having been part of the green and the Gypsy’s commons. These key characteristics make it worth protecting, as it rightfully is through the Greenspace allocation.

As mentioned previously, whilst it is unfortunate the description of this key Greenspace in the LDP is a bit woolly, the proposed site nevertheless is within the Greenspace boundary. Just because it is a private garden makes it no less capable of being Greenspace. I do not believe there is a land allocation issue, PAN 65 is quite clear of what can be considered as Greenspace. My family’s two plots are owned by us and are our garden too. This is the case for all of the plots within the Greenspace – they are all owned and used as gardens. Some are used for growing of vegetables and fruit, some parking, some part recreational, some set aside! The point being we accept them as being within the Greenspace and the restrictions that entails. Should this development proceed I and many others in and out with this community will see it as a dangerous precedent. There is little point in allocating Greenspace for protection if the land use can be overturned and built upon anyway.

Yours

Kris

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Piers Holmes-Smith

Address: Lintonrig, High Street, Kirk Yetholm, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Height of
- Inadequate drainage
- Loss of light
- Overlooking

Comment:1.Conservation Area.

The view up High Street is an iconic one for many tourist to the village starting or finishing the Pennine Way and those visiting The Gypsy Palace just up from the proposed development. The mostly undeveloped side of the road creates a gradual flow between the village & open country. However, the proposed developments sheer size and elevation would irreversibly & hugely impact that special view for all visitors & residents in & around Kirk Yetholm.

2.Destroy the Green Space.

3.Drainage.

I would question the waste water capacity & what the potential effect of rain water run off on to my plot would be.

4.Notification.

I am the neighbour to the north of the proposed development and was never notified.

5.Loss of Light and Overlooking.

My property to the north of the proposed development will be negatively impacted as it would tower above my property and would overshadow it in every respect resulting in me losing a lot of sunlight for most of the day. My property would also be overlooked by the Kitchen, Stair & Master

Bedroom windows which would negatively impact my enjoyment of the garden space & outbuildings on my land.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Miss Amanda Douglas

Address: Rathgar, 4 High Street, Kirk Yetholm, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have read and considered the pro planning document.

The applicant took the photos himself featured on the pro planning document, seen by myself taking them at the desired angles to show a positive spin on the outlooks and effects on the views, both from the green upwards and from the diagonal up the high street. The untidy aspect of the high street on the left hand side is due to other building work over the last two years, the garages and the cars parked at these two addresses in front of the garages does not indeed add to the beauty of the natural outlook. Infact the photos concerning parking are not the norm as it was put for clifton cottage. The access to the garden and garage are not a personal parking space. They are part of the highway. The photos do not reflect a true picture of how the views or the green would be impacted. And since the applicant has ready cut down a beautiful large tree, I'm very concerned about the conservation of this site. There was no mention of this tree, with regards to the objections, from planning. Neither has it been established if this tree had a preservation order, which I have been told Mr Calvert as representative of planning, and tree preservation being part of it, you can supply this information.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Miss Amanda Douglas

Address: Rathgar, 4 High Street, Kirk Yetholm, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Loss of view
- Trees/landscape affected

Comment: I am a tenant /neighbour residing opposite proposed site, the site intended in no way needs to be developed, it's a natural area, having been a garden and allotment area set aside many years ago for this purpose, this is a green belt area of land. The loanings themselves are steeped in history and care should be taken on any development here Containing an ancient hedgerow , in part of a conservation area, I'm concerned that the building work will damage the hedgerows. Already a tree has been removed from this plot of land.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr Geoff Stenhouse

Address: Burnsyde, The Green, Kirk Yetholm Kelso, Scottish Borders TD5 8PQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area

Comment: I have a very old map of Kirk Yetholm showing many of the boundaries, extending up to the full length of 'The Loanings' on the Halterburn road.

In my honest opinion, I question the ownership of the designated area marked as the 'Garden Ground Of Clifton Cottage'. To my knowledge the area is part of the historic 'The loaning' allotment land allocated to houses of Kirk Yetholm, for growing their own food \ vegetables during hard times, many years ago. Boundaries set; land allocated for each house.

I have witnessed the removal of an old large tree from this site in recent months.

The proposed building is perpendicular to the rest of the buildings in the area and will look completely out of place, as you enter from the South.

The height of the proposed building will look completely out of place, as the land starts to make an increasing incline, restricting current neighbours beautiful views down the Bowmont Valley.

Kirk Yetholm is a conservation village and should be strongly protected from this proposal at first opportunity. I strongly believe that this land should continue to be used for natural beauty, natural growth and the natural environment.

Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr John Woods

Address: Glenview, 5 High Street, Kirk Yetholm Kelso, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Height of
- Inadequate screening
- Increased traffic
- Land affected
- Listed Building
- Loss of view
- No sufficient parking space
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected
- Value of property

Comment: Due to the continued lock down restrictions, we are still unable to travel from England to Scotland to fully access this application. However, in reviewing the latest information, we feel we must now object to the application. It would appear that the view that we and our customers have previously enjoyed, to the east of my holiday rental property, aptly named "GLENVIEW", will no longer be available to them, if the planned building is erected.

We feel that building and the inevitable building work required, can only have a negative and detrimental effect on our business in general, returning trade, our customers enjoyment of the property and the tradition and vistas of the village and surrounding area in general.

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Comments for Planning Application 20/00453/FUL

Application Summary

Application Number: 20/00453/FUL

Address: Garden Ground Of Clifton Cottage High Street Kirk Yetholm Scottish Borders

Proposal: Demolition of garage and erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr John Woods

Address: Glenview, 5 High Street, Kirk Yetholm Kelso, Scottish Borders TD5 8PH

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

- Designated Conservation Area
- Height of
- Loss of view
- No sufficient parking space

Comment: My property is a holiday let, (currently closed), and whilst the applicant has kindly notified me of the application, I am not able to retrieve the letter of notification or visit the property to fully assess the physical/aesthetic impact, due to the Covid 19 restrictions.

In reviewing recent comments, it appears to me that the lock down restrictions may not have afforded the opportunity for a fair and open appraisal of the application. As such, I believe it would be prudent to extend the current deadline on the application to allow for a fair review, once restrictions are lifted.

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Kristoffer Smith
East View
High Street
Kirk Yetholm
Roxburghshire
TD5 8PH

23rd July 2020

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

Dear Ms McGeoch

Reference: 20/00018/RRREF

Thank you for your letter dated 13th July 2020 advising of the appeal lodged in respect of 20/00453/FUL, which I have previously objected to. Having read through the appeal, understandably the documents are presented favourably skewed towards the application and appeal. Such is the importance of this appeal for the future of Kirk Yetholm, the Conservation Area and similar areas throughout the Borders, I feel the need to provide this further representation in an attempt to balance the appeal documents.

Firstly, I would like to make it abundantly clear my representations are made with the sole purpose of objecting to the proposal being considered; I have no quarrel or dispute with the applicant. My representations are made simply to try and protect the village and community from a development proposal which I believe will cause irreversible harm. The intention is not to pour scorn on the appeal documents but try to provide balance and demonstrate how I feel the proposal fails to meet current planning policy. I shall try not to repeat previous comments.

Before providing commentary, I felt it might be beneficial to have some up-to-date images (July 2020) of the area at the centre of the appeal, rather than relying on photographs taken at convenient angles and distances or a nearly 10year old Google Streetview. I am not a photographer, so please forgive the quality! They were taken on a bright but overcast day which doesn't show how much the proposed site will be illuminated by sunlight particularly well. Should the review wish, original jpeg images of those included herein can be supplied.



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7

Description of Images

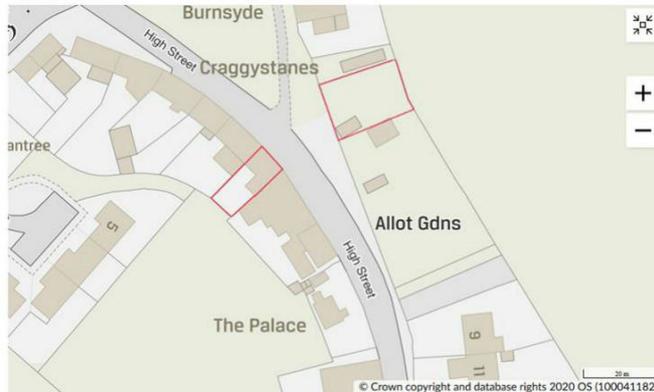
Figures 1 and 3 are taken from the High Street heading north to south, uphill. The front of the proposed site is roughly outlined in orange in Figure 1. Figures 2, 5 and 6 are taken from the green facing south.

Figures 1-6 demonstrate how prominent a location the site occupies in relation to the key green space – the Village Green. They also illustrate the significant gradient the High Street is on. Figure 3 gives a glimpse as to the domineering effect such a gradient has; the bungalows 9 and 11 on the east side of the street are clearly visible and loom large even at the bottom of the hill, and then in the ridge heights between the garage pertaining to Clifton Cottage and that pertaining to Linton Rig.

Figures 4 and 5 are taken from around the middle of the Village Green to give perspective of someone enjoying the Greenspace GSYETH002. Figure 5 is taken from a sitting position as if enjoying a picnic. Both of these images clearly show the appeal site only being screened at the front and it clearly being visible along its northern boundary. As can be seen the garage to the north of the site sits so far back any screening effect is negligible. Furthermore, I understand the hedges & bushes circled in Figure 5 are due to be removed imminently, by the owner, in response to the Planning Officer's comment about "blight" affecting adjacent garden areas! When these are removed the proposed site will be even more visible. Figure 6 is merely a close up of the view from the green across the open northern boundary of the proposed site. For the sake of clarity, I understand the only screening of the proposed site within the appellant's ownership and control is the hedge outlined in blue in Figure 5. At the moment the hedge outlined in blue in Figure 5 is a bit unkempt, perhaps to benefit the planning application. However, I include the Google Streetview image in Figure 7, taken in August 2011, which is perhaps more representative of the hedge's screening effect when it is maintained. One assumes, the appellant would like some natural light into the ground floor street-side rooms, thus I feel it's safe to conclude the hedge would become more akin to that as shown in Figure 7. A glimpse of the trimmed hedge height can again be seen in the 4th picture in the Officers "photos from site 2017" which were uploaded as part of the application.

Greenspace GSYETH002

Whilst the application does not include works to the verge I am of the opinion that should a dwelling be erected on the proposed site, it will have an indirect adverse impact on the amenity of the nearby Greenspace GSYETH002 – the Village Green, the verge being an extension of this. The area of verge in front of the plot is not owned by the applicant as is identified by the deed plan, below, accessed at Registers of Scotland. One presumes the applicant has a vehicular right of way over the land?



I feel that the additional foot traffic from visitors and occupants to and from the proposed dwelling would cause ambiguity and apprehension about ownership of the upper part of the Green, resulting in visitors to the village and residents being reluctant to use and enjoy this area and the historic water pump feature. Furthermore, with limited parking in the village, I believe the creation of a dwelling on the plot will see more frequent parking of visitor cars on and around this top part of the Village Green, making it even more inaccessible to residents, tourists and visitors.

It is my opinion therefore, that the proposal does not accord with EP11. The proposal will overlook, bear-down, and cause a distraction to and over shadow parts of the Village Green, affecting its amenity value and therefore its function.

Greenspace GSYETH003

There seems to be great ambiguity with regards this area of Greenspace. I have stated in previous representations nuances between the area’s definition as allotments and the actual use. The fact of the matter is the appeal site was until relatively recently, a productive garden i.e. one used for growing vegetables and such like or “cutting of turf”. It’s really only in the appellant’s ownership this has changed to become more of a private garden and through the virtue of time, the change of use has occurred. All of the other strips within this Greenspace are privately owned now, so strictly speaking private gardens as well, albeit gardens used for vegetables. I am not in agreement with the Forward Planning Team, I do not think the proposed site has been incorrectly included in the designation. Rather, I am of the opinion a change of use has subtly occurred since its first inclusion within the Greenspace. As I have explained previously the fact that it is now a private garden does not make it any less capable of being Greenspace.

For reasons explained in other representations, this area of land has great significance to the story and history of Yetholm and as a result has great value to the community and Conservation Area. I appreciate it has limited community benefit but nevertheless, its importance to the village, makes it worthy of the designation and protection offered by EP11 as “Other Greenspace”.

The naming of the space as allotments is an unfortunate error which I press upon Scottish Borders Council to resolve ahead of the next Local Plan. Failure to do so, and should the development go ahead, there is a significant risk of setting a precedent for development on the east side of the High Street and piecemeal loss of this important piece of Greenspace.

Place Making and Design

I appreciate without an artistic impression it takes a little imagination as to how the proposed dwelling will sit in the streetscape, however, it is possible. If the ridge height of Clifton Cottage's garage is assumed at circa 3.5m tall, the eaves of the proposed are intended to be at least 1m taller. The ridge of the proposed dwelling is proposed to be circa 7.5m (4m taller than the ridge of the existing garage), so the garage on top of the garage plus a smidge. Whilst this is not an uncommon height for a two storey house, which the proposal is, the measurement doesn't reflect the impact the gradient of the High Street will have on the perceived height. From the south side of the plot, the highest point and from which the building heights are taken, to the northern boundary I estimate a circa 1-1.5m drop in elevation; a gradient which continues down the length of the Green to the Main Street.

A further idea of height can be gained from Figure 1. Burnsyde can be seen to the left of the image; the new dwelling is proposed to be slightly taller than this but positioned on the elevated plot, detached from any connection or relationship with nearby buildings.

The net effect of the proposed height and gradient of the High Street would result in a dwelling which would appear to sit up and be incredibly domineering; towering over the Village Green, a key amenity Greenspace. In fact, the proposal would still appear very domineering even down on the Main Street and bottom Green. In addition, the depth of the proposed dwelling is significant at circa 12m (over half the length of the entire plot) which results in huge north and south elevations.

At the moment the south elevation would be screened by a cluster of trees on a neighbouring plot but will still be hugely noticeable from further uphill, on the approach down the Pennine and St Cuthbert ways from Staerough into the village. Should these trees be removed, and the likelihood is they will be (they are not in the appellant's control); the south elevation will be domineering on the approach through the village as well.

The north elevation presents an even bigger issue however, owing to the gradient and orientation of the proposed dwelling in relation to the Village Green and routes through the Kirk Yetholm. The proposed plot has an awkward alignment with the High Street and Village Green; it's not really perpendicular to anything other than the area immediately in front of the proposed site. The result would be a full view of a massive elevation, akin to an iceberg lost in the Mid-Atlantic, stretching an incredible distance, to anyone on the Green looking up the High Street or turning up High Street from Main Street. The gradient of the Green will act to compound the height, giving the impression of an overbearing 2.5+ storey block. Ironically, if any part of the proposed site is shielded by the garage to the north, it is the very end of the plot which will form the garden!

It is this mass and scale, intense site use and the towering effect over the Village Green which makes me conclude the proposal does not accord with PMD5 or PMD2. I have also made note in previous representations about the harm the proposal would have on neighbouring properties to the north through overshadowing and overlooking.

Mention is made about broad similarities between the proposal and the existing dwelling to the north of the proposed site, Burnsyde. I think the similarities start and end with the proposed being a detached dwelling with dormer windows. Burnsyde is a special house; it sits on a large plot with large garden space, cart sheds and stables. It would have been a dwelling for someone of status. Burnsyde comfortably sits on its plot and is absorbed into the landscape by the gardens and irregular roof heights break up its silhouette. It fronts the green with ease without imposing its depth on you at any stage. I am of the opinion the proposal has none of these characteristics.

Conservation Area

"The designation of a conservation area is a means to safeguard and enhance the sense of place, character and appearance of our most valued historic places... Designating a conservation area does not mean a prohibition on development. It does mean carefully managing change to ensure that the character and appearance of these areas are safeguarded and enhanced for the enjoyment and benefit of future generations." P7, PAN71.

As far as I can ascertain from the Planning Officers Report, the Conservation Officer has not, as suggested by the appellant, placed a prohibition on development on the subject site. The Conservation Officer has simply concluded a dwelling house, particularly one of the scale and mass proposed, is inappropriate for the site. They have gone further by suggesting forms of development that would be acceptable. I consider this decision to be the "careful management" of development within a conservation area required by PAN 71.

The Yetholm Settlement Profile contained within the local plan states *"The most important features of the Yetholm Conservation Area are its historical layout with both Town Yetholm and Kirk Yetholm with their own green along with its attractive rural setting"... "Yetholm benefits from many views within and out of the settlement."*

I, along with other objectors and consulted Officers have noted in our previous representations the historical importance of the appeal site, along with the other gardens on the east side of High Street, in the story and understanding of Kirk Yetholm. We have also made clear our concerns about the disruption the proposal would cause to the historical layout of Kirk Yetholm and the detrimental effect the proposal will have on views into and outward from the village.

The aim of the policy (EP9) is to preserve or enhance the character or appearance of Conservation Areas. Conservation Areas make a unique and irreplaceable contribution towards the character and quality of the Scottish Borders, and as such must be protected from inappropriate development.

Whilst it is true dormer windows, white washed harls and slated rooves occur in Kirk Yetholm, the same is true for a great many new build estates in the Borders and beyond. I'm not convinced the inclusion of these elements automatically acts to preserve or enhance the character or appearance of the village. Furthermore, in representations made at the application stage of this proposal, concern was raised about the site layout, its lack of street presence, the intense use of a small site and various other inconsistencies with the vernacular. I feel this sort of design, a half pastiche if you like, would add nothing to the streetscape. I think house design has moved on somewhat and it is a shame the architectural detail on the east elevation as proposed would be largely unseen.

I can only conclude that the proposal is fully at odds with EP9 and the assessment by the Planning Officer is fully justified and absolutely correct. In addition, in view of the above, I feel the proposal further fails to meet the criteria of PMD2

Included in the Appeal documents are a number of DPEA reports relating to applications in conservation areas from all over Scotland. I have skimmed some of the planning history on these cases I must admit to being unable to recognise much in the way of similarities with the appeal proposal. By their nature Conservation Areas are local in nature and unique from one another, therefore, precedents can rarely be established. I find the inclusion of these tenuous reports nothing more than a menacing distraction to the facts of the appeal being considered.

Archaeology

The consultation response gives clear reasoning to the conclusion that there is potential for important archaeology. When you consider Burnside, just north of the site, was the approximate site of the original Gypsy Palace, who knows what activity there has been in the locality and from what period.

There was no archaeological statement included in the planning application and no response to the Archaeological Officer's comments at the time. Having not had commitment from the appellant to accept a planning condition, I feel the Planning Officer could do nothing else other than refuse in order to give protection to the potential for archaeology, as is required by the policy.

Roads Planning

For clarity, at the moment Clifton Cottage has 1 off street parking space or 2 if you count the garage. This off street facility will be absorbed into the proposed development in order to satisfy SPG New Housing in the Borders Countryside 2008, to the detriment of Clifton Cottage and road safety on the High Street. No new off street parking arrangements will be made to compensate – the intention is for any motor vehicles pertaining to Clifton Cottage will be forced to park on the High Street. PMD2 criteria Q is quite clear in that a development should *“ensure there is no adverse impact on road safety, including but not limited to the site access”*. Mine and others previous representations raise and make clear our road safety concerns this arrangement would have.

The appeal statement states the appellant typically parks street side and that only Clifton Cottage and Valley Dean have access to off street parking. Both of these statements are untrue. The appellant typically parks off street as can be seen in the photographs herein and the Google satellite image below, some 10 years old. To be clear the car shown in the Clifton Cottage off-street space on the Google satellite image may not be the appellants given the age of the image, it may have been the tenant whom occupied the house previously. Nevertheless, it shows that typically, whoever is resident at Clifton Cottage, typically parks off-street. Also, of the 11 cottages on the west side of the High Street, 8 have access to at least 1 off road parking space – whether or not they are used is a different matter. Nevertheless the ability to park off the street is there. In Figure 8 below, I have highlighted and shaded the various dwellings and highlighted in the same colour their respective off street parking areas. Those who do not have this facility are properties that do not have garden areas fronting the street or an allotted area of the former common loanings - now known as the allotments.



Figure 8 – High Street, Off Street Parking Arrangements

Also worthy of note in the above image is the canopy of the large tree at the bottom of Clifton Cottage's garden, now removed, but more pertinently, the extent of the shadow cast by it on an August day. At high winter, the shadow of the proposed will be much more pronounced and stretch significantly, further affecting the Village Green and both the allotment and dwelling to the north.

Community Council

To be absolutely clear the Community Council responded with a neutral view, not a do not object view. I am unaware of the Community Council canvassing local residents for opinion, presumably due to the COVID 19 pandemic; the same reason public meetings have been suspended. Given the

situation and being unable to gather any form of view, I cannot see how else the Community Council could have responded. However, the tone and feeling of the local community can easily be ascertained by the objection comments received. These are real comments, from people within the community expressing grave concerns at the proposal and significant weight should be given to them. Anecdotal evidence, from parties that would rather raise concerns through Community Council meetings and such, also suggests significant concern over the proposal throughout the wider Yetholm Community.

I fully appreciate the number of objection comments is a small number in comparison to some other more recent applications in the Borders but, in the context of Yetholm, it is a significant number of objections. As far as I can ascertain from the online portal, there has never been such a level of objection to a proposal in Kirk Yetholm.

Conclusion

It's clear from the appeal documents the emotion tied to this application – I fully appreciate that. It is however a controversial application and that emotion must not be allowed to enter the debate.

Having studied the proposal, statutory consultation documents and the Officers determination report in great detail, I still cannot get the proposal to reconcile with numerous aspects of current planning policy. The professionals, whose duty it is to assess the application on behalf of the public, have all raised valid and well-founded concerns with regards archaeology, road safety, place making design and impact on the conservation area. With the exception of archaeology which can be conditioned, there is not a single attempt to resolve any of the statutory consultees or members of the public concerns. Instead, I feel the appeal documents generate conflicts with the determination report where they does not exist and attempt to distract those involved in the decision making process.

I cannot see how a dwelling of this scale, mass or form can do anything but harm the Yetholm Conservation Area. The proposal is not representative of current architecture so will add nothing to the history of development in the village. Rather, it will destroy and rob future generations of an irreplaceable space which is fundamental to the story, layout and characteristics of Kirk Yetholm.

I therefore, politely and respectfully, request the Committee dismiss the appeal.

Yours sincerely

Kristoffer Smith

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From: Ruairaidh Thompson [mailto:Ruairaidh@fergusonplanning.co.uk]

Sent: 04 August 2020 17:10

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

Cc: Tim Ferguson <tim@fergusonplanning.co.uk>

Subject: RE: Review of application 20/00453 - representations

CAUTION: External Email

Afternoon Fiona,

Please find attached, the final comments of the Appellant upon the Local Review at High Street, Kirk Yetholm.

I have also included the original JPEG files of the images included within the comments. I think most (if not all) were previously sent to Euan pretty shortly after the original Application was registered.

Thank you.

Kind regards,

Ruairaidh

Ruairaidh Thompson
Planner

T. 01896 668 744
E. ruairaidh@fergusonplanning.co.uk
W. www.fergusonplanning.co.uk
t. @fergplan

1



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From: Tim Ferguson <tim@fergusonplanning.co.uk>
Sent: 03 August 2020 17:21
To: localreview <localreview@scotborders.gov.uk>
Cc: Ruairaidh Thompson <Ruairaidh@fergusonplanning.co.uk>
Subject: RE: Review of application 20/00453 - representations

Thanks

Ruaraidh will be responding pre deadline

T

Tim Ferguson
Director



T. 01896 668 744
M. 07960003358
E. tim@fergusonplanning.co.uk
W. www.fergusonplanning.co.uk
t. @fergplan

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From: localreview <localreview@scotborders.gov.uk>
Sent: 03 August 2020 10:44
To: Tim Ferguson <tim@fergusonplanning.co.uk>
Subject: FW: Review of application 20/00453 - representations
Importance: High

Tim

Further to the email below I can confirm that no further additional representations from interested parties were received before the deadline. Should you wish to respond to the representation sent to you below please do so as soon as possible, but by the close of Friday 7 August at the very latest.

Kind regards
Fiona Walling

From: localreview
Sent: 24 July 2020 09:59
To: Tim Ferguson <tim@fergusonplanning.co.uk>
Subject: Review of application 20/00453 - further representation
Importance: High

F E R G U S O N
P L A N N I N G



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

04 August 2020

BY EMAIL ONLY

Dear Ms McGeoch,

Thank you for your recent correspondence and passing on the third party comments of 23rd July. We are grateful for the opportunity to respond to those comments.

We are mindful that the majority of third party comments relate to matters that have been extensively addressed in the Local Review Statement – which commenters have the statutory right to do. However, it is considered that very little of the comments challenge or require change to the Local Review Statement. To minimise duplication we have attempted to keep this representation concise and to signpost members to relevant paragraphs of the Statement, where possible.

First, it is noted that the public comments of 23rd July (hereafter referred to as “the comments”) devote significant attention to the greenspace issue. The comments contain multiple errors of both fact and judgement on this issue, which are identified below:

- It is stated that the verge between the appeal site and High Street is “an extension” of Key Greenspace GSYETH002. This is incorrect. Report of Handling 20/00453/FUL identifies the verge as an “Other Greenspace” defined under section (B) of Policy EP11; not a “Key Greenspace” defined under section (A) of the Policy. Paragraph 3.8 of the Local Review Statement makes clear that no works are proposed to the verge.
- This error of fact is then used as the foundation to base the argument that the appeal proposal, “would cause ambiguity and apprehension about ownership of the upper part of the Green”. This criticism was not raised by the Planning Officer or any other consultee and ignores the presence of the established, mature hedge along the site’s frontage which provides distinct boundary treatment.
- Commentary is provided on land ownership. It must be understood that:
 1. Land ownership is not a material consideration in the determination of a planning application; and
 2. The application site boundary (red line) plotted on the Site Location Plan

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extends round the Appellants' private garden only. Neither the application site boundary or other land owned locally (blue line) include the identified verge.

- It is alleged that the appeal proposal will enable/cause the parking of cars upon the Village Green. The Village Green is not included within the application site boundary and the parking of cars there is not proposed. It is also important to note that: parking a car in a public park (or other land you do not own when you do not have permission to do so) is not lawful and both the police service and the Council's parking enforcement team are able to enforce penalties on those who do so.
- It is noted that the comments state "there seems to be great ambiguity with regards this area of Greenspace", referring to the appeal site itself. It is accepted that this represents a personal opinion, however it is the professional opinions, stated in writing, of both the Forward Planning team (in their consultation response) and the Development Management Planning Officer (in Report of Handling 20/00453/FUL) as well as Ferguson Planning (in the Planning Statement and Local Review Statement) that the mistaken designation GSYETH003 covering the appeal site does not represent a valid reason for refusal.

Second, it is acknowledged that a body of commentary has been provided on the aspects of the appeal proposal which pertain to the Conservation Area. We consider that these comments do not change the position laid out in the Local Review Statement.

- It is noted that the comments disagree with paragraphs 3.26 - 3.30 of the Local Review Statement. While the interpretation of the commenter is welcomed, it should be noted that full extracts from Report of Handling 20/00453/FUL, the consultation response of the Heritage and Design Officer, and PAN-71 are replicated in the Local Review Statement to provide context. It is considered that there is no requirement to repeat these arguments.
- The commenter further opines that "the Conservation Officer has simply concluded a dwelling house, particularly one of the scale and mass proposed, is inappropriate for the site"¹. It is very difficult not to be struck by the contradiction between this opinion and the claim that the Heritage and Design Officer has not attempted to administer an embargo on new development in the Conservation Area.
 - For the sake of clarity, under s.26 of the Town and Country Planning (Scotland) Act 1997, "development" includes works as minimal as removing (demolishing) a chimney, restoring a bricked up window, and preparing an open drainage ditch. Attempting to claim that new development has not been embargoed in a Conservation Area because it is permissible to replace a garage with another or a "small garden studio" is overly simplistic at best

¹ Underline represents the emphasis of this author for members' specific attention.

and at worst borders upon being disingenuous.

- It is noted that the comments criticise the design of the proposed dwelling. Paragraphs 3.18-3.24 of the Local Review Statement set out how the design of the proposed dwelling is heavily influenced by the character of nearby existing dwellings within Kirk Yetholm. While it is acknowledged that the commenter is “not convinced”, this assessment has not been justified and cannot be accepted as accurate or supportable.
- The dual-purpose relevance of the appeal decisions cited, is clearly laid out in paragraph 3.30. There is no requirement to repetition this rationale.

Third, it is felt necessary to rebut comments made in relation to the detailed design of the proposal. Particularly:

- It is noted that the comments state that the proposed dwelling would “sit up” and appear “incredibly domineering” over the Village Green. However, it is important to note that the appeal site lies on lower ground than both No.’s 9 & 11 High Street (to the south). Additionally in the images that the commenter has provided, built structures have had to be identified with red arrows as they are otherwise indiscernible. Clearly, these characteristics are not consistent with the argument that the area surrounding the Village Green is openly exposed and vulnerable to visual distortion by the proposed dwelling.
- Furthermore, the photographs (especially Fig.5.) included with the comments clearly show views southward from the Village Green to be dominated by the terrace of existing dwellings finished in white render. This serves to visually illustrate the Appellants’ position established in paragraphs 3.18-3.24 of the Local Review Statement.
- With cognisance to the above point, the ‘iceberg’ simile used to describe the proposed elevational design is as poorly taken as it is melodramatic.
- The comments state that a “cluster of trees” which would screen the south elevation, are likely to be removed. No evidence has been provided to substantiate this claim and it should be noted that the identified trees are not in the same ownership as the garden plot adjacent to the north of the appeal site. Nonetheless it is important to note that the appeal site lies on lower ground than all land on the same side of the street, beyond the site’s south boundary. For this reason the proposed dwelling will stand at least 1.5 metres shorter than shown in the elevational plans, when viewed from the south. This is considered to be acceptable in the context of the existing dwellings opposite abutting the adopted highway.
 - It should also be noted that views of the site from the south (below) currently draw in substantial portions of the existing roof structures at the Yett, to the north-east of the appeal site. This fact reinforces the Village, as opposed to rural, aesthetic of the site’s surroundings.



- For the sake of clarity, it is considered that the proposed design has been justified by the Local Review Statement and that the appeal proposal does not depend upon similarity (or otherwise) with the existing dwelling Burnslyde.

Fourth with regard to archaeology, we confirm that the Appellants' position set out in paragraphs 3.46-3.48 of the Local Review Statement remains unchanged.

Fifth we would be grateful if members would have regard to the following when considering the parking and access arrangements of the appeal proposal:

- The Appellants' position on the parking and access arrangements of the appeal proposal, within the local context of High Street, Kirk Yetholm, is set out in paragraphs 3.12-3.17 of the Local Review Statement. There is no requirement to repeat these arguments.
- It is noted that the comments state "the appeal statement states the appellant typically parks street side". This is factually incorrect. Whether the Appellants' park their car off-street (on land they own) or on-street in front of their house is not a material consideration in the determination of a planning application and the Local Review Statement is silent on the matter.

- It is recognised that the comments include a plan of off-street parking in the local area, prepared by the commenter. However, it is also noted that at least one of the “off street parking spaces” actually lies within the adopted surface of the highway – remaining mindful that both a carriageway and a footway are included within the boundary of an adopted highway. A number of other supposed parking spaces appear to be garages or garden sheds, which adopted Parking Standards exclude from their definition of a parking space. It should also be noted that no source or reference is provided for the plan and it is unclear how this information has been collated.
 - Notwithstanding the above, the plan purports to show that 3 no. existing dwellings adjacent to the north-west of Clifton Cottage do not have off-street parking spaces. Clearly, within this context, on-street parking is not novel.
- The comments on shadow cast are acknowledged. However, it is considered that the addition of coloured outlines has un-intentionally conflated the issue. The un-edited aerial image has been copied below. The image gives clarity to the issue in that the shadow cast by the on-site tree can be seen rounding off on the north boundary of the appeal site. On close inspection, the shadows further to north-west can be seen to be cast by the adjacent garage and trees lining the Village Green.



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Sixth in relation to local opinion and the criticism of the Community Council contained within the comments, we would make the following two points:

- There is no requirement for a community council to conduct local referenda (including via postal ballot or similar) on support or opposition for a planning application. Indeed it is not recommended nor considered to represent best practice.
- For the sake of clarity the planning application was supported by 5 no. public commenters and objected to by 6 no. public commenters. It should be understood that a single neutral (essentially preliminary) comment was made by a public commenter who subsequently objected to the proposal (as per his statutory rights) and is counted within the 6 objections. Additionally, two members of the public (a Mr Smith and a Miss Douglas) each submitted 2 no. comments objecting to the proposal. Both Mr Smith's comments are counted as single objection and Miss Douglas' two comments are counted as a single objection (fully separate from that of Mr Smith). Therefore net objections to the proposal amounted to 1 no. and cannot be accurately understood as "a significant number of objections".

The Appellants' are grateful for this opportunity to address the public comments of 23rd July 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



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List of Policies

Local Review Reference: 20/00018/RREF

Planning Application Reference: 20/00453/FUL

Development Proposal: Demolition of garage and erection of dwellinghouse

Location: Garden ground of Clifton Cottage, High Street, Kirk Yetholm

Applicant: Mr & Mrs D & C Morrison

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'.

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Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY PMD5: INFILL DEVELOPMENT

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

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

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

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

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

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- 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 EP8: ARCHAEOLOGY

(A) NATIONAL ARCHAEOLOGICAL SITES

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

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

(B) BATTLEFIELDS

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

(C) REGIONAL OR LOCAL ARCHAEOLOGICAL ASSETS

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

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

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

POLICY EP9: CONSERVATION AREAS

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

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

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

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- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

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

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

POLICY EP11 PROTECTION OF GREENSPACE

(A) KEY GREENSPACES

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.

(B) OTHER GREENSPACES

Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a) the environmental, social or economic value of the greenspace;
- b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
- c) the function that the greenspace serves.

In both cases development that would result in the loss of greenspace, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

- d) there is social, economic and community justification for the loss of the open space; or
- e) the need for the development is judged to outweigh the need to retain the open space; and
- f) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

- g) the levels of existing provision and predicted requirements for the settlement;
- h) the extent to which current or predicted future demand can be met on a reduced area.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

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The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

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

POLICY IS2: DEVELOPER CONTRIBUTIONS

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

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

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

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

List of Policies

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

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

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

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), 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 Development Contributions 2011

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- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Green Space 2009
- Scottish Planning Policy 2014
- PAN 65 "Planning and Open Space"
- PAN 71 "Conservation Area Management"

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