

Public Document Pack



LOCAL REVIEW BODY MONDAY, 15 NOVEMBER 2021

A MEETING of the LOCAL REVIEW BODY will be held on MONDAY, 15 NOVEMBER 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,

8 November 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 Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works at Slaters yard Off Charlesfield Road, St Boswells - 21/00244/FUL and 21/00016/RREF
	(a) Hearing Statements (Pages 5 - 34) <ul style="list-style-type: none">• Statement – Applicant - Pages 5 - 8• Statement – SBC Forward Planning Pages 9 – 34
	(b) Review Papers (Pages 35 - 182) Copies of papers re-circulated as follows:- Notice of Review Officers Report Decision Notice Papers referred to in Officers Report Consultation Replies Objection Comments Agents Supp Information List Of Policies
5.	Consider request for review of refusal of application in Principle for erection of dwellinghouse, formation of new access and associated work on Plot 1, site adjacent

	<p>to Stroma, Charlesfield Industrial Estate, St Boswells - 21/00839/PPP and 21/00022/RREF</p> <p>Copies of the following papers attached:-</p>
	<p>(a) Notice of Review (Pages 183 - 324) Including:- Decision Notice Officer's Report</p>
	<p>(b) Paper's referred to in Officer's report (Pages 325 - 334)</p>
	<p>(c) Additional Information (Pages 335 - 336)</p>
	<p>(d) Objection Comments (Pages 337 - 338)</p>
	<p>(e) Consultation Replies (Pages 339 - 348)</p>
	<p>(f) List of Policies (Pages 349 - 358)</p>
6.	<p>Consider request for review of refusal of application in Principle for Erection of dwellinghouse, formation of new access and associated work on Plot 2, Land South of the Bungalow, Charlesfield, St Boswells - 21/00840/PPP and 21/00023/RREF Copies of the following papers attached:-</p>
	<p>(a) Notice of Review (Pages 359 - 536) Including:- Decision Notice Officer's Report</p>
	<p>(b) Papers referred to in Officers report (Pages 537 - 584)</p>
	<p>(c) Objection Comments (Pages 585 - 586)</p>
	<p>(d) Consultation Replies (Pages 587 - 596)</p>
	<p>(e) List of Policies (Pages 597 - 606)</p>
7.	<p>Consider request for review of refusal of application for Alterations and extension to dwellinghouse at Whinfield, Chesters Brae, Chesters, Hawick - 21/00074/FUL and 21/00024/RREF Copies of the following papers attached:-</p>
	<p>(a) Notice of Review (Pages 607 - 662) Including:- Decision Notice Officer's Report</p>
	<p>(b) Papers referred to in the Officer's Report</p>
	<p>(c) Additional Information (Pages 663 - 672)</p>

	(d) List of Policies
8.	Any Other Items Previously Circulated
9.	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, E. Small.

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Hearing Statement in relation to Notice of Review 21/00016/RREF against refusal of Planning Application 21/00244/FUL for the erection of a new agricultural machinery dealership premises at Slaters' Yard Charlesfield St Boswells TD6 0HH

Hearing ground requiring appellant statement on-

- Availability of Industrial land within Charlesfield Industrial Estate, St. Boswells and surrounding area

Appellant – AB Wight Engineering Ltd

Agent – Murray Land & Buildings

We will refer to the Notice of Review documents and the Planning Application documents as well as any others relevant at the Hearing.

Within the Planning Application & Notice of Review documents we have referred to the lack of Industrial Land within the Charlesfield Industrial Estate area. This information has been included again in the Hearing Statement.

Attendants at Hearing on behalf of Appellant –

Andrew Wight AB Wight Appellant

Garry Wight AB Wight Appellant

Jamie Murray Murray Land & Buildings Agent

-  Development Boundary
-  Conservation Area
-  Key Greenspace
-  Business and Industrial
-  Business and Industrial Safeguarding
-  Structure Planting /Landscaping

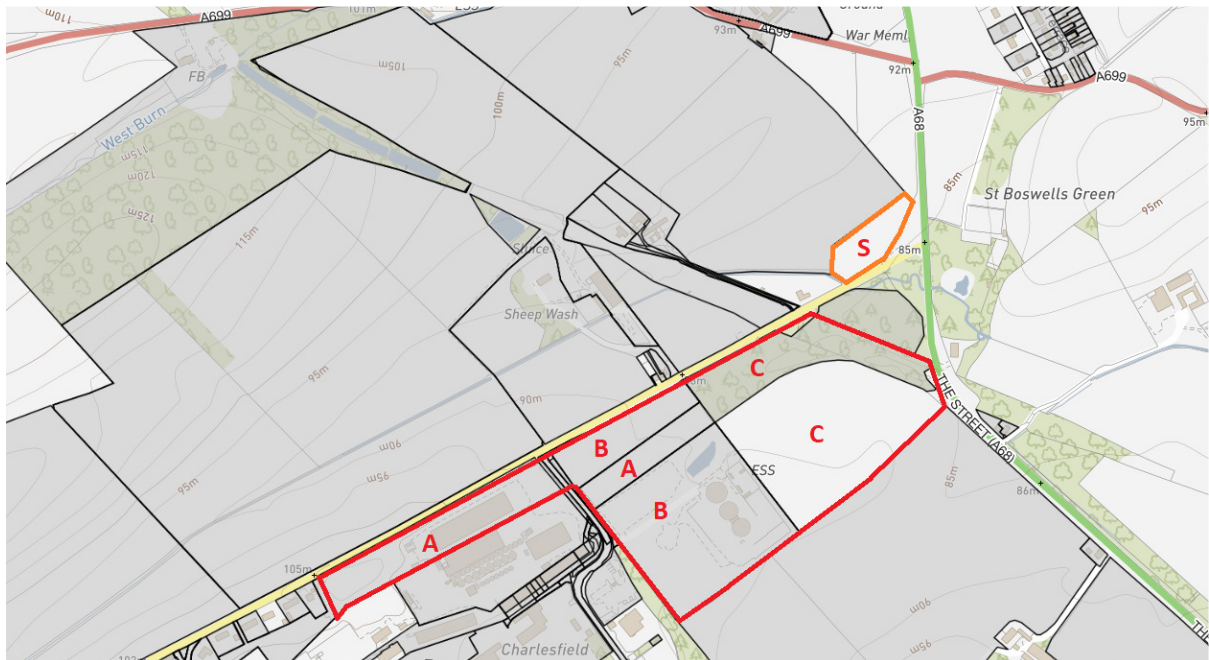


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For further information, including help reading this document, please contact: Planning Policy & Access, Regulatory Services, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 826511. Email: localplan@scotborders.gov.uk

Location/Proposed site outlined in red in relation to St Boswells & Charlesfield Local Development Boundary

Land Availability

The land zoned within the Charlesfield zEL19 is not available.



Source – Registers of Scotland – OS 100059842

Land outlined in red above is all part of the Charlefield Industrial Estate Extension zEL19. There are three owners of the zoned land, those noted A-C, divided up as per the Registers of Scotland. Slater's Yard site is outlined in orange with an S.

Zone A

The land owned by zone A is currently for sale because the former owners -Alexander Inglis & Son- have entered administration. This land houses a grain plant and this use will continue. The east land parcel is effectively a ransom strip and it will be sold as part of the whole grain plant.

Neither land parcels in zone A have been marketed or available prior to the former owners entering administration and there is nothing to suggest this will change.

Zone B

The land in Zone B is owned by the Iona Environmental Infrastructure Holdco Ltd, the company who owns and run the St Boswells Biogas Plant. Part of the larger southern parcel is under a planning application for a distillery. Again, this land is only ever likely to be developed by the owners of the land for their own use, it is not available to third parties and none of it has been marketed for sale or let in the local plan period.

Zone C

The land in Zone C is owned by a local farmer - James Mccorquodale. The site itself is not readily developable without significant infrastructure installation, based on a larger development. It is therefore not available in the short to medium term.

Whilst an Employment Land Audit was carried out by SBC in 2019, this is not a suitable rebuttal to the lack of this land's availability. A survey or box ticking exercise cannot get away from the fact that this land has not been marketed for sale or let in this period to date. Furthermore, discussions by my client with the three landowners, advised that none of these sites were available to them in the short to medium term.

Whilst the zoning of land has a place and it is a requirement of the Town & Country Planning (Scotland) Act, to include a Local Development Plan with policies, it does not offer any guarantees that the land zoned will become what it has been zoned for, or that it will be available to third parties, nor does the timeline have any real bearing. The council has sought to purchase land elsewhere in the recent past to control the outcome of their local plan. This does not always work though, as location, availability and the market dictates.

Furthermore, there is vacant, serviced business land throughout the Scottish Borders, particularly in the southern and eastern parts of the region, as evidenced by the Council's own website advertisements. This has been the case for some time. Whilst it is ideological to afford business and employment land opportunities in all of these towns, it also shows that location is key to business, and that the market dictates.

There is a distinct lack of land availability in and around Charlesfield Industrial Estate and my client has taken the opportunity to purchase a site with an existing use. That the site does not meet with all of the Council's Local Development Plan policies would appear to be trumped by Slaters Yard's established and existing use and the Local Plan's failure to provide alternative sites for development. The Charlesfield Extension land may end up being used for Employment, but only being available to the existing owners or large developers. Therefore, it has ultimately failed to provide business land opportunities to local businesses in a timeous manner.

Local Plan Failure

Local Plan Policy recognises market failure situations under Local Plan Policy ED1- Protection of Business and Industrial Land - 1.1 states-

‘The Policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation.’

PolicyPMD3 below outlines the Land Use allocation constraints.

POLICY PMD3: LAND USE ALLOCATIONS

Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.

Development will be in accordance with any Council approved planning or development brief provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.

Sites proposed for redevelopment or mixed use may be developed for a variety of uses subject to other local plan policies. Where there is evidence of demand for specific uses or a specific mix of uses, these may be identified in a Planning Brief and the site requirements detailed within the Local Plan.

Within new housing allocations other subsidiary uses may be appropriate provided these can be accommodated in accordance with policy and without adversely affecting the character of the housing area. Planning Briefs and site requirements detailed within the Local Plan may set out the range of uses that are appropriate or that will require to be accommodated in specific allocations.

Any other use on allocated sites will be refused unless the developer can demonstrate that:

- a) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
- b) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
- c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and
- d) the proposal is otherwise acceptable under the criteria for infill development.

Point B is relevant. Whilst there may be an argument that the latter planning application for a distillery, shows that development of the proposed use is occurring within the Local Plan period, this does not alter the fact that the land zoned is not available to the wider market and that it is in fact constrained.

Accordingly, the Local Development Plan has so far failed to provide employment land which is available to third parties via the Charlesfield Industrial Estate zEL19 area.

This is a material consideration, for if zoning land alone was enough to ensure that the land was developed for its intended purpose, within a defined local plan period, and available to local businesses, then constraints would never occur.

Local Review Body – Slater’s Yard Off Charlesfield Road, St.Boswells

Hearing Statement on behalf of Forward Planning, Scottish Borders Council

Planning Application No.: 21/00244/FUL
Local Review Body No: 21/00016/RREF
Applicant: AB Wright Engineering Ltd
Agent: Murray Land & Buildings
Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works
Location: Slater’s Yard, Off Charlesfield Road, St Boswells

1. Purpose of Hearing Statement

The Forward Planning team have been requested to prepare this Hearing Statement with regards to the planning application no. 21/00244/FUL and Local Review Body (LRB) no. 21/00016/RREF. This case was continued from the LRB meeting on 13th September 2021. The Forward Planning team have been asked to state available business / industrial land within the Charlesfield Industrial Estate area.

2. Policy Background

Scottish Planning Policy (SPP) sets out the Scottish Government’s planning policies in relation to economic development. SPP requires local authorities to allocate sites appropriate for a range of business sectors and business sizes in the plan area. The Local Development Plan (LDP) provides this, identifying land across the Scottish Borders. Allocating such sites as part of the LDP is a lengthy process involving the identification of the most appropriate sites having undertaken detailed consultation with a range of bodies and the public. Importantly, the Council’s Economic Development team feed into this process in terms of considering available land, land take-up and where new allocations need to be sought.

In essence the LDP process ensures land is specifically allocated across the region for a wide range of business and industrial uses. This is in order to try to ensure business and industrial development does not take place in an uncoordinated piecemeal fashion throughout the rural countryside within inappropriate locations. LDP Policies ED2 and ED7 refer to these points and these are referred to in the Planning Case Officer’s report. The LDP process and ultimate Plan adoption, which includes all allocated sites and planning policies, is ultimately signed off by Scottish Ministers. Over the years the allocated business and industrial site at Charlesfield has proved to be an area which has successfully accommodated many businesses and continues to do so.

3. Purpose of Employment Land Audit

In order to comply with the national and local policy requirements and help guide the LDP, the Forward Planning team carries out an annual Employment Land Audit (ELA). The ELA is a key survey in helping give an up to date position across the Region in terms of business and industrial land provision. It monitors the supply, take-up and status of business and industrial land within the Scottish Borders, in accordance with SPP. The monitoring process allows the LDP process the opportunity to allocate land where a shortfall is identified. It is

also a useful resource to assist those who are seeking to identify sites for a new business or relocation of an existing business.

Businesses have a variety of size and quality requirements, so the Audit assesses the range and choice of the sites which make up the supply and also identifies the availability and constraints of sites.

The Audit is managed through a database which holds detailed information on each site. This includes a unique reference number; site area; site type; planning status; tenure; availability; constraints and site servicing information. Much of this data is presented in an appendix along with a map of each site, the methodology and a glossary.

The established employment (business and industrial) land supply is the total area of:

- Employment use sites (including safeguarded business and industrial land) which were available at the time of the audit surveys
- Mixed use or redevelopment sites with potential to be developed for business and industrial use which were available at the time of the audit surveys

In identifying sites within the ELA the following definitions are considered:

Availability

The ELA categorises sites into the following:

- Immediate: These sites are serviced (fully or partially) and have no constraints that would prevent the site being developed immediately.
- 1-5 years: These sites can be (fully/partially or not serviced) but have minor constraints which prevent immediate development OR the site has no constraints but is not serviced.
- Beyond 5 years: Land that has no extant planning permission, is partially or not serviced, has a major constraint and is unlikely to be developed within 5 years.
- Under Construction: Sites where development has commenced but has not yet been completed.
- Taken Up: Sites where development has been completed. For clarity and consistency, sites are classed as being complete when the Completion Certificate has been issued.

Constraints

The availability of sites takes account of constraints which include, for example, ownership, contamination issues, infrastructure needs, marketability of sites and any physical constraints. The Council's Economic Development team contribute their knowledge to the categorisation of sites in this respect.

The ELA only considers vacant sites, not vacant premises and their site curtilages. The reason for this is that the occupancy of buildings can change on a regular basis and it is not always clear of the circumstances and availability of the premises. For example, although there may appear to be no party operating from some premises it may transpire the building is being renovated, temporarily vacant or there does not appear to be any evidence of proposals to sell or lease it. The ELA is not a marketing tool in that it does not provide specific sales information such as costs of rents and purchases, names of owners / agents, contact details, etc. However, the availability of premises on the market for sale/lease can be found on a number of websites including, for example, Rightmove, Edwin Thompson, Novaloca, OnTheMarket. Consequently there are other potential opportunities for relocating or setting up a business within business and industrial allocations outwith available sites identified within the ELA.

Reference to the above are expanded upon within this Statement.

4. Availability of Land

A number of factors may come into play when considering the availability of land for purchase. The appellants have made reference to this in their LRB submission and the following paragraphs make reference to relevant procedures and matters to be considered as well as responding to the appellants comments:

Procedure for Identifying a Potential Site

In the first instance it is always advised that any party wishing to set up a new business or to relocate should contact the Council at an early stage in order to discuss potential sites to ascertain any issues to be addressed. The ELA is a key document in helping find potential sites. This procedure proves successful in working together to help and identify suitable sites which satisfies all parties. This is the advised and preferable practice as opposed to purchasing a piece of land and then seeking consent for proposals which may raise a number of major issues. The Council's Economic Development team would take a lead on this. In this instance there are no records of the applicants having contacted the Council to discuss potential sites prior to contacting Development Management to arrange a site meeting to discuss the site in question. A number of issues were subsequently raised and the appellants were advised that the site proposals did not comply with planning policy, although it is understood the appellants proceeded to purchase the site. As stated in the Planning Case Officer's report little information was submitted at the planning application stage confirming why alternative sites were not able to be pursued. This would have been helpful and expected as part of the application submission in order to confirm why the site purchased was the only available option.

Availability - General

It is contended that there is a considerable amount of available business and industrial land at Charlesfield (see Appendix 3). It is however acknowledged the definition and interpretation of immediately available land can be subjective, and it is understood why the amount stated at the planning application stage, 11.5ha taken from the 2019 Audit, could be challenged. Some of the land could be argued to be incorporated within the 1 to 5 year period.

Having checked the history of the categorisation of sites, up until 2013 sites in Charlesfield within the allocation zEL19 were categorised as being available between 1 to 5 years. However, in 2014 the Council's Economic Development team advised that given the planning application for the anaerobic digestion plant had been approved and a related application had been submitted for the access road which opened up land in the vicinity, the categorisation should be changed to being immediately available. Consequently that categorisation has continued within subsequent audits and this remains the case.

However, whether land is categorised to be immediately available or will be available at some point after that, critically if there is a genuine interest in developing land, parties, including the Council when contacted, can come together to discuss steps in order that sites can hopefully be made available and developed sooner than perhaps anticipated. The Council is unsure how long the appellants have been seeking a new site, but often it must be accepted that choosing a site can take a period of time involving detailed consideration of a range of sites and issues with help and input from other parties. The Council is always eager to get involved in helping identify an appropriate site for any party in the normal manner. This may involve discussions with relevant bodies, including the South of Scotland Enterprise (SOSE), to acquire land and develop it. Just because land may not be immediately available does not mean that circumstances cannot be changed and sites can be released and developed. Many other allocations in the LDP are in other uses /

ownerships at present, housing allocations for example, but that does not mean if an interested party comes forward they can become a priority to be developed. It should also be noted that whilst there may be costs involved in setting up necessary infrastructure in Charlesfield to service the site, which is common practice for many industrial sites, the site subject to this appeal also requires work to be carried out to install necessary services into the site.

Recent planning applications have been submitted and approved for new developments at Charlesfield. This confirms that if there is an interest in developing land at this location for business and industrial purposes it can be achieved. Appendix 1 lists some such applications within the last 5 years at Charlesfield and Appendix 2 identifies their locations. It should be noted this does not include cases where a business has set up in existing premises or a site where a change of use consent is not required as this would not be subject to planning consent. Whilst many of the applications referred to are for proposals within existing sites, it confirms Charlesfield is not dormant and particular attention should be drawn to the anaerobic digestion plant site on the site plan in Appendix 2 (it is not on the Appendix 1 list as it was approved in 2014) and the current application for the distillery (Planning Application No. 21/00851/FUL. These proposals confirm that new business ventures can and are being set up with appropriate liaison with relevant parties.

On a point of clarity, contrary to the appellant's statement to the LRB, it should be noted that it is the duty of the LDP to identify and allocate business and industrial land, it is not the duty of the LDP to ensure delivery of allocated sites. The Council's Economic Development team / SOSE can help enable this process.

Cost of Developing a Site

It is appreciated that the cost of development is a key consideration for any party in deciding where to set up their business. Obviously the Council would not be party to any discussions or deals between the land owner and the appellant and perhaps the site has been purchased at a lower price than land at Charlesfield or anywhere else which may have been considered in the vicinity. However, if this is the case, and perhaps it isn't, in general little weight should be given to this otherwise sites may be approved on inappropriate and potentially sensitive pockets of land throughout the Scottish Borders countryside which landowners are agreeable to dispose of at a relatively low cost as opposed to locating them within specifically allocated sites.

Market Failure

The appellants make reference to para 1.1 in Policy ED1 – Protection of Business and Industrial Land of the LDP with reference to market failure. It appears their suggestion is the Council confirms there is widespread market failure. That is not the case. Para 1.1 states "The policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation". However, the statement is fair and merely recognises this can be an issue, it is not saying it is prevalent across the region.

Submission of applications

On a minor point in the LRB statement the appellants state in essence that the submission of planning applications and building warrants are factors which delay development and this isn't taken account of when considering time factors for setting up businesses. All developments such as the proposal subject to this appeal require application submissions. However, clearly planning applications are much more likely to be supported, and indeed dealt with more timeously, if an applicant has worked with the Council and taken on board any pre-application advice, at an early stage in order to address relevant issues so that when a proposal is submitted there are no insurmountable problems nor are they subject to a subsequent appeal process.

5. Charlesfield – Available Land

It should be noted that the response by the Forward Planning team dated 22nd February 2021 to the planning application (21/00244/FUL) was based on the 2019 ELA. Since then Officers have completed the site surveys to feed into the 2021 ELA which is currently being prepared. Consequently this section and Appendix 3 is a more recent update.

Appendix 3 confirms that in total there is some 14.8 ha of available land within the Charlesfield Industrial Estate. 10.7 ha of this is categorised as being immediately available and 4.1 ha is categorised as being available within 1 to 5 years. The definition of these categories is stated earlier in the Statement and it is appreciated this can be subjective and in some cases marginal. The comments of the appellants as part of the LRB appeal are noted in this regard. However, as also stated in this Statement in order to find appropriate sites other parties should be involved at the outset in order to consider options and seek ways to unlock any constraints in order to help the delivery of development.

6. Other Available sites within the Central Borders

It is noted that the appellants wish to relocate the whole business but stay within the vicinity of Charlesfield although it is unclear exactly why relocating to another site in the Central Borders would not be practical or possible from a business point of view. It is noted reference is made to the potential loss of the existing customer base. It is assumed if any business relocates its customer base would follow unless it was, for example, to a completely different part of the region which is appreciated.

For the purpose of this case it is therefore not considered unreasonable to at least draw attention to other potential sites within the wider central Borders area, ignoring available sites in locations such as Berwickshire and Tweeddale. Consequently Appendix 3 identifies potential available land in the Central Borders as taken from the ELA.

It is unclear exactly the size of site the appellants are seeking. It is understood the land purchased at the former Slater's Yard is some 0.7ha and initial thoughts may be that is the area of land they are seeking which may rule out a number of options for potential smaller sites. However, the site plan submitted as part of the application incorporates a fairly large area of green / open space on the western boundary and a considerable forecourt area around the building and on the perimeter of the site. Consequently it would appear the actual site area required would be much less than 0.7ha, although at present this figure is unknown to the Forward Planning team. In essence this means that sites less than 0.7ha should not be automatically dismissed from any search of options.

As stated earlier in this Statement there are also websites such as Rightmove, Novaloca, OnTheMarket and Edwin Thompson which identify a wide range of business premises and land available for purchase and rent. Currently available sites within the Central Border area are identified in Appendix 4 and it should be noted these are a snapshot in time. The range of options will change periodically and there will have been changes to what is available on the market both before and after the appellants purchased the site subject to this appeal.

It is appreciated of course that the sites identified within Appendices 3 and 4 may not be suitable for the needs of the appellants for a range of reasons. For example, some listed are under offer (though not concluded), some are for rent (though purchasing some may be a possibility), others too small, etc. However, the appendices do confirm that options are there and new options become available periodically.

As stated earlier identifying potential sites can take time with input and help from other parties. A number of potential sites have been tabled and it is not considered that this Statement and the LRB process is the best vehicle for fully investigating all these proposals

and fully exhausting them and obtaining a definitive position. It may be difficult to agree without more detailed consideration that absolutely all the options identified within the Appendices are unsuitable and are categorically non-starters to the appellants.

7. Process for decision making

In considering this application and with reference to considering available business and industrial land the following procedural matters should be noted and be split into 2 main parts as follows:

Stage 1

As stated previously any party wishing to set up or relocate should contact the Council at an early stage to consider options. Other parties can then become involved, for example, internal consultees, SOSE / Business Gateway, contact with landowners etc. Site options would be considered, including details from the ELA, web page particulars of available land and premises, etc. This process would take time but it would be hoped some potential options could be considered.

It is contended that if it is agreed that there are no alternative options for a site and that all options have been fully exhausted, which the Forward Planning team is not convinced is the case at this stage, only then should the second stage be considered

Stage 2

Following any such agreement that there are no suitable alternative sites for the proposal, the development management process should determine the suitability or otherwise of the site in question. It should not mean that if it is agreed there are no alternative sites then the planning application proposal should be a fait accompli. No weight should be given to the fact the site has already been acquired and all proposals must be tested under other well-established LDP policies in order to ensure the fundamental test of SPP is applied in that any proposal is the right development in the right place.

Whilst the Council is always keen to support businesses set up and relocation wherever possible, and it is obviously appreciated the appellants require to relocate to a single site, in some instances regrettably it is the case that some sites and the proposed developments on them cannot be supported.

8. Conclusion

In conclusion the following simple summary points are made :

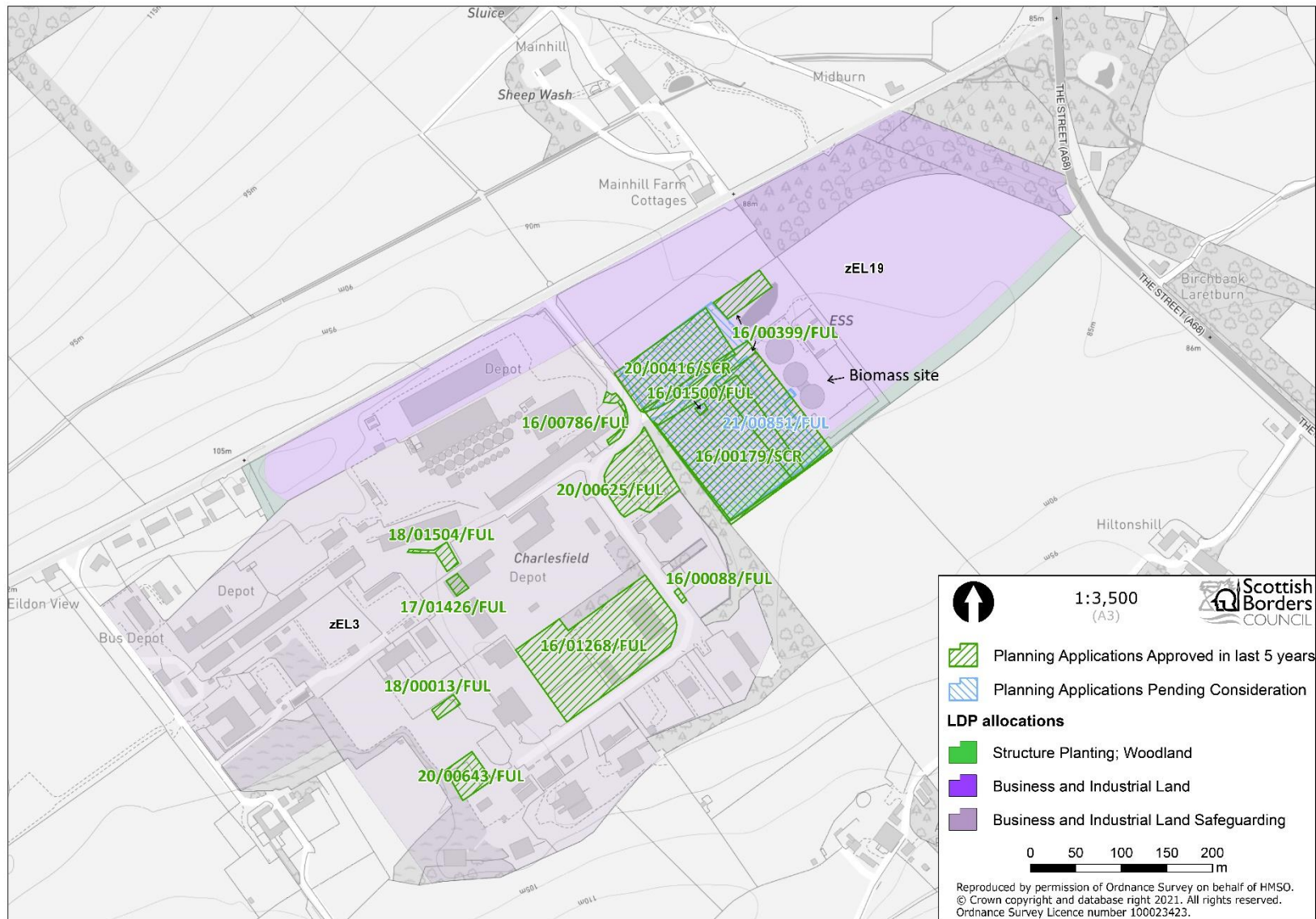
- It is considered there are a number of available business and industrial site options within Charlesfield and the central Borders.
- It is acknowledged the identification of potential sites can involve challenges in some cases, but these can be overcome with help from other parties
- The Council remains keen to identify and help with the implementation of any potential development sites and encourages this approach
- Options should be fully considered and exhausted prior to considering proposals for sites outwith specifically allocated sites

Appendix 1 – Planning consent within Charlesfield Industrial Estate within the last 5 years

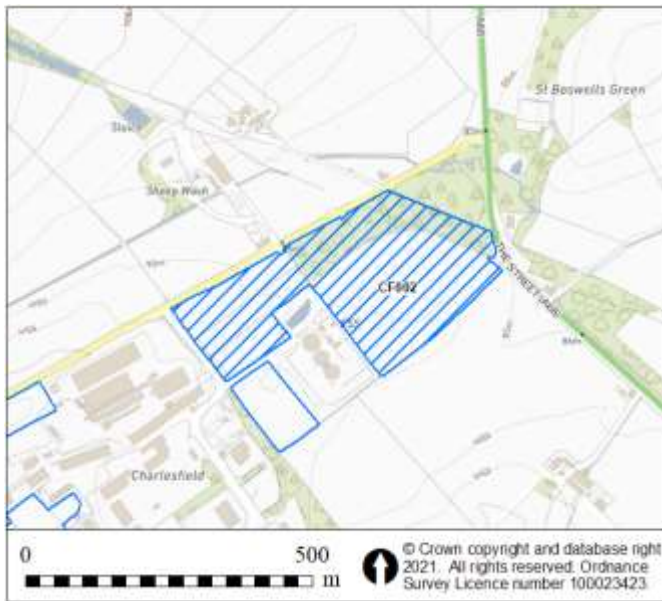
Reference	Address	Proposal	Decision	Decision date	Applicant	Owner
21/00851/FUL	Land North East Of G A White Motors Charlesfield Industrial Estate St Boswells Scottish Borders	Erection of a grain distillery, storage warehouse, associated tank farms, car parking, landscaping and wastewater treatment.	Pending consideration		Jackson Distillers Ltd	St. Boswells Biogas Ltd
20/00643/FUL	Land South West Of Borthwick & Son Workshop Charlesfield Industrial Estate St Boswells Scottish Borders	Change of use to concrete materials distribution yard and erection of silo, boundary fence and gates and siting of cabin for office use	APPROVED – conditions and informatives	28.07.2020	Border Mix Ltd	Mr J Borthwick
20/00625/FUL	Batching Plant Charlesfield Industrial Estate St Boswells Scottish Borders	Erection of structure for the storage of salt	APPROVED – conditions and informatives	17.07.2020	BEAR Scotland Ltd	Mr Gavin Mennie
20/00416/SCR	Land North East Of G A White Motors Charlesfield Industrial Estate St Boswells Scottish Borders	Creation of distillery	Screening Opinion Issued	25.05.2020	Jackson Distillers Ltd	Ownership details not specified.
18/01504/FUL	Unit 20 Charlesfield Industrial Estate St Boswells Scottish Borders	Erection of storage building	APPROVED – conditions and informatives	04.12.2018	Sharp Polymer Solutions Ltd	Sharp Polymer Solutions Ltd
18/00013/FUL	Workshop Borthwick And Son Charlesfield Industrial Estate St Boswells Scottish Borders	Erection of industrial building	APPROVED – conditions and informatives	08.02.2018	Mr Jock Borthwick	Mr Jock Borthwick
17/01426/FUL	Robertson Timber Charlesfield Industrial Estate St Boswells Scottish Borders	Extension to existing workshop	APPROVED – conditions and informatives	23.11.2017	Robertson Timber	Robertson Timber

16/01500/FUL	Land East Of Unit 1 Mowers Charlesfield Industrial Estate St Boswells Scottish Borders	Construction of water supply borehole with associated pump housing (retrospective)	APPROVED – conditions and informatives	31.01.2017	Charlesfield First LLP	Charlesfield First LLP
16/01268/FUL	G Marshall Ltd Charlesfield Industrial Estate St Boswells Scottish Borders	Erection of storage building	APPROVED – conditions and informatives	02.02.2017	G Marshall Ltd	G Marshall Ltd
16/00786/FUL	Land Adjacent To St Boswells Mowers Charlesfield Industrial Estate St Boswells Scottish Borders	Change of use of road verge to incorporate into yard	APPROVED – subject to conditions	23.09.2016	St Boswells Mowers	Scottish Borders Council
16/00399/FUL	Land East Of Unit 1 Mowers Charlesfield Industrial Estate St Boswells Scottish Borders	Construction of silage clamp and amenity bund	APPROVED – conditions and informatives	27.06.2016	Charlesfield First LLP	Mr Phil Davies
16/00088/FUL	Land South East Of G A White Motors Charlesfield Industrial Estate St Boswells Scottish Borders	Replace existing catering container	APPROVED – conditions and informatives	22.03.2016	David Myatt	Scottish Borders Council
16/00179/SCR	Land North East Of G A White Motors Charlesfield Industrial Estate St Boswells Scottish Borders	Erection of anaerobic digestion plant (to generate electricity) and associated infrastructure	Screening Opinion Issues	04.03.2016	Iona Capital Ltd	Ownership details not specified.

Appendix 2 – Map confirming locations of planning approvals



Appendix 3 - Available sites within Charlesfield Industrial Estate and wider area taken from the Employment Land Audit



CF002

Site Name: Charlesfield Extension I

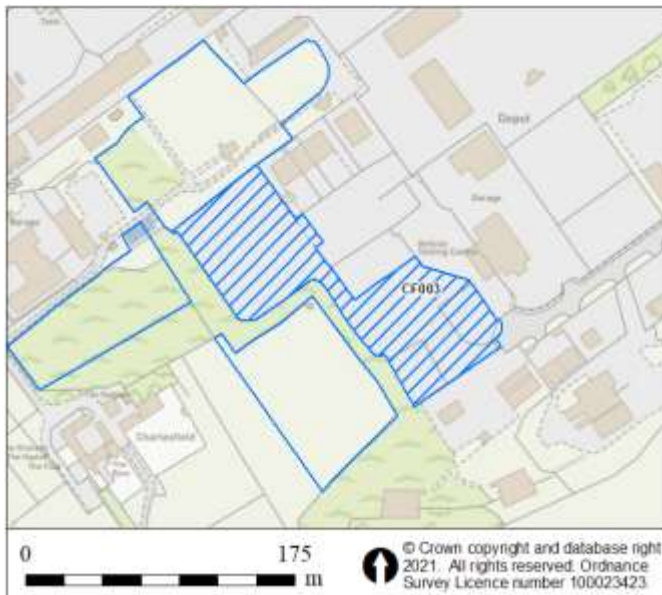
Settlement: St Boswells

Area (ha): 9.5

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



CF003

Site Name: Charlesfield

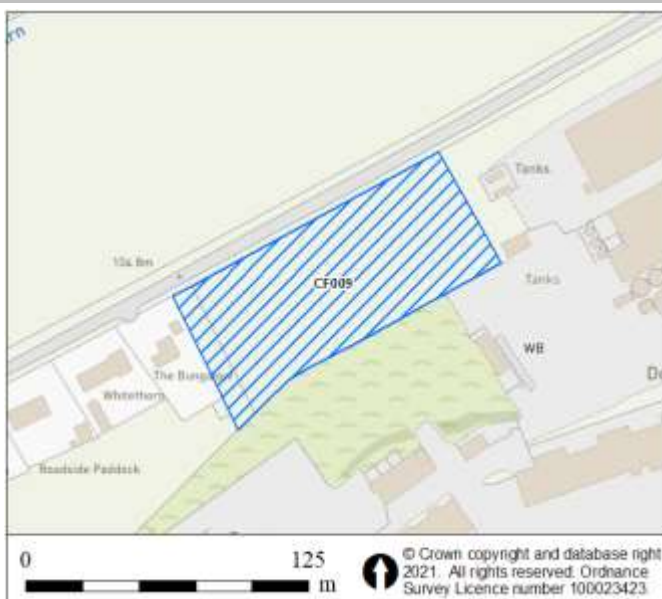
Settlement: St Boswells

Area (ha): 1.1

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership
Infrastructure



CF009

Site Name: Charlesfield

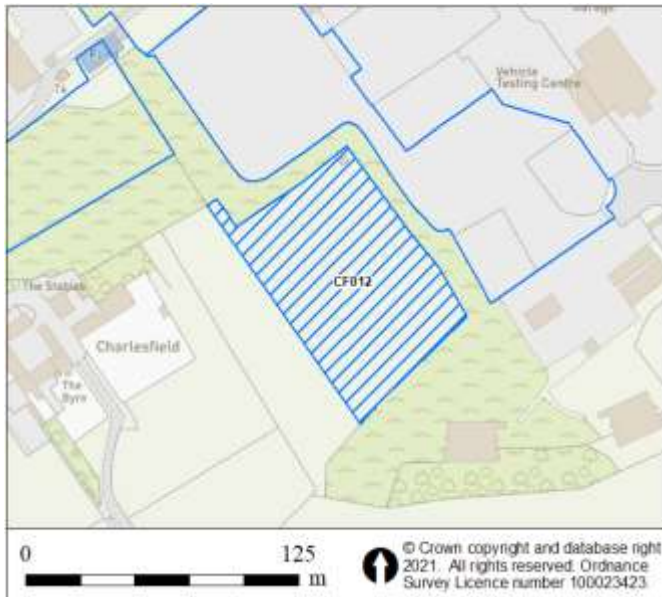
Settlement: St Boswells

Area (ha): 0.8

Availability: One to Five Years

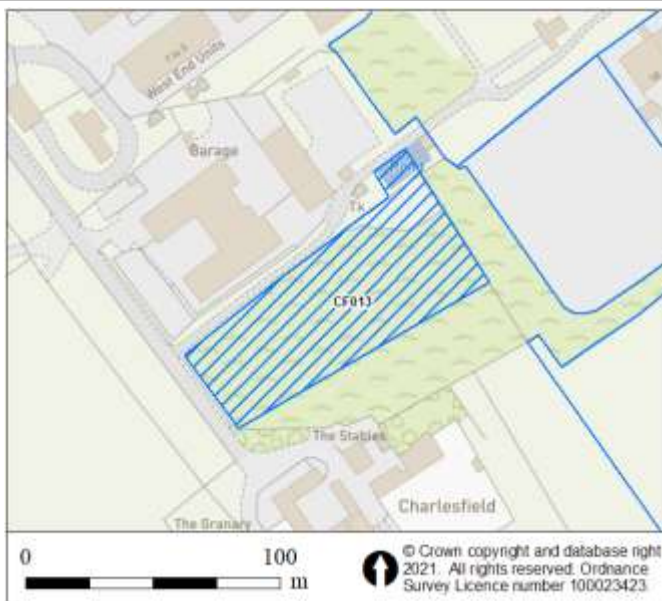
Serviced: Partially Serviced

Constraints: Physical



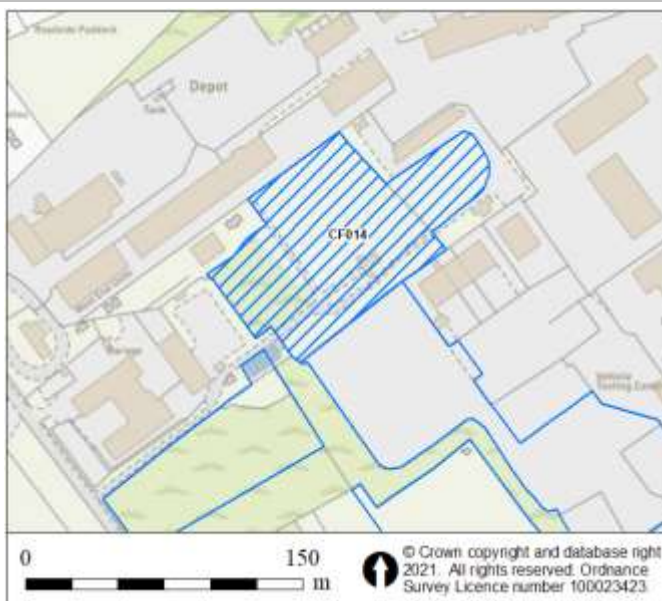
CF012

Site Name: Charlesfield
Settlement: St Boswells
Area (ha): 0.7
Availability: One to Five Years
Serviced: Partially Serviced
Constraints: Physical



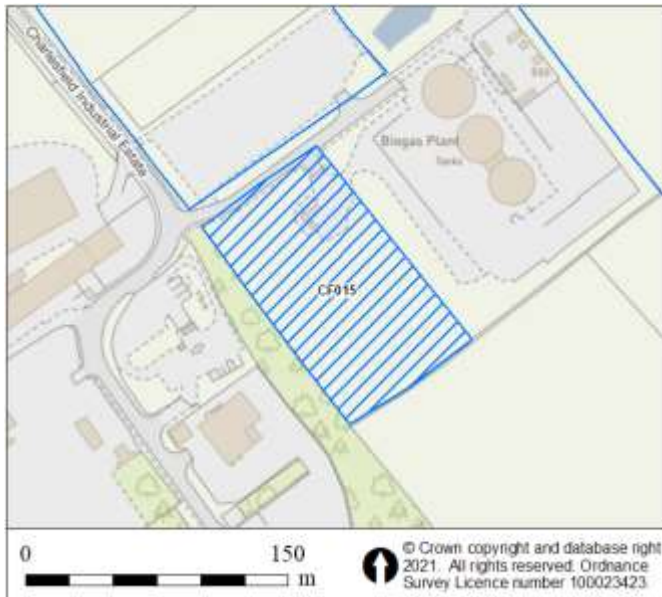
CF013

Site Name: Charlesfield
Settlement: St Boswells
Area (ha): 0.5
Availability: One to Five Years
Serviced: Partially Serviced
Constraints: Physical



CF014

Site Name: Charlesfield
Settlement: St Boswells
Area (ha): 1.0
Availability: One to Five Years
Serviced: Partially Serviced
Constraints: Physical



CF015

Site Name: Charlesfield Extension III

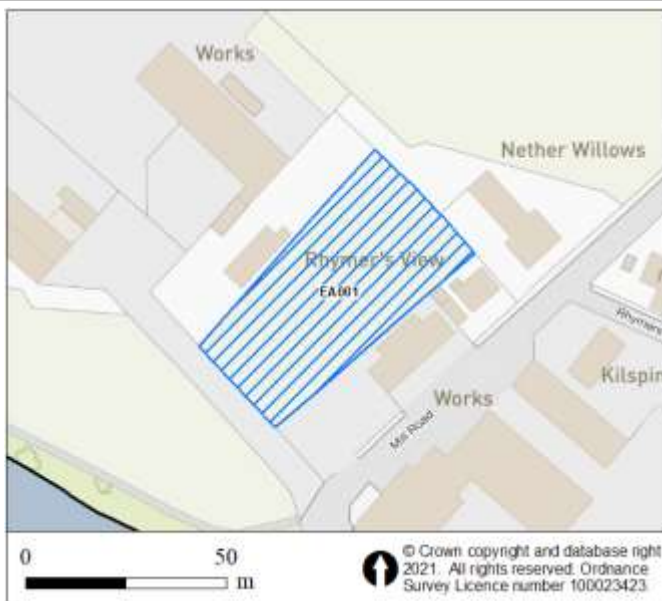
Settlement: St Boswells

Area (ha): 1.2

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



EA001

Site Name: Mill Road 1

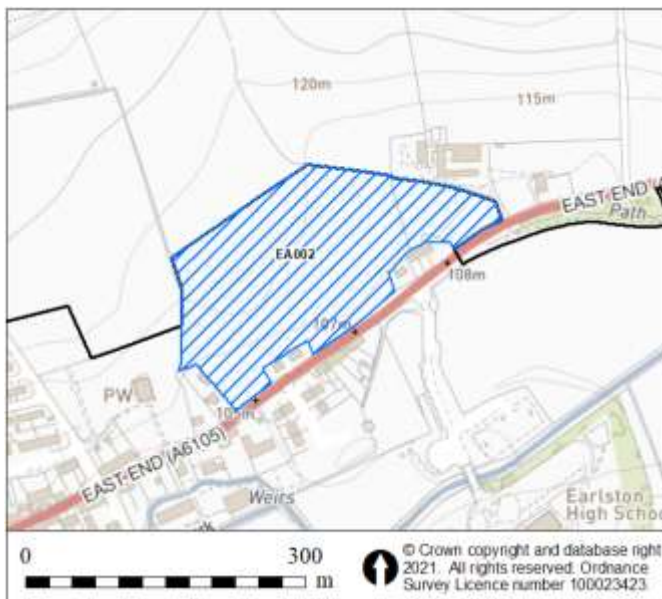
Settlement: Earlston

Area (ha): 0.2

Availability: Beyond Five Years

Serviced: Partially Serviced

Constraints: Physical



EA002

Site Name: Townhead

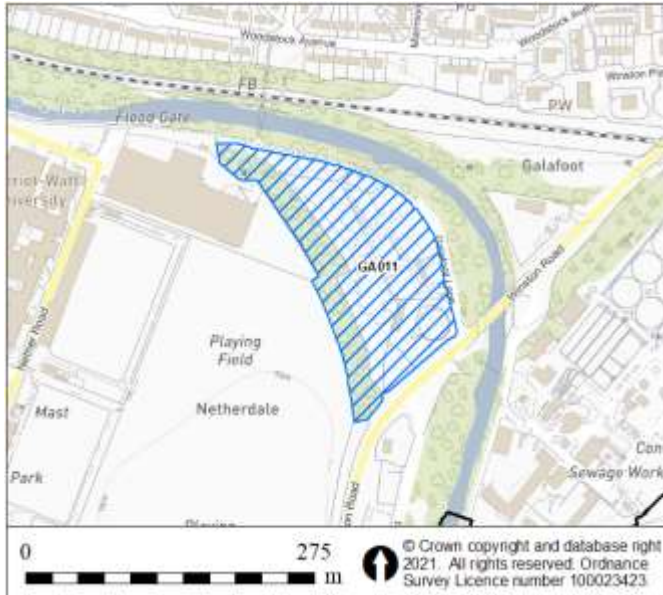
Settlement: Earlston

Area (ha): 4.6

Availability: One to Five Years

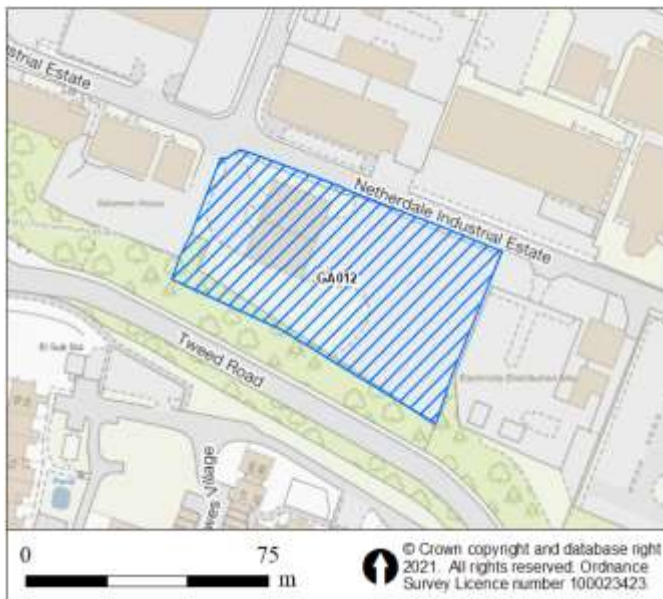
Serviced: Not Serviced

Constraints: None



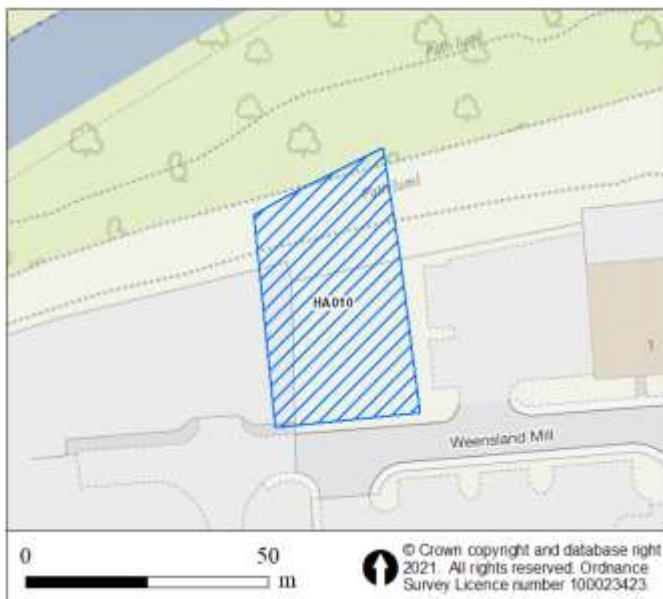
GA011

Site Name: Galafoot
Settlement: Galashiels
Area (ha): 2.6
Availability: Beyond Five Years
Serviced: Partially Serviced
Constraints: Physical Contamination



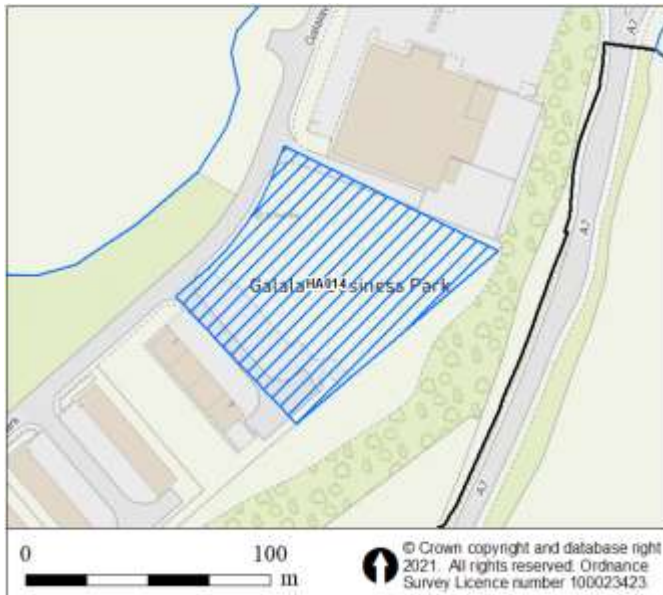
GA012

Site Name: Netherdale Estate South
Settlement: Galashiels
Area (ha): 0.4
Availability: Immediate
Serviced: Serviced
Constraints: None



HA010

Site Name: Weensland
Settlement: Hawick
Area (ha): 0.1
Availability: One to Five Years
Serviced: Partially Serviced
Constraints: Physical



HA014

Site Name: Galalaw, zEL60

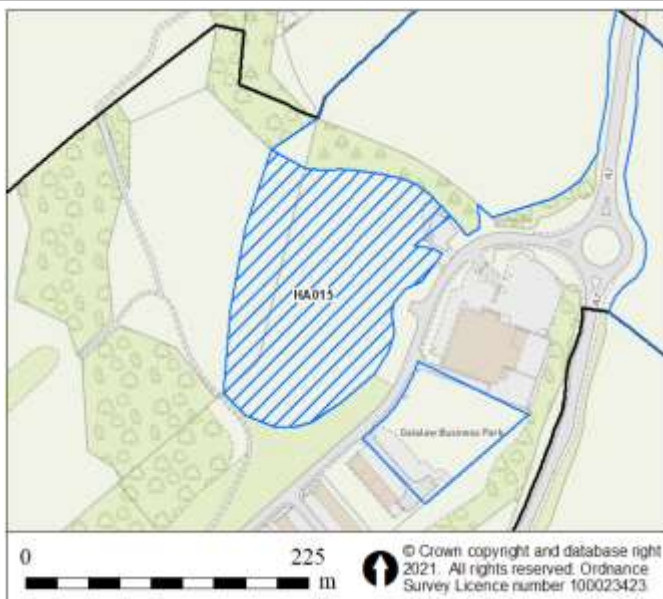
Settlement: Hawick

Area (ha): 0.7

Availability: Immediate

Serviced: Serviced

Constraints: None



HA015

Site Name: Gala Law West

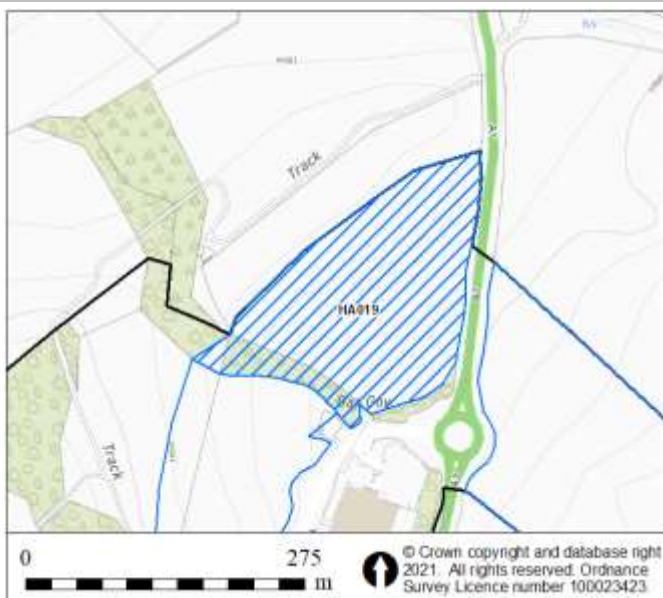
Settlement: Hawick

Area (ha): 2.6

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Marketability



HA019

Site Name: Gala Law North

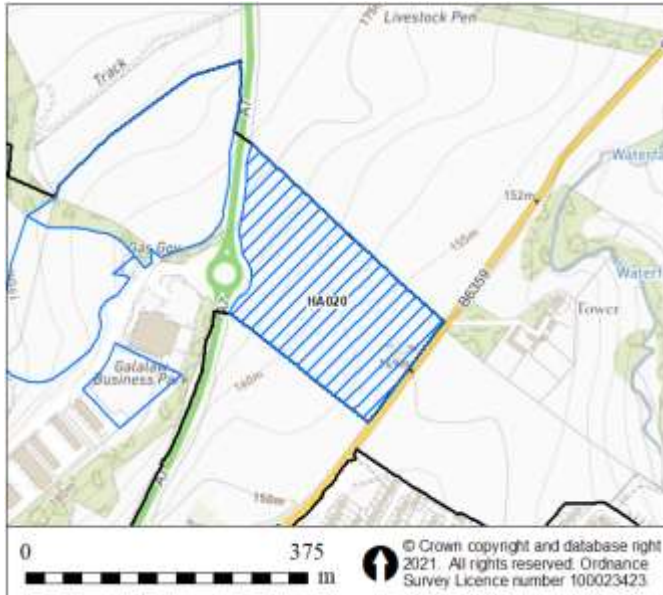
Settlement: Hawick

Area (ha): 4.0

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Marketability



HA020

Site Name: North West Burnfoot

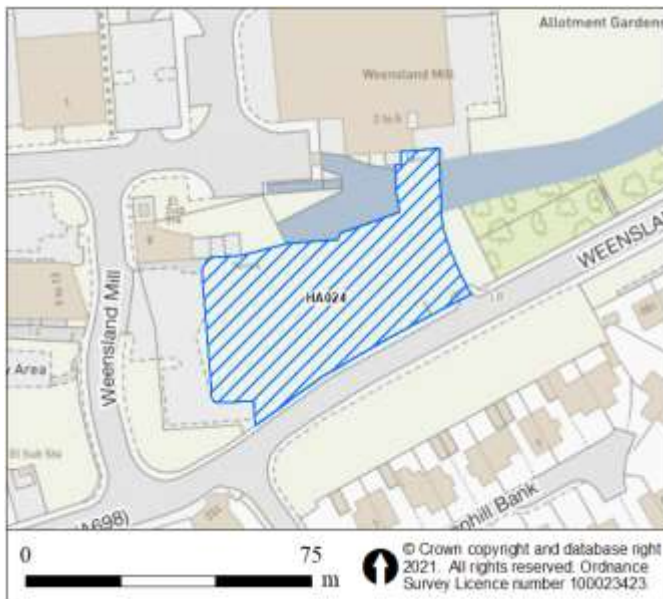
Settlement: Hawick

Area (ha): 5.0

Availability: Beyond Five Years

Serviced: Not Serviced

Constraints: Marketability



HA024

Site Name: Weensland South

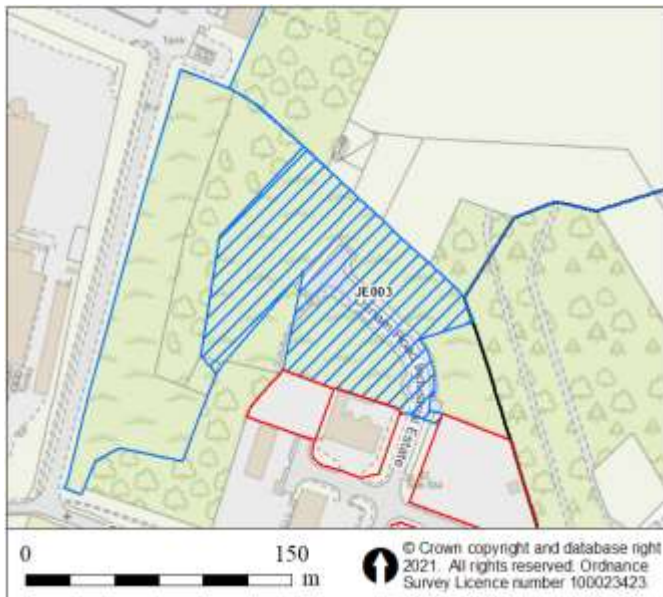
Settlement: Hawick

Area (ha): 0.2

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical Infrastructure



JE003

Site Name: Land North of Industrial Estate

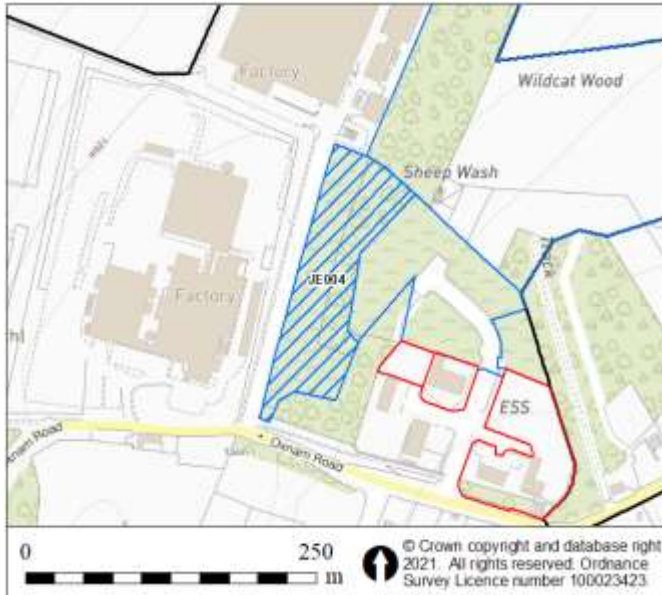
Settlement: Jedburgh

Area (ha): 1.2

Availability: Immediate

Serviced: Serviced

Constraints: None



JE004

Site Name: Western Part of BJEDB001

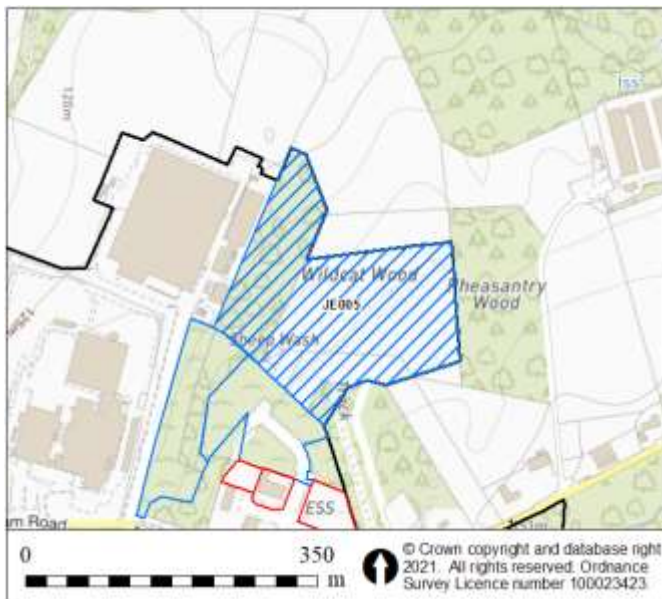
Settlement: Jedburgh

Area (ha): 1.3

Availability: Beyond Five Years

Serviced: Partially Serviced

Constraints: Infrastructure



JE005

Site Name: Northern Part of BJEDB001

Settlement: Jedburgh

Area (ha): 4.9

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership



KE006

Site Name: Part of Pinnaclehill/Spylaw Road VI

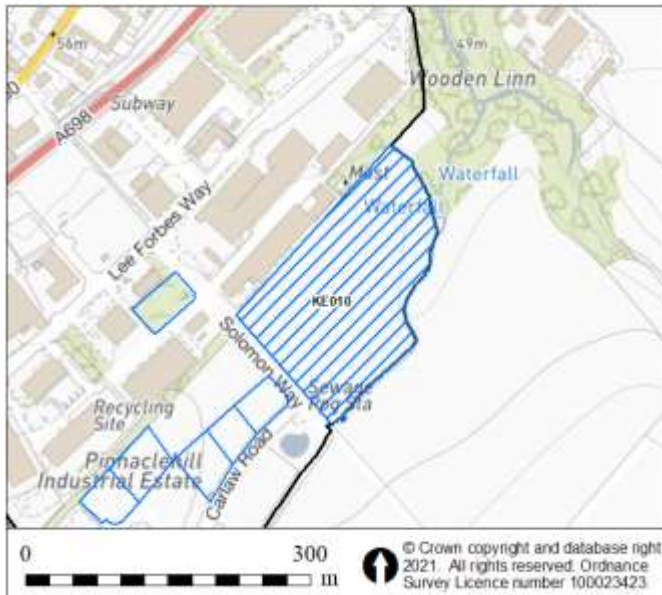
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE010

Site Name: Wooden Linn

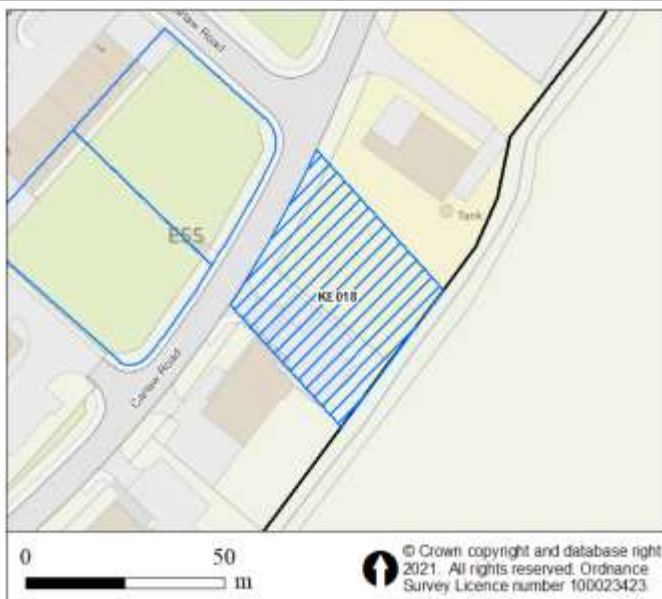
Settlement: Kelso

Area (ha): 3.2

Availability: One to Five Years

Serviced: Not Serviced

Constraints: None



KE018

Site Name: South Pinnaclehill - Plot 14

Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints:



KE020

Site Name: South Pinnaclehill - Plot 12

Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE021

Site Name: South Pinnaclehill - Plot 13

Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE022

Site Name: South Pinnaclehill - Plot 10

Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE023

Site Name: South Pinnaclehill - Plot 1

Settlement: Kelso

Area (ha): 0.3

Availability: Immediate

Serviced: Serviced

Constraints: None



KE026

Site Name: South Pinnaclehill - Plot 4

Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE027

Site Name: South Pinnaclehill - Plot 5

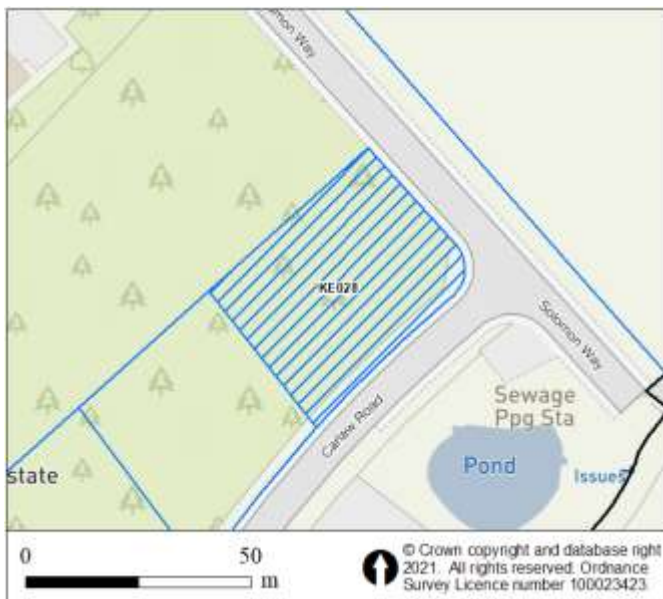
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE028

Site Name: South Pinnaclehill - Plot 6

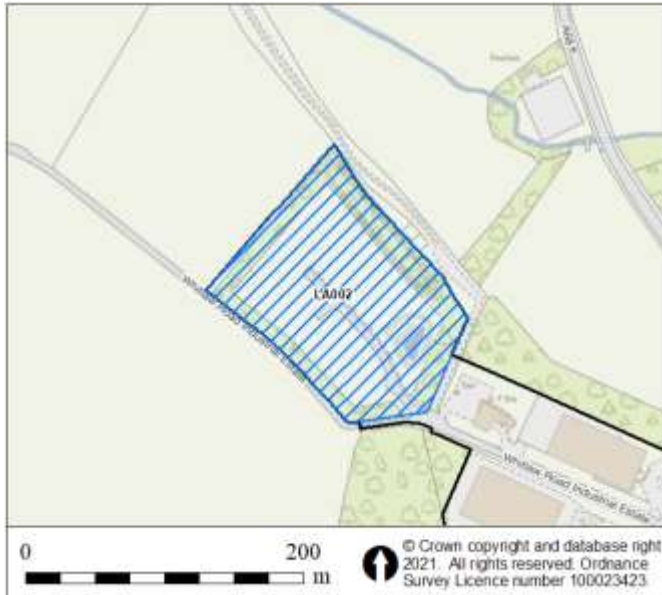
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



LA002

Site Name: North Lauder Industrial Estate

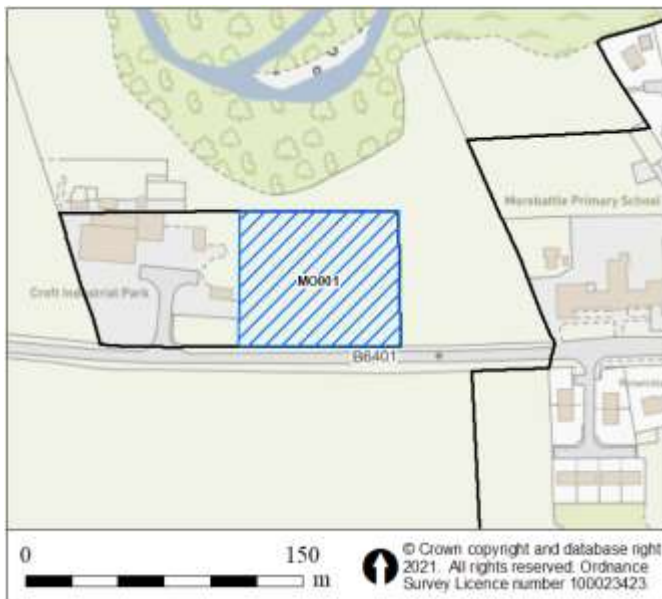
Settlement: Lauder

Area (ha): 2.0

Availability: Immediate

Serviced: Serviced

Constraints: None



MO001

Site Name: Extension to Croft Industrial Park

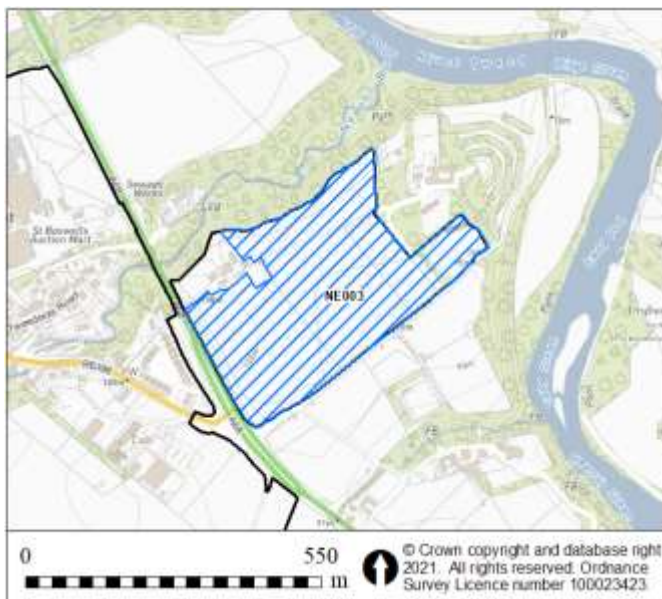
Settlement: Morebattle

Area (ha): 0.6

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership



NE003

Site Name: Tweed Horizons Expansion

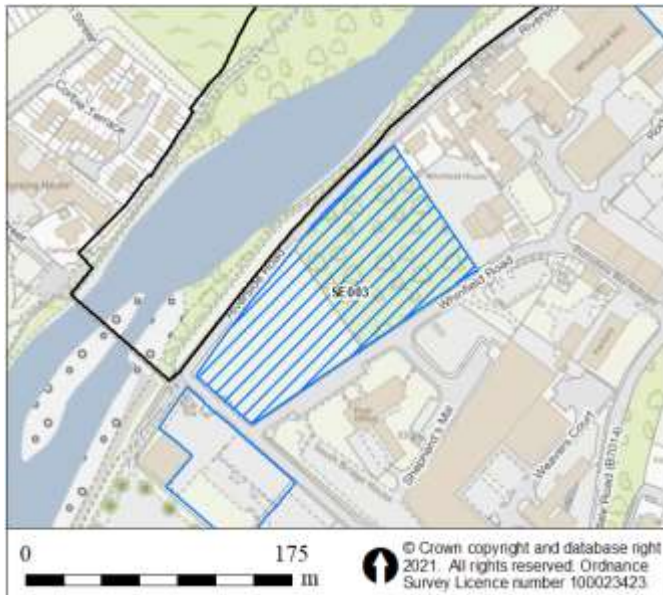
Settlement: Newtown St Boswells

Area (ha): 12.8

Availability: One to Five Years

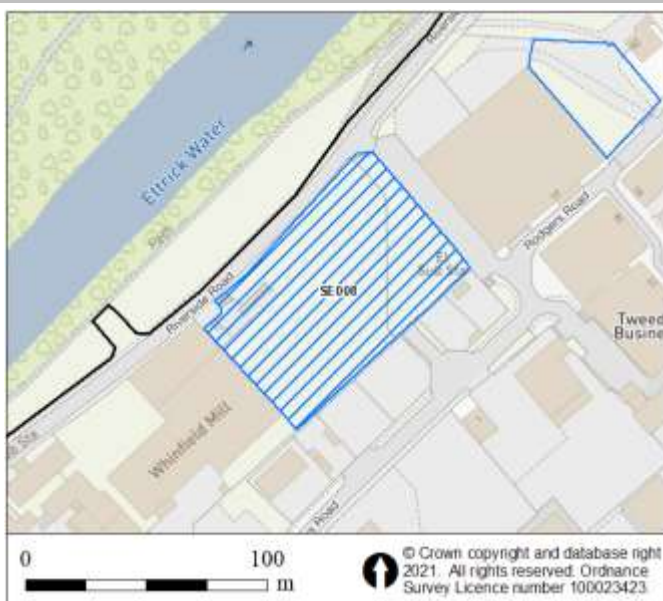
Serviced: Partially Serviced

Constraints: Ownership
Infrastructure



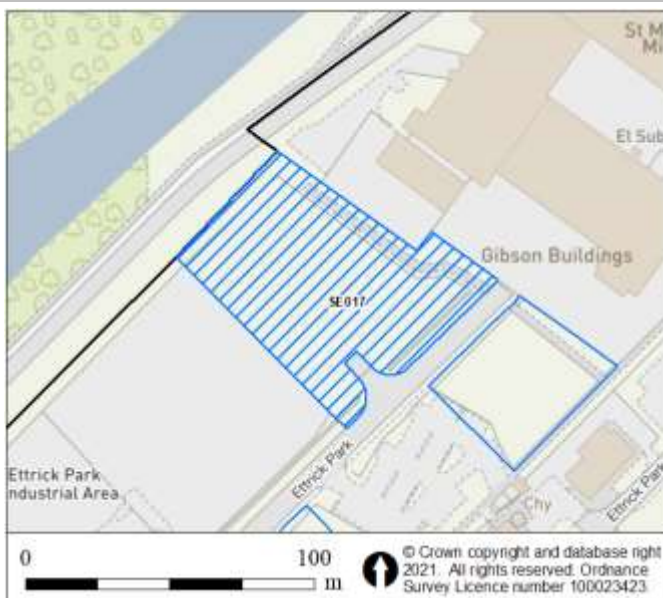
SE003

Site Name: Riverside 1
Settlement: Selkirk
Area (ha): 1.4
Availability: One to Five Years
Serviced: Partially Serviced
Constraints: Physical Contamination



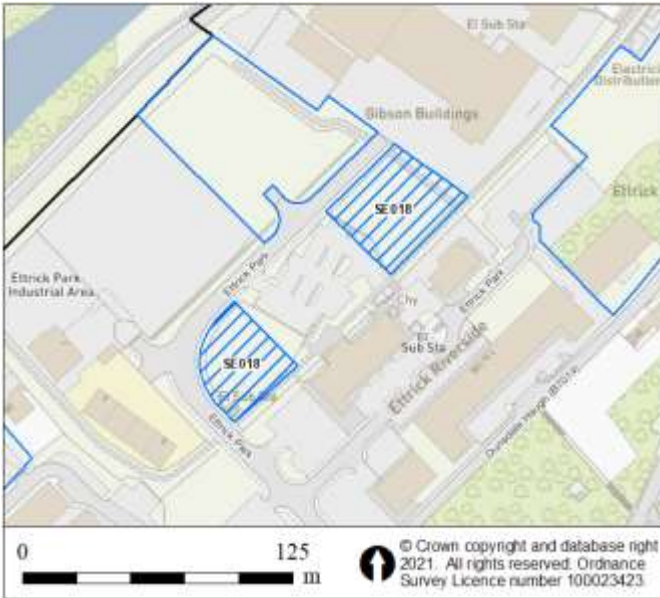
SE008

Site Name: Riverside 2
Settlement: Selkirk
Area (ha): 0.6
Availability: One to Five Years
Serviced: Partially Serviced
Constraints: NonePhysical



SE017

Site Name: Riverside 5 - Former playing field
Settlement: Selkirk
Area (ha): 0.5
Availability: Immediate
Serviced: Serviced
Constraints:



SE018

Site Name: Land North West of the Weaving Shed

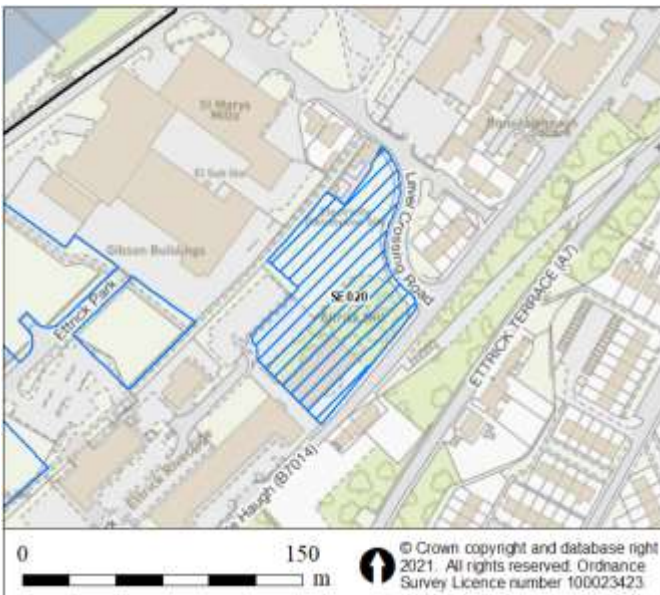
Settlement: Selkirk

Area (ha): 0.3

Availability: Immediate

Serviced: Serviced

Constraints: Physical



SE020

Site Name: Riverside 6 - North of the Yarn Store

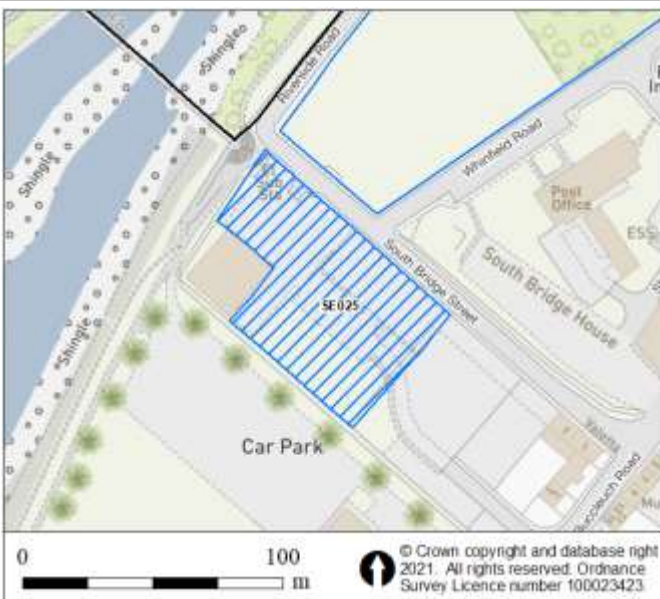
Settlement: Selkirk

Area (ha): 0.7

Availability: Immediate

Serviced: Partially Serviced

Constraints:



SE025

Site Name: Bridgehaugh

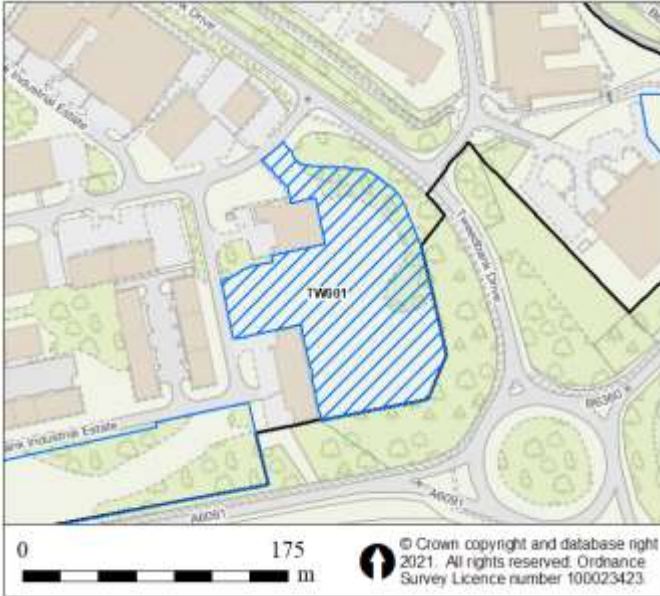
Settlement: Selkirk

Area (ha): 0.5

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical



TW001

Site Name: Tweedbank Industrial Estate 1

Settlement: Tweedbank

Area (ha): 1.5

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



TW002

Site Name: Tweedside Park - Beside Barbour

Settlement: Tweedbank

Area (ha): 0.6

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: None



TW004

Site Name: Tweedside Park - Scottish Borders Council

Settlement: Tweedbank

Area (ha): 0.7

Availability: Immediate

Serviced: Serviced

Constraints: None

Appendix 4 – Other Available sites within Central Borders sourced from websites

Commercial Land/Buildings for Sale / Lease

Central Borders

Search Date: 26 October 2021

Websites: Rightmove, Edwin Thompson, Novaloca, OnTheMarket

The following sites/premises appear to be available for sale/lease on the market at the present time, on the aforesaid websites:

Charlesfield

<https://www.novaloca.com/industrial-unit/for-sale/melrose/151953?search=true>

Currently For Sale

Earlston

<https://www.novaloca.com/industrial-unit/for-sale/earlston/station-road-industrial-estate/201972?search=true>

Currently For Sale

Galashiels

[Light industrial facility to lease in Easter Langlee Industrial Estate, Melrose Road, Galashiels, Selkirkshire, TD1 2UH, TD1 \(rightmove.co.uk\)](#)

Currently Available – Longterm Lease

Hawick

<https://www.novaloca.com/commercial-land/for-sale/hawick/land-mansfield-road/200024?search=true>

Currently For Sale

Kelso

<https://www.edwinthompson.co.uk/properties/development-opportunity-the-foundry-station-road-kelso-scottish-borders-td5-8dq/>

Currently For Sale

Selkirk

https://www.rightmove.co.uk/properties/103771220#/?channel=COM_LET

Available to Lease

https://www.rightmove.co.uk/properties/76851678#/?channel=COM_LET

Available to Lease

https://www.rightmove.co.uk/properties/76851621#/?channel=COM_LET

Available to Lease

https://www.rightmove.co.uk/properties/76851582#/?channel=COM_LET

Available to Lease

Tweedbank

https://www.rightmove.co.uk/properties/76852014#/?channel=COM_LET

Available to Lease

The following sites/premises have recently been on the market for sale/lease on the aforesaid websites. Although these do not now appear to be available this list confirms that they have been available on the market in recent months.

Charlesfield

<https://www.edwinthompson.co.uk/properties/lot-1-industrial-investment-depot-offices-stores-workshop-warehouse-and-yard-charlesfield-st-boswells-melrose-td6-0hh/>

For Sale - Under Offer (closing date 23 July 2021)

<https://www.edwinthompson.co.uk/properties/lot-2-secure-yard-lot-3-three-units-potential-expansion-ground-charlesfield-st-boswells-melrose-roxburghshire-scottish-borders-td6-0hh/>

For Sale - Under Offer (closing date 23 July 2021)

<https://www.edwinthompson.co.uk/properties/industrial-investment-secure-yard-and-expansion-ground-charlesfield-st-boswells-melrose-scottish-borders-td6-0hh/>

For Sale - Under Offer (closing date 23 July 2021)

https://www.rightmove.co.uk/properties/102296684#/?channel=COM_LET

Let agreed

<https://www.onthemarket.com/details/10521294/>

Closing date 18 June 2021, no longer on the market

Galashiels

https://www.rightmove.co.uk/properties/80490441#/?channel=COM_LET

Let agreed

Hawick

<https://www.edwinthompson.co.uk/property-search/search-results-commercial/?searchAllAddress=scottish+borders&rentalPeriod=1&propertyType=&minPrice=&maxPrice=&minPrice2=&maxPrice2=&search=&pg=2>

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NOTICE OF REVIEW

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

E-mail*

E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review (tick one box)

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

Review procedure

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

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

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

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

Site inspection

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

Yes No

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

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

Statement

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

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

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

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

Yes No

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

List of documents and evidence

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

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

Checklist

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

Full completion of all parts of this form

Statement of your reasons for requiring a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed

Jamie Murray

Date

19th July 2021

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

MURRAY LAND & BUILDINGS
Hillside Dean Place
Newstead
Melrose
TD6 9RL

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

Appeal Statement with Notice of Review against refusal of Planning Application 21/00244/FUL for the erection of a new agricultural machinery dealership premises at Slaters' Yard Charlesfield St Boswells TD6 0HH

Site Location

Slaters' Yard is located on the north side of the road at the junction between the C43 (Charlesfield Road) and the A68.

Grid Reference NT59148 30228

Access into the site is via an existing vehicular access off the C43.

Applicant – AB Wight Engineering Ltd

Proposal

AB Wight Engineering Ltd wish to construct new premises with associated parking and curtilage area on their site at Slater's Yard, so that they may relocate all of their business under one roof from the units they currently let at Charlesfield Industrial Estate.

AB Wight Ltd currently occupy Unit 10a, 16 & 17 in Charlesfield Industrial Estate, with a building area footprint of 5,725 sq ft. Small yard areas are available alongside each unit.

They propose to construct a new building measuring 48m x 20m at Slaters Yard, with a footprint totalling 10,330 sq ft, to provide their agricultural machinery dealership services to their existing & growing customer base.

Slater's Yard is a windfall site. It is not within either the St Boswells or Charlesfield development boundaries but does have established Class 6 Storage Use and is *not* a Greenfield Development site.

Scottish Government defines windfall sites as-

'Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.'

Whilst the site is located out-with development boundaries and inside the Countryside Around Towns (CAT) area, the sites existing and proposed use is lawful and established.

The proposed building's ridge height is to be kept to 7m, to minimise the impact on its surrounds and to aid its assimilation into the surrounding environment.

Site access is existing. The current access offers good sight lines and connectivity.



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Location/Proposed site outlined in red in relation to St Boswells & Charlesfield Local Development Boundary



Picture showing scuffy hedge and self-seeding trees prior to AB Wight taking ownership. Note – When in leaf, the Eildons were not visible from A68.



Existing view of site looking north from junction with A68



Proposed screen planting and trees will be adopted around the periphery in order to provide screening and assimilation of the building into its surrounds.

Business & Economic Case

AB Wight are a local business, currently employing 10 local people. They hold the Scottish Borders dealership for McCormick Tractors, Dieci Telehandlers and Maschio Tillage Equipment.

As part of their franchisor agreement, they are required to provide suitable space for the showing, storage and service of equipment being sold, maintained and developed from a single-premises.

AB Wight currently run their business out of three let units at Charlesfield Industrial Estate, including Unit 10a, 16 & 17. The total building footprint area occupied is 5725 sq ft. A relatively small yard area goes with each unit.

The existing units are let on short term leases which preclude further/large investment being made in the layouts and infrastructure because of the lack of long-term security. Even if longer term security was available within the current buildings, there is limited opportunity to create extra space, which the business needs to accommodate their current workload and for expansion.

AB Wight are hamstrung at present by their lack of both work and storage space. The current operation set up is being made to work by AB Wight, because that is what they do. However, it is far from satisfactory and does impact on the running of their business for numerous reasons including –

- Efficiency
- Communication
- Safety
- Security

Even with the best of intentions, having your business spread about in different units creates detachment which leads to a reduction of output and efficiency.

Unit 16 & 17 are adjoining, but the workshop space available to deal with servicing and repair of tractors and machinery is limited to 3-bays. With more service technicians/engineers than bays, this is not ideal for workflow and creates efficiency and safety issues.

Service demand is greater than output and expansion is required to meet with demand. The business has enough service demand to create a further 5 full time jobs, but at present there is not enough space to cater for this.

The proposed relocation and expansion would allow for the creation of at least 5 additional full-time jobs. This allows the business to meet with demand, grow and consolidate its position, whilst safeguarding existing jobs.

The proposed relocation to one single purpose-built premises will bring about improvements in all of the above encumbrances, thereby aiding the business' viability and ability to grow.

Long term investment in new premises is therefore a main objective for AB Wight. Without which they cannot operate at the levels required by themselves, their franchisor, and their customer base, in order to be competitive and provide a first-class service from modern, bespoke designed premises.

AB Wight support the local community through sponsorship and provision of employment. They support other local businesses wherever possible and believe strongly in the local economy and the Scottish Borders area.

Given the organic growth of the current business, site ownership is seen as a necessary requirement in order for the business to invest in their asset, whilst providing security and provision of long-term employment.

Slater's Yard came available to my client and has existing Class 6 Storage Use. My clients have tried to demonstrate that other land is not available at Charlesfield Industrial Estate and their findings would support this.

Appeal Grounds

This appeal is being made on the grounds that the planning officer has not paid cognisance to the reasoning and mitigation provided nor the status quo of the site and its established uses, as a windfall site.

Planning officer recommendation for refusal of planning application 21/00244/FUL was based on three reasons, outlined below –

- 1. The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary.***

Murray Land & Buildings respond to each of the Planning Officer's reasons for refusal beneath-

- Slater's Yard is a windfall site which has established Class 6 Storage use on it. The Scottish Government recognise windfall development given a site's existing use. The site is not necessarily a logical extension to the settlement, it is a site on its own, with established use.
- Policy PMD4 would be of more relevance if this was a Greenfield site, however given that the site's existing and proposed use is lawfully established, the only material consideration is the proposed building.
- The assertion that the proposal prejudices the character and natural edge of St Boswells and causes it significant adverse effects on the landscape setting is subjective at best. The site is only visible from the very southern edge of the St Boswells Conservation and Development Boundary when standing on the roadside of the A699. Furthermore, the arterial A68 route which passes through the Scottish Borders has similar developments at the edges of a number of the Villages and Towns, which it passes through, including the north side of St Boswells.
- **Alternative lawful land uses on the site include the storage of storage containers, stacked three high to 8m+, without screen, on any side.**
- The natural edge of St Boswells, on its southern boundary remains as the A699. There would still be two grass fields between the southern edge of the A699 and Slater's Yard as there was prior to this application.
- The creation of at least 5 jobs and the retention of 10 jobs is a **significant** community benefit by any measure. Due cognisance has not been paid to this by the Planning Officer in arriving at her decision.

Reason 2

The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area.

The site has established use, though it is located in the countryside.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

BUSINESS, TOURISM AND LEISURE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

The proposal accords with point C of this policy in that there is an operational need for this location because it cannot be accommodated within the Charlesfield development or extension boundaries due to the lack of land availability.

Forward Planning have stated that there is 11.5ha of land immediately available in the Charlesfield Extension zEL19, following a business land audit. Whilst a box ticking exercise has no doubt been undertaken, this is not tangible evidence as to the land's availability. Tangible evidence as to the land's availability would include-

- Marketing for sale or let
- Planning & Building Warrant applications lodged
- Dialogues with landowners suggesting land will be made available for sale or let.

None of the land noted in the audit will be developed in the Local Plan Period.

Of the land within the zEL19, the only area marketed within the plan period has been forced by the administration of Alexander Inglis & Son recently. This site and land has been bought -currently under offer- and will continue as a grain plant.

We will look at the availability of the land at Charlesfield Industrial Estate and the zoned extension in more detail, later on in this document.

My clients require to remain in the locality of Charlesfield Industrial Estate, where their customer base exists, they should not have to relocate further afield for their business would suffer. Location is key.

Reason 3

- ***The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.***

The Slater's Yard site use pre-dates the Countryside Around Towns Policy EP6 and potentially its predecessor policy. Whilst the policy is in place to protect the Greenbelt areas around towns and villages in the Scottish Borders as well as to avoid coalescence, it fails to recognise that the existing site's use is no longer classed as Greenbelt or indeed Countryside.

The site's use is already established and so it follows that the construction of the proposed building, whilst development in its own right, is following the established use of the site and not changing or establishing the site's use. Therefore, it cannot be said that the proposed development would be sporadic or piecemeal, for the development's use has already occurred and is established. As to whether the proposed building becomes sporadic or piecemeal development of its own accord, I would suggest this is not the test, given that alternative development -Storage Containers to 8m+- can already lawfully occur. This type of development is more likely to have adverse effects on the surrounding rural character and visual amenity, than an assimilated and screened proposal which creates jobs.

Whilst the proposed building is material development and should only be assessed against Policy EP6 on the basis of the buildings siting and impact. The visualisations already show the building to be low key and not visually intrusive. Indeed, the building is only visible from the edge of the Village Green, adjacent to the A699. Furthermore, the building is screened to the south.

There is a lack of availability of suitable alternative land at Charlesfield Industrial Estate. We will expand on this matter later in the document.

Development through use has already been established. The construction of a well landscaped building and site into its surrounds does not erode amenity, setting or cause adverse impact. The building is screened for the most part.



Site outline -shown red- in relation to Countryside Around Towns area and zoned land of Charlesfield -shown white- directly to the south.

The Planning Officer makes further points in her report, these are numbered below with a response made in red by Murray Land & Buildings-

1. **It is accepted that the application site has a historic use as a builder's yard, falling within Class 6 of the Use Classes Order, but that appears to have ceased some time ago as the site was disused and overgrown when visited in 2019. However, storage use is the established planning use.**
 - The planning officer's pictures of the site taken in 2019 show the site to be in use, skips etc, confirming the continuing use.

2. **The Supporting Statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced. The Forward Planning Section advises that the Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site or other allocated business/industrial sites within settlements.**
 - This is very difficult to tangibly demonstrate, though we will go into more detail later in the report. The assertion that 11.5ha of business and industrial land is immediately available cannot be evidenced by a survey or audit alone. There is no evidence of this land having been marketed for sale or let in the plan period*. Contact made by my client with the three landowners, have advised that it is not currently available to third parties.
My client's business requires to be located where it is, located close to the customer base whom they supply. Without location, their business would not survive.

3. The Supporting Statement argues that a change of use from Class 6 (Storage and Distribution) to Class 4 (Business) is permitted development. Class 4 use includes office uses and light industrial uses which could be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, the proposal includes a workshop for the repair and servicing of tractors, which is potentially noisy and so classifying the proposed use as Class 4 rather than Class 5 is misleading. Whatever the use class, the proposed building requires planning permission and so the proposal must be assessed on its own merits against the relevant planning policies
 - Change of use from Class 6 Storage to Class 4 Business/Light Industrial is permitted development. This is not an argument, it is **statute**.
Classifying the use of the proposed building and site as Class 4 Business/Light Industrial instead of Class 5 Industrial is **not** misleading because the predominant use of the building will fall under the Class 4 Business/Light Industrial use. The proposed building will include workshop space for the service and repair of tractors and equipment with ancillary uses such as storage of parts and equipment, showroom, office space and a parts and consumables sales area. Works will be carried out within an insulated building providing some mitigation to the noise created by service and repair of agricultural equipment. Noise can be measured and mitigated against so that Class 4 – Light Industry use is achieved.

Class 4 - Business use, includes office use and light industrial use which could be –‘carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit’ per the Use Classes (Scotland) Order 1997.
4. This site is in a prominent position just off the A68 in the foreground of views of the Eildon Hills when approaching from the south. The proposed development would be highly visible from one of the main tourist routes into the Borders, with the building at 7m height rising above the existing 2m high fence. The site is in a countryside location, surrounded by fields and woodlands and the development would contrast significantly with the rural boundary treatments of hedges, fields, woodland and undeveloped roadsides. Despite the proposal for tree and hedge planting on the south-east side of the site, the building is likely to remain highly visible and intrusive in views. This is demonstrated in the visualisations submitted most particularly on the approach from the north looking south.
 - The building has been kept to a ridge height of 7m to minimise its impact on the surrounds. The ridge and gable will be visible, mainly from the south – heading north. The shed is not dissimilar to that seen all along the A68 route, crossing through the Scottish Borders towns and villages and beyond. The render /visualisations represent what will be seen, none of which is not already seen on this arterial route elsewhere and none of which could be described as harmful to amenity and surrounds.
5. The size and design of the proposed building are industrial in nature and would be out of keeping with rural character of the area and more in keeping with an industrial estate. Charlesfield Industrial Estate is close to the site but is well screened by mature planting and barely perceptible in views to and from the site and so there is no visual link with the industrial estate, adding to the impression that this is isolated and sporadic development in the countryside not related to any existing development.
 - Charlesfield Industrial Estate is visible from St Boswells Green and Cricket pitch at all times of the year, including both the grain silos and the Biogas plant. The proposed building at Slater’s Yard would only be visible from the very edge of these amenity areas when on the road edge of the A699 and junction with the A68. See visuals. Again, existing use of the site is lawful, as are many alternatives which would not be so aesthetically pleasing to the surrounds.
6. No details of the colour of the composite cladding for the building has been provided. There is also the issue of signage, additional development carried out at a later a date (the visualisation shows a container that is not included in the current application) resulting in clutter and further detrimental impacts on visual amenities.
 - Composite cladding is to be Grey or Green, to aid the buildings assimilation into its surrounds. All capable of conditioning.

- The current visualisation of the buildings east gable does not show a container, it shows a 'West' silage trailer as part of the goods for sale. This is not clutter and it is not detrimental to amenity because it can only be seen from the A68/A699, as can any business along the arterial route. Ironically the current use class of the site would allow the storage of storage containers on-site. Indeed, they could be stacked upto 8m in height, or more without screening, **lawfully**.
7. However, despite sending reminders that the planting had to be completed, it was never carried out. Instead, an application (21/00495/FUL) was submitted to vary the condition to allow the planting to be completed by 31st December 2021. The fencing was erected without planning permission and the failure to comply with the condition and carry out the proposed planting casts doubt on the willingness of the applicants to ensure that the fence is adequately screened in the future or that any additional planting or the green space/biodiversity creation proposed as part of this application would be implemented either.
- I am not sure of the relevance of this comment, and I do not like the insinuation about doubt being cast as to whether the applicants are willing to ensure the fence is adequately screened. The reasons for delaying are perfectly adequate and a further planning application to extend the planning condition period was made on-time and has been consented, therefore any inference otherwise is conjecture. The planning condition is based purely on the fence. If the fence is removed and another is erected, compliant with the GPDO, then no screen is required.
8. The proposal would be visually intrusive and would erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. For these reasons this application cannot be supported.
- The proposal would be screened for the most part. The site is not Greenfield, therefore it is not undeveloped. New proposals are of scale whereby they are in-keeping with their surrounds and are of a similar type of building to the various other developments located along the arterial route.

Planning and Consultee response

The consultee responses received to the proposal include -

- Roads Planning
- Landscape Architect
- Community Council
- Forward Planning
- Flood Risk Officer
- Environmental Health

Consultee comments included no objections from Transport Scotland, Roads Planning & The Flood Risk Officer.

Consultee comments (objection) from the Landscape Architect in black. Murray Land & Buildings response is in red.

- 1. In my opinion this development is contrary to policies PMD4 and EP6. It will be visually intrusive and will erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. For these reasons I am unable to support this application.**
- 2. The cricket ground and green form part of St. Boswells Conservation Area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills' (LDP Settlement Profiles - St Boswells). From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and, in my opinion, have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the shed are likely to be highly visible from the A68 and across St. Boswells Green and Cricket Ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.**
 - Views of the Eildons were previously obscured by a scruffy hedge and self-seeding trees -now removed. The proposal would incorporate the planting of a mature, mixed plant hedge, immediately establishing a 2m screen around the southern edge of the site. In addition, an avenue of Lime Trees would be planted at 6m centres. The proposed building is not visible from The Green or Cricket Pitch unless you are standing on or adjacent to the A699/A68. Visualisations confirm this and were included in the planning application and this appeal statement. Charelsfield Industrial Estate is visible from both The Green and the Cricket pitch at all times of the year.
 - The proposed building would include workshop space for the service and repair of tractors. Environmental Health has concerns that noise from the workshop element of the proposed development could impact on the amenity of the occupants of Midburn. The Supporting Statement claims that this will fall within Class 4: Business use, which includes office use and any industrial process that can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. All other industrial uses fall within Class 5. No information has been submitted with the application to demonstrate that this proposal falls within Class 4, in terms of the processes carried out, noise levels and mitigation. The applicant has been given the opportunity to provide this information. In the absence of this information, Environmental Health are unable to support the application.

- See below.

Consultee Comment (objection without further information) from Environmental Health

Within the supporting information the agent states that a change of use from Class 6: Storage and Distribution to Class 4: Business does not require planning permission, and that Class 4 will be the predominant use. We have concerns that noise from the workshop element of the proposed development could impact on the amenity of the adjacent dwelling, known as Midburn. A Class 4 use is one which can be carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, no information has been submitted with the application to demonstrate this. In the absence of this information we are unable to support the application at this time.

We note the EHO concerns on noise and its potential impact on the amenity of Midburn. We are in agreement and are willing to have a noise impact assessment carried out at the site to show the road and site noise generation as it is just now, as well as the noise which will be generated from the proposed usage. We would propose that the noise survey was a condition of any planning permission, if granted. It is the intention of AB Wight to assimilate their business into it's surrounds without detriment to their immediate neighbour(s). A leylandii hedge has been planted to screen the view of the proposed building from Midburn, though their own trees currently do a good job of this. The proposed building would be 135m from Midburn, further aiding the dissemination of any noise.

The Workplace, Health, Safety and Welfare Approved Code of Practice states that sufficient toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable delay, and includes the minimum number of toilets and washbasins that should be provided. It is noted that the floor plan accompanying the application shows there to be one toilet cubicle for potentially up to 15 employees, which is not in accordance with the minimum numbers provided in the Approved Code of Practice. Advice on the number of facilities needed per number of people at work is provided. The toilet provision should therefore be reviewed by the applicant.

This a Building Standard's issue. The toilet provision noted on the planning drawing is indicative only. Building Standards and relevant workplace, Health & Safety would be complied with, should planning be granted.

Consultee Comment (objection without further information) from Forward Planning

Forward Planning's objection align with the planning officer's reasons for refusal.

Consultee Comment (objection) from Community Council

My client does not believe the objection comments made by the community council represent the actual St Boswells village community, of whom they employ residents. This is further evidenced by the few public objections received to this proposal, from residents of St Boswells.

The most salient public objection is that of the neighbouring property at Midburn. Their objection relates to the potential impact on their residential amenity. My client has discussed their proposals previously with the residents of Midburn, without any issues being raised. However, the matters raised in the objection are important to the proposed development and cognisance should be paid, for they are potentially the party who would be most affected by the proposed development, if mitigation of noise is not measured and managed.

Murray Land & Buildings respond to the material objection points raised by the owners of Midburn as follows-

1. The proposed development would be screened from Midburn by a Leylandii hedge, already under establishment on the western boundary. Indeed, an existing screen of trees already exists in Midburn's garden.

2. The objections main relevance is on the basis of noise. Noise is also the main basis of objection from Environmental Health. My client proposes to undertake a noise impact assessment, on the basis of the existing noise created by road traffic and use near to Midburn and the proposed noise, which would also involve monitoring the existing noise created by AB Wight at their existing premises.

It should be noted that the closest point of the proposed AB Wight building would be **135m** from Midburn. This and the insulated building would significantly reduce any potential noise pollution effecting amenity.

Mitigation and reasoning

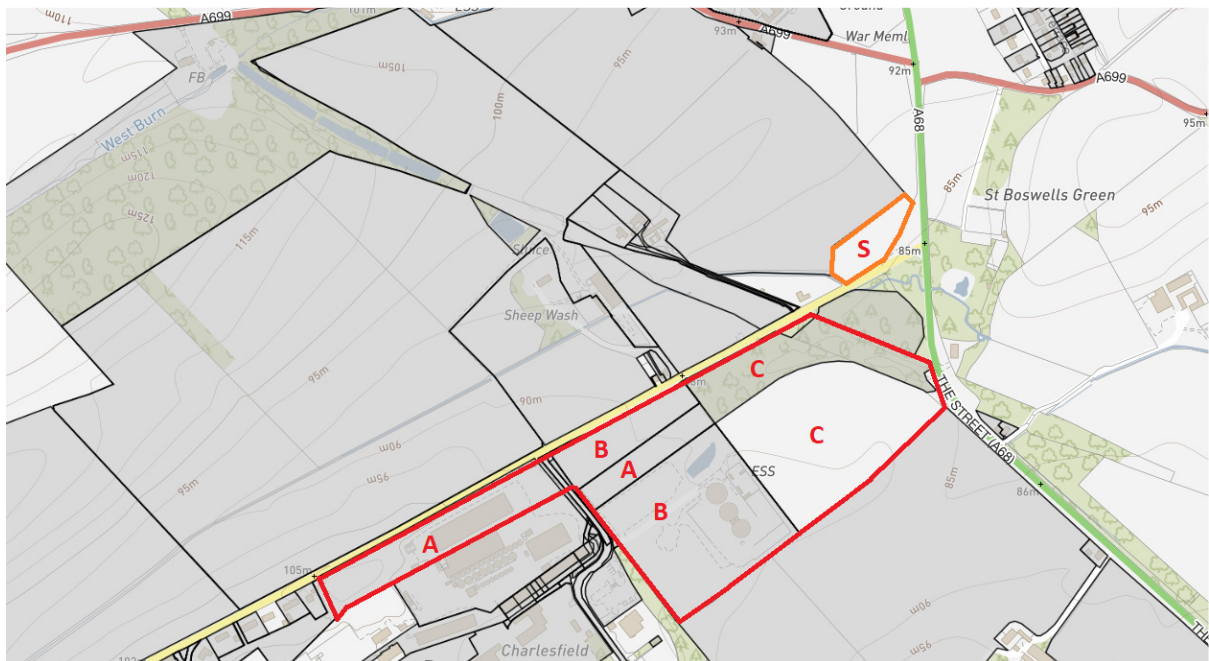
The proposed development at Slater's Yard is further mitigated by the following reasons-

- Land Availability
- Local Plan failure
- Amenity, Noise & View

Land Availability

Whilst the Planning Officer's refusal reasons are based on three Local Plan Policies, they all relate back to Visual Impact on amenity and potential noise. Policy PMD4, EP6 are irrelevant from a planning use perspective because Class 6 Use is already in place and being Lawfully exercised, as is the proposed change of use. Therefore, the crux of the matter relates to the proposed built development's look and the potential noise impact from some of the uses undertaken. The noise can be measured and mitigated against very easily and we have already suggested this should be conditioned if planning consent is to be issued.

The land zoned within the Charlesfield zEL19 is not available.



Source – Registers of Scotland – OS 100059842

Land outlined in red above is all part of the Charlefield Industrial Estate Extension zEL19. There are three owners of the zoned land, those noted A-C, divided up as per the Registers of Scotland. Slater's Yard site is outlined in orange with an S.

Zone A

The land owned by zone A is currently for sale because the former owners -Alexander Inglis & Son- have entered administration. This land houses a grain plant and this use will continue. The east land parcel is effectively a ransom strip and it will be sold as part of the whole grain plant.

Neither land parcels in zone A have been marketed or available prior to the former owners entering administration and there is nothing to suggest this will change.

Zone B

The land in Zone B is owned by the Iona Environmental Infrastructure Holdco Ltd, the company who owns and run the St Boswells Biogas Plant. Part of the larger southern parcel is under a planning application for a distillery. Again, this land is only ever likely to be developed by the owners of the land for their own use, it is not available to third parties and none of it has been marketed for sale or let in the local plan period.

Zone C

The land in Zone C is owned by a local farmer - James Mccorquodale. The site itself is not readily developable without significant infrastructure installation, based on a larger development. It is therefore not available in the short to medium term.

Whilst an Employment Land Audit was carried out by SBC in 2019, this is not a suitable rebuttal to the lack of this land's availability. A survey or box ticking exercise cannot get away from the fact that this land has not been marketed for sale or let in this period to date. Furthermore, discussions by my client with the three landowners, advised that none of these sites were available to them in the short to medium term.

Whilst the zoning of land has a place and it is a requirement of the Town & Country Planning (Scotland) Act, to include a Local Development Plan with policies, it does not offer any guarantees that the land zoned will become what it has been zoned for, or that it will be available to third parties, nor does the timeline have any real bearing. The council has sought to purchase land elsewhere in the recent past to control the outcome of their local plan. This does not always work though, as location, availability and the market dictates.

Furthermore, there is vacant, serviced business land throughout the Scottish Borders, particularly in the southern and eastern parts of the region, as evidenced by the Council's own website advertisements. This has been the case for some time. Whilst it is ideological to afford business and employment land opportunities in all of these towns, it also shows that location is key to business, and that the market dictates.

There is a distinct lack of land availability in and around Charlesfield Industrial Estate and my client has taken the opportunity to purchase a site with an existing use. That the site does not meet with all of the Council's Local Development Plan policies would appear to be trumped by Slaters Yard's established and existing use and the Local Plan's failure to provide alternative sites for development. The Charlesfield Extension land may end up being used for Employment, but only being available to the existing owners or large developers. Therefore, it has ultimately failed to provide business land opportunities to local businesses in a timeous manner.

Local Plan Failure

Local Plan Policy recognises market failure situations under Local Plan Policy ED1- Protection of Business and Industrial Land - 1.1 states-

‘The Policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation.’

Policy PMD3 below outlines the Land Use allocation constraints.

POLICY PMD3: LAND USE ALLOCATIONS

Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.

Development will be in accordance with any Council approved planning or development brief provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.

Sites proposed for redevelopment or mixed use may be developed for a variety of uses subject to other local plan policies. Where there is evidence of demand for specific uses or a specific mix of uses, these may be identified in a Planning Brief and the site requirements detailed within the Local Plan.

Within new housing allocations other subsidiary uses may be appropriate provided these can be accommodated in accordance with policy and without adversely affecting the character of the housing area. Planning Briefs and site requirements detailed within the Local Plan may set out the range of uses that are appropriate or that will require to be accommodated in specific allocations.

Any other use on allocated sites will be refused unless the developer can demonstrate that:

- a) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
- b) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
- c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and
- d) the proposal is otherwise acceptable under the criteria for infill development.

Point B is relevant. Whilst there may be an argument that the latter planning application for a distillery, shows that development of the proposed use is occurring within the Local Plan period, this does not alter the fact that the land zoned is not available to the wider market and that it is in fact constrained.

Accordingly, the Local Development Plan has so far failed to provide employment land which is available to third parties via the Charlesfield Industrial Estate zEL19 area.

This is a material consideration, for if zoning land alone was enough to ensure that the land was developed for its intended purpose within a defined local plan period, and available to local businesses, then constraints would never occur.

Amenity, Noise & View



View from Conservation Green with Building in-situ – note AB Wight’s proposed building is **not** visible. Grain silos at Charlesfield are visible.



View from junction between A68 & A699

The site is not prominently visible from St Boswell's or The Green as per the render visualisations.

The site is located 135m from the nearest residence, Midburn.

The question of Class Use and whether some of the processes undertaken by AB Wight in their workshop would fall under Class 4 Business/Light Industrial or Class 5 Industrial are largely based on what would be expected in an agricultural service and repair workshop.

Class 4 - Business use, includes office use and light industrial use which could be –‘carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit’ per the Use Classes (Scotland) Order 1997.

Of the works undertaken by AB Wight, noise is the only potential detriment which could breach the threshold of what could be carried on in a residential area without detriment to its amenity.

A lot of today's agricultural equipment is often diagnosed using laptops and other electrical diagnostics, though there are still some service and repair works/processes which will be undertaken on equipment which would ordinarily be deemed to be classified as a Class 5 Industrial process, by virtue of the noise creation.

The principal here is whether these processes could be mitigated by the use of control measures which limit the noise created by the processes undertaken effecting the site's surroundings, and therefore can be classified as Class 4 use instead of Class 5. Carrying out service and repair works inside an insulated building does provide noise reduction which can be measured to show the mitigation provided.

Significant noise is already generated in the site's vicinity by traffic on the A68 and C43 – Charlesfield Road so the base noise level is not 0, it is the existing background level, which can be measured.

We would propose to measure the existing background noise assessment at Slater's Yard and in the vicinity of Midburn, the residential property, located 135m to the west of the proposed building. Additionally, the proposed noise generated by that proposed could be measured with the mitigation included. If the noise generation proposed is no more or close to what already exists, then the proposed use is not of detriment to the amenity and residence of Midburn.

With regards to alternative development, I think it would be correct to remind the Planning Officer and the Local Authority that should my client wish, they may decide to import storage containers and stack them on-site to three high - 8m + high without screening. All of the aforementioned is futile and not what the Local Authority or my client wishes, but it is a material consideration because it could be lawfully carried out. Once again, I will remind the Planning Officer, that whilst the proposal may not sit within their ideological planning zones, it is a site with a lawfully established use and one which only the built element of the proposal requires planning permission for.

We believe the Local Authority wishes to support business & development which supports the local economy providing jobs for local people, whilst assimilating into its existing surrounds.

Furthermore, mitigation is being provided via controls and Status Quo for all that is proposed.

Conclusion

Slater's Yard is a windfall site outwith both the St Boswells and Charlesfield development boundaries.

Use of the site has been established over time and is now deemed to be Class 6 Under the Town & Country Use Classes Order 1997.

The General Permitted Development Order permits the change of use from Class 6 Storage to Class 4 Business/Light Industrial.

The existing and proposed use of the site is a material planning consideration in the wider context and in relation to the proposed construction of a building.

The proposed building has been kept to a scale in height, that sits below the tree line and with appropriate cladding, will assimilate into its surroundings.

The building will be seen from the A68 as all the buildings along the artery route are, including the commercial buildings on the north of the village and the Charlesfield Industrial Estate, when heading from the south.

My clients are creating upwards of 5 jobs and securing the future of the existing 10 jobs. By any measure, this is a significant community benefit.

LDP policy recognises market failure. It also needs to recognise land zone failure. There are numerous examples throughout the Scottish Borders.

AB Wight did not create the existing planning status or use of the site which has a history of alternative development proposals which the previous community council officers supported.

Alternative lawful uses for the site, which would be damaging to the amenity of the area are available to third parties, should my client be forced to sell the site.

In considering the above, we would ask that the Local Review Body members reverse the Planning Officer's decision and grant planning permission for the proposed development.

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AB Wight Engineering Ltd
per Murray Land & Buildings
Hillside
Dean Place
Newstead
Melrose

Please ask for: Julie Hayward
01835 825585
Our Ref: 21/00244/FUL
Your Ref:
E-Mail: jhayward2@scotborders.gov.uk
Date: 6th May 2021

Dear Sir/Madam

PLANNING APPLICATION AT Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

PROPOSED DEVELOPMENT: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

APPLICANT: AB Wight Engineering Ltd

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 : 21/00244/FUL

**To : AB Wight Engineering Ltd per Murray Land & Buildings Hillside Dean Place Newstead Melrose
Scottish Borders TD6 9RL**

With reference to your application validated on **18th February 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

at : Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

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

**Dated 5th May 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00244/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
NO.01B	Location Plan	Refused
	Proposed Block Plan	Refused
	Proposed Plans	Refused

REASON FOR REFUSAL

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary.
- 2 The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area.
- 3 The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (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).

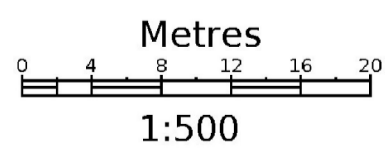
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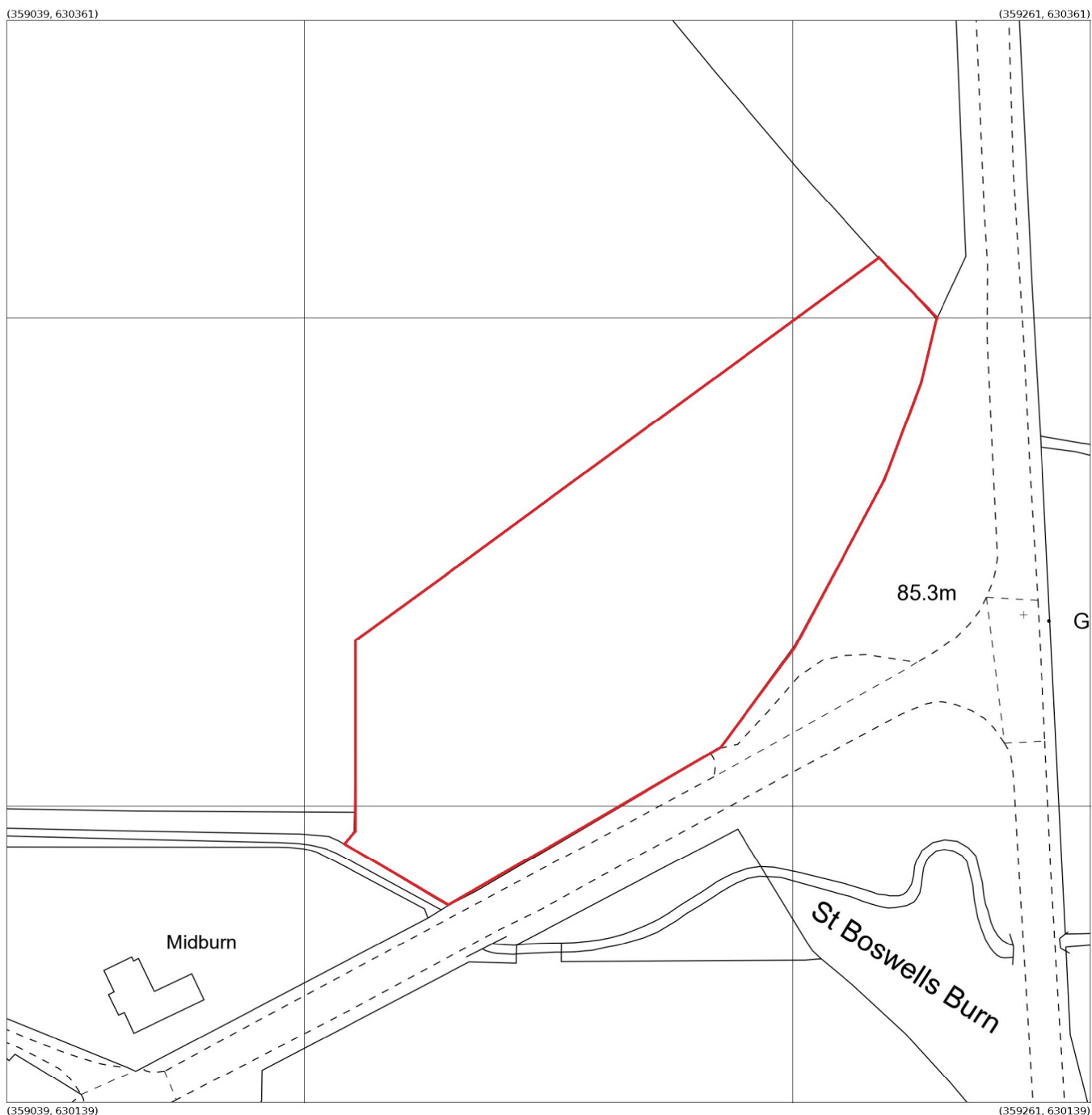
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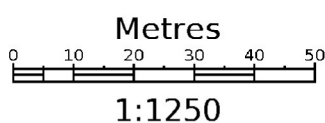
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Render Views of Proposed Building at Slater's Yard Charlesfield



View from A68 looking south west



View from north west of site looking south east



View from site entrance looking north east



View from east boundary looking west

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

20 SEPTEMBER 2004

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 04/01443/OUT

OFFICER: Karen Hope
LOCAL MEMBER: Councillor Riddell-Carre
PROPOSAL: Erection of two dwellinghouses
SITE: Slaters Yard off Charlesfield Road, St Boswells, Melrose
APPLICANT: Wm Marjoribanks Ltd
AGENT: Huggins-Haig, Holland Ltd

SITE AND APPLICATION DESCRIPTION:

This is an outline planning application for the erection of two dwellinghouses on land currently used as a slaters yard off Charlesfield Road near St. Boswells. The proposed site, which measures approximately 60m x 22m, is located approximately 56m to the west of the A68. It is bounded by agricultural land to the north, the A68 to the east, a residential property to the west and by Charlesfield Road to the south.

The land is currently used as a slaters yard. An existing vehicular access would be improved and utilised from the south.

PLANNING HISTORY:

An outline planning application for the erection of a dwellinghouse on this site was refused in March 1990.

DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

Policies H5 and H6 apply which state:

POLICY H5 - New Housing in the Countryside - Building Groups

Proposals for new housing in the countryside outwith defined settlements¹ but associated with existing building groups will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (i) are readily accessible to the strategic public transport network,
- (ii) employ energy efficient and/or innovative design principles,

¹ Defined settlements are those identified in Local Plans and Village Plans

- (iii) incorporate employment-generating uses appropriate to a countryside setting.

POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements¹ and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Ettrick and Lauderdale Local Plan 1995

Policies 7 and 8 apply which state:

Policy 7

Outwith the settlements identified in policies 2, 3 and 6, new housing development will be encouraged within or adjacent to the preferred building groups listed below. In addition, limited development may also be permitted within or adjacent to other building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Preferred Building Groups

Bemersyde, Clintmains, Dryburgh, Ettrick, Legerwood, Yarrow Feus.

Policy 8

Within the areas specified on the Proposals Map, there will be a presumption in favour of sensitively designed and well sited isolated housing in the countryside. Elsewhere, there will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

¹ Defined settlements are those identified in Local Plans and Village Plans

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63;
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

OTHER PLANNING CONSIDERATIONS:

New Housing in Borders Countryside Policy and Guidance Note 1993 as amended.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Roads): The existing access location shown on the submitted plan does not exist. However, there is an access approximately 60m further east, which may be the one they mean. Notwithstanding the access location, I am far from comfortable supporting a residential access directly onto what is essentially an Industrial Estate Road though it does serve many other properties and farms. To obtain my visibility requirements a substantial length of hedgerow will have to be removed. One other concern is the possibility of the A68 being realigned to bypass St Boswells sometime in the future and this would be in its immediate path.

I consider this site to be very marginal but, on balance, I feel I do not have strong enough reasons to object to this application.

Planning & Economic Development (Regional Archaeologist): These proposals have archaeological implications. There is documentary evidence to suggest that the Roman road, Dere Street may cross this development site. Dere Street was the main strategic road used by the Roman army after the conquest of lowland Scotland in the late 1st century AD. It linked the legionary fortresses at York and Inchtuthill, near Perth and the Roman port at Cramond. The course of the road is well known from the English border to Harestanes on the north bank of the Tweed and beyond to the boundaries of St Boswells parish. Thereafter road building and other modern activities have obscured its course.

The proposed dwellinghouses lie on the putative course of Dere Street. Although no surface trace of Dere Street can be seen in this area, buried remains connected with the Roman road may survive. Therefore, I would be grateful if the following condition were added to any permission that may be granted:

The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Planning Authority, and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the Heritage Officer should contact on site and the name of

the archaeological organisation retained by the developer shall be given in writing to the Planning Authority not less than 14 days before development commences.
Reason: To safeguard a site of archaeological interest.

Other Consultees

St Boswells Parish Community Council: No objections, though one member is afraid this may be the start of ribbon development along Charlesfield Road.

Scottish Water: Response awaited.

OTHER RESPONSES:

None.

PLANNING ISSUES:

The main planning issues with this application are whether the proposal complies with the terms of the Council's Housing in the Borders Countryside policy or whether or not there are any economic or other material considerations to be taken into account.

ASSESSMENT OF APPLICATION:

This application must be assessed against Policies H5 and H6 of the Approved Structure Plan 2001 – 2011 and Policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995. The Council's Housing in the Countryside policy requires the existence of a building group which normally consists of residential buildings comprising at least three dwelling units, including existing buildings capable of conversion to residential use.

There is one existing property to the south west of the application site, known as 'Midburn'. The eastern boundary of 'Midburn' is well defined by a row of relatively mature trees. There are no other properties within close proximity of the site. The proposed site does not therefore form part of an existing building group. Consequently, the site does not comply with policies H5, 7, or the Housing in the Countryside policy and guidance note.

Policies H6 and 8 require the applicant to provide information in support of the application which shows that two dwellinghouses are essential in this location for economic, social or environmental reasons. No such information has been submitted with this application.

At the time of writing this report, a consultation response is still awaited from Scottish Water. This will be reported verbally at Committee. However, the principle of erecting two dwellinghouses on this site is considered to be contrary to policies H5 and H6 of the Approved Structure Plan, policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995 and the Housing in the Borders Countryside Policy and Guidance Note. It is not therefore considered that the application can be supported.

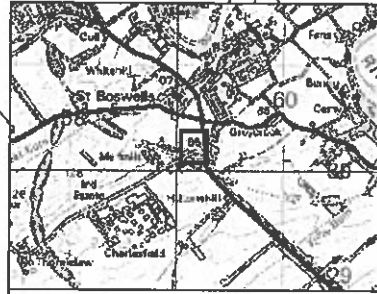
RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

I recommend that this application be refused for the following reason:

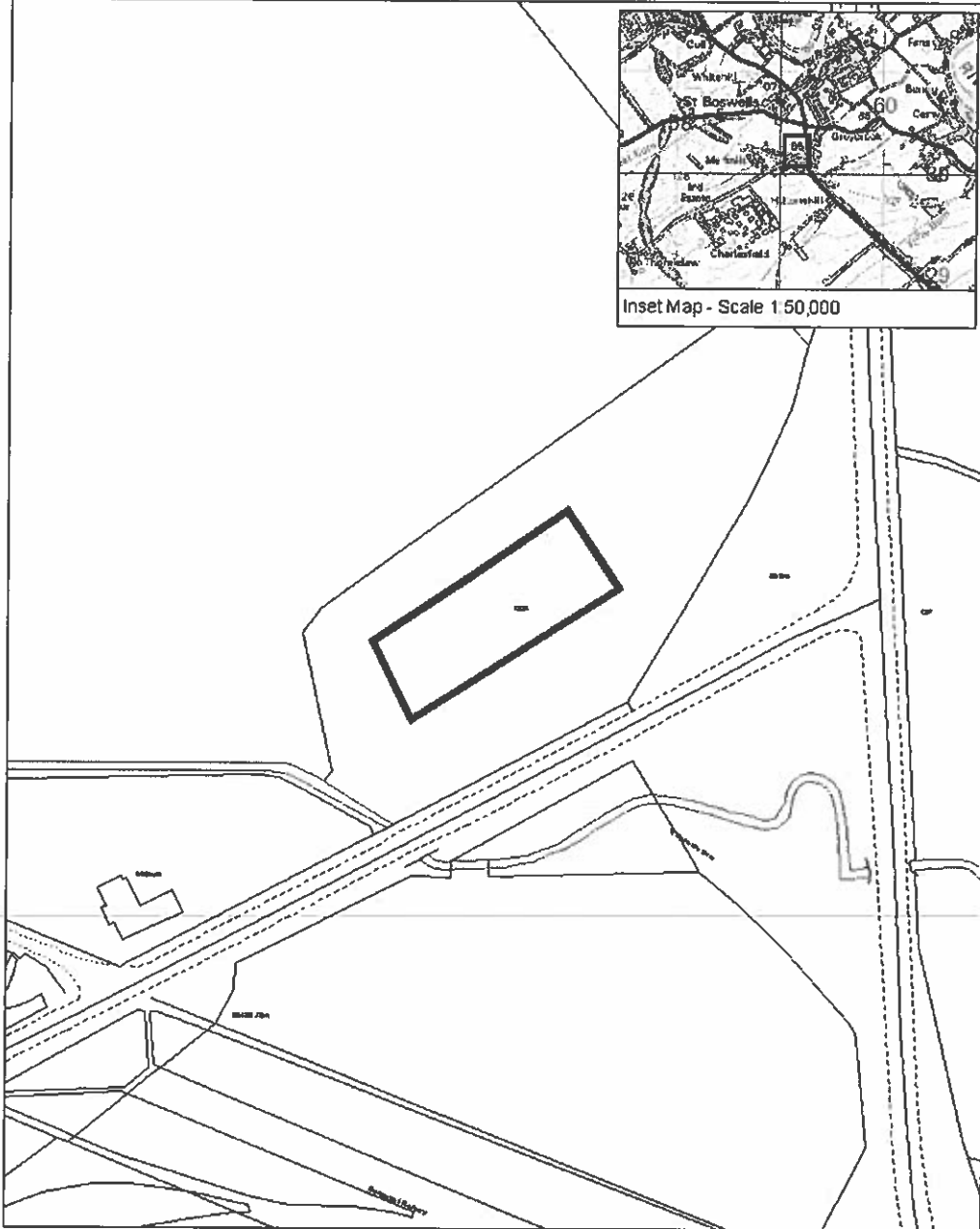
The proposal is contrary to policies H5 and H6 of the Approved Structure Plan, policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995, and the Housing in the Borders Countryside Policy and Guidance Note in that the site lies outwith any settlement or building group and the need for two dwellinghouses has not been adequately substantiated.

*Original copy of report signed by
BRIAN FRATER (Head of Development
Control)*

04/01443/OUT
Slaters Yard Off Charlesfield Road
St Boswells
TD6 OHG



Inset Map - Scale 1:50,000



Scale 1:1,250



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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 : 20/00115/FUL
APPLICANT : A B Wight Ltd
AGENT : Murray Land & Buildings
DEVELOPMENT : Erection of boundary fencing and gates (retrospective)
LOCATION: Slaters Yard Off Charlesfield Road
St Boswells
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Proposed Site Plan	Approved
Gates	Photos	Approved
New Site Fence	Photos	Approved
New Timber Fence	Photos	Approved

NUMBER OF REPRESENTATIONS: 4

SUMMARY OF REPRESENTATIONS:

Four representations have been received, including one from the Community Council, raising the following planning issues:

- o A change of use has taken place from field to storage yard for an agricultural machinery dealership. The site is outwith the Development Boundaries for St Boswells and Charlesfield and the site is designated as rural in the Local Development Plan Settlement Profile for St Boswells and Charlesfield and the Countryside Around Towns plan. It is rural, not a brownfield site. There is substantial provision for business and industrial use at Charlesfield and this is piecemeal development in the countryside causing coalescence between the two settlement boundaries.
- o This is a retrospective application and so it is not possible to view the site prior to commencement.
- o The applicant has laid substantial hardcore and erected this heavy duty fence to use the site as a storage yard which demonstrates that it was never used as a storage yard previously. The site was a field laid to grass and has never been used for storage for vehicles, machinery or materials, as demonstrated by the satellite image. Any use for storage must have been decades ago.

- o The existing post and wire fence, trees and mature hedgerow were removed and replaced with this visually intrusive, heavy duty industrial security fencing that is prominent from the A68. Structure planting is required by the Local Development Plan in this area to provide a setting for development and screening from the A68 and to protect residential amenity. Existing planting should be retained. The removal of the hedge has destroyed the wildlife amenity and changed the appearance of the site.
- o There has been no attempt to screen the site or machinery stored on it or reduce the visual impact.
- o The site is being used as a forecourt to advertise tractors with maximum visibility adjacent to the A68 and provides an unattractive entrance to St Boswells and distracts motorists. Such a use should be located within Charlesfield and further security measures, such as floodlighting, may be required in the future.
- o The use is contrary to policy EP3: Local Biodiversity.
- o The site was originally used as a small plumbers/slaters yard (for the last 60 years) and was well screened by mature hedges and trees, creating a natural screen from the A68.
- o Planning Permission was refused to development the site previously.
- o The works that have been carried out significantly change the southern approach to St Boswells, the Green and Conservation Area and the site has become industrial. This is contrary to policies on Countryside Around Towns, trees, woodlands and hedgerows and Special Landscape Areas, which seek to protect the setting, character and amenity of settlements, links to the countryside, maintain habitats and to protect and enhance biodiversity.
- o If Planning Permission is granted for the fencing, new planting must be introduced and no lighting permitted to retain its rural character.

CONSULTATIONS:

Roads Planning Service: No objections.

Economic Development: The previous slaters yard was underutilised but well screened. It is known that this site was occupied by Wm Marjoribanks of St. Boswells for many years. The clearance and tidying of the site with hardcore is accepted as a modern requirement of a storage yard. It is difficult to accept that the applicants would not have sought advice on whether planning permission was required before embarking on substantial works which may now not be acceptable.

This site has now become very visible with the previous substantial hedge having been removed and this can be a distraction with the amount of traffic using the A68. If we had been given an opportunity to comment, prior to the works having been undertaken, we would have requested a screened security fence to be erected, or the hedge shaped and laid to continue the screening with the new fence erected internally.

It is understood that if this was planned as a commercial development the owners would have wished to display their products but, since it has been submitted as a storage yard, there is no need for an open style fence and it should be screened. Unless there is a strong desire by the planners to require replacement of this fence with a screened fence, which we would support, the next best option is to require screen planting either in front or behind this unauthorised fence.

We are confused as to why there is a screen fence erected on the south west boundary when the existing hedge screens off this area already and yet the applicant failed to do this on the exposed faces. Some clarity is needed on the decision to separate this area from the rest of the site, as this appears to have been made for a future option.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The proposed site is at risk of flooding from the St Boswells Burn however this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I have no objection to the application on the grounds of flood risk.

Landscape Architect: This development is clearly contrary to various Council policies in the LDP including PMD4, EP6, EP12 and EP13. I have been unable to visit the site, but from the information available it appears that a fully mature tree and hedgerow feature has been removed and replaced with a visually intrusive fence and hard surfaced forecourt giving an industrial appearance. This has most likely had considerable impact on the setting and scenic quality of the approaches to the village of St. Boswells, including the Conservation Area, village green and cricket grounds, which are on the edge of the A68 a short distance from the site.

With the installation of metal fencing and a forecourt for the display of agricultural vehicles the sensitive nature of the character and amenity of this area must be compromised by this development. Policy EP6: Countryside Around Towns aims to prevent piecemeal development and requires proposals to consider enhancement and improvement of the environment i.e. with regards to the existing landscape, trees, woodland etc. Looking at the plans of the development and the proposed planting it is evident that this will barely suffice to replace what existed previously with no consideration of enhancement of the environment. I note that although the fence is 2.2m high the ground appears to have a made up base of a further 300mm or so, taking the total height to be screened to be 2.5m. With good management to ensure a robust and dense hedgerow, the planting proposals will take some time to establish and even after several years are unlikely to fully screen the fencing and forecourt behind.

With some adjustments however, they could serve to reduce the impact. A more satisfactory solution would be a 10m wide band of mixed woodland planting at 2m centres along the prominent frontage facing the junction. This might need to be narrower to the north and south to accommodate sightlines. The strip of woodland planting should also be taken along the rear north western boundary of the site to assist in assimilating the site into the wider countryside and reduce its impact on views from further afield to the north and west. A hedge should be planted along the outer edge of the woodland, particularly on the 'frontage' section. It is unclear from the information provided what the condition of the hedgerow is on the Charlesfield Road side or the boundary treatment to the south west of the site.

If however, the current proposal is to be accepted, I advise that 15% holly should be added to the mix for its evergreen screening value and that the lime trees proposed (*Tilia cordata*) should be planted at 6m centres along the frontage. These should be a minimum of 10-12cm girth, rootballed and planted in tree pits at least 3m and preferably 5m from the fence line to ensure they are not compromised by the fence. Hedge and woodland planting should be carried out using cell grown plants of local provenance. I recommend that trees are planted on or within the rear boundary too, in addition to the hedgerow and again at 6m centres along the length. These can be a mix of species if preferred. Use of cell grown material and rootballed trees have greater success rates than bare root material.

The planting plan should show more clearly exactly where the hedge and tree planting is proposed in relation to any existing boundary treatments, trees and hedges on adjacent sites and should take account of services in the verge. Exact numbers and sizes of all trees and hedge plants should be added to the schedule.

Re-consultation: No response.

Transport Scotland: Does not propose to advise against granting permission.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Outwith Development Boundaries

ED2: Employment Uses Outwith Business and Industrial Land

ED7: Business, Tourism and Leisure Development in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

EP6: Countryside Around Towns

EP12: Green Networks

EP13: Trees, Woodland and Hedgerows

IS8: Flooding

Supplementary Planning Guidance

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Trees and Development 2008

Biodiversity 2005

Countryside Around Towns 2011

Recommendation by - Julie Hayward (Lead Planning Officer) on 14th August 2020

Site and Proposal

The site is situated to the south west of St Boswells on the corner of the A68 and the public road that serves Charlesfield industrial estate. The site was formally a slater's yard. When the site was visited in April 2019 it was slightly overgrown, with skips and piles of rubbish visible and surrounded by mature hedges and trees. There was a high metal mesh gate at the entrance from the Charlesfield road and a short section of high timber fencing.

This application seeks retrospective Planning Permission for a 2.2m high galvanised square mesh fence with barb wire on top along the south eastern boundary to the A68, galvanised square mesh and barb wire gates at the site entrance and for a 1.8m vertical timber fence with barb wire along the south eastern boundary to the Charlesfield road. The original application also sought Planning Permission for a new 2.2m fence along the north western field boundary to match that on the south eastern boundary but this has now been omitted from the application.

The trees and hedgerows have been removed and the site part-surfaced. Tractors are now parked on the site.

Planning History

90/01641/OUT: Erection of dwellinghouse. Refused 27th march 1990.

04/01443/OUT: Erection of two dwellinghouses. Refused 20thSeptember 2004.

06/02331/OUT: Erection of child care residence. Withdrawn 9th February 2016.

06/02332/OUT: Erection of office and storage shed. Withdrawn 21st February 2014.

10/00242/PPP: Erection of child care residence. Withdrawn 18th March 2015.

10/00243/PPP: Erection of office and storage shed. Withdrawn 21st February 2-14.

Assessment

Planning Policy

The site appears to have been a slater's yard and there is evidence of this but this use seems to have been infrequent and not intensive over the past few years. Until recently the site was enclosed by trees and mature hedgerows but these have been removed and the high metal and timber fencing and gates erected. The site is now used to park new tractors.

This application seeks Planning Permission for the unauthorised fencing. The use of the site is has been investigated by the Council's Enforcement Officer so this will not be covered in this report.

The site is outwith the Development Boundary for St Boswells and Charlesfield. Policy PMD4 states that where Development Boundaries are defined on proposal maps they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposal for new development outwith this boundary will normally be refused. There are exceptions to this:

- a) The development is a job generating development in the countryside that has an economic justification;
- b) It is an affordable housing development;
- c) There is an identified housing land shortfall;
- d) The development offers significant community benefits that outweigh the need to protect the Development Boundary.

The exceptions contained within policy PMD4 do not apply to this development. However, the site has an authorised use as a storage yard and so the use is not part of this application and all that is being considered is the fencing and gates.

Policy EP6 states that where an area is defined as Countryside Around Towns, proposals will be considered for approval if they meet the following considerations:

- a) There is an essential requirement for a rural location and the use is appropriate to a countryside setting;
- b) It involves the rehabilitation, conversion or extension or a change of use of a traditional building of character;
- c) New housing is located within or adjacent to a building group;
- d) It enhances the landscape, trees, natural or man-made heritage, access or recreational facilities;
- e) It has a national or strategic need.

This area is covered by the Countryside Around Towns designation within the Local Development Plan. The development does not satisfy the above requirements.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. One requirement is appropriate boundary treatments to ensure attractive edges to a development that will help integration with its surroundings.

The site is outwith the Special Landscape Area and Conservation Area. However, it is in a prominent position adjacent to the A68 to the south of St Boswells. This area is predominantly rural in character, being surrounded by fields. The fencing that has been erected is the type that would be more appropriate for an industrial estate, such as Charlesfield, and is out of keeping with the rural character of the area. The fencing is highly prominent and is considered to be harmful to the visual amenities of the area.

Trees, Hedgerows and Biodiversity

Policy EP13 seeks to protect trees and hedgerows from development. Policy EP3 seeks to safeguard and enhance local biodiversity

The site was enclosed and screened by trees and mature hedges and these have all been removed, resulting in an exposed and visually harmful development. The site has been used for storage for many years without the need for security fencing of this nature and with the trees and hedges provided security and screening. Removal of the hedgerow and trees has also resulted in a loss of habitat for wildlife and a valuable wildlife corridor.

The hedges and trees were not protected and their removal did not require consent from the Council. However, by removing the boundary planting, the fencing is exposed and visually harmful.

It can be argued that the development is contrary to policies PMD4 and EP6 and the visual harm is significant enough to warrant refusal. However, with the refusal of the application and any subsequent enforcement action to secure the removal of the fencing there would be no procedure open to the Planning Authority to secure replacement planting. The re-instatement of the hedgerow and trees is highly desirable because of the wildlife habitat it provides and the contribution it makes to enhancing the visual amenities of the area and entrance to the village.

As a result, it is felt that the application can only be supported if the boundary planting is reinstated. The agent was requested to submit a planting scheme for the north east and south eastern boundaries adjacent to the A68 and once submitted the Landscape Architect was consulted. She felt that the planting was not sufficiently robust and dense and would take some time to establish and even after several years are unlikely to fully screen the fencing and forecourt; a more satisfactory solution would be a 10m wide band of mixed woodland planting

The applicant does not own enough land adjacent to the site to create a 10m woodland belt but a revised plan was submitted. This shows lime trees along the south eastern boundary at 6m centres and a mixed hedgerow (beech, holly, hawthorn and lime between 1750 and 2000cm). The less prominent south western boundary would be planted with a leylandii hedge. The existing fence on the field boundary would be retained.

The plants would be of a size to provide a degree of immediate screening and the holly would provide evergreen cover, though it is accepted that it will take several years to fully mature. A condition will ensure that the planting will be completed by March 2021 (the end of the next planting season) and maintained thereafter. The condition will also require the applicant to notify the Planning Authority when the planting has been completed so that it can be inspected. Therefore, on balance, the application can be supported.

Residential Amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance on Householder Developments contains advice on daylight and privacy.

There are no residential properties adjacent to the site and so no impact on residential amenities.

Road Safety

Transport Scotland and the Council's Roads Planning Service have confirmed no objections in terms of parking, access and road safety.

Flooding

Policy IS8 encourages all development to be located in areas free from significant flood risk. Development will not be permitted if it is at significant risk of flooding or would increase the risk of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected and development located away from them.

The site is at risk from a flood event with a return period of 1 in 200 years; that is the 0.5% annual risk of a flood occurring in any one year. The proposed site is at risk of flooding from the St Boswells Burn. The Flood Protection Officer has advised that this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and has no objection to the application on the grounds of flood risk.

REASON FOR DECISION :

The development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

Recommendation: Approved subject to conditions

- 1 All planting comprised in the approved details of landscaping (Landscape Plan and Tree and Hedge Planting Schedule submitted on 4th June 2020) shall be completed by 31st March 2021 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting. Confirmation in writing that the planting has been completed in accordance with the approved plan and schedule to be submitted to the Planning Authority once the approved landscaping works have been completed.
Reason: To ensure that the proposed landscaping is carried out as approved to enhance the visual amenities of the area and to allow the Planning Authority to inspect the works, in order to ensure that the planting has been carried out as approved.

- 2 This consent specifically excludes any flood lighting or security lighting on the fencing or gates.
Reason: To safeguard the visual amenities of the area and residential amenities and to prevent light pollution.

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

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Outline Planning Permission

Reference :04/01443/OUT

To : Wm Marjoribanks Ltd per Huggins-Haig, Holland Ltd Hardens Hall Duns TD11 3NS

With reference to your application received on **26th July 2004** for outline planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of two dwellinghouses

at : Slaters Yard Off Charlesfield Road St Boswells Melrose Scottish Borders TD6 0HG

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

**Dated 20th September 2004
Economic Development and Environmental Planning
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Head of Development Control

Assistant



Application reference : 04/01443/OUT

REASONS FOR REFUSAL

- 1 The proposal is contrary to policies H5 and H6 of the Approved Structure Plan, policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995, and the Housing in the Borders Countryside Policy and Guidance Note in that the site lies outwith any settlement or building group and the need for two dwellinghouses has not been adequately substantiated.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

A B Wight Ltd
per Murray Land & Buildings
Hillside
Dean Place
Newstead
Scottish Borders
TD6 9RL

Please ask for: Julie Hayward
01835 825585
Our Ref: 20/00115/FUL
Your Ref:
E-Mail: jhayward2@scotborders.gov.uk
Date: 18th August 2020

Dear Sir/Madam

PLANNING APPLICATION AT Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

PROPOSED DEVELOPMENT: Erection of boundary fencing and gates (retrospective)

APPLICANT: A B Wight Ltd

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 20/00115/FUL

To : A B Wight Ltd per Murray Land & Buildings Hillside Dean Place Newstead Scottish Borders TD6 9RL

With reference to your application validated on **3rd February 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of boundary fencing and gates (retrospective)

at : Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

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

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

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

**Dated 14th August 2020
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/00115/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Proposed Site Plan	Approved
Gates	Photos	Approved
New Site Fence	Photos	Approved
New Timber Fence	Photos	Approved

REASON FOR DECISION

The development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

SCHEDULE OF CONDITIONS

- All planting comprised in the approved details of landscaping (Landscape Plan and Tree and Hedge Planting Schedule submitted on 4th June 2020) shall be completed by 31st March 2021 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting. Confirmation in writing that the planting has been completed in accordance with the approved plan and schedule to be submitted to the Planning Authority once the approved landscaping works have been completed.

Reason: To ensure that the proposed landscaping is carried out as approved to enhance the visual amenities of the area and to allow the Planning Authority to inspect the works, in order to ensure that the planting has been carried out as approved.
- This consent specifically excludes any flood lighting or security lighting on the fencing or gates.

Reason: To safeguard the visual amenities of the area and residential amenities and to prevent light pollution.

FOR THE INFORMATION OF THE APPLICANT

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

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:
 Monday-Friday 0700-1900
 Saturday 0800-1300
 Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

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

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

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council's website for this purpose.

Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 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 (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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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 100362706-001

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

Type of Application

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

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

Description of Proposal

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

Erection of a new agricultural machinery dealership premises incorporating workshop, show space, office & 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:	Murray Land & Buildings		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jamie	Building Name:	Hillside
Last Name: *	Murray	Building Number:	
Telephone Number: *	07977 132695	Address 1 (Street): *	Dean Place
Extension Number:		Address 2:	Newstead
Mobile Number:		Town/City: *	Melrose
Fax Number:		Country: *	Scotland
		Postcode: *	TD6 9RL
Email Address: *	jamie@murraylandandbuildings.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	17
Last Name: *		Address 1 (Street): *	Charlesfield Industrial Estate
Company/Organisation	AB Wight Engineering Ltd	Address 2:	St Boswells
Telephone Number: *		Town/City: *	Melrose
Extension Number:		Country: *	Roxburghshire
Mobile Number:		Postcode: *	TD6 0HH
Fax Number:			
Email Address: *	jamie@murraylandandbuildings.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

630242

Easting

359146

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)

Site outwith development boundary.

Title:

Mrs

Other title:

First Name:

Julie

Last Name:

Hayward

Correspondence Reference Number:

19/00162/PREAPP

Date (dd/mm/yyyy):

17/04/2019

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:

0.63

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)

Storage - Class 6

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?

20

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)? *

20

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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

What private arrangements are you proposing? *

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

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

Treatment plant discharging to field drain/partial soakaway.

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

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)

Storage Area

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office/Light Industry)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

960

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

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: Jamie Murray

On behalf of: AB Wight Engineering Ltd

Date: 17/02/2021

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

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

Planning Statement

Declare – For Application to Planning Authority

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

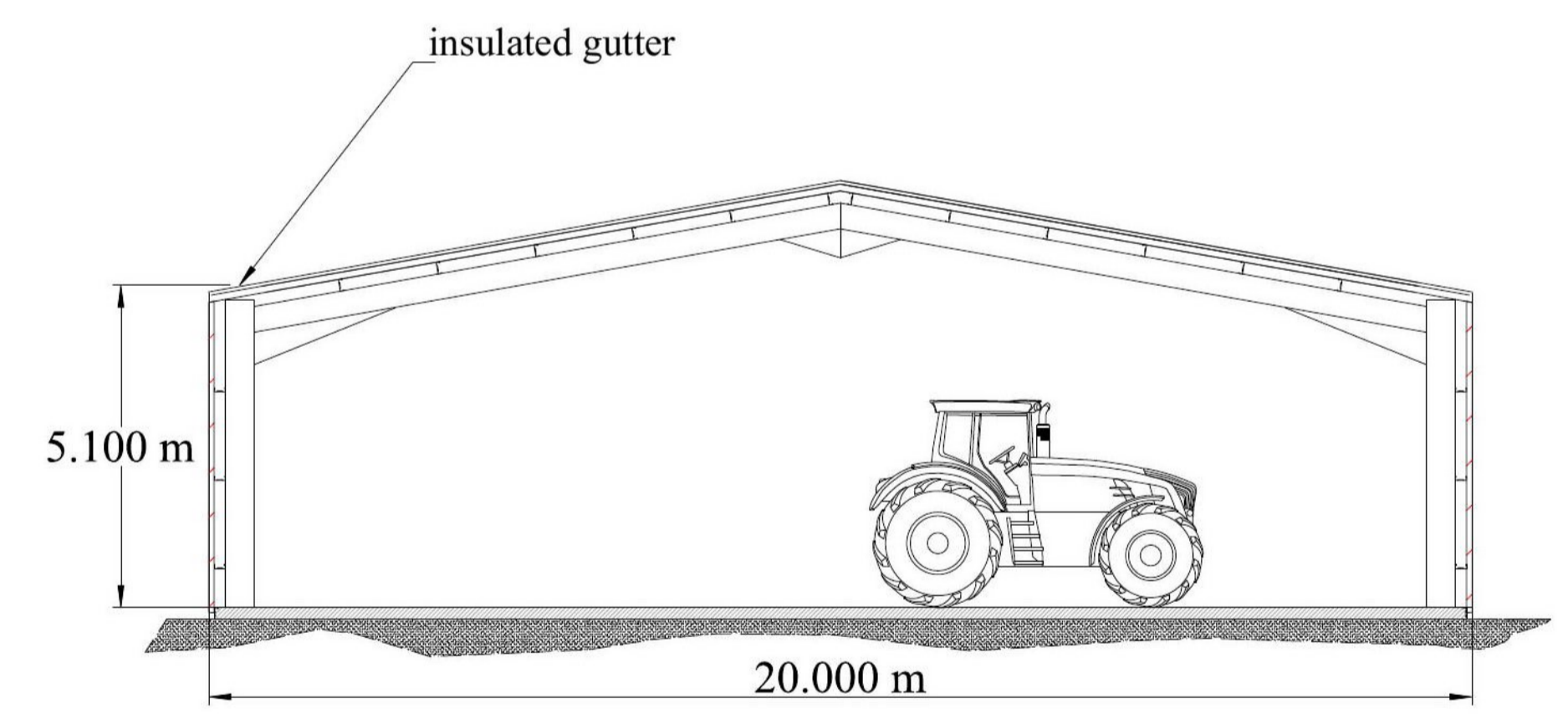
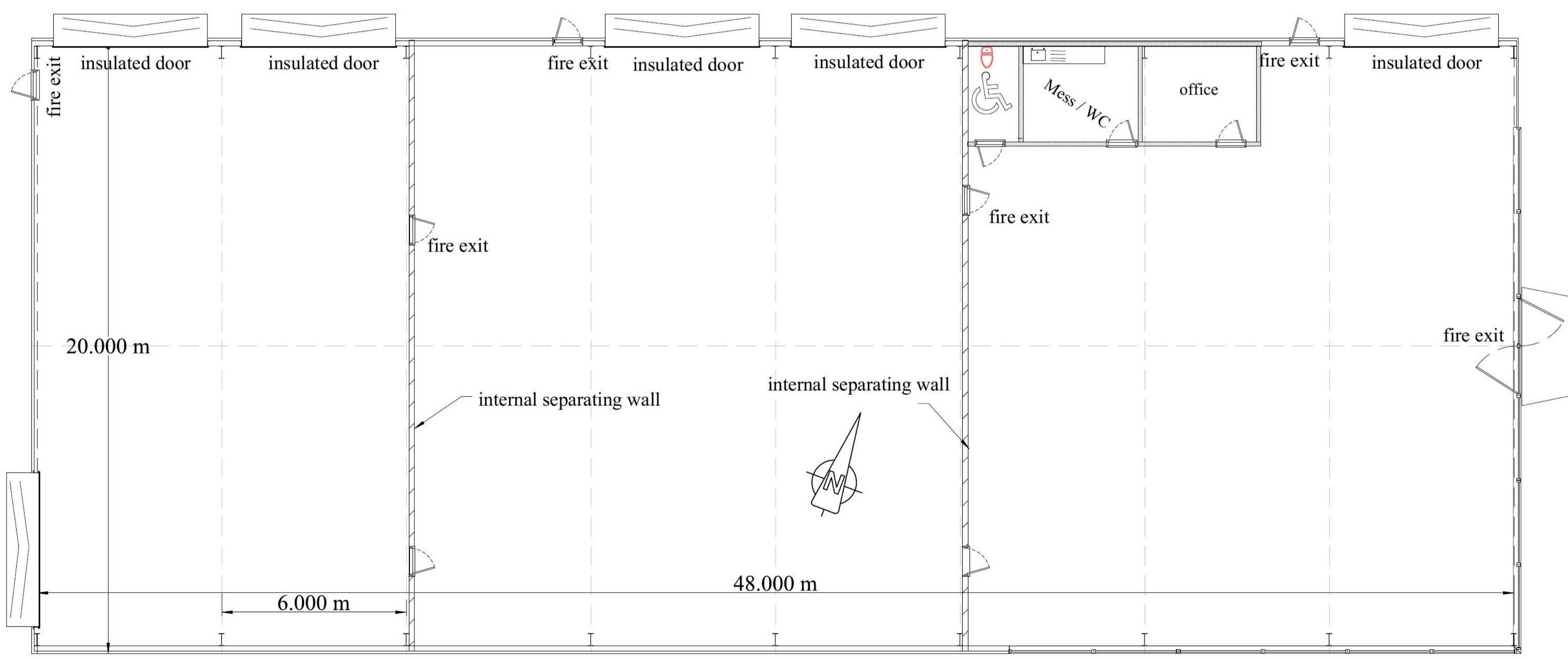
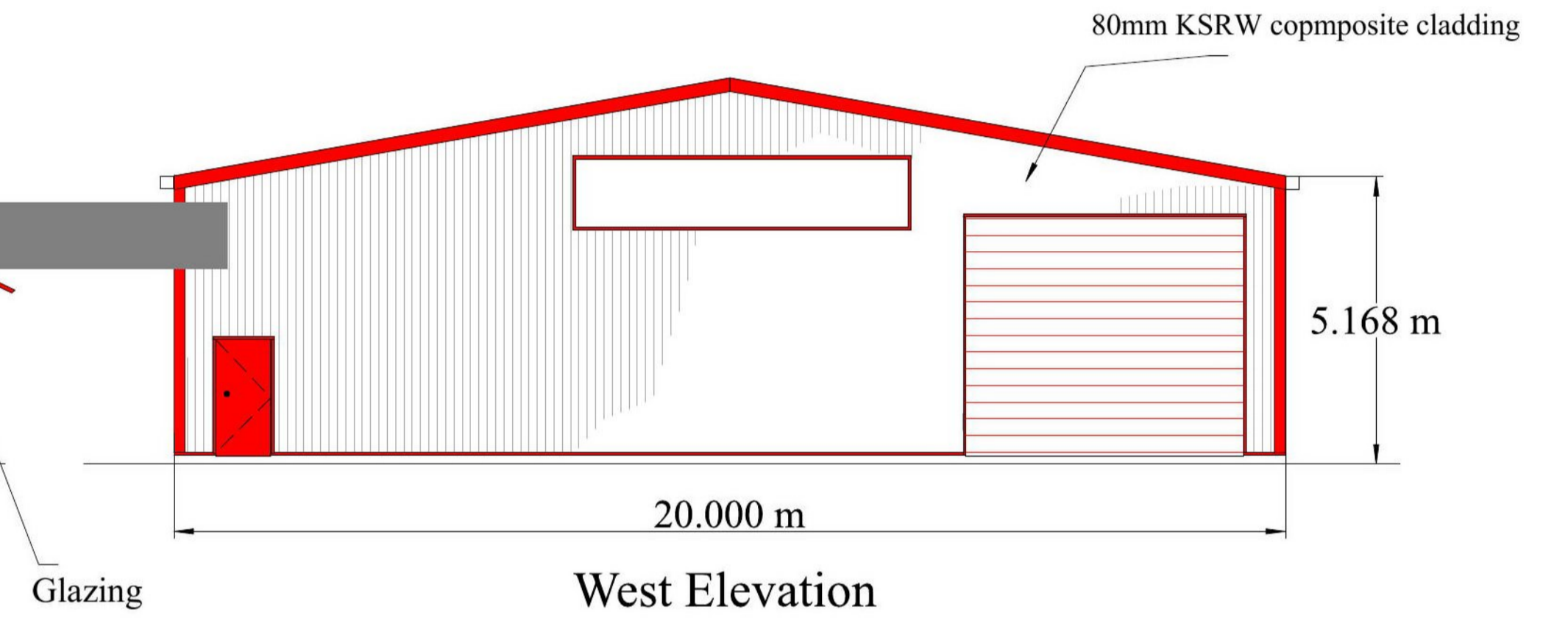
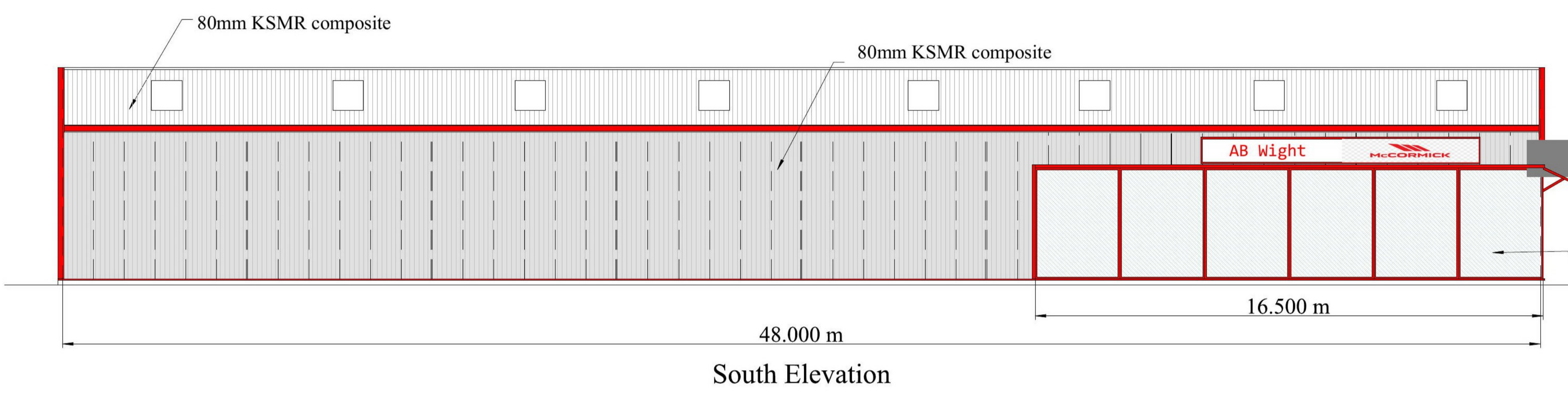
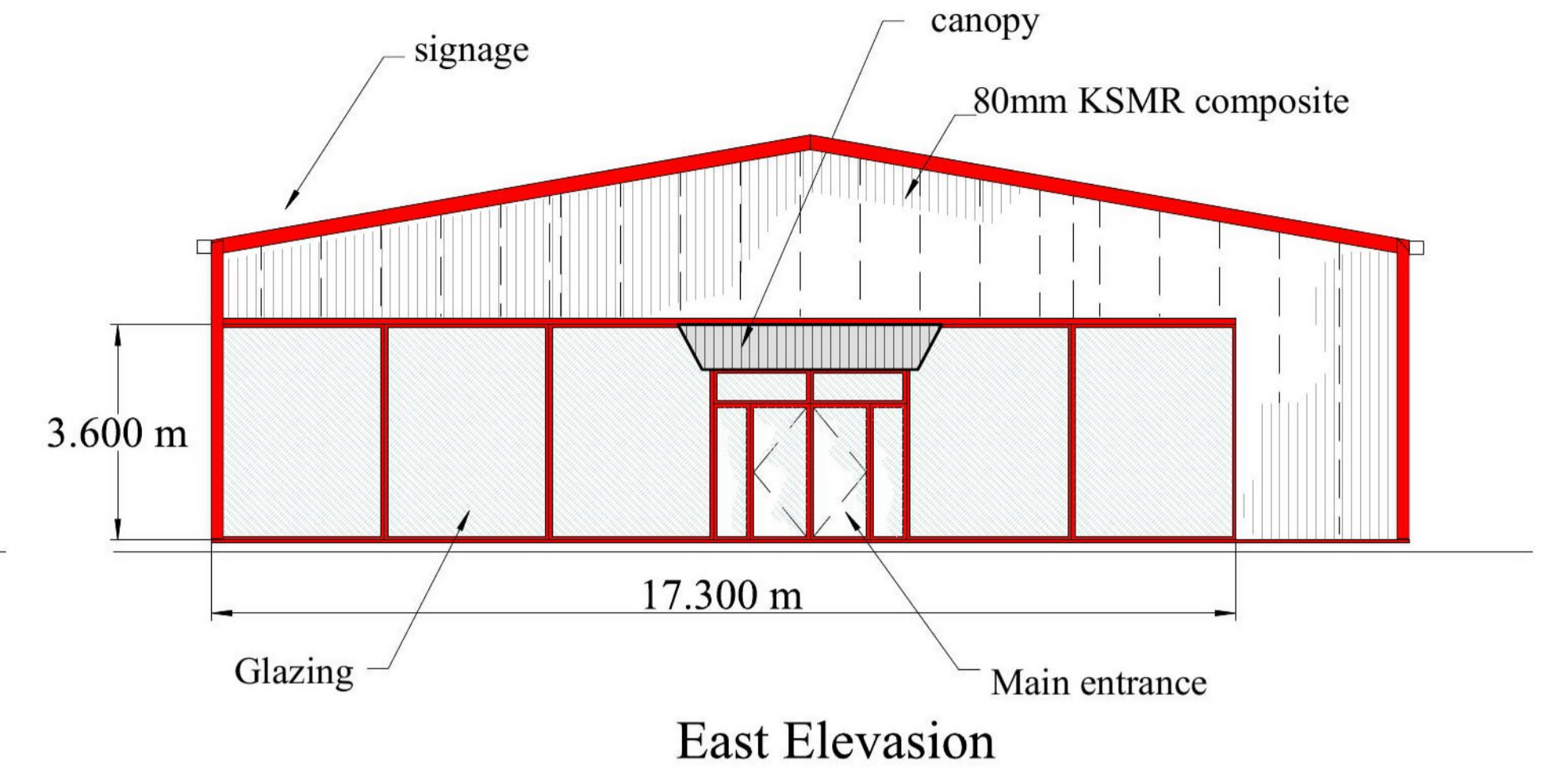
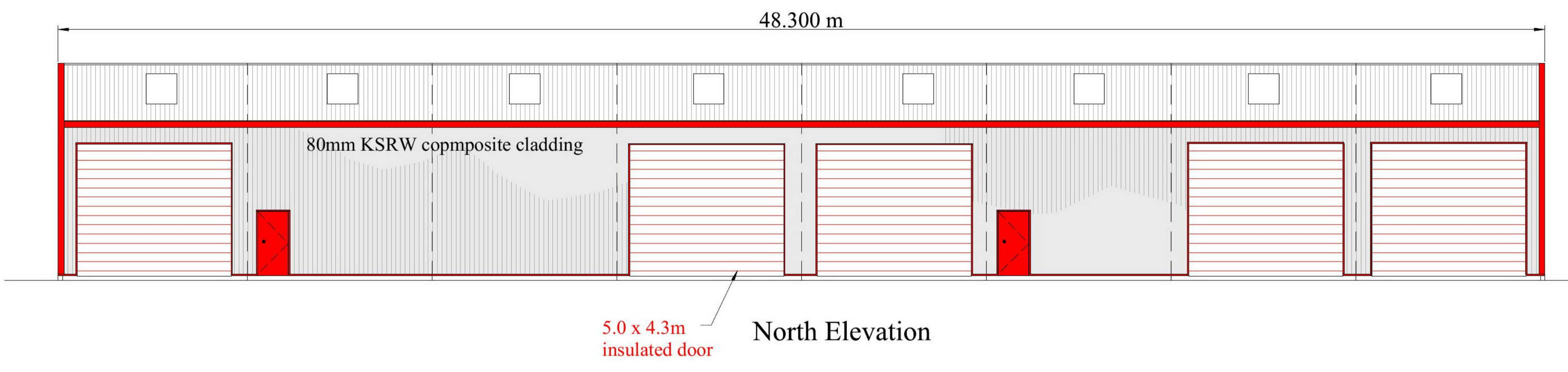
Declaration Name: Mr Jamie Murray

Declaration Date: 17/02/2021

Payment Details

Online payment: XM0100004541
Payment date: 17/02/2021 15:18:00

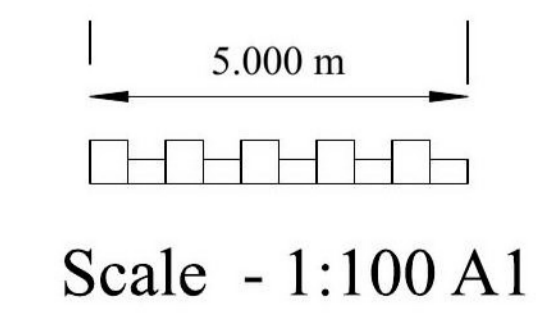
Created: 17/02/2021 15:18



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

REFUSED

subject to the
requirements of the
associated Decision
Notice



Proposed building

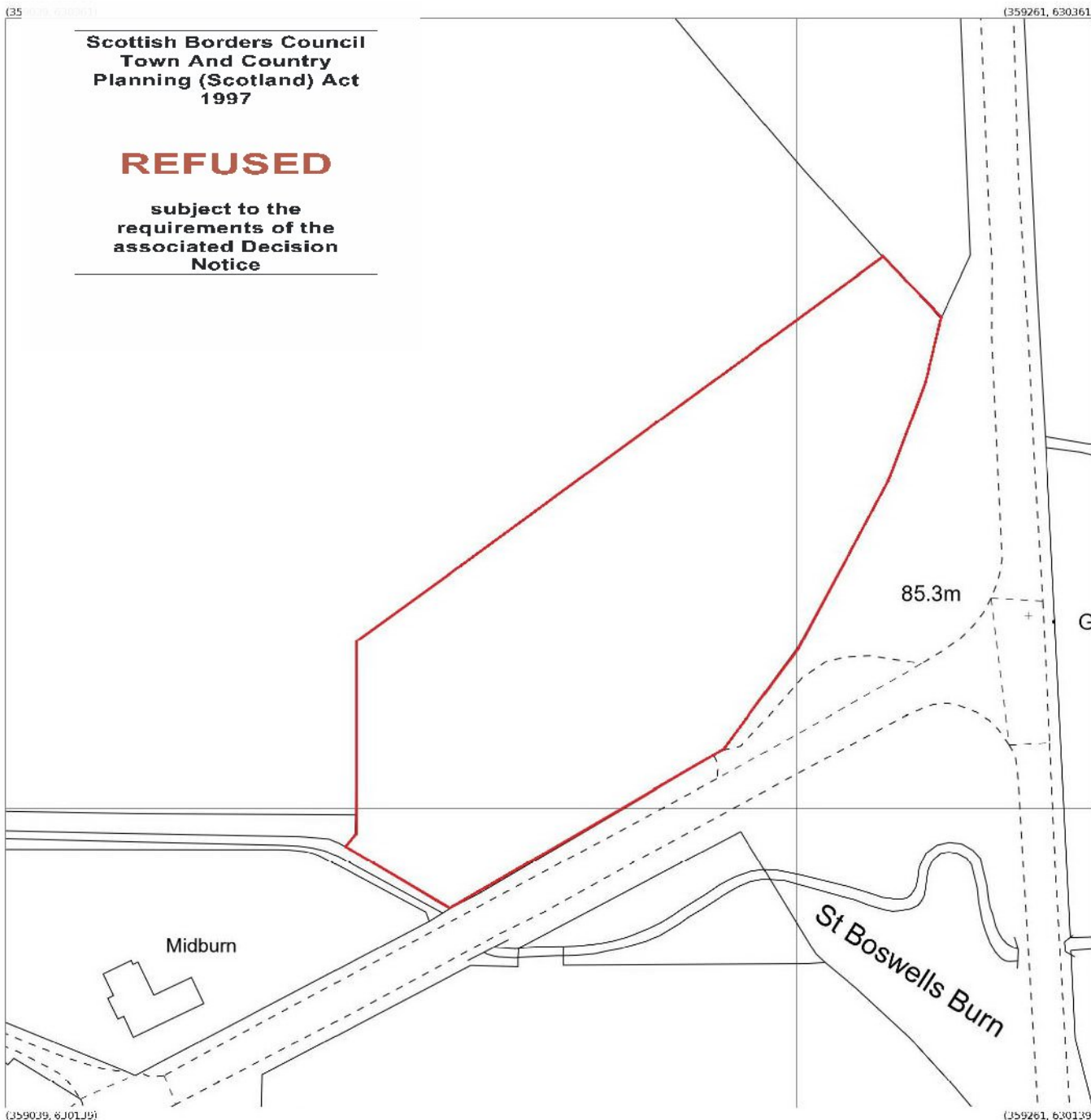
A Wight
Charlesfield
St Boswells
Roxburghshire

Drawing No.01B Drawn by - BMS.

Date - 4.3.20
Amended 16.11.20

Scale - 1:100

John Thorburn & Sons LTD.
Station Works
Duns
Berwickshire
TD11 3EJ
Tel. 01361 883245
Fax. 01361 883637



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

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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 : 21/00244/FUL

APPLICANT : AB Wight Engineering Ltd

AGENT : Murray Land & Buildings

DEVELOPMENT : Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

LOCATION: Slaters Yard Off Charlesfield Road
St Boswells
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
NO.01B	Location Plan	Refused
	Proposed Block Plan	Refused
	Proposed Plans	Refused

NUMBER OF REPRESENTATIONS: 5
SUMMARY OF REPRESENTATIONS:

Five objections have been received raising the following planning issues:

- o The Borders countryside and rural communities are unique and sensitive to visual erosion from a multitude of activities. This proposal degrades the attractiveness of the area to highly mobile visitors, inward-investment interests and to local communities.
- o The use should be located within Charlesfield Industrial Estate.
- o Travelling north on the A68 affords views of the Eildons and an open and rural aspect to the southern approach into the Conservation Area of St Boswells. Travelling south, the Charlesfield Industrial Estate is effectively screened by existing and newly planted edge trees and shrubs along and within its own boundaries. This site is separate from Charlesfield and unrelated to any other business development.
- o No details of roofing colours for the building are included, which would be visible from the Eildon Hills National Scenic Area. Permitted development rights may further alter the building.
- o All vegetation on the boundaries of the site has been removed to display tractors and lay a gravel surface. Trees and hedgerow planting is proposed but no planting has taken place on the north/east boundary, which will remain open when viewed from St Boswells and the Kelso junction.

- o It is difficult to reconcile the objective of openly displaying new sales items with the alleged intent to entirely screen the development from external views by planting a 2m high boundary hedge. The long term retention of such planting, beyond the maintenance period required, is questionable.
- o The inevitable requirement for advertisements would conflict with aims to achieve an uninterrupted hedgerow boundary, an uncluttered development appearance and simple building lines.
- o Future proposals for change of use or expansion could occur on this site or the expansion of business activity along the road to Charlesfield.
- o The applicant claims that other suitable sites do not exist and that this development should be an exception. Other available sites do appear to exist within many other business sites across the Borders and if land supply for the proposed expansion of Charlesfield Industrial Estate under policy zEL19 remains constrained, this can be addressed by the Council.
- o Long term planning should not be based on recently purchased sites. The application suggests that the current business activities will be relocated here but this could include repairs and storage, on a site that is sensitive to clutter and such development would be intrusive.
- o The expansion of Charlesfield has had a negative impact on the occupants of Merrick but the businesses are screened by planting. The proposal would sandwich the property between industrial uses and this could set a precedent for further such uses.
- o Potential noise and vibration nuisance, increased traffic and light pollution.
- o The proposal is contrary to planning policies PMD4 (Development outwith Development Boundaries) and EP6 (Countryside Around Towns). There are no exceptional circumstances that suggest that these policies should not be robustly upheld.
- o The site is on the corner of a busy and already dangerous junction, adding to the risk of accidents on this stretch of the A68 through an increase in traffic and of distraction.
- o The site will be an eyesore on the edge of St Boswells, detracting from its ambience. Alternative brownfield sites exist where the development would be in keeping.
- o The site will generate industrial waste in the workshop, potentially polluting the burn that runs alongside the site and into the St Boswells community woodland. The applicant's disregard of planning consent by erecting the fence and the removal of trees along the site's boundary does not bode well for a rigorous application of environmental regulations and any commitment to restore the planting seems disingenuous as the site will be used for sales.
- o The removal of trees has impacted on wildlife and habitat.
- o Rather than a comprehensive package of proposals the existing planting has been removed, fencing that is industrial in nature has been erected, flood lighting erected and then removed and then this current application has been submitted.
- o The condition attached to planning permission 20/00115/FUL requires screen planting to be carried out and despite reminders by the Planning Authority, this has not been done.
- o No evidence of the applicants discussing their need for a larger site with SBC, whose provision at Charlesfield is substantial, has been provided. The Council would be happy to engage with the applicants regarding the provision of an appropriately located and sized site.
- o The impact on visual amenity is even greater than the original fencing, with the shed being enormous.

CONSULTATIONS:

Roads Planning Service: I have no objections to this principle of this proposal. The access to the site is in very close proximity to the A68 Trunk Road and I note Transport Scotland have already commented on the proposal. With regards the internal layout, I will require a more detailed plan highlighting the following issues:

- o Drainage: There are no levels on the submitted plan and I shall require levels to confirm where the surface water will flow. This is to ensure there is no detrimental impact on the drainage associated with the adjacent public road.
- o Details of any lighting shall be required to ensure the levels do not exceed those stipulated by the Trunk Road Authority and to ensure any lighting does not distract passing motorists due to its positioning.
- o A parking layout will be required to ensure adequate visitor and staff parking is provided within the site.
- o Details of the access arrangement should be provided to ensure the access is of an adequate construction where it is immediately adjacent to the existing public road and appropriate visibility is provided.

Landscape Architect: The site is outwith the Newtown St Boswells Development Boundary and does not form part of the Strategic Business and Industrial site at Charlesfield (zEL3) and Extension to Charlesfield (zEL19) as defined by policy ED1. The current Business and Industrial Estate further along Charlesfield Road, although close to the site, is well screened and barely perceptible in views to and from the site.

The development consists of a large shed, 48.3m long by 20m wide with a shallow pitched roof 5.1m high at the eaves rising to a ridge height of 7m. It is located towards the 'frontage' of the site and is built on a gravel and type 1 surface with access road and parking area of tarmac surfacing. A hedge is suggested but not annotated on the block plan on the north west boundary and an area in the western part of the site identified as a 'green space with hedging and biodiversity creation'. No detail is given in the documentation although a wetland area is mentioned in the Planning Statement. A length of Leylandii hedge is proposed for the south western corner on the boundary with the neighbouring residential property.

This site is in a prominent position just off the A68 at the corner of the junction with Charlesfield Road and in the foreground of views of the Eildon Hills when approaching from the south. The concerns are that the development will be highly visible from the popular A68 tourist route, with the building at 7m height rising up above the existing 2m high chain link fence in contrast to the rural boundary treatments of hedges, fields, woodland and undeveloped road sides. Despite the proposal for tree and hedge planting on the south east side of the plot, the building is likely to remain highly visible and intrusive in views. It appears from the visualisations submitted that this is the intention particularly on the approach from the north.

The cricket ground and green form part of St. Boswells Conservation Area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills' (LDP Settlement Profiles - St Boswells). From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and, in my opinion, have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the shed are likely to be highly visible from the A68 and across St. Boswells Green and Cricket Ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.

The applicants planning statement under Sustainability states that 'Screen planting is to be provided as per the previous application to aid the proposed building assimilation into its surroundings'. It should be noted that this screen planting proposal was approved for the screening of a fence, yard and its contents rather than a building 7m high projecting above the fence line.

In my opinion this development is contrary to policies PMD4 and EP6. It will be visually intrusive and will erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. For these reasons I am unable to support this application.

Community Council: Objects. The Community Council has always believed that such a poorly-conceived scheme would be revealed as standing at the back of the unauthorised fence development and the equally unauthorised change of use. Such a scheme has no place in the rural hinterland to our or indeed any other village in the Borders. It flies in the face of many of the Council's own policies as far as the environmental aspects of planning are concerned, which would be bad enough. But it is doubly to be resisted because such the Council's own economic development policies locate such new uses firmly within industrial estates, carefully landscaped, which the Council itself promotes. Indeed, one of the relatively few proposals for St Boswells in the draft Local Development Plan is an extension of the nearby Charlesfield Industrial Estate, although other sites will no doubt also be available.

The Community Council is not opposed to economic development but it must be delivered in a way which also provides social and environmental benefits. That is the principal purpose of the statutory planning system, and without such an overview system providing effective development planning, development management, and planning enforcement, communities are at the mercy of opportunistic developers who see only the undoubted benefits to themselves as driving their activities. A Community Council has no right of planning appeal against a one-dimensional, poor, planning decision, but must rely on the Planning Authority to get it right. The SBC cannot do that by approving every application made to it, but must apply its policies with care and diligence.

In the Community Council's judgement this proposal has no legitimacy because its use is not established by prior industrial activity here. The SBC has so far not dealt with the matter of change of use in a satisfactory manner. This is by no stretch of the imagination 'the right development in the right place at the right time'. Indeed, it is a site with significant practical drawbacks and should not be developed in this way. There have already been considerable environmental losses incurred through the removal of site screening, and the Community Council is not convinced that any landscape conditions suitably applied can remedy the creation of what is already widely held to be a new and unnecessary eyesore which has appeared in the parish of St Boswells.

Economic Development: No response.

Forward Planning: The site is located outwith a settlement boundary, to the immediate west of the A68 between St Boswells and Charlesfield. It is understood the site previously operated as a slaters yard although, until recently, it appeared relatively overgrown and perhaps disused. The site has more recently been cleared and a security fence erected and appears to be used for the storage/display of tractors. The application seeks full planning consent for the erection of an agricultural machinery dealership premises which would incorporate a workshop, show space, office and associated works.

This proposal must be assessed predominantly against Policy ED7: Business, Tourism and Leisure Development in the Countryside of the Local Development Plan (LDP) 2016.

The aim of Policy ED7 is to allow for appropriate employment generating development in the countryside whilst protecting the environment and it seeks to ensure that business, tourism and leisure related developments are appropriate to their location. This policy is applied to any applications that involve economic diversification in rural areas. The policy states that proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside

location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In respect of criteria a), whilst the proposal is related to agriculture by its nature, it is not related to agricultural operations which require to be at this location per se. Criteria b) is not relevant to this case. Criteria c) requires that the Council is satisfied that there is an economic and/or operational need for this particular countryside location and that it cannot be accommodated within the Development Boundary of a settlement. The application submission notes that the business currently operates from nearby Charlesfield but that the existing premises are restricted in size, problematic in terms of layout and do not enable the desired expansion of the business. First and foremost, industrial uses such as this should be located within business and industrial sites as defined by the Scottish Borders LDP 2016. The supporting statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced however. The Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactory accommodated within the nearby business and industrial site.

Whilst it is accepted that the site has established use rights as a storage yard, if this was a greenfield site it is unlikely consent would be issued for such a use at this prominent and remote location.

There is no doubt that the agricultural machinery dealership building would considerably change the character and appearance of the area. Any visual impact of the proposal must be carefully assessed given the prominent location of the site on the A68. Policy ED7 requires that development must respect the amenity and character of the surrounding area. It is recommended that the Development Management process takes cognisance of these matters and considers whether the proposal, regardless of any established use rights, is appropriate at this location.

Flooding is an issue at this location. This matter would require to be considered by the Council's Flood Protection Officer and SEPA in line with Policy IS8: Flooding of the LDP 2016.

With an existing residential property to the west, impact upon residential amenity must also be considered.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from either a fluvial or pluvial flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The applicant has submitted a Flood Risk Assessment produced by Kaya for the development site which indicates that the south-western half of the site is within the 1:200 year flood envelope for the St Boswells Burn. The flood envelope encompasses parts of the proposed new building.

The 1:200 year flood level for the site is indicated to be 85.5mAOD. The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

Some SUDS cells for water runoff from the parking area and building are shown on the Block Plan but no details on the design are given.

Also, the current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as 'Least Vulnerable Land Use'. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

Therefore, this application is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. I would strongly suggest compensation for the displacement of flood waters be considered by the applicant. This could be achieved increasing the greenspace area or increasing/changing the type of SUDS used.

Environmental Health: Environmental Health has the following comments to make.

Impact on residential amenity

Within the supporting information the agent states that a change of use from Class 6: Storage and Distribution to Class 4: Business does not require planning permission, and that Class 4 will be the predominant use. We have concerns that noise from the workshop element of the proposed development could impact on the amenity of the adjacent dwelling, known as Midburn. A Class 4 use is one which can be carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, no information has been submitted with the application to demonstrate this. In the absence of this information we are unable to support the application at this time.

Workplace health, safety and welfare

The Workplace, Health, Safety and Welfare Approved Code of Practice states that sufficient toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable delay, and includes the minimum number of toilets and washbasins that should be provided. It is noted that the floor plan accompanying the application shows there to be one toilet cubicle for potentially up to 15 employees, which is not in accordance with the minimum numbers provided in the Approved Code of Practice. Advice on the number of facilities needed per number of people at work is provided. The toilet provision should therefore be reviewed by the applicant.

Transport Scotland: No objections subject to a condition controlling external lighting, to ensure the safety of traffic on the trunk road is not diminished.

SEPA: No response.

APPLICANT'S SUPPORTING INFORMATION:

- o Supporting Information
- o Planning Statement
- o Flood Risk Assessment
- o Visualisations

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

- PMD1: Sustainability
- PMD2: Quality Standards
- PMD3: Land Use Allocations
- PMD4: Development Outwith Development Boundaries
- ED1: Protection of Business and Industrial Land
- ED2: Employment Uses Outwith Business and Industrial Land
- ED7: Business, Tourism and Leisure Development in the Countryside
- HD3: Protection of Residential Amenity
- EP3: Local Biodiversity
- EP4: National Scenic Areas
- EP5: Special Landscape Area
- EP6: Countryside Around Towns
- EP9: Conservation Areas
- EP12: Green Networks
- EP13: Trees, Woodland and Hedgerows
- IS7: Parking Provisions and Standards
- IS8: Flooding
- IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
- IS16: Advertisements

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008
Biodiversity 2005
Countryside Around Towns 2011
Local Landscape Designations 2012

Recommendation by - Julie Hayward (Lead Planning Officer) on 4th May 2021

Site and Proposal

The site is situated to the south west of St Boswells on the corner of the A68 and the public road that serves Charlesfield Industrial Estate. The site was formally a slater's yard. When the site was visited in April 2019 it was slightly overgrown, with skips and piles of rubbish visible and surrounded by mature hedges and trees. There was a high metal mesh gate at the entrance from the Charlesfield road and a short section of high timber fencing. The trees, hedges and other vegetation were removed in 2020 and replaced with a 2.2m high galvanised mesh fence with barb wire on top along the south eastern boundary to the A68, 2.2m high galvanised mesh and barb wire gates at the site entrance and a 1.8m vertical timber fence with barb wire along the south eastern boundary to the Charlesfield road, all without the benefit of planning permission. The site has been part-surfaced and tractors are now parked on the site.

There are open fields to the north and west and tree belts across the road to the south and A68 to the east. The A68 forms the western boundary of the Tweed Lowlands Special Landscape Area designated for its contribution to the high scenic qualities and character of the landscape. The St Boswells Burn runs along the south western boundary of the site and a stretch of disused railway line, mostly covered with natural regeneration and some forestry belts, runs close to the south west corner of the site from the north west to south east.

There are three residential properties (Merrick Farmhouse, Ferniehurst and Merrick Vale) to the north west and the closest property is Midburn, to the south west.

The current application seeks planning permission for an agricultural machinery dealership premises. A building incorporating a workshop, show space and office would be sited on the north east section of the site. This would be 48.3m by 20m, 5.1m in height to the eaves and 7m to the ridge clad in composite cladding, with five loading bay doors in the north elevation and large areas of glazing in the east and south elevations.

An area would be hard surfaced for parking accessed from the Charlesfield road, the yard would be surfaced in gravel/Type 1 and an area in the south west corner would become an area of green space with hedging and biodiversity creation. A mixed hedge and row of lime trees would be planted along the boundary with the A68 and a leylandii hedge planted along the south west boundary.

Surface water would be to a SUDS, with the treatment plant outwith the flood risk area, discharging to a tail drain/soakaway.

Supporting Statement

The Supporting Statement advises that AB Wight Engineering Ltd was formed in 2012 by Andrew Wight and his brother Garry Wight. In the early years, welding and fabrication made up the main body of work alongside some general agricultural engineering & servicing. From there the business has steadily and sustainably grown through hard work, being flexible, providing good customer service and value for money. The business has now grown into a leading agricultural machinery dealership in the Scottish Borders. AB Wight wish to continue expanding and growing to meet with demand and to satisfy their customers' needs. Their current premises do not allow them to operate efficiently at present, or offer them the ability to expand. They occupy three rented units within Charlesfield Industrial Estate and this proposal would enable them to locate their business on one site.

Long term investment in new premises is therefore a main objective for AB Wight, without which they cannot operate at the levels required by themselves, their franchisor and their customer base, be competitive and provide a first-class service from modern, bespoke designed premises.

The business employs 10 members of staff and the proposal would result in 5 new jobs

Planning History

90/01641/OUT: Erection of dwellinghouse. Refused 27th March 1990.

04/01443/OUT: Erection of two dwellinghouses. Refused 20th September 2004.

06/02331/OUT: Erection of child care residence. Withdrawn 9th February 2016.

06/02332/OUT: Erection of office and storage shed. Withdrawn 21st February 2014.

10/00242/PPP: Erection of child care residence. Withdrawn 18th March 2015.

10/00243/PPP: Erection of office and storage shed. Withdrawn 21st February 2014.

20/00115/FUL: Erection of boundary fencing and gates. Approved 14th August 2020.

21/00495/FUL: Extension of time to Condition 1of planning permission 20/00115/FUL pertaining to landscaping. Pending consideration.

Planning Policy

Policy PMD4 of the Local Development Plan states that where Development Boundaries are defined, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary and not on allocated sites will normally be refused. Exceptional approvals may be granted provided that:

- o It is a job generating development in the countryside that has an economic justification under policy ED7.
- o It is an affordable housing development.
- o There is a shortfall identified in housing land.
- o The development offers significant community benefits that outweigh the need to protect the Development Boundary.

The development should:

- o Represent a logical extension of the built-up area.
- o Be of an appropriate scale in relation to the size of the settlement.
- o Not prejudice the character and visual cohesion or natural built up edge of the settlement.
- o Not cause significant adverse effect on the landscape setting or natural heritage of the surrounding area.

The application site is outwith the Development Boundary of St Boswells and the proposal is not for housing. Assessment in respect of policy ED7 and of landscape impacts are set out below. The site is some distance from St Boswells and Charlesfield Industrial Estate and is seen as an isolated countryside location rather than an extension to the settlement. There are no significant community benefits of the proposal that justify development outwith development boundaries.

Policy ED2 advises that within settlements there will be a general presumption against industrial or business uses outwith business and industrial land, mixed use or redevelopment sites (as allocated in policies ED1: Protection of Business and Industrial Land, and PMD3: Land Use Allocations) unless the need for that

location can be justified, a significant economic or employment benefit can be demonstrated and that it can co-exist with adjoining uses.

The aim of policy ED1 is to ensure that adequate supplies of business and industrial land are retained for such uses and the policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation. The policy therefore seeks to protect resources in the long term and complements the Council's economic strategy.

Charlesfield Industrial Estate is to the south west of the site and is a strategic business and industrial site (zEL3) safeguarded by policy ED1. An area is identified in the Local Development Plan for the extension to Charlesfield (zEL19). It is considered that all industrial and business uses should be located on allocated industrial and business sites.

It is accepted that the application site has a historic use as a builder's yard, falling within Class 6 of the Use Classes Order, but that appears to have ceased some time ago as the site was disused and overgrown when visited in 2019. However, storage use is the established planning use.

Policy ED7 states that proposals for business development in the countryside will be approved provided that the development is to be used directly for agricultural or uses by their nature are appropriate to the rural character of the area, or the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic or operational need for that particular countryside location and that the development cannot be reasonably accommodated within the Development Boundary of a settlement.

The aim of Policy ED7 is to allow for appropriate employment generating development in the countryside whilst protecting the environment and the policy seeks to ensure that business, tourism and leisure related developments are appropriate to their location. This policy is applied to any applications that involve economic diversification in rural areas.

No substantial economic or operational justification has been submitted demonstrating that the existing business has to be located at this particular rural location and it is considered that all businesses of this nature should be located within an allocated business and industrial estate.

Although the business relates to agriculture, it is not related to agricultural operations that require a rural location. The argument for siting the use in this particular location is greatly undermined by its proximity to Charlesfield Industrial Estate and the fact that the business currently operates from there. The application submission notes that the existing premises are restricted in size, problematic in terms of layout and do not enable the desired expansion of the business. The Supporting Statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced. The Forward Planning Section advises that the Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site or other allocated business/industrial sites within settlements.

The Supporting Statement argues that a change of use from Class 6 (Storage and Distribution) to Class 4 (Business) is permitted development. Class 4 use includes office uses and light industrial uses which could be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, the proposal includes a workshop for the repair and servicing of tractors, which is potentially noisy and so classifying the proposed use as Class 4 rather than Class 5 is misleading. Whatever the use class, the proposed building requires planning permission and so the proposal must be assessed on its own merits against the relevant planning policies.

Finally, policy EP6 states that within areas defined as Countryside Around Towns, proposals will only be considered for approval if:

- o There is an essential requirement for a rural location and the use is appropriate to the countryside setting.

- o It involves the rehabilitation, conversion, extension or change of use of a traditional building of character.
- o Any new housing is located within a building group.
- o It enhances the landscape, trees, woodland, natural and man-made heritage, access or recreational facilities.
- o Subject to satisfactory design and setting it has a proven national or strategic need and no alternative is suitable.

The site is within the Countryside Around Towns area and it is considered that the proposal does not meet any of the above criteria. The requirement for a rural location is discussed above and the impact on the landscape is assessed below. The proposal is for the development of an isolated, albeit a brownfield site, resulting in piecemeal and sporadic development in the countryside that would erode the separation between Charlesfield and St Boswells.

Although the proposal would allow an existing local business to expand and would result in job retention and creation, it is considered that the proposal is contrary to policies PMD4, ED2, ED7 and EP6 and the benefits of the development are not sufficient to warrant a departure from these policies.

Siting, Design and Impact on Visual Amenities

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

Policy ED7 requires that the development should respect the amenity and character of the surrounding area.

The A68 forms the western boundary of the Tweed Lowlands Special Landscape Area, to the east of the site. St Boswells and its Conservation Area is to the north.

The proposal is to erect a building on the north east section site, which includes a workshop, show space and office. This would be 48.3m by 20m, 5.1m in height to the eaves and 7m to the ridge clad in composite cladding. Large areas of the site would be hardsurfaced in tarmac and gravel, enclosed by the existing high fencing. No details are provided of the proposed planting or green space/biodiversity area.

This site is in a prominent position just off the A68 in the foreground of views of the Eildon Hills when approaching from the south. The proposed development would be highly visible from one of the main tourist routes into the Borders, with the building at 7m height rising above the existing 2m high fence. The site is in a countryside location, surrounded by fields and woodlands and the development would contrast significantly with the rural boundary treatments of hedges, fields, woodland and undeveloped roadsides. Despite the proposal for tree and hedge planting on the south east side of the site, the building is likely to remain highly visible and intrusive in views. This is demonstrated in the visualisations submitted most particularly on the approach from the north looking south.

The Council's Landscape Architect advises that the cricket ground and green form part of St Boswells Conservation Area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills. From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and would have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the building are likely to be highly visible from the A68 and across St. Boswells green and cricket ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.

The size and design of the proposed building are industrial in nature and would be out of keeping with rural character of the area and more in keeping with an industrial estate. Charlesfield Industrial Estate is close to the site but is well screened by mature planting and barely perceptible in views to and from the site and so

there is no visual link with the industrial estate, adding to the impression that this is isolated and sporadic development in the countryside not related to any existing development.

No details of the colour of the composite cladding for the building has been provided. There is also the issue of signage, additional development carried out at a later a date (the visualisation shows a container that is not included in the current application) resulting in clutter and further detrimental impacts on visual amenities.

The proposal would harm views into and out of the Special Landscape Area and Conservation Area.

The existing 2.2m high galvanised square mesh fencing was erected without the benefit of planning permission and the trees, shrubs and hedgerows that screened the site were all removed to erect the fences. A retrospective application (20/00115/FUL) was submitted to rectify this breach of planning control. When the application was assessed it was felt the fencing is in a prominent position adjacent to the A68 to the south of St Boswells. This area is predominantly rural in character, being surrounded by fields. The fencing that has been erected is the type that would be more appropriate for an industrial estate, such as Charlesfield, and is out of keeping with the rural character of the area. The fencing is highly prominent and is considered to be harmful to the visual amenities of the area.

It was considered that the fences are contrary to policies PMD4 and EP6 and the visual harm is significant enough to warrant refusal. However, with the refusal of the application and any subsequent enforcement action to secure the removal of the fencing, there would be no procedure open to the Planning Authority to secure replacement planting. The re-instatement of the hedgerow and trees is highly desirable because of the wildlife habitat it provides and the contribution it makes to enhancing the visual amenities of the area and entrance to the village.

As a result, it is felt that the application could be supported if the boundary planting is reinstated. A planting plan was submitted showing lime trees along the south eastern boundary at 6m centres and a mixed hedgerow (beech, holly, hawthorn and lime between 1750 and 2000cm high). The less prominent south western boundary would be planted with a leylandii hedge. The plants would be of a size to provide a degree of immediate screening and the holly would provide evergreen cover, though it was accepted that it will take several years to fully mature. A condition required the planting will be completed by 31st March 2021.

However, despite sending reminders that the planting had to be completed, it was never carried out. Instead, an application (21/00495/FUL) was submitted to vary the condition to allow the planting to be completed by 31st December 2021.

The fencing was erected without planning permission and the failure to comply with the condition and carry out the proposed planting casts doubt on the willingness of the applicants to ensure that the fence is adequately screened in the future or that any additional planting or the green space/biodiversity creation proposed as part of this application would be implemented either.

Although the agreed planting would partially screen the fence in time, it would not be sufficient to screen the proposed building, which would be 7m high rising above the fence line, as demonstrated by the visualisations submitted with this current application.

The proposed development is therefore considered to be contrary to policy PMD4, in that it would prejudice the character and natural edge of St Boswells and cause significant adverse effect on the landscape setting of the settlement, and policy EP6, as it would not enhance the landscape, and policy ED7, as the development would not respect the amenity and character of the surrounding area.

The proposal would be visually intrusive and would erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. For these reasons this application cannot be supported.

Impact on Residential Amenities

Policy ED7 requires that the development has no significant adverse impact on nearby uses, particularly housing. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

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

The closest residential property is Midburn, to the south west.

The site has an established Class 6: Storage and Distribution use, which itself could generate certain levels of traffic and activity.

The proposed building would be located on the north eastern section of the site so would not result in any loss of light or overshadowing or loss of privacy or overlooking to the existing houses.

The proposed building would include workshop space for the service and repair of tractors. Environmental Health has concerns that noise from the workshop element of the proposed development could impact on the amenity of the occupants of Midburn. The Supporting Statement claims that this will fall within Class 4: Business use, which includes office use and any industrial process that can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. All other industrial uses fall within Class 5. No information has been submitted with the application to demonstrate that this proposal falls within Class 4, in terms of the processes carried out, noise levels and mitigation. The applicant has been given the opportunity to provide this information. In the absence of this information, Environmental Health are unable to support the application.

Access, Parking and Road Safety

Policy ED7 states that the development must take into account accessibility considerations Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Access would be from the minor road rather than the A68 and an area of hard surfaced parking is proposed, though this is not marked out on the site plan to show how many spaces can be accommodated (the application forms states 20) and whether they are for staff or customers.

Transport Scotland has no objections to the proposal subject to a condition controlling external lighting.

The Roads Planning Service has no objections in principle but require information on levels, drainage, lighting, a parking layout showing customer and staff parking and details of the access. These can be controlled by condition, should the application be approved.

Flooding

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The site is at risk from either a fluvial or pluvial flood event with a return period of 1 in 200 years, which is the 0.5% annual risk of a flood occurring in any one year.

A Flood Risk Assessment has been submitted which indicates that the south-western half of the site is within the 1:200 year flood envelope for the St Boswells Burn, which runs along the south west boundary of the site. The flood envelope encompasses parts of the proposed new building. The 1:200 year flood level for the site is indicated to be 85.5mAOD. The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

SUDS cells for water runoff from the parking area and building are shown but no details on the design are given.

The current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as 'Least Vulnerable Land Use'. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

The Flood Protection Officer advises that based on this assessment, this proposal is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. Compensation for the displacement of flood waters should be considered by the applicant; this could be achieved increasing the greenspace area or increasing/changing the type of SUDS used. These issues can be dealt with by a condition.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

Foul drainage would be to a private treatment discharging to a field drain and partial soakaway and surface water to a SUDS, though no specific details have been provided. This can be controlled by a condition.

The water supply would be from the mains.

REASON FOR DECISION :

The Council supports local businesses in their plans to expand and for job creation and retention but any related development should be in the right locations, guided by Local Development Plan 2016 policies.

It is considered that the proposal in this location fails to comply with a number of Local Development Plan policies.

In respect of policy PMD4, the site is some distance from the Development Boundary for St Boswells and from Charlesfield Industrial Estate and is seen as an isolated countryside location rather than a logical extension to the settlement. There are no significant community benefits of the proposal that justify development outwith the Development Boundary and the development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement.

Policy ED2 requires that all industrial and business uses should be located on allocated industrial and business sites. This is an isolated site within the countryside and it is not considered that sufficient justification has been presented to demonstrate that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site or other allocated business/industrial sites within settlements. The development would not respect the amenity and character of the surrounding area and so the proposal fails to comply with policy ED7.

The site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location and the use is appropriate for a countryside setting in terms of policy EP6. The proposal would result in piecemeal and sporadic development in the countryside that would erode the separation between Charlesfield Industrial Estate and St Boswells. In addition, the development would be visually intrusive and would erode the sensitive nature and setting of St Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the approach routes. Despite the proposal for tree and hedge planting on the south east side of the site, the building is likely to remain highly visible and intrusive in views and would not enhance the landscape.

Although the proposal would allow an existing local business to expand and would result in job retention and creation, it is considered that the proposal is contrary to policies PMD4, ED2, ED7 and EP6 and the benefits of the development are not sufficient to warrant a departure from these policies.

Recommendation: Refused

- 1 The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary.

- 2 The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactory accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area.

- 3 The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

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

AB Wight Ltd
per Murray Land & Buildings
Hillside
Dean Place
Newstead
Melrose
Scotland

Please ask for: Julie Hayward
01835 825585
Our Ref: 21/00495/FUL
Your Ref:
E-Mail: jhayward2@scotborders.gov.uk
Date: 15th June 2021

Dear Sir/Madam

PLANNING APPLICATION AT Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

PROPOSED DEVELOPMENT: Extension of time to Condition 1 of planning permission 20/00115/FUL pertaining to landscaping

APPLICANT: AB Wight Ltd

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 21/00495/FUL

**To : AB Wight Ltd per Murray Land & Buildings Hillside Dean Place Newstead Melrose Scotland
TD6 9RL**

With reference to your application validated on **31st March 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Extension of time to Condition 1 of planning permission 20/00115/FUL pertaining to landscaping

at : Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

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

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

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

**Dated 9th June 2021
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00495/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	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 All planting comprised in the approved details of landscaping (Landscape Plan and Tree and Hedge Planting Schedule submitted on 4th June 2020 as part of planning permission 20/00115/FUL) shall be completed by 30th November 2021 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting. Confirmation in writing that the planting has been completed in accordance with the approved plan and schedule to be submitted to the Planning Authority once the approved landscaping works have been completed.
Reason: To ensure that the proposed landscaping is carried out as approved to enhance the visual amenities of the area and to allow the Planning Authority to inspect the works, in order to ensure that the planting has been carried out as approved.
- 2 This consent specifically excludes any flood lighting or security lighting on the fencing or gates.
Reason: To safeguard the visual amenities of the area and residential amenities and to prevent light pollution.

FOR THE INFORMATION OF THE APPLICANT

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

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

Monday-Friday 0700-1900

Saturday 0800-1300

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

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

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

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council's website for this purpose.

Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 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 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00495/FUL

APPLICANT : AB Wight Ltd

AGENT : Murray Land & Buildings

DEVELOPMENT : Extension of time to Condition 1 of planning permission 20/00115/FUL
pertaining to landscaping

LOCATION: Slaters Yard Off Charlesfield Road
St Boswells
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There were no representations.

No consultations were required.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD4: Development Outwith Development Boundaries
ED2: Employment Uses Outwith Business and Industrial Land
ED7: Business, Tourism and Leisure Development in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP6: Countryside Around Towns
EP12: Green Networks
EP13: Trees, Woodland and Hedgerows
IS8: Flooding

Supplementary Planning Guidance

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006

Trees and Development 2008
Biodiversity 2005
Countryside Around Towns 2011

Recommendation by - Julie Hayward (Lead Planning Officer) on 4th June 2021

Site and Proposal

The site is situated to the south west of St Boswells on the corner of the A68 and the public road that serves Charlesfield industrial estate. The site was formerly a slater's yard. When the site was visited in April 2019 it was slightly overgrown, with skips and piles of rubbish visible and surrounded by mature hedges and trees. There was a high metal mesh gate at the entrance from the Charlesfield road and a short section of high timber fencing.

In 2020 an application (20/00115/FUL) was submitted seeking retrospective planning permission for a 2.2m high galvanised square mesh fence with barb wire on top that had been erected along the south eastern boundary to the A68, galvanised square mesh and barb wire gates erected at the site entrance and for a 1.8m vertical timber fence with barb wire that had been erected the south eastern boundary to the Charlesfield road.

The trees and hedgerows have been removed and the site part-surfaced. Tractors are now parked on the site.

The application was approved on 14th August 2020 subject to condition 1, which states:

All planting comprised in the approved details of landscaping (Landscape Plan and Tree and Hedge Planting Schedule submitted on 4th June 2020) shall be completed by 31st March 2021 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting. Confirmation in writing that the planting has been completed in accordance with the approved plan and schedule to be submitted to the Planning Authority once the approved landscaping works have been completed.

Reason: To ensure that the proposed landscaping is carried out as approved to enhance the visual amenities of the area and to allow the Planning Authority to inspect the works, in order to ensure that the planting has been carried out as approved.

This current application seeks to modify the condition to extend the time allowed to complete the planting until 31st December 2021.

Assessment

When the previous application for the fencing was submitted it was noted that the site is in a prominent position adjacent to the A68 to the south of St Boswells. This area is predominantly rural in character, being surrounded by fields. The fencing that has been erected is the type that would be more appropriate for an industrial estate, such as Charlesfield, and is out of keeping with the rural character of the area. The fencing is highly prominent and is considered to be harmful to the visual amenities of the area. The site was enclosed and screened by trees and mature hedges and these have all been removed, resulting in an exposed and visually harmful development.

It was considered that with the refusal of the application and any subsequent enforcement action to secure the removal of the fencing, there would be no procedure open to the Planning Authority to secure replacement planting. The re-instatement of the hedgerow and trees is highly desirable because of the wildlife habitat it provides and the contribution it makes to enhancing the visual amenities of the area and entrance to the village.

As a result, it is felt that the application could only be supported if the boundary planting is reinstated. Following negotiations with the agent a detailed planting plan was received that was acceptable, showing the plants to be of a size that would provide a degree of immediate screening and evergreen cover, though it was accepted that it will take several years to fully mature. A condition was attached to the planning

permission to ensure that the planting would be completed by March 2021 (the end of the next planting season) and maintained thereafter.

Despite several reminders sent to the agent of the need to complete the planting by the end of March, the planting was never carried out. Instead an application (21/00244/FUL) was submitted for the erection of an agricultural machinery dealership premises incorporating a workshop, show space, office and associated works. This was refused on 5th May 2021 for the following reasons:

- o The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary.
- o The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area.
- o The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

Many of the representations received in respect of that application were sceptical that the planting would ever be carried out, given the proposed use of the site to sell agricultural machinery and the need to display the tractors for sale.

The fencing was erected without planning permission and the failure to comply with condition 1 to carry out the proposed planting in accordance with the timescale set out in the condition casts doubt on the willingness of the applicants to ensure that the fence is adequately screened in the future. The application for the fence was approved in August 2020 and the condition allowed 6 months of the planting season to complete the planting, which is considered to be a reasonable timescale. The fence and clutter within the site remain prominent in the landscape and harmful to visual amenities at the entrance to the village.

However, the new planting season does not commence until October 2021 and, should enforcement action be pursued to remedy this breach of condition, the planting could not be carried out until October. Therefore, reluctantly, this application to modify the condition is supported, but with a timescale of 30th November 2021, which again, is considered to be a reasonable timescale for completing the planting as 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.

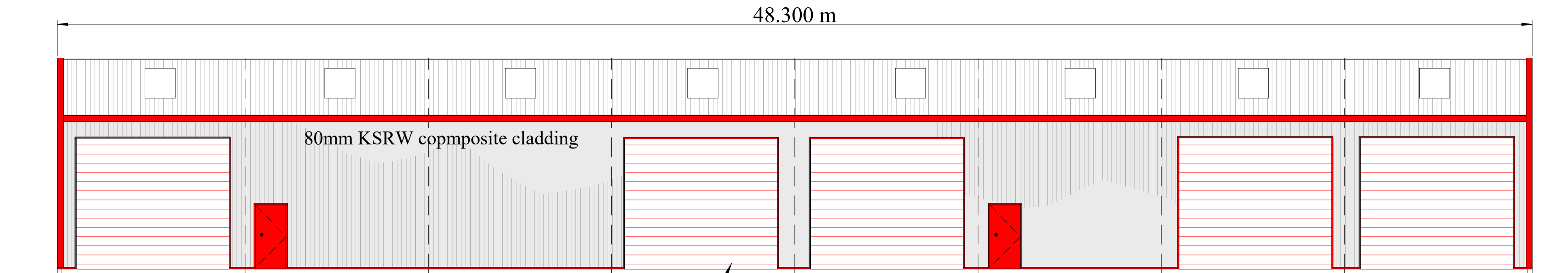
Recommendation: Approved subject to conditions

- 1 All planting comprised in the approved details of landscaping (Landscape Plan and Tree and Hedge Planting Schedule submitted on 4th June 2020 as part of planning permission 20/00115/FUL) shall be completed by 30th November 2021 and shall be maintained thereafter and replaced as may be

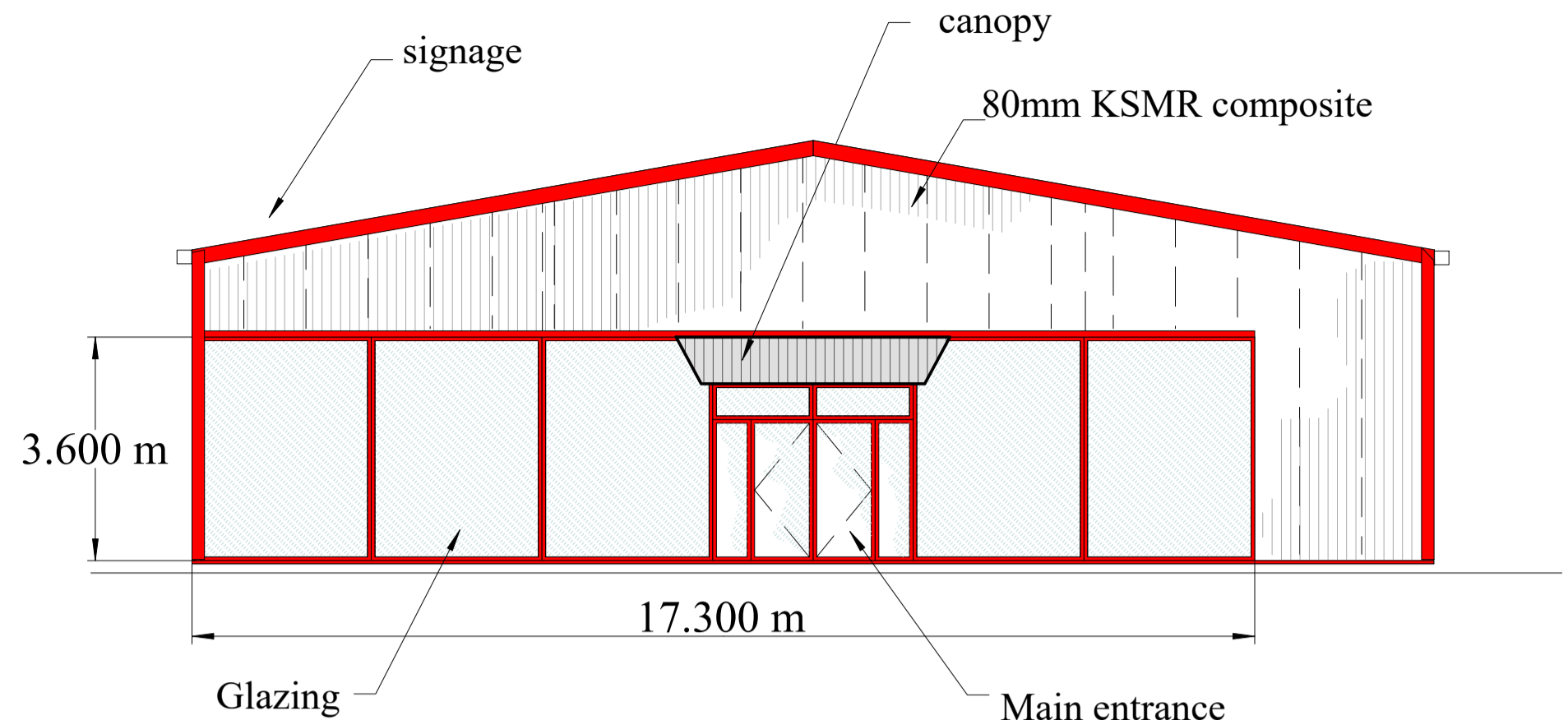
necessary for a period of two years from the date of completion of the planting. Confirmation in writing that the planting has been completed in accordance with the approved plan and schedule to be submitted to the Planning Authority once the approved landscaping works have been completed. Reason: To ensure that the proposed landscaping is carried out as approved to enhance the visual amenities of the area and to allow the Planning Authority to inspect the works, in order to ensure that the planting has been carried out as approved.

- 2 This consent specifically excludes any flood lighting or security lighting on the fencing or gates. Reason: To safeguard the visual amenities of the area and residential amenities and to prevent light pollution.

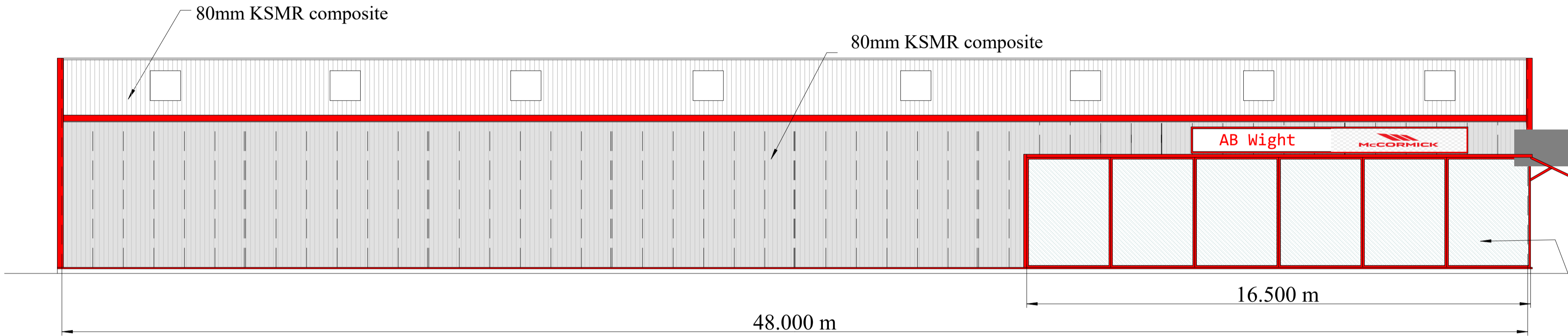
“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.



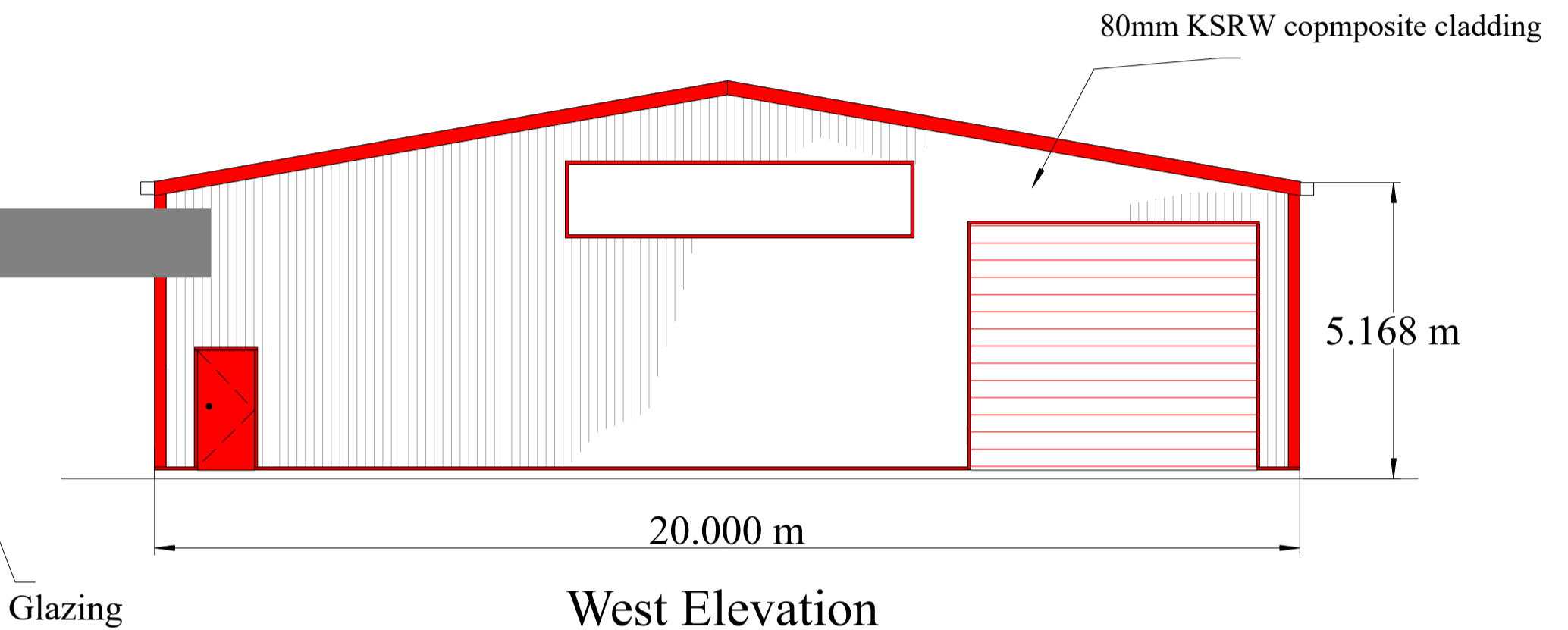
5.0 x 4.3m insulated door
North Elevation



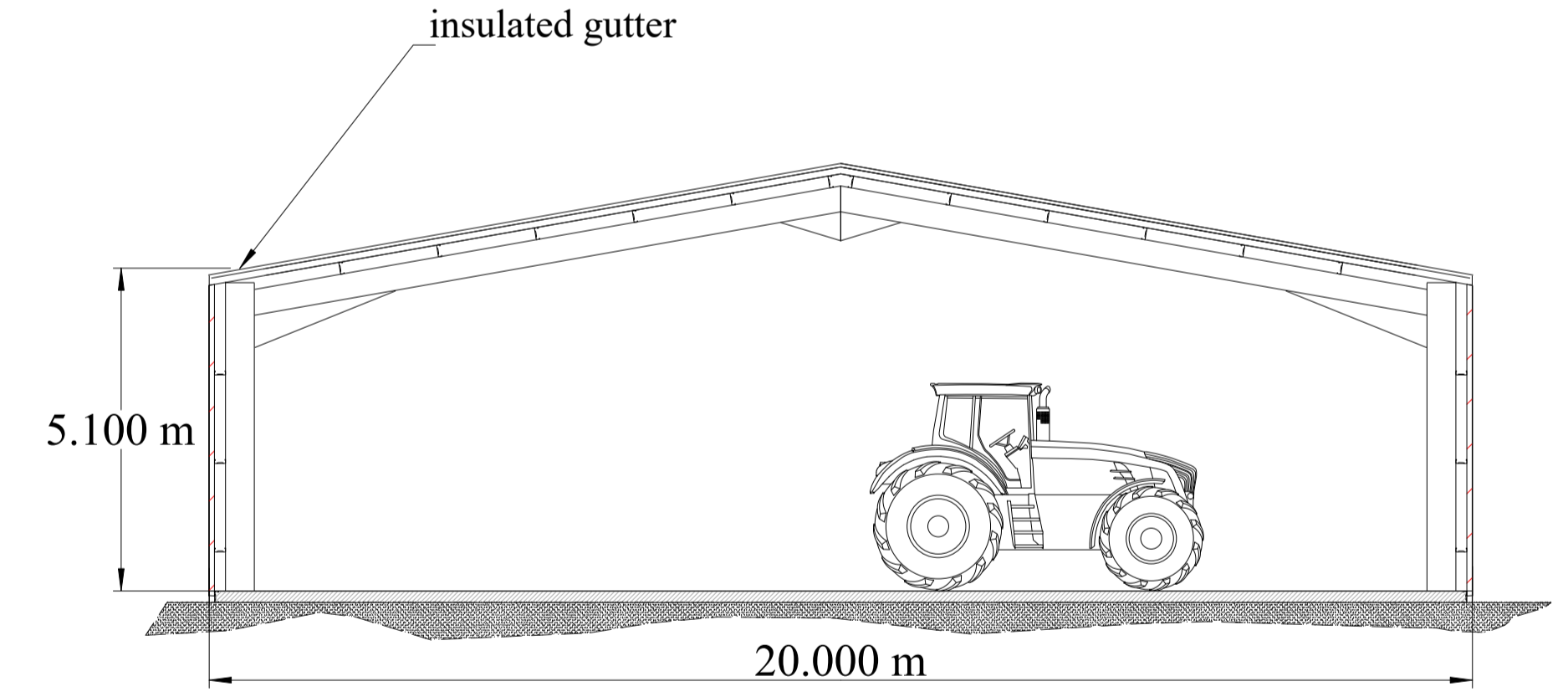
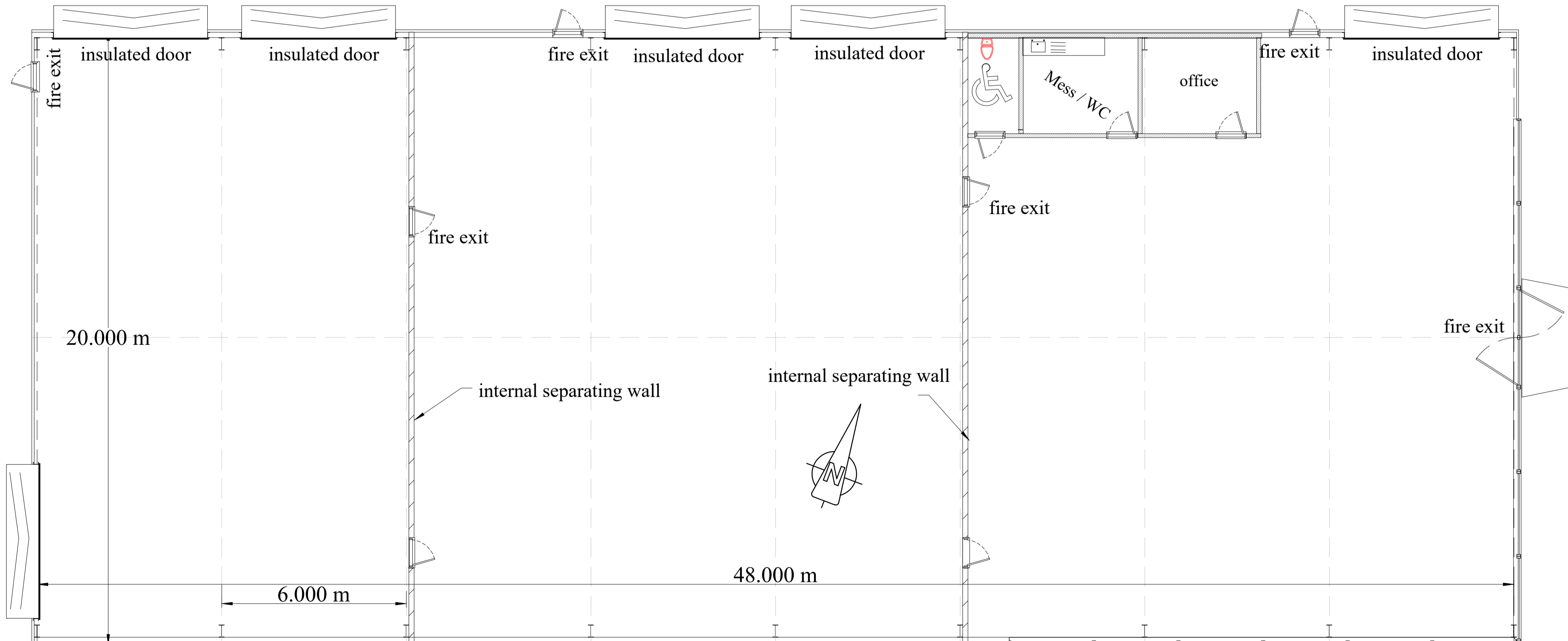
East Elevation



South Elevation



West Elevation



Cross Section

5.000 m
Scale - 1:100 A1

Proposed building
A Wight
Charlesfield
St Boswells
Roxburghshire

Drawing No.01B Drawn by - BMS.
Date - 4.3.20
Amended 16.11.20

Scale - 1:100
John Thorburn & Sons LTD.
Station Works
Duns
Berwickshire
TD11 3EJ
Tel. 01361 883245
Fax. 01361 883637

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From: Charles Strang [REDACTED]
Sent: 15 March 2021 12:35
To: DCConsultees
Cc: John A. Pollock; Annette Paterson
Subject: 21/00244/FUL Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.
SITE: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

CAUTION: External Email

I refer to previous correspondence in relation to this site. I am writing to confirm that the Community Council both objects to the above proposals and maintains its objections to the unauthorised change of use and associated fence construction previously considered by your Council.

A more detailed letter of objection will follow.

Best wishes

Charles Strang

Charles Strang
BArch(Hons) MSc(U&RP) RIAS IHBC FSAScot

Secretary

St Boswells Parish Community Council

Glen Eden
St Boswells
Melrose

Roxburghshire
TD6 0AE



From: Hayward, Julie
Sent: 26 March 2021 11:24
To: Planning & Regulatory Services
Cc: Charles Strang
Subject: 21/00244/FUL: Slaters Yard Off Charlesfield Road St Boswells

Hi

Could you please upload the Community Council's response into Idox and Uniform

Thanks

Julie

Julie Hayward
Team Leader
Development Management
Planning, Housing and Related Services
Corporate Improvement and Economy
Scottish Borders Council

Tel: 01835 825585

E-mail: jhayward2@scotborders.gov.uk

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From: Charles Strang <charlesstrang@mac.com>
Sent: 25 March 2021 16:08
To: Hayward, Julie <JHayward2@scotborders.gov.uk>
Cc: John Pollock <j.a.pollock@btinternet.com>
Subject: Re: [OFFICIAL] RE: Unauthorised Change of Use at Slaters Yard, St Boswells and Application for New Industrial and Commercial Development: OBJECTION

CAUTION: External Email

Julie

Happy to confirm that my note with previous correspondence can stand as the Community Council's objection. It may be that further points will arise at tonight's meeting or subsequently but we'll just have to take the chance of you being able to add them if possible. I'm certainly hoping for answers, to our questions posed, before the application is determined.

As far as the FOI request is concerned I'm not sure that I could've put it any clearer than in previous correspondence, but thank you for the contact address which wasn't plain from the website.

Best wishes

Charles

Charles Strang
B.Arch(Hons) MSc(U&RP) RIAS IHBC
Glen Eden
St Boswells
TD6 0AE

07736 969 226

On 24 Mar 2021, at 11:49, Hayward, Julie <JHayward2@scotborders.gov.uk> wrote:

Dear Sir

I acknowledge receipt of your e-mail and the points you have raised are noted. I will liaise with Alan Gueldner and respond in due course.

In respect of your freedom of information request, it was not clear in previous e-mails that you wished to make a formal freedom of information request. This should be sent to:

FOI@scotborders.gov.uk

Can you please confirm that you wish your e-mail to be uploaded onto the planning portal as the Community Council's formal response to the consultation on application 21/00244/FUL? The deadline for the Community Council's consultation response was 22nd March so I cannot guarantee that any comments received after your response yesterday will be taken into account in the processing of the application.

Many thanks

Julie

Julie Hayward
Team Leader
Development Management
Planning, Housing and Related Services
Corporate Improvement and Economy
Scottish Borders Council

Tel: 01835 825585

E-mail: jhayward2@scotborders.gov.uk

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From: Charles Strang <charlesstrang@mac.com>
Sent: 23 March 2021 12:29
To: Oliver, Clare <Clare.Oliver@scotborders.gov.uk>; Hayward, Julie <JHayward2@scotborders.gov.uk>
Cc: John A. Pollock <j.a.pollock@btinternet.com>
Subject: Unauthorised Change of Use at Slaters Yard, St Boswells and Application for New Industrial and Commercial Development: OBJECTION

CAUTION: External Email

Dear Clare Oliver and Julie Hayward

Thank you for your letter of 9 February.

I'll cover your points first of all, will return to my original letter in an attempt to clarify further the questions posed by the Community Council, and will then run through the Community Council's initial objections to the 'new' proposals for the industrial and commercial development.

As far as can be judged now, the clearance of shrubs and trees revealing the site appears to extend outwith the boundaries shown as being owned by Messrs Wight. It is still not clear who actually does own the land between the new fence and the roadways.

You are aware that this Community Council, along with others, objected to the retrospective application to construct the industrial fence which now stands prominently beside the A68.

The Community Council does not accept that the question of change of use has been properly addressed as you suggest. Rather than cognisance being given to the use classes order, your Council appears to have selectively and incorrectly read the relevant phrase which we argue is perfectly clear, namely that the sale **OR DISPLAY** of motor vehicles is a separate use class. So in our opinion planning permission for change of use is undoubtedly required in this case. Anyone who has been anywhere near this site can have no doubt that these vehicles are displayed prominently, even to the extent of displaying flags from the top of some agricultural cranelike structures parked in erect mode just at the back of the fence and in full sight.

Your fifth paragraph displays the paucity of your argument in its second sentence. While you rely on a somewhat tenuous argument that these vehicles are not for sale, you ignore completely the question of whether they are being displayed, and you have already confirmed that the display of vehicles is a *sui generis* use, one which therefore requires planning permission for change of use.

Your sixth paragraph is unfortunately written in error, because you seem to be saying that the land is not being used for the display of motor vehicles, and that is patently untrue.

It would be of considerable interest to the Community Council to understand who owns the land between the applicant's site and the roads, and whether the owners have in fact given permission for its use to allow the applicant to fulfil the conditions of the fence consent. Presumably you will have something rather more substantial to go on than just some kind of say-so confirmation. The Community Council will be grateful if you can confirm that if no permission exists then the fence will be subject of enforcement action: we would like to understand exactly what form this might now take. I obviously don't need to tell you that planning conditions must be enforceable.

I'm afraid that your letter has not satisfactorily explained the circumstances which have led to permission being given retrospectively for the erection of this fence, and the Community Council is in no way convinced by your argument that no change of use is required. Indeed, the new planning application on this site has underlined that the Community Council and other objectors have been correct in their analysis that this proposal has all along been aimed at driving a coach and horses (or should that be a large red tractor and trailer?) through the planning system.

I now turn to the points made in my previous letter...

Change of Use

The Community Council holds to its view that, since the sale or display of motor vehicles is sui generis, a class on its own, the current development is an unauthorised change of use. The Community Council seeks either your Council's confirmation that this is the case, or a cogent explanation to the contrary. In the absence of such an explanation, the Community Council expects the Council to take enforcement action into the unauthorised change of use to ensure that this unauthorised development does not continue.

Fenced Compound

The Community Council still holds to its view that granting retrospective consent for the fence was flying in the face of the Council's own policies and any reasonable interpretation of what constitutes good town and country planning. If, as the Community Council believes, your landscape conditions are basically unenforceable, then the applicant has succeeded in removing an existing landscape feature to aid his commercial display. If this is not the case, and you are able to enforce the landscape conditions, then the Community Council expects you to be able to outline now how this can be done if and when the applicant fails to do so. There is currently no evidence of any attempt to fulfil any landscape conditions, and the Community Council would be grateful if you would advise exactly how long the applicant has to carry out this work and any period for replacement planting to ensure that landscape conditions are successful in the longer term.

Freedom of Information Request

There has been no formal response to the Community Council's Freedom of Information request, and that seems simply wrong. In a telephone conversation between Messrs Gueldner and Strang, the former suggested that there were no further information exchanges beyond those contained within the retrospective planning application file relating to the industrial fence. It now seems that there were indeed other discussions taking place which have led to the current planning application for an industrial and commercial development. While Mr Gueldner may conceivably have been unaware of such discussions, and there does to outsiders appear something of a surprising disjunct between Council's Planning Enforcement Team and the rest of their Planning colleagues, the Community Council expects to learn the full picture when it makes such a formal request, which it does not do lightly. If there is some additional formal procedure which must be undertaken by the Community Council to expedite this matter, then please let me know by return.

Current Planning Application

Turning now to the current planning application for an industrial and commercial development on this prominent site, the Community Council has always believed that such a poorly-conceived scheme would be revealed as standing at the back of the unauthorised fence development and the equally unauthorised change of use. Such a scheme has no place in the rural hinterland to our or indeed any other village in the Borders. It flies in the face of many of the Council's own policies as far as the environmental aspects of planning are concerned, which would be bad enough. But it is doubly to be resisted because such the Council's own economic development policies locate such new uses firmly within industrial estates, carefully landscaped, which the Council itself promotes. Indeed, one of the relatively few proposals for St Boswells in the draft Local Development Plan is an extension of the nearby Charlesfield Industrial Estate, although other sites will no doubt also be available.

The Community Council is not opposed to economic development but it must be delivered in a way which also provides social and environmental benefits. That is the principal purpose of the statutory planning system, and without such an overview system providing effective development planning, development management, and planning enforcement, communities are at the mercy of opportunistic developers who see only the undoubted benefits to themselves as driving their activities. A Community Council has no right of planning appeal against a one-dimensional, poor, planning decision, but must rely on the planning authority to get it right. The SBC cannot do that by approving every application made to it, but must apply its policies with care and diligence.

In the Community Council's judgement this proposal has no legitimacy because its use is not established by prior industrial activity here. The SBC has so far not dealt with the matter of change of use in a satisfactory manner. This is by no stretch of the imagination 'the right development in the right place at the right time'. Indeed, it is a site with

significant practical drawbacks and should not be developed in this way. There have already been considerable environmental losses incurred through the removal of site screening, and the Community Council is not convinced that any landscape conditions suitably applied can remedy the creation of what is already widely held to be a new and unnecessary eyesore which has appeared in the parish of St Boswells.

The Community Council will be discussing this matter further at its next meeting on 25/3/21, and reserves the right to make further comments subsequent to this letter of objection, which I am also copying to the Council's Information Unit.

Yours sincerely

Charles Strang

Charles Strang
BArch(Hons) MSc(U&RP) RIAS IHBC FSAScot

Secretary
St Boswells Parish Community Council
Glen Eden
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Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

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

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

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	21/00244/FUL
	TS TRBO Reference:-	NSE/19/2021

Application made by AB Wight Engineering Ltd per Murray Land & Buildings, Hillside Dean Place Newstead Melrose Scottish Borders TD6 9RL and received by Transport Scotland on 18 February 2021 for planning permission for erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works. located at Slaters Yard Off Charlesfield Road St Boswells Scottish Borders affecting the A68 Trunk Road.

Director, Roads Advice

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

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

TS Contact:-	Area Manager (A68) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NEW SOUTH EAST
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth, PH1 3TW
Telephone Number:-	0800 0420188
e-mail address:-	SEplanningapplications@bearsotland.co.uk

CONDITIONS to be attached to any permission the council may give:-

1	Lighting illumination not to exceed 250 candelas per square metre
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REASON(S) for Conditions (numbered as above):-

1	To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
---	--

Transport Scotland Response Date:-	03-Mar-2021
Transport Scotland Contact:-	Gerard McPhillips
Transport Scotland Contact Details:-	Roads - Development Management Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF Telephone Number: e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

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

I acknowledge receipt of the planning application 21/00244/FUL for Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works. at Slaters Yard Off Charlesfield Road St Boswells Scottish Borders which was received on 18/02/2021.

Planning Officer: Julie Hayward

I am currently assessing the implications of the planning application on the trunk road but will not be able to respond within the normal timescale for the reasons stated below. I should therefore be obliged if you would extend the consultation period until this process is completed.

Reasons

Insufficient information provided

Transport Scotland would request details on the proposed boundary treatment and lighting for the development as this has implications on the safe operation of the trunk road.

Given the proximity of the site access to the A68 trunk road junction, we would request that a swept path analysis be undertaken and suitably scaled drawings provided.

A scaled plan showing the separation distance from the A68 trunk road junction and the site access should be provided.

Until the formal issue of a TR/NPA/2 this Notice must be taken as intent to respond recommending conditions relating to this application, or to refuse the application. On this basis the interest of the Transport Scotland, an agency of the Scottish Government, as a Statutory Body must be taken into account.

Gerard McPhillips

e-mail: development_management@transport.gov.scot

01/03/2021

PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 22nd February 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00244/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th March 2021, 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 15th March 2021, 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: AB Wight Engineering Ltd

Agent: Murray Land & Buildings

Nature of Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Site: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Environmental Health Craig Liddle	PLACEhealth@scotborders.gov.uk
Date of reply	10/3/21	Consultee reference: 21/00481/PLANCO
Planning Application Reference	21/00244/FUL	Case Officer: Julie Hayward
Applicant	AB Wight Engineering Ltd	
Agent	Murray Land & Buildings	
Proposed Development	Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.	
Site Location	Slaters Yard Off Charlesfield Road St Boswells 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	The development site is located on the outskirts of the village. Immediately to the east is the A68, and to the west a residential dwelling. The site is understood to have an established Class 6: Storage and Distribution use.	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Impact on residential amenity (noise) • Workplace health, safety and welfare 	
Assessment	<p>Environmental Health has the following comments to make.</p> <p>Impact on residential amenity</p> <p>Within the supporting information the agent states that a change of use from Class 6: Storage and Distribution to Class 4: Business does not require planning permission, and that Class 4 will be the predominant use. We have concerns that noise from the workshop element of the proposed development could impact on the amenity of the adjacent dwelling, known as Midburn. A Class 4 use is one which can be carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, no information has been submitted with the application to demonstrate this. In the absence of this information we are unable to support the application at this time.</p> <p>Workplace health, safety and welfare</p> <p>The Workplace, Health, Safety and Welfare Approved Code of Practice states that sufficient toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable delay, and includes the minimum number of toilets and washbasins that should be provided. It is noted that the floor plan accompanying the application shows there to be one toilet cubicle for potentially up to 15 employees, which is not in accordance with the minimum numbers provided in the Approved Code of Practice.</p> <p>Table 1, below, shows the number of facilities needed per number of people at</p>	

work. Table 2 may be followed as an alternative to column 2 of Table 1 if toilets are only used by men.

Table 1 Number of facilities needed per number of people at work

1. Number of people at work	2. Number of cubicles	3. Number of washbasins
1 to 5	1	1
6 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5

Table 2 Number of facilities needed per number of men at work

1. Number of men at work	2. Number of cubicles	3. Number of urinals
1 to 15	1	1
16 to 30	2	1
31 to 45	2	2
46 to 60	3	2
61 to 75	3	3
76 to 90	4	3
91 to 100	4	4

The toilet provision should therefore be reviewed by the applicant.

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				
Recommended Informatives				

Consultation Reply

ASSETS AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Julie Hayward **Your Ref:** 21/00244/FUL

From: HEAD OF ASSETS AND INFRASTRUCTURE **Date:** 17/03/2021

Contact: Raffaella Diesel **Ext:** 6977 **Our Ref:** B48/3012

Nature of Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works

Site: Slaters Yard off Charlesfield Road, St Boswells

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from either a fluvial or pluvial flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to view them.

The applicant has submitted a Flood Risk Assessment produced by Kaya for the development site which indicates that the south-western half of the site is within the 1:200 year flood envelope for the St Boswells Burn. The flood envelope encompasses parts of the proposed new building.

The 1:200 year flood level for the site is indicated to be 85.5mAOD.

The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

Some SuDS cells for water runoff from the parking area and building are shown on the Block Plan but no details on the design are given.

Also, the current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as ‘Least Vulnerable Land Use’. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

Therefore, this application is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. I would strongly suggest compensation for the displacement of flood waters be considered by the applicant. This could be achieved increasing the greenspace area or increasing/changing the type of SuDS used.

Alternatively, the building location could be located entirely outside the identified flood envelope.

The applicant should be made aware that due to the flood risk indicated in the FRA- if planning permission is granted- the development is at the applicant's own commercial risk.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Raffaella Diesel
Technician- Flood & Coastal Management

Consultation Reply

ASSETS AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Julie Hayward **Your Ref:** 21/00244/FUL

From: HEAD OF ASSETS AND INFRASTRUCTURE **Date:** 17/03/2021

Contact: Raffaella Diesel **Ext:** 6977 **Our Ref:** B48/3012

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The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

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Also, the current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as ‘Least Vulnerable Land Use’. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

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Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Raffaella Diesel
Technician- Flood & Coastal Management

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 22nd February 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00244/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th March 2021, 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 15th March 2021, 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: AB Wight Engineering Ltd

Agent: Murray Land & Buildings

Nature of Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Site: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Forward Planning Section Karen Ruthven	kruthven@scotborders.gov.uk
Date of reply	6 April 2021	Consultee reference:
Planning Application Reference	21/00244/FUL	Case Officer: Julie Hayward
Applicant	AB Wight Engineering Ltd	
Agent	Murray Land & Buildings	
Proposed Development	Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.	
Site Location	Slaters Yard Off Charlesfield Road St Boswells 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>The site is located outwith a settlement boundary, to the immediate west of the A68 between St. Boswells and Charlesfield. It is understood the site previously operated as a slaters yard although, until recently, it appeared relatively overgrown and perhaps disused. The site has more recently been cleared and a security fence erected and appears to be used for the storage/display of tractors. The application seeks full planning consent for the erection of an agricultural machinery dealership premises which would incorporate a workshop, show space, office and associated works.</p>	
Key Issues (Bullet points)	<p>Scottish Borders Local Development Plan 2016 policies:</p> <ul style="list-style-type: none"> • ED7 – Business, Tourism and Leisure Development in the Countryside • HD3 – Protection of Residential Amenity • IS8 – Flooding 	
Assessment	<p>This proposal must be assessed predominantly against Policy ED7 – Business, Tourism and Leisure Development in the Countryside of the Scottish Borders Local Development Plan (LDP) 2016.</p> <p>The aim of Policy ED7 is to allow for appropriate employment generating development in the countryside whilst protecting the environment and seeks to ensure that business, tourism and leisure related developments are appropriate to their location. This policy is applied to any applications that involve economic diversification in rural areas. The policy states that proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:</p> <p><i>a) the development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or</i></p> <p><i>b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;</i></p> <p><i>c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.</i></p>	

	<p>In respect of criteria a), whilst the proposal is related to agriculture by its nature, it is not related to agricultural operations which require to be at this location per se. Criteria b) is not relevant to this case. Criteria c) requires that the Council is satisfied that there is an economic and/or operational need for this particular countryside location and that it cannot be accommodated within the Development Boundary of a settlement. The application submission notes that the business currently operates from nearby Charlesfield but that the existing premises are restricted in size, problematic in terms of layout and do not enable the desired expansion of the business. First and foremost, industrial uses such as this should be located within business and industrial sites as defined by the Scottish Borders LDP 2016. The supporting statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced however. The Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site.</p> <p>Whilst it is accepted that the site has established use rights as a storage yard, if this was a greenfield site it is unlikely consent would be issued for such a use at this prominent and remote location.</p> <p>There is no doubt that the agricultural machinery dealership building would considerably change the character and appearance of the area. Any visual impact of the proposal must be carefully assessed given the prominent location of the site on the A68. Policy ED7 requires that development must respect the amenity and character of the surrounding area. It is recommended that the Development Management process takes cognisance of these matters and considers whether the proposal, regardless of any established use rights, is appropriate at this location.</p> <p>Flooding is an issue at this location. This matter would require to be considered by the Council's Flood and Coastal Management Team and the Scottish Environment Protection Agency in line with Policy IS8 – Flooding of the LDP 2016. With an existing residential property to the west, impact upon residential amenity must also be considered.</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				

Recommended Informatives	
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PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 22nd February 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00244/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th March 2021, 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 15th March 2021, 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: AB Wight Engineering Ltd

Agent: Murray Land & Buildings

Nature of Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Site: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
Catherine Andrews	Landscape Architect	candrews@scotborders.gov.uk
Date of reply	18/03/2021	Consultee reference:
Planning Application Reference	21/00244/FUL	Case Officer: Julie Hayward
Applicant	AB Wight Engineering Ltd	
Agent	Murray Land & Buildings	
Proposed Development	Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.	
Site Location	Slaters Yard Off Charlesfield Road St Boswells 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 site was subject to a retrospective application 20/00115/FUL in February 2020 for erection of boundary fence, gates and screen planting prior to which an existing mature hedgerow and tree field boundary had been removed.</p> <p>This site lies on the west of the A68 at the junction with the minor road to the Charlesfield Industrial Estate with open fields to the north and west and tree belts across the roads to the south and east. The A68 forms the western boundary of the Tweed Lowlands Special Landscape Area designated for its contribution to the high scenic qualities and character of the landscape. A number of rights of way and promoted footpaths can be found in this area. The St. Boswells Burn runs along the south western boundary of the site and a stretch of disused railway line mostly covered with natural regeneration and some forestry belts runs close to the south west corner of the site from NW to SE. A couple of residential properties lie between the site and the disused railway line.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Landscape and Visual Impact of the Development 	
Assessment	<p><i>Policy relevant to this application:</i> <i>PMD4</i>, - Development outwith development boundaries may be considered where the development of the site c) does not prejudice the character, visual cohesion or natural built up edge of the settlement d) does not cause significant adverse effect on the landscape setting of the settlement and the natural heritage of the surrounding area. <i>EP6</i> Countryside Around Towns (CAT), the aim of this policy is to ensure protection of the high quality living environment and prevent piecemeal development that would detract from the environment.</p> <p><i>I have not been able to visit the site but have made an assessment using the documents in the application, google streetview, aerial imagery and webGIS.</i></p>	

Assessment

The site is outwith the Newtown St Boswells Development Boundary and does not form part of the strategic Business and Industrial sites Charlesfield (zEL3) and Extension to Charlesfield (zEL19) as defined by policy ED1. The current Business and Industrial estate further along Charlesfield Road although close to the site is well screened and barely perceptible in views to and from the site.

The development consists of a large shed 48.3m long by 20m wide with a shallow pitched roof 5.168m high at the eaves rising to a ridge height of 7m. It is located towards the 'frontage' of the site and is built on a gravel and type 1 surface with access road and parking area of tarmac surfacing. A hedge is suggested but not annotated on the block plan on the north west boundary and an area in the western part of the site identified as a 'green space with hedging and biodiversity creation'. No detail is given in the documentation although a wetland area is mentioned in the Planning Statement. A length of Leylandii hedge is proposed for the south western corner on the boundary with the neighbouring residential property.

This site is in a prominent position just off the A68 at the corner of the junction with Charlesfield Road and in the foreground of views of the Eildon Hills when approaching from the south. The concerns are that the development will be highly visible from the popular A68 tourist route, with the building at 7m height rising up above the existing 2m high chain link fence in contrast to the rural boundary treatments of hedges, fields, woodland and undeveloped road sides. Despite the proposal for tree and hedge planting on the south east side of the plot the building is likely to remain highly visible and intrusive in views. It appears from the visualisations submitted that this is the intention particularly on the approach from the north.

The cricket ground and green form part of St. Boswells conservation area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills' (LDP settlement profiles – St Boswells) From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and in my opinion have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the shed are likely to be highly visible from the A68 and across St. Boswells Green and Cricket Ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.

The applicants planning statement under Sustainability states that 'Screen planting is to be provided as per the previous application to aid the proposed building assimilation into its surroundings'. It should be noted that this screen planting proposal was approved for the screening of a fence, yard and its contents rather than a building 7m high projecting above the fence line.

In my opinion this development is contrary to PMD4 and EP6 . It will be visually intrusive and will erode the sensitive nature and setting of St.Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the

	<p>approach routes. For these reasons I am unable to support this application.</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				
Recommended Informatives				

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer	ascott@scotborders.gov.uk 01835 826640	
Date of reply	16 th March 2021	Consultee reference:	
Planning Application Reference	21/00244/FUL	Case Officer: Julie Hayward	
Applicant	AB Wright Engineering Ltd.		
Agent	Murray Land & Buildings		
Proposed Development	Erection of agricultural machinery showroom and associated works		
Site Location	Slaters Yard, Charlesfield Road, St. Boswells		
<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 have no objections to this principle of this proposal. The access to the site is in very close proximity to the A68 Trunk Road and I note Transport Scotland have already commented on the proposal. With regards the internal layout, I will require a more details plan highlighting the following issues :-</p> <ul style="list-style-type: none"> • Drainage – There are no levels on the submitted plan and I shall require levels to confirm where the surface water will flow. This is to ensure there is no detrimental impact on the drainage associated with the adjacent public road. • Details of any lighting shall be required to ensure the levels do not exceed those stipulated by the Trunk Road Authority and to ensure any lighting does not distract passing motorists due to its positioning. • A parking layout will be required to ensure adequate visitor and staff parking is provided within the site. • Details of the access arrangement should be provided to ensure the access is of an adequate construction where it is immediately adjacent to the existing public road and appropriate visibility is provided. <p>It should be noted that due to travel restrictions in place at the time of writing due to the coronavirus, no site visit was undertaken prior to this response. The comments above are based on the information submitted and responders' knowledge.</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		

Signed: DJI

**Colin D Smith
Sunnybank Main Street
St Boswells
Melrose TD6 0AT**

16th March 2012
Application No. 21/00244/FUL
"Slaters yard" off Charlesfield Road, St. Boswells

Dear Sirs,

I wish to submit the following observations and objections to the above application for planning consent.

I appreciate that the previous application (20/00115/FUL) now has planning consent, subject to conditions regarding planting and lighting. I would, however, highlight a highly relevant statement contained within the Planning Authority's Part III Report on that application:-

"It can be argued that the development is contrary to Policies PMD4 and EP6 and the visual harm is significant enough to warrant refusal. However, with the refusal of the application and any subsequent enforcement action to secure the removal of the fencing there would be no procedure open to the Planning Authority to secure replacement planting.... As a result, it is felt that the application can only be supported if the boundary planting is reinstated."

However, the applicant was responsible for the removal of all planting on the site prior to erecting the current fencing, which, in turn, was undertaken without planning consent. In effect, the applicant has held a gun to the Planning Authority's head – 'grant consent (retrospectively) for my fencing with a planting condition attached, or there won't be any planting at all.'

It could be argued, and I certainly would, that it would have been preferable to have refused the application, foregone the planting, enforced the removal of the fencing and allowed the site to return to nature: better to have a sympathetic rural character at this location than an aggressively industrial one.

Before moving on to the current application, there is a further issue that remains unsatisfactorily addressed, and unanswered in the previous or current applications. Soon after the fencing was erected, several large tractors and items of agricultural equipment were parked, and remain parked, on the south-east boundary. These are evidently being displayed for sale and, as such, should be the subject of a separate application for Change of Use (the sale or display for sale of motor vehicles being, sui generis, a use class in its own right. The applicant should not be allowed to suggest that this display of vehicles for sale is subsidiary to the current application for a building. The issue of change of use is fundamental, and a separate application for Change of Use should be pursued and refused.

It is disappointing that the totality of the development has never been identified for public consideration. It would appear to be the applicant's view that a more stealthy incremental approach will have the best chance of success.

Instead of such a comprehensive package of proposals, the applicant has:

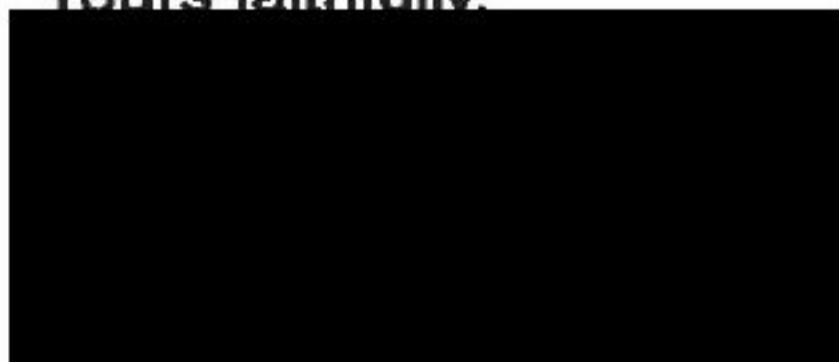
- removed all traces of previous planting, then
- erected fencing, of a quite inappropriate and industrial nature, then
- sought retrospective planning consent, then
- erected and subsequently removed floodlighting (now subject to a specific condition in the subsequent consent), then
- submitted a new application for a building, the subject of the current application

Had the totality – removal of planting, industrial fencing and industrial building – been apparent from the beginning, the Planning Authority's response would, I suggest, have been less sympathetic.

The other condition attached to 20//00115/FUL with regard to the screen planting has to be completed by the end of this month. As yet, as the Planning Authority has reminded the applicant, no planting has been undertaken. It is unclear to me why the applicant should place any value on achieving a successful planting/screening programme, since it will merely serve to obscure the very items that he wishes to sell. However, I am reassured that the Planning Authority will be keeping a watchful eye on this planting to ensure that it is carried out in an appropriate manner and that every effort will be made to ensure that it thrives.

Moving to the current application. It is evidently contrary to Local Plan Policies PMD4 (Development Outwith Development Boundaries) and EP6 (Countryside Around Towns). There are no exceptional circumstances that suggest that these Policies should not be robustly upheld. The application should be refused.

Yours faithfully,



Colin D Smith

Midburn
Merrick
St Boswells
Melrose
TD6 0HG

12th March 2021

Dear Mr Hayward

Application Number: 21/00244/FUL
Proposed Development: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.
Location: Slaters Yard off Charlesfield Road, St Boswells

In response to the above application we have experienced, with some concern, all the extensive and unexpected changes which have already taken place at the above site and have now studied the application information and images at *eplanningborders*.

We have read and agree fully with the concerns raised and expressed very clearly by Mr Ian Lindley, Gattonside and also the concerns raised by Environmental Health with regard to noise.

Our Objections

1. **The development is outside the Local Plan zEL19.** As the Charlesfield Industrial site has developed from a few small and non-intrusive businesses, 30 years ago, to the size and number of businesses in 2021, there has been a significant negative impact on our experience of living here. However, these businesses are visually masked to some extent by the plantings, which have been put in place.
2. This application brings industry outwith the Charlesfield site and basically would sandwich our property, our home for 34 years, between industrial units. There is a danger also, that this sets a precedent for the future of further developments outwith the designated Local Plan which has been agreed by the council.
3. **This is a considerable change of use** from business/tradesperson storage to running an agricultural machinery business from this site as detailed above.
4. **The change of use has the potential to impact on noise levels and light pollution.**
Since purchasing our property 34 years ago, the ongoing development and expansion of Charlesfield Industrial Estate has impacted on the tranquility of our home not only with noise from the most recent, larger businesses but also the considerably increased heavy traffic – tractors, buses, gritters. We have already experienced a huge increase in the volume and vibration of heavier and heavier traffic. There has also been an increase in 24-hour noise from some of the businesses. We have already born the cost of installing high specification double-glazing to reduce the noise from the heavy traffic.

To allow the development of this site at Slater's Yard would potentially encase our home in industrial noise, which we feel should be confined to the land designated for industrial use. We are especially concerned about the potential noise and vibration from machinery during large engineering works and repairs carried out.

We have a large garden, in which we spend a huge amount of time cultivating and growing, continual noise would impact on our quality of life in retirement.

5. **Future use of this space.** We are also concerned about what would happen to this plot of land if the development were to go ahead and then something happens to the business of AB Wright Engineering Ltd. Whilst there may be assurances from the applicant now, who would monitor the use of the space if the business changed hands?

Yours sincerely

Hilary & Steven Morton
Owners

Comments for Planning Application 21/00244/FUL

Application Summary

Application Number: 21/00244/FUL

Address: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Case Officer: Julie Hayward

Customer Details

Name: Mr Ian Lindley

Address: 19 Monkswood, Gattonside, Scottish Borders TD6 9NS

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Inadequate screening
- Trees/landscape affected

Comment:Objection to development:

The Borders countryside and rural communities are unique and sensitive to visual erosion from a multitude of activities, large & small. This proposal degrades the attractiveness of the area to highly mobile visitor & inward-investment interests & to local communities.

Under previous ownership this site had a gappy but effective hedgerow boundary and read as part of the open countryside. Travelling north on the A68 afforded views of the Eildon's & an open & rural aspect to the southern approach into the Conservation Area of St Boswell's. Travelling south, the Charlesfield estate is effectively screened by existing & newly planted edge trees & shrubs along and within its own boundaries, but this site sits forward of that screening and from the proposal appears as a separate identity, unrelated to any other business development. The applicant proposes to clad the shed walls in brown finish, but no comment or annotation is apparent as to roof colours, which will remain very visible to the Eildon NSA. Even had the applicant proposed to clad the roof with the same earth-coloured palette of the surrounding countryside, nevertheless in the longer term, controls over wall and roof colours & extraneous additions such as air-con and extractors etc, which might follow with future changes of use under permitted development, can seldom be enforced.

The existing owner has removed all vegetation from around the boundaries to openly display tractors and claims that a new gravel surface will improve land drainage over the previous open field surface which is questionable once the site is compacted through use. The applicant proposes to plant a screen hedgerow & trees to obscure low level views into the site and to soften

the skyline impact of the building from the south. No tree planting is proposed to the north/east of the site which will remain open at roof level from the A68 southbound and from the Kelso turn. This again accentuates the site's intrusion & separate identity from other existing business developments.

It is difficult to reconcile the objective of openly displaying new sales items, (abetted by recent wholesale removal of the traditional boundary vegetation) with the alleged intent to entirely screen the development's display windows and open yards from external views by planting a boundary hedge illustrated approx 2m height. In practice, Planning control of hedgerow height will be difficult to effect. Most new vehicle sales outlets do not retain trees and prefer clearance from fallen leaves, sap, insects etc. Assuming that any such planting survives the initial protection period afforded by standard planning conditions, and is maintained, effectively managed and replaced as required in a timely manner, (maybe more than once if planting failure recurs), then the longer term retention & height of any maturing hedgerow and trees must be questionable for this type of land use.

Again, not illustrated, but to be expected under separate Advertisement Regulations, will be subsequent building frontage and site boundary signage for access and ownership / sales details. This may also be at odds with claims to achieve an uninterrupted hedgerow boundary & an uncluttered development appearance & simple building lines.

The granting of planning permission opens opportunities for permitted and applied-for permission for changes of use to other forms of development both for this building & its site, which can then be more difficult to constrain.

Given that the Statutory Planning process addresses land use, then looking further ahead, any such shed built under this permission may well outlast the current applicant's interests. Changes of use and / or further applications for site or building expansion could all occur. Once permitted, the building must be considered in effect as a permanent entity, although its details & use may change.

Once built it will be extremely difficult to resist further demands for 'windfall' - non-planned 'exception' developments that are closely related to the building line established by this proposal along the Charlesfield access. That would open up further extension of business activity in this location, well beyond even the planned expansion of Charlesfield industrial estate.

The applicant claims that other suitable sites do not exist and that this development should thus be an exception. Other available sites do appear to exist within many other business sites across the Borders and at high visibility road junctions. Moreover, if land supply for the proposed expansion of Charlesfield Ind estate under policy zEL19 remains constrained, it is within the ability of the local authority to address this as recently demonstrated by the advanced purchase by SBC of the Lowood Estate for mixed use development.

Long-term planning proposals should not be steered by recently negotiated private land franchise agreements or by land ownership deals of purchasers. The applicant suggests an intention to centralise three currently rented sites within Charlesfield to this site. It is unclear if this is for all current business activities including repairs & storage, or purely for the newly agreed franchise of tractor sales, but clearly repairs & external storage will need to continue somewhere. The application does not show any such external activities, but one visualisation from the north does

include an intrusive blue storage container in view which illustrates the sensitivity of this site to clutter. Comments received on previous applications which have supported other proposed developments in order to 'tidy up the site' should not be relevant, since this is within the powers of any land owner and should not be seen as a solution where it leads to inappropriate development.

Job creation is to be welcomed, but should be focused on existing & planned business sites.

Comments for Planning Application 21/00244/FUL

Application Summary

Application Number: 21/00244/FUL

Address: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Case Officer: Julie Hayward

Customer Details

Name: Mrs Victoria Tweedie

Address: The House Of Narrow Gates, Main Street, St Boswells Melrose, Scottish Borders TD6 0AX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Height of
- Inadequate screening
- Over Provision of facility in area
- Trees/landscape affected

Comment: I would like my letter of objection to the previous, retrospective, application 20/00115/FUL to stand as my objection to this application.

As that application was granted conditional on substantial, detailed screening being erected before the end of March 2021, and the applicants have, so far, failed to erect such, I assume the granting of their earlier application is now void.

I note there were multiple complaints regarding the original work, done without planning, then further formal objections to the application, as well as these ongoing complaints.

Email from Julie Heyward 5th Feb 2021, on eplanning:

"The Council is continuing to receive complaints regarding the visual impact of the fencing around the above site, as it is in such a prominent location at the edge of the village."

I have seen no evidence of the applicants discussing their need for a larger site with SBC, whose provision at Charlesfield is substantial. I am sure the Council would be happy to engage with the

applicants regarding the provision of an appropriately located and sized site. But the Council has a local plan and this site and application contravene so many aspects of it

I note the impact on visual amenity is even huger than the original fencing, with the shed absolutely enormous.

Comments for Planning Application 21/00244/FUL

Application Summary

Application Number: 21/00244/FUL

Address: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Case Officer: Julie Hayward

Customer Details

Name: Mr Andrew Herberts

Address: Merrick Farm, Merrick, St Boswells Melrose, Scottish Borders TD6 0HG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Loss of view
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected
- Value of property

Comment: My understanding is that this application is contrary to several local planning policies cited elsewhere and that it should, prima facie, be refused.

If those policies are not sufficiently robust in and of themselves to refuse permission I would point out some other factors.

The proposed site sits on the corner of a busy and already dangerous junction, only adding to the risk of accidents on this stretch of the A68 through an increase in traffic and of distraction.

The site will be an eyesore on the edge of the attractive village of St Boswells, detracting from its ambience. Alternative brownfield sites exist where the development would be in keeping. The

proposal will impact on the views and aspect of mine and my neighbours' properties as well as being visible from the Eildon hills.

The construction phase will exacerbate the traffic issues and add significantly to noise pollution as will the ongoing operations of the site. The site will also generate industrial waste in the workshop potentially feeding into the burn that runs alongside the site and into the St Boswells community woodland. The applicant's disregard of planning consent and eradication of trees along the site's boundary does not bode well for a rigorous application of environmental regulations.

The development thus far has radically degraded a patch of rough wild ground, destroyed mature trees, eliminated a rich mix of wildlife and covered ground presumably useful for agricultural water run off. It is not too late to demand restitution of the ground to its former state.

The applicant has shown contempt for existing planning consents in the destruction of the trees and construction of the industrial fence. The incremental ongoing work on the site shows little respect for due process and any commitment to restore planting or screen the site seems disingenuous in the extreme given part of the role of the site is sales.

I register my objection to this application in its entirety and also to the creeping development of the site which seems designed to force the planning department's hand. Approval would set a very poor precedent for other sites in the vicinity.

From: Jamie Murray <jamie@murraylandandbuildings.co.uk>
Sent: 02 March 2021 16:07
To: Hayward, Julie <JHayward2@scotborders.gov.uk>
Subject: RE: [OFFICIAL] FW: 21/00244/FUL (TS Ref. NSE/19/2021) Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

CAUTION: External Email

Thanks Julie

I understand the requests but –

- The proposed boundary treatment is already consented in planning application 20/00115/FUL. It is also shown on the block plan and in one of the attached pictures used within the planning statement. Lighting of the development will be low key and kept to low lumen LED lighting directed onto the building. Other security lighting will be employed within the site as low level, low lumen and where possible only illuminated by PIR. There will be no high level lighting or glare coming off the site which would impede the safe operation of the A68 for it's users. I am not sure how a drawing will inform more on this? I suspect a condition would also allow an element of control on the suitability of the lighting to be used so that the lighting does not cause issues for the A68 and it's safe use.
- Is a swept path analysis necessary, given the entrance is existing/in use, and the change proposed is permitted development?
- The block plan is scalable. The distance between the centre of the site entrance and the A68 junction is 60m, per the scaled plan.

Jamie

Surveyor
Murray Land & Buildings
Hillside Dean Place Newstead Melrose TD6 9RL
Tel 07977 132695

Murray Land & Buildings Ltd trading as Murray Land & Buildings. Registered in Scotland. Company SC545656.

From: Hayward, Julie <JHayward2@scotborders.gov.uk>
Sent: 02 March 2021 13:02
To: Jamie Murray <jamie@murraylandandbuildings.co.uk>
Subject: [OFFICIAL] FW: 21/00244/FUL (TS Ref. NSE/19/2021) Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Hi

I refer to the above planning application.

Please see the below e-mail and attachment from Transport Scotland. They have requested additional information:

- Details of the proposed boundary treatment and lighting for the development, as this has potential implications on the safe operation of the trunk road.
- Swept path analysis be undertaken and suitably scaled drawings provided due to the proximity of the site access to the A68 trunk road junction.
- A scaled plan showing the separation distance from the A68 trunk road junction and the site access.

Once this information has been submitted I will forward it onto Transport Scotland.

Many thanks

Julie

Julie Hayward
Team Leader
Development Management
Planning, Housing and Related Services
Corporate Improvement and Economy
Scottish Borders Council

Tel: 01835 825585

E-mail: jhayward2@scotborders.gov.uk

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From: Gerard.McPhillips@transport.gov.scot <Gerard.McPhillips@transport.gov.scot>

Sent: 01 March 2021 16:25

To: DCConsultees <dcconsultees@scotborders.gov.uk>

Cc: Hayward, Julie <JHayward2@scotborders.gov.uk>; Alan.Hobbs@transport.gov.scot

Subject: 21/00244/FUL (TS Ref. NSE/19/2021) Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

CAUTION: External Email

FAO Julie Hayward

Julie

I trust you're well.

Please find attached Transport Scotland's request for an extension to the consultation period for the above planning application. This is to allow Transport Scotland additional time to seek further information on the proposals and to assess any potential impacts on the trunk road.

As outlined in the attached, Transport Scotland would request details on the proposed boundary treatment and lighting for the development, as this has potential implications on the safe operation of the trunk road. In addition, given the proximity of the site access to the

A68 trunk road junction, we would request that a swept path analysis is undertaken and suitably scaled drawings provided. A scaled plan showing the separation distance from the A68 trunk road junction and the site access should also be provided.

I would be grateful if you can pass on these comments / requests to the applicant.

Regards.

Gerard

a

Gerard McPhillips
Transport Scotland
Development Management Quality Manager
Roads Directorate
T: 0141 272 7379
M: 07775 547 664
gerard.mcphillips@transport.gov.scot
transport.gov.scot

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From:Jamie Murray
Sent:31 Mar 2021 15:00:56 +0100
To:Hayward, Julie
Cc:Oliver, Clare
Subject:21/00244/FUL

CAUTION: External Email

Julie

Please take this email as a response to the objections raised towards the above application.

1. The current use of Slater's Yard is a Storage Yard for agricultural machinery. This use falls under Class 6 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 which is noted as Storage & or Distribution.
2. The Sui Generis Class use, noted by objectors as, Sale or Display of Motor Vehicles refers to Motor Vehicles. Agricultural Machinery does not fall under the definition of Motor Vehicles. Furthermore, the wording of The Town & Country Planning (Use Classes) (Scotland) Order 1997, for the aforementioned Sui Generis Use, is **for the sale or display for sale of motor vehicles**; . The wording is very specific. Display for sale would generally expect to include pricing, signage, attendance and active invitation to the public. Slater's Yard has none of these and it is not the purpose or use of the site. There are many examples of vehicle stores throughout the Scottish Borders where vehicles are stored and even displayed, though not displayed for sale. Their use is Class 6 Storage.
3. The Town & Country Planning (Use Classes) (Scotland) Order 1997 permits change of use from Class 6 Storage & or Distribution to Class 4 Business use.
4. AB Wight are exercising the site's established planning use and it's permitted development planning use, and no more.
5. AB Wight are very disappointed by the Community Council's response. AB Wight are not developers trying to make a quick buck they are a local young business, wishing to expand and invest in the Scottish Borders. They support the local community and provide jobs.

6. Further zoned employment land is included in the Local Plan as part of the Charlesfield extension. This is noted in the Planning Statement. This land is not available in the short to medium term and AB Wight do not have time to wait for land to come available, that may never. Businesses fail if they don't take opportunities when they arise. This affects livelihoods and the local economy.
7. Zoning land does not compel it's owners to develop or sell their land. Neither can local authorities always be expected to buy land compulsorily or otherwise.
8. Local Plan policy goes as far to recognise market failure situations in the Scottish Borders.
9. This application is not merely being steered by the ownership of the site, but by the existing use the site holds and permits, alongside permitted development rights.
10. Previous comments on development proposals, on the same site, regarding tidying of the site by the former Community Council are not relevant from a tidy site perspective, or as a bargaining chip to try and sway the Local Authority. They are however, material in showing that the Community Council of the time was supportive of other planning uses previously. Whilst we understand the question of suitability of development, the inaccurate assumptions and tone of response offered by the current Community Council towards both AB Wight and the Local Authority, given the sites existing and permitted development use, is unhelpful.
11. AB Wight take the comments & concerns from the immediate neighbour regarding noise seriously and are commissioning a noise monitoring survey to show the existing noise at the site caused by road traffic and the noise which will be generated by them in-situ. They do not wish to cause noise pollution or nuisance to neighbours. The service and repair of agricultural machinery would be carried out inside an insulated building to further minimise/control any potential noise.
12. AB Wight wish to assimilate their proposed development within their surroundings.

13. Unfortunately, the site screening will not be installed by 31st March 2021 as per condition 1 of the retrospective fence planning condition. AB Wight are very willing to install this screen as part of the overall scheme proposed in this current planning application. AB Wight are not trying to establish a forecourt, they are more than happy to plant the mature hedge plants and trees -and thereafter manage- to create an immediate screen. Tractors and machinery are not sold to passing public hence a forecourt is not required.

14. A planning application has been made to vary the date within Condition 1 of Planning Consent 20/00115/FUL. We await validation. We do **not** agree that the hedge and tree planting cannot be conditioned on, once established.

Jamie

Surveyor

Murray Land & Buildings

Hillside Dean Place Newstead Melrose TD6 9RL

Tel 07977 132695

Murray Land & Buildings Ltd trading as Murray Land & Buildings. Registered in Scotland. Company SC545656.

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Local Review Body – List of Policies

Local Review Reference: 21/00244/FUL

Planning Application Reference: 21/00016/RREF

Development Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works

Location: Slater's Yard off Charlesfield Road, St Boswells

Applicant: A B Wight Engineering Ltd

Scottish Borders Local Development Plan 2016

POLICY PMD1: SUSTAINABILITY

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

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

POLICY PMD2: QUALITY STANDARDS

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

Sustainability

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

Local Review Body – List of Policies

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

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

Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

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

Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

POLICY PMD3: LAND USE ALLOCATIONS

Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.

Local Review Body – List of Policies

Development will be in accordance with any Council approved planning or development brief provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.

Sites proposed for redevelopment or mixed use may be developed for a variety of uses subject to other local plan policies. Where there is evidence of demand for specific uses or a specific mix of uses, these may be identified in a Planning Brief and the site requirements detailed within the Local Plan.

Within new housing allocations other subsidiary uses may be appropriate provided these can be accommodated in accordance with policy and without adversely affecting the character of the housing area. Planning Briefs and site requirements detailed within the Local Plan may set out the range of uses that are appropriate or that will require to be accommodated in specific allocations.

Any other use on allocated sites will be refused unless the developer can demonstrate that:

- a) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
- b) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
- c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and
- d) the proposal is otherwise acceptable under the criteria for infill development.

POLICY PMD4: DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES

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

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

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

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

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

Local Review Body – List of Policies

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

LDP ALLOCATIONS zEL3 & zEL19

POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

The Council aims to maintain a supply of business and industrial land allocations in the Scottish Borders (see Table 1). There is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land.

1. STRATEGIC SITES

The Council rigorously protects strategic business and industrial sites for employment uses.

a) Strategic High Amenity Sites

Development on Strategic High Amenity Sites will be predominantly for Class 4 use. Other complementary commercial activity e.g. offices, call centres and high technology uses may be acceptable if it enhances the quality of the business park as an employment location.

b) Strategic Business and Industrial Sites

Development for uses other than Classes 4, 5 and 6 on strategic business and industrial sites in the locations identified in Table 1 will generally be refused. Uses other than Class 4, 5 or 6 can be considered if clearly demonstrated as contributing to the efficient functioning of the allocated site.

2. DISTRICT SITES

Although District sites do not merit the same level of stringent protection as Strategic sites there remains a preference to retain these within employment uses.

However, development other than Classes 4, 5 and 6 may be accepted on district business and industrial sites identified in Table 1 in order to, where appropriate, allow a more mixed use area.

Proposals for development outwith Class 4, 5 and 6 will be considered against the following criteria:

- a) the loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and
- b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and
- c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or
- d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

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Development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites identified in Table 1. Retail may be acceptable on local sites where they are located within or adjacent to town centres.

In all business and industrial land site categories development must:

- a) respect the character and amenity of the surrounding area, and be landscaped accordingly, and
- b) be compatible with neighbouring business and industrial uses

Shops and outright retail activities will not be allowed on Strategic or District sites. The only retailing permissible on these sites will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

POLICY ED2: EMPLOYMENT USES OUTWITH BUSINESS AND INDUSTRIAL LAND

Within the defined Development Boundary there will be a general presumption against industrial or business uses outwith business and industrial land, mixed use or redevelopment sites (Policies ED1 and PMD3). Any proposal for such a use in such a location will be required to:

- a) justify the need for that location, and
- b) demonstrate significant economic and/or employment benefit, and
- c) demonstrate that it can co-exist satisfactorily with adjoining uses

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

Local Review Body – List of Policies

f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

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

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

POLICY EP3: LOCAL BIODIVERSITY

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

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

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

POLICY EP4: NATIONAL SCENIC AREAS

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

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

POLICY EP5: SPECIAL LANDSCAPE AREAS

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

POLICY EP6: COUNTRYSIDE AROUND TOWNS

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

- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural, horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or,
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or
- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

POLICY 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.

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POLICY EP12: GREEN NETWORKS

The Council will support proposals that protect, promote and enhance the Greenspace Network.

Where a proposal comes forward that will result in a negative impact on the natural heritage, greenspace, landscape, recreation or other element of a Green Network, appropriate mitigation will be required.

Where infrastructure projects or other developments are required that cross a Green Network, such developments must take account of the coherence of the Network. In doing this, measures which allow access across roads for wildlife, or access for outdoor recreation will be required.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS7: PARKING PROVISION AND STANDARDS

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

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

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

POLICY IS8: FLOODING

At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:

Local Review Body – List of Policies

- a) development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy;
- b) additional built development in undeveloped and sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at planning permission in principle stage:

- a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change; and
- b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

- a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;
- b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;
- c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;
- (d) the Scottish Environment Protection Agency's Land Use Vulnerability Guidance.

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 seweraged 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.

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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.

POLICY IS16: ADVERTISEMENTS

Applications for advertisements/signs will be assessed against the Council's published supplementary guidance. This guidance is concerned with amenity and safety considerations. A higher standard of design will be required on Listed Buildings and in Conservation Areas.

All proposals will be assessed against the following criteria:

- a) advertisements/signs must not represent a threat to road safety or other hazard to the public;
- b) advertisements/signs must be related to the location at which they are displayed and must be in keeping with the character of the building to which they are attached and/or the area in which they are located in terms of positioning, scale, design or materials;
- c) excessive or badly arranged advertisements/signs which cause unsightly clutter will not be permitted;

In addition to the above criteria and outwith settlements, roadside advertisements in the countryside will only be permitted if:

- d) a statutory road sign has been considered as a first option,
- e) the sign is primarily directional, and does not advertise particular products or facilities,
- f) the premises to be signed are not clearly visible from a major road and cannot already be reasonably identified by means of an existing directional sign advising of the place name of the locality within which it is located, and

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Countryside Around Towns 2011
- Scottish Planning Policy 2014



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100472555-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Lucy"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Moroney"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668 744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Galasheils"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Scottish Borders"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="lucy@fergusonplanning.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Agent"/>
First Name: *	<input type="text" value="Trevor"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Jackson"/>	Address 1 (Street): *	<input type="text" value="c/o Agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="lucy@fergusonplanning.com"/>		

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="Plot 2 Land South at West End Charlesfield, St Boswells"/>
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Northing	<input type="text" value="629662"/>	Easting	<input type="text" value="358309"/>
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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)

Planning application in principle for residential dwellings with associated amenity, parking, infrastructure and access

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 Appeal Statement

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

Yes No

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

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

Appeal Statement and Core Documents

Application Details

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

21/00839/PPP

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

24/05/2021

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

13/08/2021

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: Miss Lucy Moroney

Declaration Date: 20/09/2021

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Proposal Details

Proposal Name	100472555
Proposal Description	Planning Application in Principle for residential dwellings with associated amenity, parking, infrastructure and access
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100472555-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
CD1 Part 2	Attached	A0
CD1 Part 1	Attached	A0
CD1 Part 3	Attached	A0
CD1 Part 4	Attached	A0
CD 2	Attached	A0
CD 3 Part 1	Attached	A0
CD 3 Part 2	Attached	A0
CD 3 Part 3	Attached	A0
CD 3 Part 4	Attached	A0
CD 4	Attached	A0
CD 5	Attached	A0
CD 6	Attached	A0
Appeal Statement	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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**APPEAL STATEMENT IN RELATION TO SCOTTISH
BORDERS COUNCIL'S REFUSAL OF: PLANNING
APPLICATION IN PRINCIPLE FOR RESIDENTIAL
DWELLINGS WITH ASSOCIATED AMENITY, PARKING,
INFRASTRUCTURE AND ACCESS.
LAND AT WEST END CHARLESFIELD, ST BOSWELLS**

APPLICANT: MR TREVOR JACKSON

SEPTEMBER 2021

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Appendices:

Appendix 1: Core Documents

Author	Date
Lucy Moroney	14/09/2021
Approved	Date
Tim Ferguson	14/09/2021

1. Introduction

- 1.1 This statement is submitted on behalf of Mr Trevor Jackson ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application 21/00840/PPP and 21/00839/PPP by delegated decision on 17th August 2021.
- 1.2 The two Planning Permission in Principle (PPiP) applications sought consent for the **'erection of two dwelling houses, formation of new access and associated works'** on plots 1 and 2 Land South of The Bungalow Charlesfield at Boswells, Scottish Borders.
- 1.3 SBC's single reason for the refusal of the PPiP applications LPA ref 21/00840/PPP and LPA ref 21/00839/PPP as set out in the decision notices was:

"The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3"

- 1.4 Other than the reason for refusal above, the other technical consultees have raised no objection to the proposed development, as summarised in the table below:

Table 1: Summary of Technical Consultee Comments

Consultee	Comment
Roads Planning	No Objection
Contaminated Land Officer	No Objection
Archaeology Officer	No Objection
Scottish Water	No Comment
Ecology Officer	No Comment
Flood Officer	No Comment
Forward Planning	No Comment
Housing Strategy	No Comment

- 1.5 For the purposes of this appeal statement and to aid clarity in our response to the key points raised by SBC, the above reason for refusal has been broken down into three parts and each will be addressed in turn in this statement:

1. The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions.
2. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place.
3. The proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

1.6 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2).
- A summary of the appeal proposals (Section 3).
- A summary of relevant development plan policy and other material considerations (Section 4).
- Response to the Council's reasons for refusal and our grounds for appeal (Section 5).
- Summary of the appellant's case and conclusion in respect of the appeal proposal (Section 6).

Supporting Documents

1.7 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application listed below.

Table 2: Original Planning Submission Documents

Document	Consultant
Planning Statement	Ferguson Planning Ltd
Noise Impact Assessment	KSG Acoustics Ltd
Transport Technical Note	Cundalls
Consultee Response Letter (29 th July 2021)	Ferguson Planning Ltd

Table 3: Architectural Drawings

Document	Consultant
Site Location Plan	CSY Architects
Proposed Site Plan	CSY Architects
Concept Cross Section	CSY Architects

The planning officer's report and decision notices relating to the refused applications are also included.

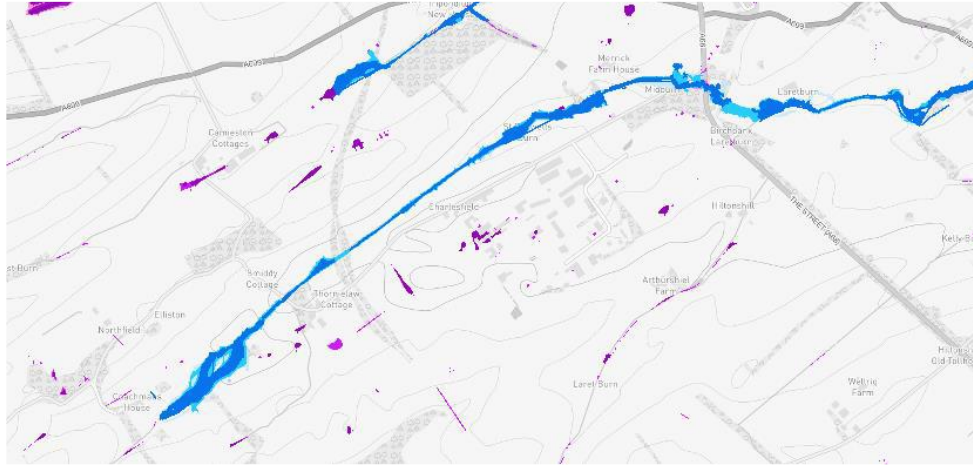
Application process

- 1.8 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.
- 1.9 This statement demonstrates that SBC does have a shortfall in their effective five-year housing land supply, the proposed development would represent a logical location for the extension of the existing building group in an infill location and will provide much needed housing within a sustainable location that would have no adverse impact on the character of the surrounding area.
- 1.10 On that basis, we respectfully request that this appeal is allowed to enable planning permission in principle to be granted for the proposed development at Plots 1 and 2, Land at West End, Chelsfield, St Boswells.

2. Site Context and Key Planning History

- 2.1 The site is 0.65ha in size currently rough pasture and is positioned between the Charlesfield Industrial Estate to the south and residential units to the north and west. Adjoining the site to the east are agricultural fields laid to grass, beyond lies St Boswells. Access is to be obtained to the northwest of the site off the existing access road to the north towards the A68.
- 2.2 In terms of topography, the site itself is relatively flat without any significant landscape variations. There is a slight gradient from the northeast corner to the southeast corner.
- 2.3 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 2.4 The proposed dwellings are shown indicatively on two individual plots, illustrated within Section 3 of this report. The intention being that they would be set within the infill plot and not extend beyond the existing building line to the east of the adjoining properties, whilst being contained by existing and proposed new planting/woodland. Again, existing buildings sit further south, further identifying the sites infill location.
- 2.5 In terms of accessibility, the site is approximately 1.4 miles south of St Boswells town centre offering a range of services and facilities, along with onward public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.6 In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.7 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding which is identified in figure 1 below.

Figure 1: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.



2.8 Please refer to the location plan in Figure 2, and aerial view in Figure 3 below, with the site outlined in red, and the appellant's wider land ownership outlined in blue (Figure 2).

Figure 2: Site Location Plan

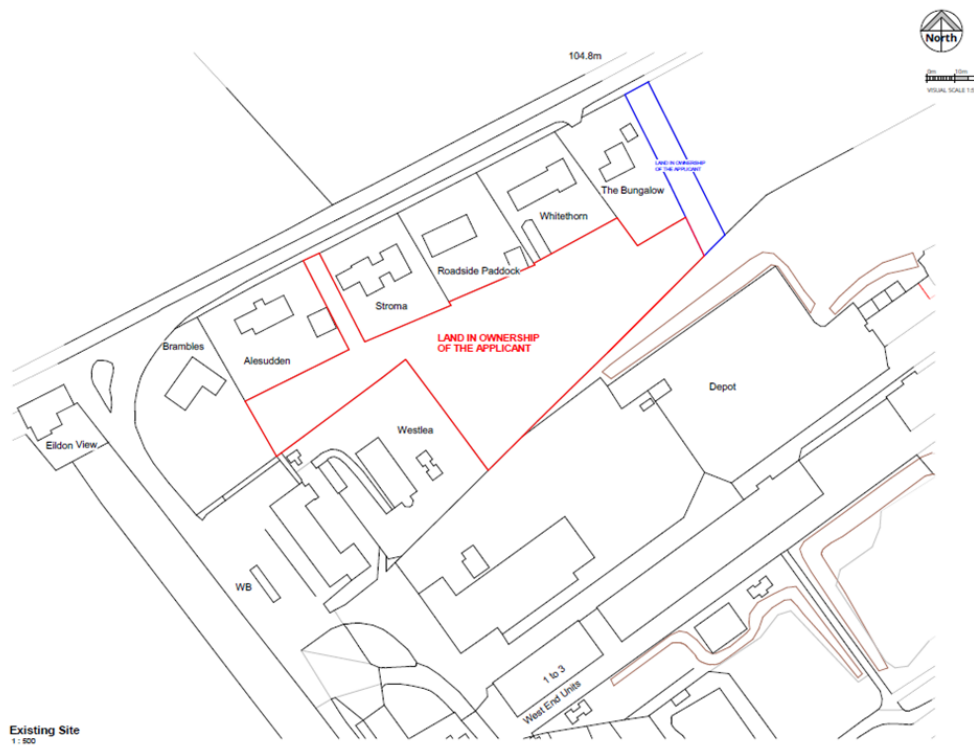


Figure 3: Aerial View of the Site (Google Maps)



Planning History

- 2.9 Referring to the Scottish Borders planning application search, there have been two planning applications associated with the site which have been withdrawn.

Table 4: Summary of Planning History

LPA Ref	Address	Proposal	Status
17/01344/PPP	Plot 1 Land South and West of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017
17/01343/PPP	Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017

- 2.10 The above applications sought pre-application advice from Council in December 2017. Julie Hayward, the Case Officer expressed concerns with the proposed access to the south as this was situated on land allocated in the Local Development Plan 2016 for structure planting and landscaping associated with the extension to Charlesfield Industrial Estate. The screen planning is required to help protect the amenity of the neighbouring properties to the west.
- 2.11 The proposed development in which this application relates to has shifted the site boundary further to the west, retaining the allocated land to the east for further landscaping. Access to both plots is to be from the northwest, so again taking on board previous concerns.
- 2.12 The Case Officer has acknowledged that there was a building group in the area, albeit, has some concerns relating to backland development. We will comment on such matters in the following chapters.

3. The Appeal Proposal

3.1 This section sets out details of the appeal proposal. The description of which is as follows:

“Planning Application in Principle for Two Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at West End Charlesfield St Boswells”.

3.2 The proposed development involves the provision two detached residential dwellings with associated infrastructure at West End, Charlesfield, St Boswells which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 4 below:

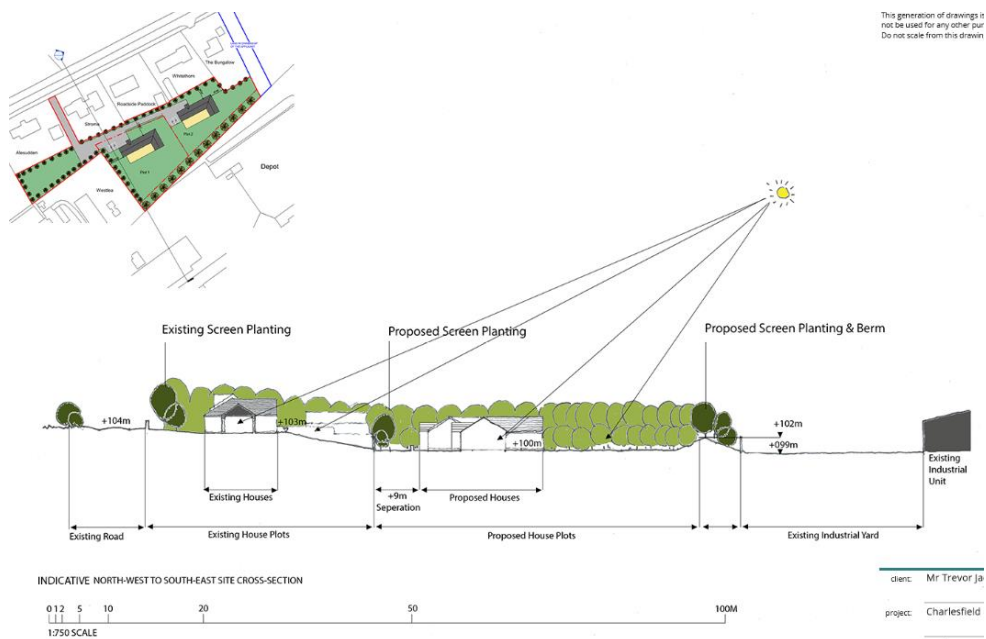
Figure 4: Proposed Scheme



3.3 In terms of layout, it is proposed the body of the site will be split in half, with the dwellings situated on individual plots to the south of the existing properties.

3.4 Careful consideration has been taken in the position of the proposed dwellings within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the northern and western boundary, safeguarding the daylight and sunlight provision and privacy of residents. The woodland screening to the south of the site provides a substantial buffer between the Charlesfield Industrial Site to the south again safeguarding the residential amenity of future residents.

Figure 5: Proposed Cross Section



- 3.5 The Noise Impact Assessment prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.
- 3.6 The intention already exists for those dwellings to the north and west which have commercial buildings to the south. The residential property to the west is within closer proximity to the commercial buildings to the south than the proposed site.
- 3.7 There is a single access point to the northwest off the road to the north leading to the A68 towards St Boswells. The access adjoins the existing residential properties at Stroma to the east and Alesudden to the west. Each plot with then have their own individual access leading off the primary access.
- 3.8 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 3.9 There will be private outdoor amenity provision for each proposed dwelling. The site benefits from being bordered by existing trees and vegetation which will be retained where possible, enhancing the natural environment in which it surrounds.
- 3.10 It is noted that the case officer for the former planning application at the site deemed the proposal to be back-land development. It is considered that due to the positioning of the residential properties to the north and west, along with the residential and

commercial buildings to the south, the site represents a logical infill location which is considered to be preferable in comparison to ribbon development which is generally discouraged.

- 3.11 As this appeal relates to an application for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

4. Planning Policy Context

- 4.1 This section outlines the principal planning policy and material considerations which provide the context for the consideration of this appeal.
- 4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 The Development Plan in this case, comprises the Southeast Scotland Strategic Development Plan, SESplan, (2013) and the Scottish Borders Local Development Plan (2016).
- 4.4 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period on the Proposed Plan ended on 25th January 2021.
- 4.5 Other documents relevant to the planning policy context and consideration of this appeal, forming 'material considerations' comprise:
- Scottish Planning Policy (2014)

Development Plan

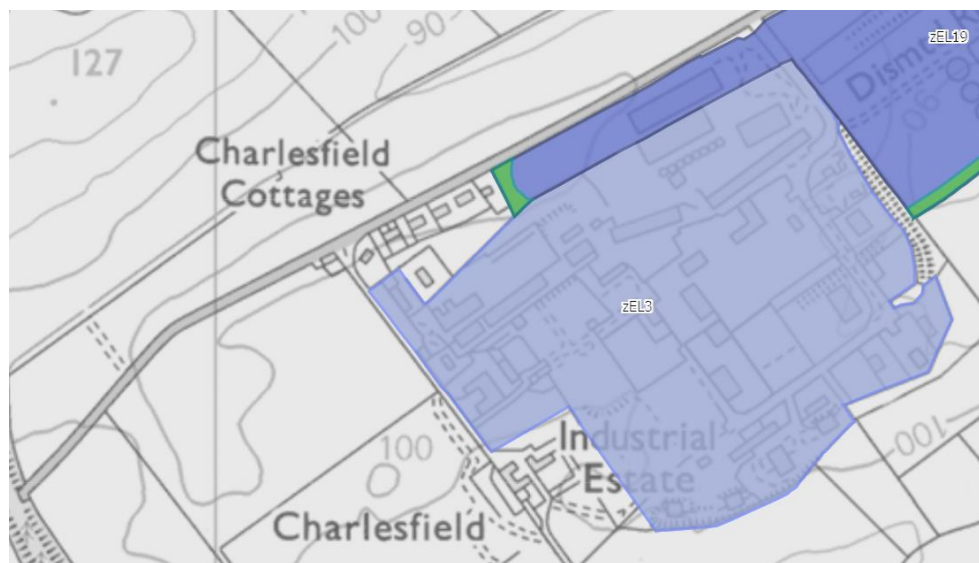
SESplan Strategic Development Plan (2013)

- 4.6 The SESplan seeks to prepare and maintain an up-to-date Strategic Development Plan for the Southeast Scotland Area. The vision for the Scottish Borders in the Strategic Development Plan (SDP) is that development will be focussed on the Borders Rail and A701 corridor with up to 5,900 new homes and new economic development proposed in this area.

Scottish Borders Local Development Plan (2016)

- 4.7 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.
- 4.8 With reference to the adopted LDP Proposals Map (2016), the site is classed as White Land, holding no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 4.9 An extract of the proposals map can be found below at Figure 6.

Figure 6: Extract of Scottish Borders Proposals Map



- 4.10 The key policies under which the development will be assessed were fully appraised within the Planning Statement submitted with the application and this document should be read in conjunction with this appeal statement (**Core Document 4**).
- 4.11 This appeal statement therefore only focuses upon the key policies upon which the Council based their refusal of the planning permission. In this case, LDP Policy HD2 and HD3, as set out below.
- 4.12 The Council's reasons for refusal focused upon the 'Building Groups' section Policy HD2, in refusing the application for its perceived impact on the character of the area. We have therefore focussed our assessment on these criteria only.
- 4.13 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

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

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional

- development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

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

4.14 Policy HD3: Protection of Residential Amenity: 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:

- 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 HD3 will be applicable for development on garden ground or ‘backland’ proposals to safeguard the amenity of residential areas. It applies to all forms of development and is also applicable in rural situations.

Material Considerations

Scottish Planning Policy (2014)

4.15 Scottish Planning Policy (SPP) was adopted in 2014 and is a statement of the Scottish Government’s policy on how nationally important land use planning matters should be addressed across the country. A revised SPP was published in December 2020 which superseded the 2014 SPP. In July 2021, the Court of Session, however, decided the consultation on revising the SPP was unlawful and has quashed the

changes made to the SPP and the associated Planning Advice Note 1/2020. We therefore rely upon the 2014 publication for the purposes of this appeal statement.

- 4.16 The content of SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposal accord with this SPP, their progress through the planning system should be smoother.
- 4.17 With regards to specific housing policy, Paragraph 110 of SPP establishes that “a *generous supply of land for each housing market area within the plan area*” should be identified in order to “*support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times*”.
- 4.18 Paragraph 123 of SPP states that, “*Planning Authorities should actively manage the housing land supply*”. Further it is established that “*a site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing*”.
- 4.19 Paragraph 125 of SPP requires that: “*Planning Authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where there is a shortfall in the 5-year land supply, development plan policies for the supply of housing will not be considered up-to-date and paragraphs 32-35 will be relevant*”.
- 4.20 Paragraph 33 of SPP states that, “*where relevant policies in a development plan are out of date...then the presumption in favour of development that contributes to sustainable development will be a significant material consideration*”.

Recent Case Law

- 4.21 Significantly, the shortfall in the Council’s five-year land supply, has been confirmed by an important recent appeal decision with reference PPA-140-2088 published 18th May 2021. The Reporter concluded that there is a “significant five-year effective land shortfall” with a c.631 housing shortfall in terms of 5-year housing land supply. This is the latest government opinion on this case and therefore a significant material consideration in this appeal.

5. Grounds of Appeal

- 5.1 SBC refused the application for one reason, as outlined in Section 1, and re-stated below.
- 5.2 To aid clarity in our response to the issues raised in the reason for refusal, we have split it into four parts **[as noted in bold]**, along with our responses to them.
- 5.3 *“The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions **[Part 1]**. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place **[Part 2]**. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3 **[Part 3]**.”*

Reason for Refusal - Part 1

- 5.4 *The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions.*

Appellant's Response

- 5.5 This site is considered to be within the building group of Charlesfield. Policy HD2 allows for development of up to 2 additional dwellings or a 30% increase of the building group, whichever is greater.
- 5.6 We set out below the circumstances for why this development should proceed in line with the policy. We first demonstrate that the existing building group occupies more than three dwellings and that there are no other buildings capable for conversion into residential use- part A a) of this policy.
- 5.7 We then provide justification for the proposed development of the site in line with criteria b) and c) of this policy, as is necessary to justify development within a building group.

Policy HD2 A Part a)

Criteria a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented.

- 5.8 The building group at Charlesfield comprises a total of ten residential dwellings with seven cottages to the north of the site, one dwelling adjoining the western boundary to the rear of the café and an additional two residential properties to the south, beyond the industrial estate. There are no vacant properties or buildings that could be capable of conversion within the building group.
- 5.9 It is considered the proposed site relates well to the existing building group, positioned in a logical infill location, adjacent to residential properties to the north, south and west as illustrated on the site plan in figure 4 above. The officers' findings appear to not fully acknowledge the existence of the residential and commercial properties and thus what we consider a logical infill location, rather than back land development. Overall, it is considered the site proposal is compliant with Policy HD2 A Part a).

Policy HD2 Part b)

The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

- 5.10 The proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings and safeguarding the amenity of residents from the Industrial Estate to the south.
- 5.11 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape as illustrated in figure 5 above. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 5.12 In addition to this, there have been no residential developments approved within the building group within this plan period since 2016, resulting in no cumulative impact of new development on the character of the building group.

- 5.13 The proposal will go largely unnoticed in landscape impact terms and from public receptor points (i.e., public roads and footpaths).
- 5.14 Overall, it is considered the site proposal is compliant with Policy HD2 A Part b).

Policy HD2 Part c)

Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

- 5.15 Having reviewed the online planning portal, there have been no new or existing dwellings that have been consented since 2016 (within the currently Local Development Plan period), we therefore consider there is scope for an additional 2 dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2 Par c).
- 5.16 As such, we consider the site to be a logical infill location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2 Part c).
- 5.17 It is again worth highlighting that the proposal will assist in the identified housing land supply shortfall as referred to previously in paragraph 4.21 of this appeal statement.

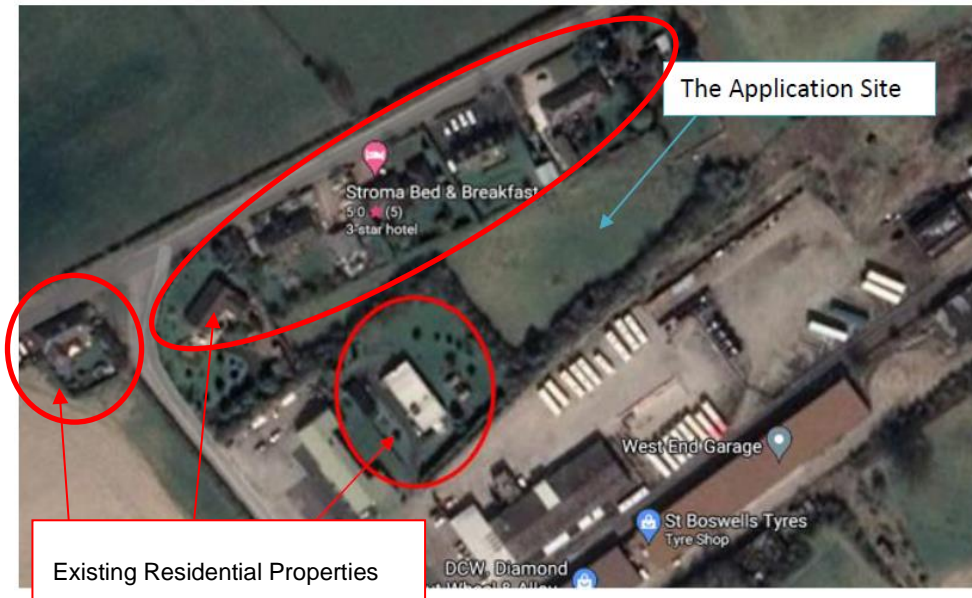
Reason for Refusal – Part 2

- 5.18 *The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place.*

Appellant's Response

- 5.19 In response to the above reason for refusal that the proposal would constitute backland development and would be out of keeping with the linear character of the building group which is thought to have an inappropriate impact on the setting of the group and sense of place, we would disagree as residential properties clearly exist and are highlighted in figure 7 below and as such setting a precedent for this form of development within the Charlesfield Building Group, to which the subject site simply infills. Having a rounded compact building group is considered preferable to ribbon development along the main road to the north.

Figure 7 Residential properties outlined in Red (Annotated Google Maps)



Reason for Refusal – Part 3

- 5.20 *The proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3*

Appellant's Response

- 5.21 We set out below why this development should proceed in line with Policy HD3 Protection of Residential Amenity a) and b), demonstrating the proposal does not conflict with the protection of the amenity in the local area.

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:

- a) the principle of the development, including where relevant, any open space that would be lost***

- 5.22 Appropriate boundary treatments will be provided as illustrated in figure 4 above, to ensure attractive edges to the development that will help integration with its surroundings, and the proposals are therefore considered compliant with criteria a).

5.23 As this is a PPiP application, further consideration can also be given to the proposed design at the detailed planning stage, as necessary.

b) the details of the development itself particularly in terms of:

v. the scale, form, and type of development in terms of its fit within a residential area.

5.24 While the details of the appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site. The indicative sections (Figure 5 above) indicate a similar height to the existing neighbouring properties to the north and west, whilst not extending beyond the building line to the east, respecting the setting of the surroundings. In addition to this, the proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings whilst safeguarding the amenity of residents from the Industrial Estate to the south.

5.25 As noted above, whilst this is a Planning Permission in Principle application, it is intended to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

5.26 The proposal is therefore considered to be compliant with criteria b) v.

vi. 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.

5.27 Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of neighbouring residents which is further enhance by the proposed landscaping across the northern and western boundary. In addition, the proposed landscaping buffer to the south of the site is considered to be a substantial separation distance from the Industrial Estate, again safeguarding the residential amenity of future residents.

5.28 The proposal is therefore considered to be compliant with criteria b) vi.

vii. the generation of traffic or noise.

- 5.29 The planning application was accompanied by a Noise Impact Assessment prepared by KSG Acoustics Ltd and can be found in Core Document 5 of this appeal submission. The assessment has given consideration to both noise generated from the biomass development to the east, as well as noise from Perryman's Bus Depot to the south and the impact this could have on residential development.
- 5.30 The noise assessment concluded that provided suitable mitigation measures are incorporated into the design that can be agreed via a condition and during the detailed planning application stage, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development. The proposed mitigation measures would include a suitably specified acoustic treatment along the boundary of the Bus Depot to the south of the site, with consideration given to the orientation of habitable room windows relative to the Industrial Estate.
- 5.31 The proposal includes one access point from the adopted road to the north which will then split off into the individual plots in the body of the site. It addressed previous concerns raised by the case officer with regards to the second, eastern access formerly proposed.
- 5.32 The proposed dwellings include a private driveway and car parking space deemed adequate for a proposal of this nature and is deemed to not give significant rise to the generation of traffic or noise.
- 5.33 Roads Planning raised no objection to both planning applications and the Noise Assessment indicated that the environmental noise will not constitute a significant adverse impact, nor should it be considered a constraint to the proposed development and as such the proposal is considered to be compliant with criteria b) vii.

viii. the level of visual impact.

- 5.34 Views of the site from public receptor points are minimal due to the infill location between the residential properties to the north and west, with the Charlesfield Industrial Estate to the South. The existing bund to the east of the site, further restricts views upon approach from the adopted road to the north due to the rise in topography as illustrated in figure 8 below. Existing and proposed hedgerow bordering the site further enhances the aesthetics, screening views from the east and south as shown in figures 9 and 10 below. Overall, the visual impact of the proposal on the local area is considered to be minimal and, on this basis, we are therefore compliant with criteria b) viii.

Figure 8: Photo taken from the eastern border of the site towards the adopted road to the north, noting the rise in topography.



Figure 9: Photo taken from the eastern border looking to the west of the site noting the existing landscaping bordering the southern and western part of the site.



Figure 10: Photo taken within the centre of the site directed to the northwest, noting the existing landscaping bordering the northern boundary of the site.



6. Conclusions

- 6.1 The submitted appeal, supported by this statement, seeks the Council's decision to refuse planning permission for the **'residential dwellings with associated amenity, parking, infrastructure and access'** at Land at West End Charlesfield, St Boswells to be overturned and for this appeal to be allowed, for the reasons outlined in this statement and summarised below.
- 6.2 In summary:
- The proposal represents a logical extension of the Building Group adjoining the existing built-up area, which has the capacity to accommodate two additional dwellings this this local plan period, in accordance with Policy HD2.
 - The proposal is sympathetic to the character of the building groups, positioned in a logical infill location and will have no detrimental impact upon the amenity as demonstrated in the accompanying Noise Impact Assessment.
 - The proposal will provide two high quality family sized dwellings within this desirable and sustainable location, being within walking distance to St Boswells. It will assist in meeting the strong demand for new rural homes in the Scottish Borders.
 - There has been no road safety concerns or objections from the Roads Officer.
 - The site is free from constraint and would assist with the Council's identified (and recently confirmed by a Scottish Government Reporter) housing shortfall in providing residential homes within a sustainable location.
- 6.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies HD2 and HD3 against which the original application was refused.
- 6.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.
- 6.5 There are no material considerations that outweigh this decision, in fact there are significant material considerations that support this appeal. In this case, as we have outlined, due to the housing shortage, the SPP presumption in favour of development is a significant material consideration. The proposed development is

consistent with the guiding principles of SPP, and we do not consider that there are any impacts which significant and demonstrably outweigh the presumption in favour of development. A 'tilted balance' therefore exists in favour of this development and the LRB is therefore respectfully requested to allow this appeal.

Appendix 1: Core Document List

Core Doc 1: 21/00840/PPP and LPA ref 21/00839/PPP Decision Notice and Officers Report

Core Doc 2: Location Plan

Core Doc 3: Proposed Plans


Core Doc 4: Planning Statement

Core Doc 5: Noise Impact Assessment

Core Doc 6: Preliminary Ecology Report

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Mr Trevor Jackson
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

**Please ask
for:**


Julie Hayward
01835 825585

Our Ref:
Your Ref:

21/00839/PPP

E-Mail:

jhayward2@scotborders.gov.uk

Date:

17th August 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells
Scottish Borders**

PROPOSED DEVELOPMENT: **Erection of dwellinghouse, formation of new access and
associated work**

APPLICANT: **Mr Trevor Jackson**

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 21/00839/PPP

To : Mr Trevor Jackson per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **24th May 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse, formation of new access and associated work

at : Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells Scottish Borders

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

**Dated 13th August 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00839/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
10103/03 D	Location Plan	Refused

REASON FOR REFUSAL

The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.


FOR THE INFORMATION OF THE APPLICANT

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

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

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Mr Trevor Jackson
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

**Please ask
for:**


Julie Hayward
01835 825585

**Our Ref:
Your Ref:**

21/00840/PPP

E-Mail:

jhayward2@scotborders.gov.uk

Date:

17th August 2021

Dear Sir/Madam

PLANNING APPLICATION AT Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse, formation of new access and associated work

APPLICANT: Mr Trevor Jackson

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 21/00840/PPP

To : Mr Trevor Jackson per Ferguson Planning 54 Island Street Galashiels TD1 1NU

With reference to your application validated on **24th May 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse, formation of new access and associated work

at : Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders

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

**Dated 13th August 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00840/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
10103/05 D	Location Plan	Refused

REASON FOR REFUSAL

The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3,

FOR THE INFORMATION OF THE APPLICANT

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

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00839/PPP
APPLICANT : Mr Trevor Jackson
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse, formation of new access and associated work
LOCATION: Plot 1 Site Adjacent Stroma
Charlesfield Industrial Estate
St Boswells
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
10103/03 D	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Two representations objecting to the proposal have been received, raising the following planning issues:

- o Drainage from the plot. The main drain comes down directly behind Westlea. Historically, Alesudden drainage uses that drain and when Whithorn, Roadside Paddock and Stroma were built their drainage was also added. Periodically this blocks and needs to be flushed out. Adding a further two houses to that system is an issue.
- o The access road and entrance may be unsuitable for two new houses and could damage the boundary hedge to the south west of Stoma.
- o Impact on wildlife including bats, otters, birds and badgers.
- o The acoustic survey is dated 2017 and is out of date.

CONSULTATIONS:

Roads Planning Service: To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at the detailed stage.

- o Visibility of 2.4 x 120m minimum in either direction at the access onto the public road.
- o The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision.

- o Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish.
- o The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC).
- o Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity.
- o Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road.
- o Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission.

Community Council: No response.

Environmental Health: Unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The application is supported by a Noise Impact Assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. It is also noted that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

Archaeology Officer: These sites are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither site is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the sites.

Education and Lifelong Learning: No response.

Contaminated Land Officer: The application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant and Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

APPLICANT' SUPPORTING INFORMATION:

- o Planning Statement
- o Noise Impact Assessment
- o Preliminary Ecological Appraisal
- o Transport Technical Note
- o Agent's Letter of Support

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
ED1: Protection of Business and Industrial Land
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design January 2010
Guidance on Householder Development July 2006
New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 12th August 2021

Site and Proposal

The site is situated between Charlesfield Industrial Estate and a row of six detached dwellinghouses that front onto the public road to the south west of St Boswells. The site is an area of grass used for grazing with high hedges/trees and fences on the boundaries. The ground slopes down to the south.

Three houses, Alesudden, Storma and Roadside Paddock are to the north west, agricultural land is to the north east, the industrial estate (bus depot) is to the south/south east, Westlea, a dwellinghouse, is to the south west and plot 2 (21/00840/PPP) is to the north east.

The proposal is to erect a dwellinghouse on the site. Access would be from the public road via an access between Alesudden and Storma (shared with plot 2). Two on-site parking spaces are proposed. A 6m wide woodland screen is proposed for the south eastern boundary.

Planning History

93/01637/REM: Erection of dwellinghouse. Approved 7th January 1994.

98/00845/OUT: Erection of dwellinghouse. Refused 28th September 1998.

17/01344/PPP: Erection of dwellinghouse. Withdrawn 21st December 2017.

21/00840/PPP: Erection of dwellinghouse, formation of new access and associated work. Plot 2. Land South of The Bungalow Charlesfield St Boswells. Pending consideration.

The following application relates to the northern corner of the plot:

04/01824/OUT: Erection of dwellinghouse. Land to Rear of 2 Roadside Paddock Charlesfield St Boswells. Refused 15th November 2004

Assessment

Planning Policy

The site is situated outwith the land allocated in the Local Development Plan 2016 for business and industrial safeguarding (allocation zEL3).

The site is outwith any settlement and so must be assessed against the Council's housing in the countryside policies.

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

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

It is accepted that there is a building group at Charlesfield that comprises of six detached houses fronting onto the public road that runs between the A68 and B6359 to the west. The building group has a distinct linear pattern and there are no existing houses directly behind this row of properties. The only exception is Westlea, situated within the industrial estate to the south west. This building appears to have been converted into a dwellinghouse rather than being purpose built, and was connected to the adjacent haulier business.

It is considered that the erection of a dwellinghouse on this plot would be out of keeping with the linear character of the building group, would constitute backland development and would be an inappropriate addition to the building group. In addition, it is considered that this building group is complete and cannot accommodate further development without resulting in a detrimental impact on the building group.

There have been no consents for housing within this building group in the Local Development Plan period and so the proposal complies with the thresholds contained within policy HD2.

Planning permission was refused in 2004 for the erection of a dwellinghouse on part of this plot and a section of the garden ground belonging to Roadside Paddock as it was considered that the form and appearance of the existing building group at Charlesfield would be adversely affected by this additional development. A further Planning Permission in Principle application (17/01344/PPP) for the erection of a dwellinghouse on this plot (though a smaller site) was withdrawn in December 2017 as the application could not be supported for the above reasons.

The Council's housing in the countryside policies have not changed significantly since that decision to warrant a different recommendation in this case.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

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

The building group is characterised by modern detached single and one-and-a-half storey houses with render and brick walls and tile roofs that all front onto the public road.

As this is a Planning Permission in Principle application no details of the design or materials of the proposed dwellinghouse have been submitted. The Planning Statement suggests that the dwelling would be one-and-a-half storey in height.

It would be important at the Approval of Matters Specified in Conditions stage to ensure that the scale, design and materials of the proposed dwellinghouse are in keeping with the character of the building group.

The site is well screened from the public road by the existing houses. The buildings within industrial estate and the proposed woodland belt on the southern boundary would screen the site when viewed from the south, though this would take time to mature. The indicative section drawing shows that the proposed dwellinghouse would be on a lower ground level than the houses adjacent to the public road.

It is accepted that with appropriate scale, design and materials the proposal would not harm the visual amenities of the wider area.

Impact on Residential Amenities

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

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

The site is to the rear of Stroma and Roadside Paddock and to the north east of Westlea. The indicative drawings show that the proposed dwellinghouse would be approximately 13m from the rear boundary of Roadside Paddock and on lower ground. Planting is proposed along the northern boundary of the site. It is accepted that an adequate distance can be achieved between the existing properties and the proposed dwellinghouse. With careful consideration of the design of the dwellinghouse, position of windows and boundary planting, the proposal would not result in a loss of light or privacy to these properties.

The site abuts the industrial estate and this proximity is a concern due to the potential noise, smell and dust associated with the industrial estate and the conflict of uses that could occur. The proposal would bring residential uses closer to the industrial estate, which may adversely impact on the residential amenities of future occupiers of the proposed dwellinghouse.

A 6m wide woodland belt is proposed for the south east boundary with the industrial estate. A Noise Impact Assessment (dated July 2017) has been submitted which evaluates noise levels associated with the industrial estate, concentrating on the bus depot and the biomass plant, during the day and night time. A bund and close boarded fence along the southern boundary is recommended as mitigation, together with the careful positioning of habitable room windows in the proposed house. The report concludes that provided this mitigation is in place, the appropriate levels of noise ingress can be achieved throughout the development.

Environmental Health has objected to the proposal as the proposed site shares a boundary with an industrial use, with many others in close proximity. They are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The Noise Impact Assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. The mitigation (bund and a 1.8m close boarded fence) along the south boundary of the development site, however this is not shown on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. Environmental Health also note that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

The proposal would therefore result in a conflict in uses

It is considered that the site is large enough to accommodate a house, on-site parking and turning and adequate garden ground. However, the proposed planting within site to the rear gardens of the existing properties and the screen planting in the form of the woodland buffer would enclose the site and potentially overshadow the proposed dwellinghouse and affect the outlook and light of future occupants.

Ecology

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

Concern has been expressed that there are protected species (otters and badger) within the site.

A Preliminary Ecological Appraisal has been submitted. No evidenced of badger, reptiles, amphibians were found. The hedgerows and trees on the boundaries provide suitable habitats for breeding birds but were not suitable to support roosting bats. The report concludes that the site would provide low suitability to support protected species and no evidence of protected species were identified.

Should the application be approved, further surveys for breeding birds would be required should the proposal include the felling of any of the trees or hedgerows and an informative would advise of the legislation and responsibilities in respect of bats.

Trees and Hedgerows

Policy EP13 seeks to protect trees and hedges from development. There are mature hedges on the southern and western boundaries of the site and fencing and hedging on the rear boundaries of the existing properties, including along the proposed access along the western boundary of Stroma.

It would be desirable to see this planting retained and protected from development due to its biodiversity value and contribution to the visual amenities of the area and this could be secured by conditions.

Access and Parking

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

The site would be accessed from a new access from the public road between Alesudden and Stroma and two on-site parking spaces are proposed.

A Roads Technical Note has been submitted to support the application, containing information on trip rates, the proposed access and visibility splays. This concludes that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. A 5m wide access for the initial 7m would enable a vehicle to pass a stationary vehicle waiting to leave the access. The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The Roads Planning Service has no objections to the proposal on access and road safety grounds provided that his requirements regarding visibility, the specification of the access, drainage and parking provision are met and these can be controlled by conditions should the application be approved.

Achieving the visibility requirements at the access onto the public road may require the removal of planting within the roadside verge associated with the adjacent properties and it would need to be demonstrated at the detailed application stage that the visibility splays could be provided.

Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the

use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

Concern has been expressed regarding the capacity of the existing drainage system to cope with the additional demand.

The water supply would be from the public mains but no details of the surface or foul drainage have been submitted. The applicant would have to demonstrate that adequate drainage is achievable at the detailed application stage and as part of the Building Warrant.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Councils Contaminated Land Officer advises that the site was previously used as a munitions factory (Charlesfield Incendiary Bomb Munitions Plant and Depot). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A condition would be required that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority together with a remediation strategy and verification plan.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (St Boswells Primary School and Earlston High School), affordable housing in connection with the application for plot 2, and the Borders railway. These would be secured by a Section 75 legal agreement should the application be approved.

REASON FOR DECISION :

The development is considered to be contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

Recommendation: Refused

- 0 The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00840/PPP
APPLICANT : Mr Trevor Jackson
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse, formation of new access and associated work
LOCATION: Plot 2 Land South Of The Bungalow
Charlesfield
St Boswells
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
10103/05 D	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Two representations objecting to the proposal have been received, raising the following planning issues:

- o Drainage from the plot. The main drain comes down directly behind Westlea. Historically, Alesudden drainage uses that drain and when Whithorn, Roadside Paddock and Stroma were build their drainage was also added. Periodically this blocks and needs to be flushed out. Adding a further two houses to that system is an issue.
- o The access road and entrance may be unsuitable for two new houses and could damage the boundary hedge to the south west of Stoma.
- o Impact on wildlife including bats, otters, birds and badgers.
- o The acoustic survey is dated 2017 and is out of date.

CONSULTATIONS:

Roads Planning Service: To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at the detailed stage.

- o Visibility of 2.4 x 120m minimum in either direction at the access onto the public road.
- o The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision.

- o Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish.
- o The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC).
- o Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity.
- o Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road.
- o Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission.

Community Council: No response.

Environmental Health: Unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The application is supported by a Noise Impact Assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. It is also noted that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

Archaeology Officer: These sites are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither site is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the sites.

Education and Lifelong Learning: No response.

Contaminated Land Officer: The application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant and Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

APPLICANT' SUPPORTING INFORMATION:

- o Planning Statement
- o Noise Impact Assessment
- o Preliminary Ecological Appraisal
- o Transport Technical Note
- o Agent's Letter of Support

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
ED1: Protection of Business and Industrial Land
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design January 2010
Guidance on Householder Development July 2006
New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 12th August 2021

Site and Proposal

The site is situated between Charlesfield Industrial Estate and a row of six detached dwellinghouses that front onto the public road to the south west of St Boswells. The site is an area of grass used for grazing with high hedges/trees and fences on the boundaries. The ground slopes down to the south.

Three houses, Roadside Paddock, Whitethorn and The Bungalow are to the north west, agricultural land is to the north east, the industrial estate (bus depot) is to the south/ south east and plot 1 (21/00839/PPP) is to the south west.

The proposal is to erect a dwellinghouse on the site. Access would be from the public road via an access between Alesudden and Stroma (shared with plot 1). Two on-site parking spaces are proposed. A 6m wide woodland screen is proposed for the south eastern boundary.

Planning History

17/01343/PPP: Erection of dwellinghouse. Withdrawn 21st December 2017.

21/00839/PPP: Erection of dwellinghouse, formation of new access and associated works. Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells. Pending consideration.

The following application relates to the northern corner of the plot:

04/01824/OUT: Erection of dwellinghouse. Land to Rear of 2 Roadside Paddock Charlesfield St Boswells. Refused 15th November 2004

Assessment

Planning Policy

The site is situated outwith the land allocated in the Local Development Plan 2016 for business and industrial safeguarding (allocation zEL3).

The site is outwith any settlement and so must be assessed against the Council's housing in the countryside policies.

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

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

It is accepted that there is a building group at Charlesfield that comprises of six detached houses fronting onto the public road that runs between the A68 and B6359 to the west. The building group has a distinct linear pattern and there are no existing houses directly behind this row of properties. The only exception is Westlea, situated within the industrial estate to the south west. This building appears to have been converted into a dwellinghouse rather than being purpose built, and was connected to the adjacent haulier business.

It is considered that the erection of a dwellinghouse on this plot would be out of keeping with the linear character of the building group, would constitute backland development and would be an inappropriate addition to the building group. In addition, it is considered that this building group is complete and cannot accommodate further development without resulting in a detrimental impact on the building group.

There have been no consents for housing within this building group in the Local Development Plan period and so the proposal complies with the thresholds contained within policy HD2.

Planning permission was refused in 2004 for the erection of a dwellinghouse on part of this plot and a section of the garden ground belonging to Roadside Paddock as it was considered that the form and appearance of the existing building group at Charlesfield would be adversely affected by this additional development. A further Planning Permission in Principle application (17/01343/PPP) for the erection of a dwellinghouse on this plot (on a larger site with a vehicular access onto the public road to the north west) was withdrawn in December 2017 as the application could not be supported for the above reasons.

The Council's housing in the countryside policies have not changed significantly since that decision to warrant a different recommendation in this case.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

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

The building group is characterised by modern detached single and one-and-a-half storey houses with render and brick walls and tile roofs that all front onto the public road.

As this is a Planning Permission in Principle application no details of the design or materials of the proposed dwellinghouse have been submitted. The Planning Statement suggests that the dwelling would be one-and-a-half storey in height.

It would be important at the Approval of Matters Specified in Conditions stage to ensure that the scale, design and materials of the proposed dwellinghouse are in keeping with the character of the building group.

The site is well screened from the public road by the existing houses. The buildings within industrial estate and the proposed woodland belt on the southern boundary would screen the site when viewed from the south, though this would take time to mature. The indicative section drawing shows that the proposed dwellinghouse would be on a lower ground level than the houses adjacent to the public road.

It is accepted that with appropriate scale, design and materials the proposal would not harm the visual amenities of the wider area.

Impact on Residential Amenities

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

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

The site is to the rear of Roadside Paddock and Whitethorn to the north west. The indicative drawings show that the proposed dwellinghouse would be approximately 9m from the rear boundary of Whitethorn and on lower ground. Planting is proposed along the northern boundary of the site. It is accepted that an adequate distance can be achieved between the existing properties and the proposed dwellinghouse. With careful consideration of the design of the dwellinghouse, position of windows and boundary planting, the proposal would not result in a loss of light or privacy to these properties.

The site abuts the industrial estate and this proximity is a concern due to the potential noise, smell and dust associated with the industrial estate and the conflict of uses that could occur. The proposal would bring residential uses closer to the industrial estate, which may adversely impact on the residential amenities of future occupiers of the proposed dwellinghouse.

A 6m wide woodland belt is proposed for the south east boundary with the industrial estate. A Noise Impact Assessment (dated July 2017) has been submitted which evaluates noise levels associated with the industrial estate, concentrating on the bus depot and the biomass plant, during the day and night time. A bund and close boarded fence along the southern boundary is recommended as mitigation, together with the careful positioning of habitable room windows in the proposed house. The report concludes that provided this mitigation is in place, the appropriate levels of noise ingress can be achieved throughout the development.

Environmental Health has objected to the proposal as the proposed site shares a boundary with an industrial use, with many others in close proximity. They are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The Noise Impact Assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. The mitigation (bund and a 1.8m close boarded fence) along the south boundary of the development site, however this is not shown on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. Environmental Health also note that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

The proposal would therefore result in a conflict in uses to the detriment of future occupants of the dwellinghouse.

It is considered that the site is large enough to accommodate a house, on-site parking and turning and adequate garden ground. However, the proposed planting within site to the rear gardens of the existing properties and the screen planting in the form of the woodland buffer would enclose the site and potentially overshadow the proposed dwellinghouse and affect the outlook and light of future occupants.

Ecology

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

Concern has been expressed that there are protected species (otters and badger) within the site.

A Preliminary Ecological Appraisal has been submitted. No evidenced of badger, reptiles, amphibians were found. The hedgerows and trees on the boundaries provide suitable habitats for breeding birds but were not suitable to support roosting bats. The report concludes that the site would provide low suitability to support protected species and no evidence of protected species were identified.

Should the application be approved, further surveys for breeding birds would be required should the proposal include the felling of any of the trees or hedgerows and an informative would advise of the legislation and responsibilities in respect of bats.

Trees and Hedgerows

Policy EP13 seeks to protect trees and hedges from development. There are mature hedges on the southern and western boundaries of the site and fencing and hedging on the rear boundaries of the existing properties, including along the proposed access along the western boundary of Stroma.

It would be desirable to see this planting retained and protected from development due to its biodiversity value and contribution to the visual amenities of the area and this could be secured by conditions.

Access and Parking

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

The site would be accessed from a new access from the public road between Alesudden and Stroma and two on-site parking spaces are proposed.

A Roads Technical Note has been submitted to support the application, containing information on trip rates, the proposed access and visibility splays. This concludes that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. A 5m wide access for the initial 7m would enable a vehicle to pass a stationary vehicle waiting to leave the access. The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The Roads Planning Service has no objections to the proposal on access and road safety grounds provided that his requirements regarding visibility, the specification of the access, drainage and parking provision are met and these can be controlled by conditions should the application be approved.

Achieving the visibility requirements at the access onto the public road may require the removal of planting within the roadside verge associated with the adjacent properties and it would need to be demonstrated at the detailed application stage that the visibility splays could be provided.

Drainage

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

Concern has been expressed regarding the capacity of the existing drainage system to cope with the additional demand.

The water supply would be from the public mains but no details of the surface or foul drainage have been submitted. The applicant would have to demonstrate that adequate drainage is achievable at the detailed application stage and as part of the Building Warrant.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Councils Contaminated Land Officer advises that the site was previously used as a munitions factory (Charlesfield Incendiary Bomb Munitions Plant and Depot). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A condition would be required that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority together with a remediation strategy and verification plan.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (St Boswells Primary School and Earlston High School), affordable housing in connection with the application for plot 1, and the Borders railway. These would be secured by a Section 75 legal agreement should the application be approved.

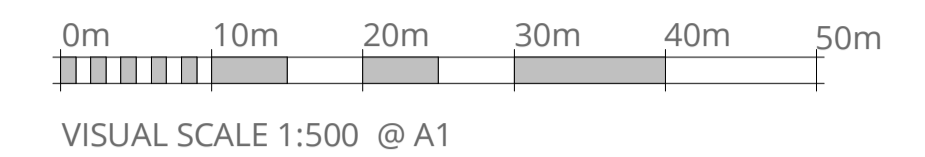
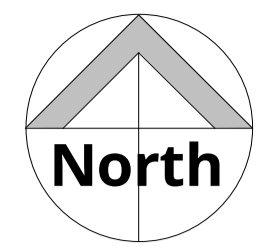
REASON FOR DECISION :

The development is considered to be contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

Recommendation: Refused

- 0 The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3,

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



Local Development Plan screening as part of extension to Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREAS

Plot 1 : 3161 m²
Plot 2 : 2391 m²

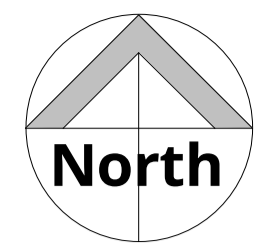
Rev	Date	Description	by
D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO



client: Mr Trevor Jackson
project: Charlesfield - Plots 1 & 2
title: Indicative Overall Site Plan
status: Planning drawn: MO
scale: 1 : 500@A1 date: 21/05/2021
number: 10103/02 rev: D

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VISUAL SCALE 1:500 @ A1

104.8m



Local Development Plan screening as part of extension to Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREAS

Plot 1 : 3161 m²

Rev	Date	Description	by
D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO



client: Mr Trevor Jackson
 project: Charlesfield - Plots 1 & 2
 title: Indicative Site Plan Plot 1
 status: Planning drawn: MO
 scale: 1 : 500@A1 date: 21/05/2021
 number: 10103/03 rev: D

EDINBURGH	11 South street	EH22 1AH	0131 663 9735
GLASGOW	46 The Shore	EH6 6QU	0131 553 7959
GLASGOW	28 Harbour Rd	TD14 5HH	01896 759429
GLASGOW	1 Wilderhaugh	TD1 1TQ	01896 753077

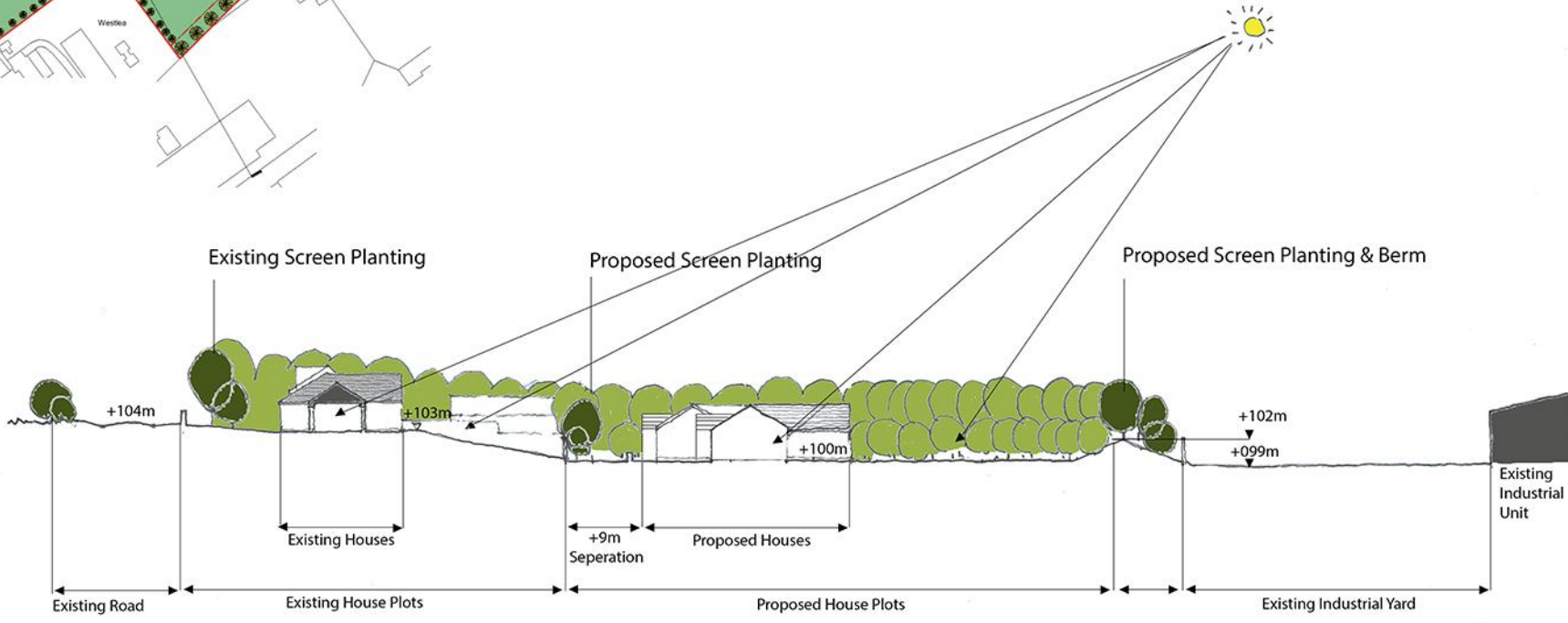
Indicative Site Plan Plot 1
1 : 500

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INDICATIVE NORTH-WEST TO SOUTH-EAST SITE CROSS-SECTION



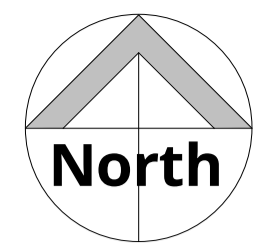
CAMERONS
 STRACHAN
 YUILL
 ARCHITECTS

client:	Mr Trevor Jackson		
project:	Charlesfield - Plots 1 & 2		
title:	Indicative North-West to South-East Site Cross-Section		
status:	Planning	drawn:	NM
scale:		date:	02/05/2021
number:	10103/04	rev:	C

	DALKIETH	11 South street	EH22 1AH	0131 663 9735
	EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
	EYEMOUTH	28 Harbour Rd	TD14 5HY	01890 750429
	GALASHIELS	1 Wilderhaugh	TD1 1JQ	01896 753077

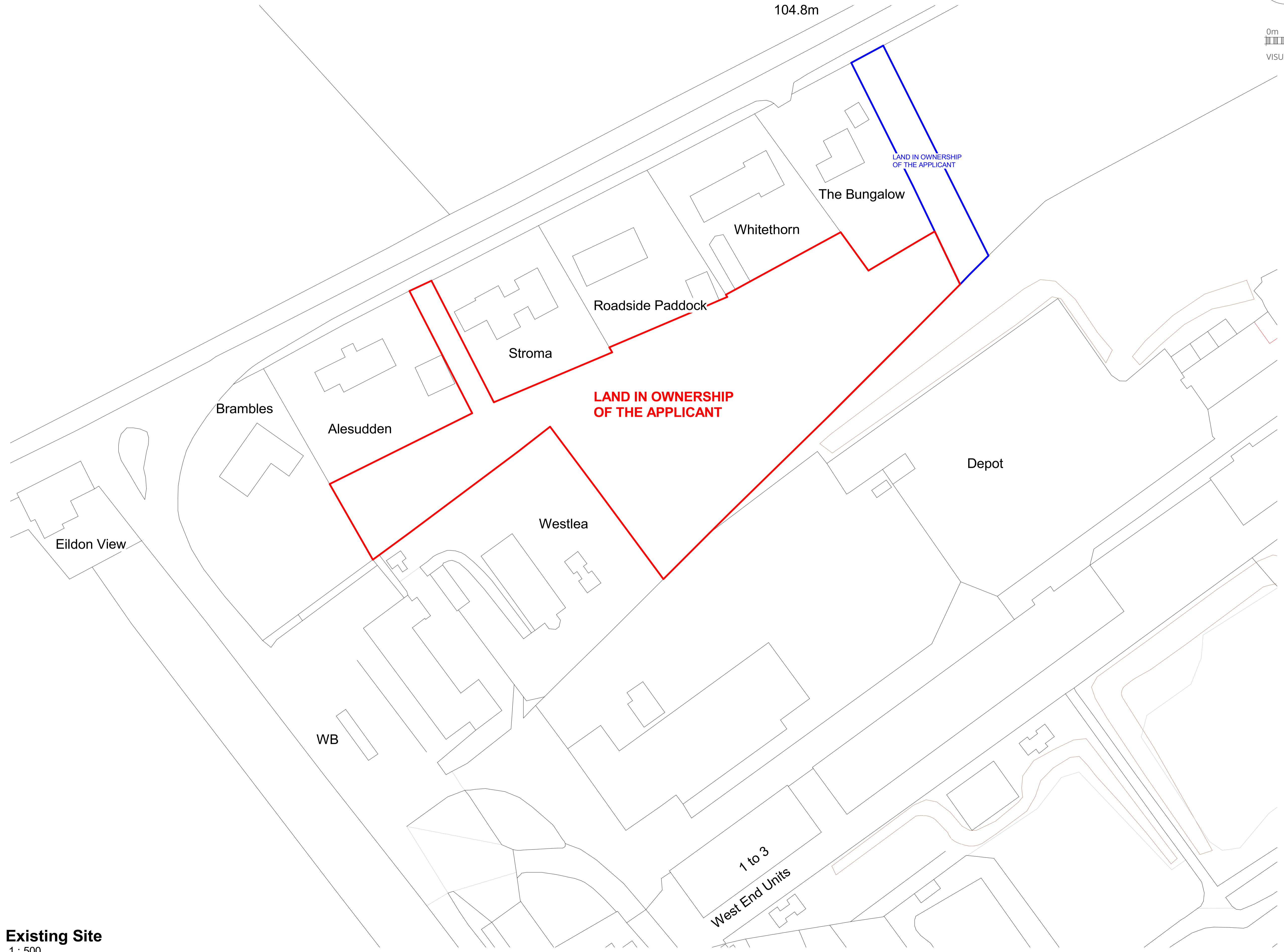
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VISUAL SCALE 1:500 @ A1

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Existing Site
1 : 500

Rev	Date	Description	by
A	11/05/21	Updated Site Boundary & Land In Ownership	MO

CAMERONS
STRACHAN
YUILL
ARCHITECTS

client: Mr Trevor Jackson
project: Charlesfield Plots 1 & 2
title: Existing Site Plan
status: Preliminary drawn: MO
scale: 1 : 500@A1 date: 11/05/2021
number: 10103/01 rev: A

DALKEITH EDINBURGH ERINSMOUTH GLASGOW	11 South street 46 The Shore 28 Harbour Rd 1 Wilderhaugh	EH22 1AH EH6 6JQ TD14 5HH TD1 1TQ	0131 663 9735 0131 553 7959 01890 759429 01896 753077
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PLANNING STATEMENT

LAND AT WEST END CHARLESFIELD, ST BOSWELLS

**PLANNING APPLICATION IN PRINCIPLE FOR
RESIDENTIAL DWELLINGS WITH ASSOCIATED
AMENITY, PARKING, INFRASTRUCTURE AND ACCESS**

APPLICANT: TREVOR JACKSON

MAY 2021

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2.	Site Context and Planning History	3
3.	The Development	5
4.	Planning Policy	8
5.	Development Considerations	13
6.	Conclusions	16
	Appendix 1: Site Location Plan	17

Author	Date
Lucy Moroney	21/05/2021
Approved	Date



1. Introduction

- 1.1 This Planning Statement has been prepared by Ferguson Planning Ltd in support of an application for Planning Permission in Principle (PPP) submitted on behalf of Trevor Jackson (the applicant) for two residential dwellings, located in an infill plot at West End Charlesfield, St Boswells. A site / location plan can be found within **Appendix 1**.
- 1.2 The proposal will provide much needed residential homes within the Scottish Borders and represents the most suitable and sustainable form of development within a rural setting whilst being within close proximity to St Boswells, enabling the proposal to contribute to the vitality and viability of St Boswells’s local services and facilities.
- 1.3 This statement has been prepared to consider the site context and relevant planning policy, before explaining the compliance with the development plan and related material planning considerations.

Submission Documents

- 1.4 The following documents and drawings (Table 1.1 and Table 1.2) have been prepared by the consultant team and are submitted in support of this planning application. Notably, the submission documents are in accordance with the Scottish Borders Council (SBC) Validation Requirements for planning applications of this nature.

Table 1.1 Planning Application Submission Documents

Document	Consultant
Planning Application Fee	The Applicant
Application Form, Ownership Certificates	Ferguson Planning Ltd
Planning Statement	Ferguson Planning Ltd
Noise Impact Assessment	KSG Acoustics Ltd

Table 1.2 Drawings

Document	Consultant
Site Location Plan	CSY Architects
Proposed Site Plan	CSY Architects
Concept Cross Section	CSY Architects

Structure of Planning Statement

1.5 The purpose of this Planning Statement is to provide SBC with details of the existing site and surroundings; the relevant planning history of the site; details of the proposed development and reasoned justification in the context of the local area and relevant planning policies. This Planning Statement is structured as follows:

- Section 2 - Site Context and Planning History;
- Section 3 - The Development;
- Section 4 - Planning Policy;
- Section 5- Development Consideration; and
- Sections 6 - Conclusions.

2. Site Context and Planning History

- 2.1 This Planning Permission in Principle (PPP) application relates to the development of two detached residential dwellings at West End Charlesfield, St Boswells.
- 2.2 The site is 0.65ha in size currently rough pasture and is positioned between the Charlesfield Industrial Estate to the south and residential units to the north and west. Adjoining the site to the east are agricultural fields laid to grass, beyond lies St Boswells. Access is to be obtained to the north west of the site off the existing access road to the north towards the A68.
- 2.3 In terms of topography, the site itself is relatively flat without any significant landscape variations. There is a slight gradient from the north east corner to the south east corner.
- 2.4 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 2.5 The proposed dwellings are shown indicatively on two individual plots, illustrated within Section 3 of this report. The intention being that they would be set within the infill plot and not extend beyond the existing building line to the east of the adjoining properties, whilst being contained by existing and proposed new planting/woodland. Again, existing buildings sit further south, further identifying the sites infill location.
- 2.6 In terms of accessibility, the site is approximately 1.4 miles south of St Boswells town centre offering a range of services and facilities, along with onward public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.7 In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.8 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding which is identified in figure 1 below.

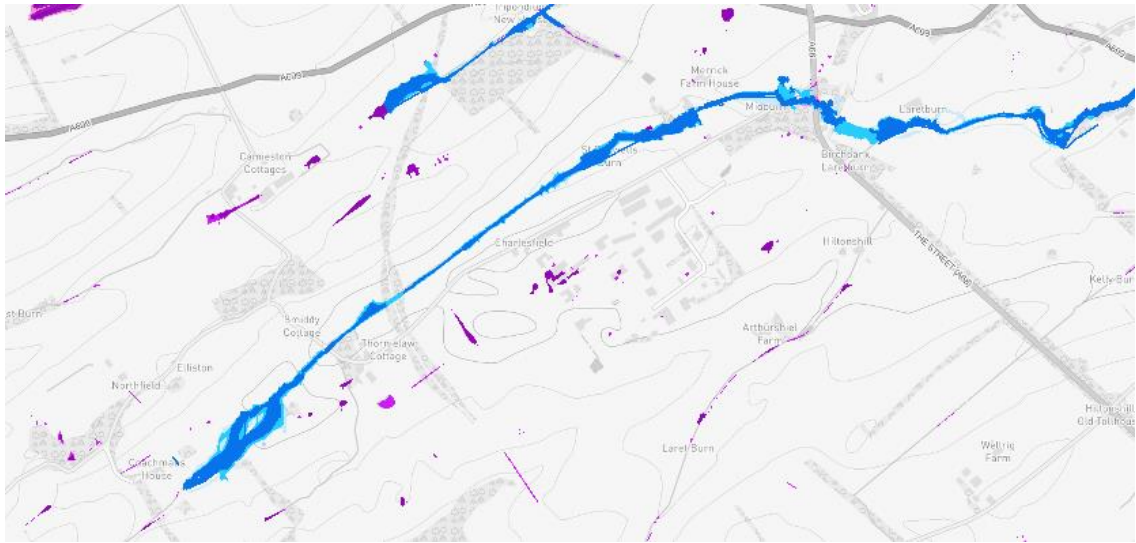


Figure 1: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.

Planning History

2.9 Referring to the Scottish Borders planning application search, there have been two planning applications associated with the site which have been withdrawn.

LPA Ref	Address	Proposal	Status
17/01344/PPP	Plot 1 Land South and West of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017
17/01343/PPP	Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017

2.10 The above applications sought pre-application advice from Council in December 2017. Julie Hayward, the Case Officer expressed concerns with the proposed access to the south as this was situated on land allocated in the Local Development Plan 2016 for structure planting and landscaping associated with the extension to Charlesfield Industrial Estate. The screen planning is required to help protect the amenity of the neighbouring properties to the west.

2.11 The proposed development in which this application relates to has shifted the site boundary further to the west, retaining the allocated land to the east for further landscaping. Access to both plots is to be from the north west.

2.12 Bringing that the Case Officer acknowledged that there was a building group, albeit, has some concerns relating to backland development. We will comment on such matters in the following chapters.

3. The Development

3.1 This section sets out details of the proposed development. The description of which is as follows:

“Planning Application in Principle for Two Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at West End Charlesfield St Boswells”.

3.2 The proposed development involves the provision two detached residential dwellings with associated infrastructure at West End, Charlesfield, St Boswells which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 2 below:



Figure 2: Proposed Layout Plan

3.3 In terms of layout, it is proposed the body of the site will be split in half, with the dwellings situated on individual plots to the south of the existing properties.

3.4 Careful consideration has been taken in the position of the proposed dwellings within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the northern and western boundary, safeguarding the daylight and sunlight provision and privacy of residents. The woodland screening to the south of the site provides a substantial buffer between the Charlesfield Industrial Site to the south again safeguarding the residential amenity of future residents.

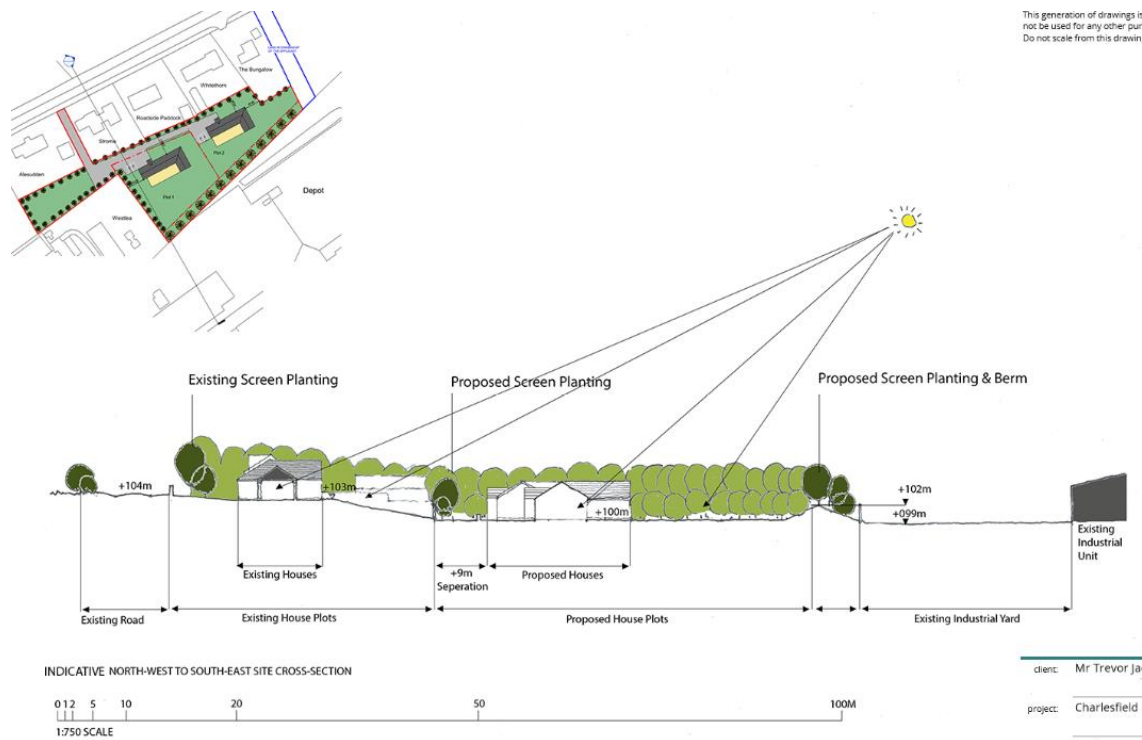


Figure 3: Proposed Cross Section

- 3.1 The Noise Impact Assessment prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.
- 3.2 The intention already exists for those dwellings to the north and west which have commercial buildings to the south.
- 3.3 There is a single access point to the north west off the road to the north leading to the A68 towards St Boswells. The access adjoins the existing residential properties at Stroma to the east and Alesudden to the west. Each plot with then have their own individual access leading off the primary access.
- 3.4 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 3.5 There will be private outdoor amenity provision for each proposed dwelling. The site benefits from being bordered by existing trees and vegetation which will be retained where possible, enhancing the natural environment in which it surrounds.
- 3.6 It is noted that the case officer for the former planning application at the site deemed the proposal to be back-land development. It is considered that due to the positioning of the residential properties to the north and west, along with the commercial buildings to the south, the site

represents a logical infill location which is considered to be preferable in comparison to ribbon development.

- 3.7 As the application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

4. Planning Policy

4.1 This section outlines the principle planning policy considerations which have informed the emerging development proposals, and which provide the context for the consideration of the proposed scheme.

Scottish planning Policy (SPP) 2020

4.2 SPP creates a presumption in favour of 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 delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- 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 cultural heritage, including the historic environment;
- 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.

2.1 SPP sets out a vision for vibrant 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.

4.3 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.

The Scottish Borders Local Development Plan

4.4 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.

4.5 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period is between 2nd November 2020 and 25th January 2021. As the plan is nearing adoption, it should be considered a material consideration.

4.6 With reference to the adopted Scottish Borders Proposals Map (2016), the site is classed as 'White Land' with no allocations or designations.

4.7 The key policies under which the development will be assessed include:

- LDP Policy PMD1: Sustainability
- LDP Policy PMD2: Quality Standards
- LDP Policy HD2: Housing in the Countryside
- LDP Policy HD3: Protection of Residential Amenity
- LDP Policy HD 4: Meeting the Housing Land Requirement / Further Housing Land Safeguarding

4.8 **Policy PMD1: Sustainability:** The preparation of the Local Development Plan was heavily informed by the acknowledged "*need for action on climate change*" and the Council's Environmental Strategy, which sit behind the 'support and encouragement of sustainable development' across the Borders. Policy PMD1 sets out the "*sustainability principles which underpin all the Plan's policies*" and that the Council expects to inform development proposals and planning decisions:

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

4.9 **Policy PMD2: Quality Standards:** 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.

4.10 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

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

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,

- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

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

4.11 **Policy HD3: Protection of Residential Amenity:** 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:

- 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 HD3 will be applicable for development on garden ground or ‘backland’ proposals to safeguard the amenity of residential areas. It applies to all forms of development and is also applicable in rural situations.

Material Considerations

New Housing in the Borders Countryside Supplementary Planning Guidance (SPG)

- 4.12 The Supplementary Planning Guidance provides “advice and assistance with the siting and design of new housing in the Borders countryside”. Pertinent sections of the Guidance have been identified below.
- 4.13 The Guidance accepts that “the Borders area is not uniform in its landscape character” and that for “new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover”.
- 4.14 The Guidance continues to establish that the development of “new housing in harmony with its immediate and wider surroundings” is possible by “respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover”.
- 4.15 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 4.16 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on-site facilities for vehicle movement and parking.”

5. Development Considerations

- 5.1 This section of the statement sets out the key planning considerations arising from the proposal setting out a reasoned justification for the development in the context of the adopted planning policy and the specifics of the site and its surroundings.

Principle of Development

- 5.2 The site in question is positioned within an infill plot, sitting within and adjacent to the setting of the existing Building Group at Charlesfield. The Building Group comprises seven cottages to the north of the site, with one dwelling adjoining the western boundary to the rear of the café. Charlesfield Industrial Estate is to the south of the site. Beyond the Industrial Estate to the south lies two additional residential properties.
- 5.3 A review of the Council's online planning records has indicated that no new or existing dwellings have been consented at Charlesfield within the current Local Development Plan period. The proposal is for the erection of two dwellings within the setting and enlarging of an existing Building Group comprising eight dwellings. While the details of the appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site.
- 5.4 The principle of development is considered to be acceptable as the proposal comprise the erection of two dwellings together with access, landscaping and associated works on an infill site within the setting of an acknowledged building group at Charlesfield, in accordance with section (A) of Policy HD2 as no new dwellings have been consented within the area with the LDP period. The proposal will also contribute to the Scottish Borders Housing Land Supply supported by policy HD4 of the LDP.

Residential Amenity

- 5.5 The proposal has been prepared to provide a good level of amenity for future occupiers of the two proposed dwelling whilst safeguarding the amenity of residents within existing neighbouring properties. Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of residents which is further enhance by the proposed landscaping across the northern boundary. In addition, the proposed landscaping buffer to the south of the site is considered to be a substantial separation distance from the Industrial Estate, further safeguarding any noise disturbance. A Noise Impact Assessment has been prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.

- 5.6 It is considered the indicative scale of the proposed one and half storey dwellings are appropriate to the site and the local area. The building heights do not extend beyond those of the neighbouring dwellings. The proposed dwellings do not extend beyond the building line to the east of the site, sitting well within the rural setting, enclosed with its infill location.
- 5.7 Views of the site from public receptor points are minimal due to its infill location between the residential properties to the north and west with the Charlesfield Industrial Estate to the South. The site is primarily visible from the adopted road to the north of the site upon approach from the east, noting the visibility will be restricted due to the rise in topography to the east. Existing and proposed hedgerow bordering the site further enhances the aesthetics, screening views from the east and south. Overall, the visual impact of the proposal on the local area is considered to be minimal.
- 5.8 As the proposal provides for good amenity on-site and safeguards the amenity of the surrounding area, it is considered to be in accordance with Policy HD3.

Design and Materiality

- 5.9 In accordance with policy PMD2 'Quality Standards' the indicative illustrations indicate a similar height to the existing neighbouring properties to the north and west, whilst not extending beyond the building line to the east, respecting the setting of the surroundings. The proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings whilst safeguarding the amenity of residents from the Industrial Estate to the south.
- 5.10 Whilst this is a Planning Permission in Principle application, it is intended to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

Sustainability

- 5.11 While this application is for Planning Permission in Principle, the proposal intends to support a sustainable form of development through renewables such as solar panels, air source heat pumps and electrical charging points in accordance with policy PMD1.

Access and Parking

- 5.12 The proposal includes one access point from the adopted road to the north which will then split off into the individual plots in the body of the site. It addressed previous concerns raised by the case officer with regards to the second, eastern access formerly proposed.
- 5.13 The proposed dwellings include a private driveway and car parking space deemed adequate for a proposal of this nature.

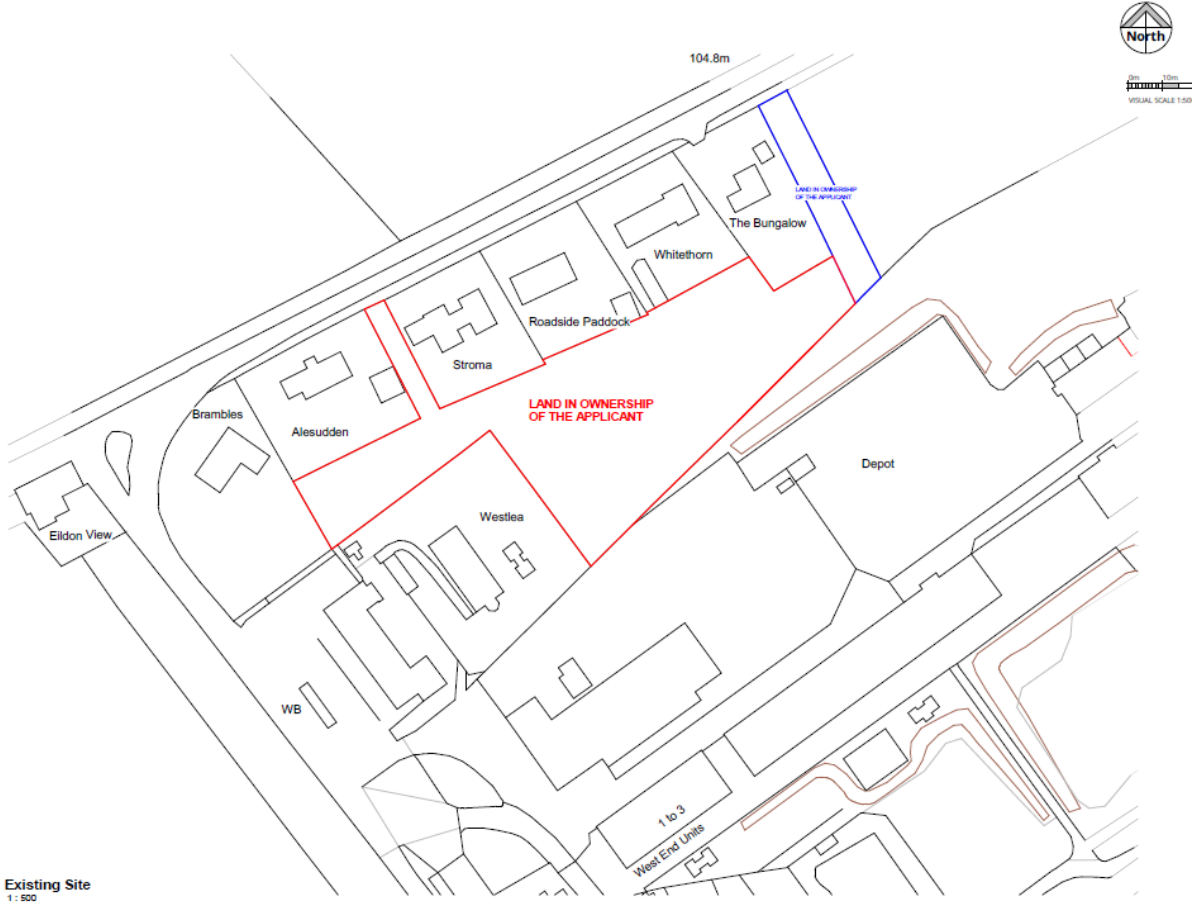
Housing Need and Economic Benefit

- 5.14 We consider, while modest in scale, will assist in meeting SBC five-year housing land supply to which we consider to be a shortfall.
- 5.15 Again, the proposal will support local jobs creating economic benefits during the construction process.

6. Conclusions

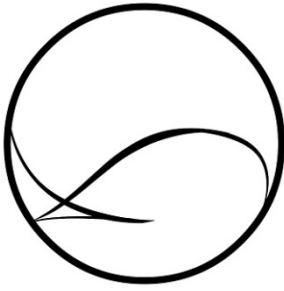
- 6.1 Ferguson Planning has been appointed by Trevor Jackson, (the applicant) to submit this Planning Statement in support of a Planning Application in Principle (PPP Application) for two residential dwellings, together with associated infrastructure at West End, Charlesfield, St Boswells.
- 6.2 The proposal represents the enlargement of an existing Building Group by two dwellings upon a site which is considered to be a logical infill location for residential development, relating well to the existing building group adjoining the site. Therefore, it is considered the erection of the proposed dwellings upon the site is to be acceptable in accordance with Policy HD2(A). Whilst the proposal utilises this sustainable infill site, it will also contribute to the housing land supply with the borders supported by Policy HD4.
- 6.3 The proposed dwellings have been carefully positioned and designed ensuring there is a good level of amenity for future occupiers whilst safeguarding the privacy of the neighbouring dwellings and providing good quality standards using sustainable methods in accordance with Policies PMD1, PMD2 and HD3. The proposed landscaping buffer to the south of the site is considered to be a substantial set off distance from the Industrial Estate ensuring there are no adverse impacts on residential amenity whilst not interfering with the Industrial operations at the site.
- 6.4 It is proposed to create one vehicle access point off the adjoining road to the north to serve the new dwellings. The proposed development is considered to be acceptable in transport terms.
- 6.5 Overall, it is thought that the proposal is in accordance with relevant adopted Planning Policy of the Local Development Plan and wider planning material considerations. It is therefore respectfully requested that planning permission is granted.

Appendix 1: Site Location Plan



Existing Site
1 : 500

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Proposed Residential Development – Charlesfield, St Boswells

Noise Impact Assessment

KSG Acoustics Ltd.

Prepared for
EMA Architects

24 July 2017

Project reference 1593/R1

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Proposed residential development – Charlesfield, St. Boswells

Noise Impact Assessment

1. Introduction

KSG Acoustics Ltd. has been appointed by EMA Architects to provide a noise impact assessment (NIA) pertaining to a proposed residential development on land north west of Charlesfield Industrial Estate, St. Boswells. This report determines the prevailing levels of day and night time environmental noise typical to the site of the proposed development and considers the likelihood of significant impacts on future sensitive receptors.

2. Site description

The proposed development site is located west of the A68 and north west of Charlesfield Industrial Estate. It is a linear green field area with existing dwellings immediately to the north along the road side and also to the east and west.

South of the red line boundary is Perryman's Bus Depot and further to the west is Pirnhouse Interiors, which comprises a gift shop and coffee shop open to the public. The industrial estate extends to the south and east, with the primary access taken from a junction around 580m to the east, close to the A68. Alexander Inglis and Son Ltd grain processing facility is located immediately to the west of the junction; in the field immediately to the east there is a newly operational biomass facility.

The remainder of the estate comprises a mixture of businesses, including motor vehicle servicing and repair, offices and sales facilities.

The proposed development site is at a higher local ground height than the Industrial Estate. It is visually screened from the Industrial Estate by extensive hedging along the south boundary with Perryman Bus Depot, although there appears to be no existing close-boarded element to act as an effective acoustic barrier.

Subjectively, the acoustic environment at the proposed development site is quiet and in keeping with the rural setting. The dominant source of environmental noise across the proposed development site is distant road traffic noise and intermittent vehicle movements

along the public road to the north and the access road to the west. There is low level continuous fixed plant noise from the new biomass facility to the east, the effects of which vary with prevailing meteorological conditions. There are also intermittent contributions to the acoustic environment from activities at the Industrial Estate, especially the adjacent Perryman's Bus Depot. Finally, there are contributions from natural sources, including wind through foliage, bird song and animals in the surrounding fields.

Perryman's Bus Depot

Perryman's Bus Depot was consulted to determine typical activities and hours of operation. A representative confirmed that buses leave the yard mainly during the morning and return throughout the afternoon and evening, concluding by 2300h. Activities in the yard during the day include refuelling and general maintenance. The yard is then closed until 0330h, when a staff member arrives to prepare for the bus fleet egress, which commences gradually from 0430h.

There is no fixed plant at the depot; general maintenance tools include compressed air tools and hand tools.

Biomass development

A representative from the biomass development to the east was consulted and confirmed that the fixed plant components operate consistently 24 hours with no significant variation. During the day, HGV deliver feedstock to the site, which is then handled locally according to requirements.

3. Proposed development

The proposals for development are to erect 2 dwelling houses with associated access and outdoor amenity areas. The dwellings are proposed to be located side by side with separate accesses from the main road, passing between existing dwellings. The principle outdoor amenity areas will be located back-to-back between the dwellings.

It is proposed to incorporate an appropriately specified bund and close-boarded fence along the south boundary of the proposed development site, beyond which lies Perryman's Bus Depot. For the purposes of this assessment, it has been assumed that this will comprise a 1m bund plus a 1.8m close-boarded fence.

4. Assessment methodology and consultation

The following documents have been referred to in this report:

- Planning Advice Note (PAN) 1/2011 Planning and Noise and associated Technical Advice Note (TAN);
- British Standard (BS) 4142: Methods for rating and assessment industrial and commercial sound;
- British Standard (BS) 8233: Guidance on Sound Insulation and Noise Reduction for Buildings; and
- World Health Organisation (WHO) publication Guidelines for community noise.

PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The associated TAN provides information and advice on noise impact assessment methods. PAN 1/2011 is the overarching guidance document in Scotland for the consideration of noise in the context of planning decisions. It highlights the principles of good acoustic design and a sensitive approach to new development. It does not provide any specific methodology that should be applied to the assessment of locations proposed for noise sensitive development however it does recommend the use of other guidance documents which should be used to construct a quantitative and qualitative assessment. This report seeks to apply the principles underpinning the guidance document to assess the possible impacts of environmental noise on future sensitive development.

BS4142 describes methods for rating and assessment commercial and industrial sound. It uses outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.

BS8233 and the WHO publication contain guidance with respect to suitable noise levels for internal and external habitable spaces. BS8233 also provides guidance with respect to the acoustic performance of façade elements and composites.

Consultation

Verbal and written consultation has been undertaken with the Environmental Health Officer (EHO) for Scottish Borders Council (SBC). SBC confirmed that they would be most interested

in the potential impact of any industrial or commercial noise from the adjacent Industrial Estate as well as typical day and night time levels of environmental noise.

The EHO also confirmed that SBC has no specific local guidance with respect to planning and noise that the developer should be aware of.

5. Baseline noise survey

A site walkover was undertaken on Friday 02 June 2017, during which activities throughout the Industrial Estate were investigated, especially those in close proximity to the proposed development site.

Daytime measurements of baseline environmental noise were undertaken to establish typical environmental noise conditions across the proposed development site.

A sound level meter was located within the curtilage of Brambles Cottage, which is located immediately west of the site and on the site boundary.

Measurements were made using a Rion NL-52 sound level meter (serial number 00821105) fitted with ½ inch condenser microphone (serial number 04086). The sound level meter was calibrated at the beginning and end of the measurement period using a Bruel & Kjaer acoustic calibrator (serial number 909231) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

Measurements were taken in the free field at a height of approximately 1.5m above local ground height.

The following Table 1 presents a summary of the measured levels of day time environmental noise at the location previously described.

Table 1: Typical daytime environmental noise levels

Period start	LAeq,1h (dB)	LA90,1h (dB)	LAFmax (dB)
12:00:00	46.5	37.1	52
13:00:00	45.1	38.2	55
14:00:00	47.0	38.8	57
15:00:00	47.8	39.5	55
16:00:00	49.7	40.5	60

17:00:00	54.3	39.7	58
18:00:00	52.6	37.4	54
19:00:00	49.6	38.6	55
20:00:00	49.9	31.6	52
21:00:00	45.9	24.9	49

Detailed night time noise survey

A second site walkover and detailed attended night time noise survey was undertaken on 11 and 12 July 2017. The purpose of this exercise was to determine typical night time noise contributions at the proposed development site and identify sources.

Weather conditions between 11 and 12 July were suitable for the monitoring of environmental noise, being still and mild.

All measurements were taken in the free field at a height of approximately 1.5m above local ground height.

A sound level meter was installed on the proposed development site between 2200h on 11 July and 1000h on 12 July. Measurements were made using a Rion NL-52 sound level meter (serial number 00821105) fitted with ½ inch condenser microphone (serial number 04086). The sound level meter was calibrated at the beginning and end of the measurement period using a Bruel & Kjaer acoustic calibrator (serial number 909231) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

Attended measurements were made using a 01dB Solo sound level meter (serial number 60502) fitted with ½ inch condenser microphone (serial number 59680). The sound level meter was calibrated at the beginning and end of the measurement period using a Bruel & Kjaer acoustic calibrator (serial number 909231) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

The following Table 2 summarises the results of the unattended night time measurements on the proposed development site and Table 3 summarises the results of the attended measurements.

Table 2: Typical night time environmental noise levels

Period start time	LAeq,1h (dB)	LA90,1h (dB)	LAFmax (dB)
22:00:00	40	37	66
23:00:00	37	33	57
00:00:00	33	31	44
01:00:00	33	32	41
02:00:00	33	32	43
03:00:00	36	32	46
04:00:00	44	38	50
05:00:00	48	42	58
06:00:00	49	43	62
07:00:00	45	39	63

It is worth noting that sunrise on the 12 July 2017 was at 0445h. Given the significant number of trees along the south boundary of the development site and the rural location, it is likely that the dawn chorus of birdsong has contributed to the measured LAeq at this location.

Table 3: Attended night time noise measurements

Location	Start time (h)	T (s)	LAeq,T (dB)	LA90 (dB)	LAFmax (dB)
Industrial Estate access road, adjacent to St Boswells Mowers	0102	300	34	34	38
Industrial Estate access road, adjacent to Alexander Inglis Grain Depot	0113	300	37	37	39
Proposed development site access from the public road	0124	300	28	27	33
West Industrial Estate access road adjacent to The Brambles	0131	300	28	28	32
Adjacent to proposed development site boundary	0159	1200	30	27	42
	0259	600	32	27	52

The attended night time site visit confirmed that Perryman's Bus Depot is completely closed during night time hours until 0330h, as described by the representative consulted.

6. Noise impact assessment

An assessment of the likely levels of environmental noise affecting internal and external habitable spaces associated with the proposed development has been undertaken to determine the likelihood of adverse effect.

The assessment considers the commercial noise levels in the context of the ambient acoustic environment as well as the absolute levels. An explanation for the choice of assessments is set out below.

Calculations have been presented for the situation where windows are partially open. With respect to the acoustic attenuation afforded by a partially open window in a façade, BS8233 Annex G suggests that 15dB may be achieved, although it goes on to say that the acoustic performance will vary with the frequency content of the noise and window type.

The absolute design targets considered are 35dB inside habitable rooms during the daytime and 30dB inside habitable rooms at night, as recommended in BS8233 and the WHO guidance *Guidelines for Community Noise* and Noise Rating curves. Noise Rating curves specify a target in each octave band and therefore take account of the distribution of energy across the acoustic spectrum.

Noise from the operational biomass plant

Generally, BS4142 makes a comparison between typical levels of background noise (LA90) and predicted or measured cumulative operational levels of identified sources of commercial noise, after correction for any acoustic features.

Observations made on site during the daytime and early hours of the morning have confirmed that noise from the biomass plant to the east is low level and continuous without fluctuation. As this noise occurs continuously, however, it is arguably part of the existing baseline.

During the daytime, the noise remains audible, although it is partially masked by other typical sources of environmental noise.

It is also worth noting that, in Section 11 Assessment of the Impacts, BS4142 notes that *Where background sound levels and rating levels are low, absolute levels might be as or*

more relevant than the margin by which the rating levels exceeds the background. This is especially true at night.

On this basis, BS4142 does not seem to be an appropriate assessment methodology to consider the potential impact of noise from this source.

The Planning Permission granted to the operator of the biomass plant has been examined and it has been found that the Condition relating to off-site noise levels contains the following wording:

11. Noise emitted by any structure and / or plant... shall not exceed NR20 between the hours of 2300 to 0700 inclusive and NR30 at all other times when measured within the nearest noise sensitive dwelling (even when windows of the latter are open for ventilation).

The measured levels of noise from the biomass plant have therefore been considered against these day and night time standards. Levels of operational noise from the biomass affecting the proposed development site has been derived from the measurements undertaken during night time hours as described in Table 3 above.

The following Table 4 presents the results of this assessment for the proposed residential development. It assumes that receiving windows are open and on the east façade with no additional barriers to the passage of sound other than those currently in existence. Negative or zero values are indicative of compliance.

Table 4: Noise Rating curve assessment

Scenario	Octave band centre frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
Measured values (external) (dB)	46	34	29	26	23	16	14	13
Calculated values (internal; windows open) (dB)	31	19	14	11	8	1	-1	-2
NR20 values (dB)	51	39	31	24	20	17	14	13
NR30 values (dB)	59	48	40	34	30	27	25	23
Comparison with NR20 (night time standard) (dB)	-20	-20	-17	-13	-12	-16	-15	-15
Comparison with NR30 (day time standard) (dB)	-28	-29	-26	-23	-22	-26	-26	-25

The results of the assessment suggest that the requisite Noise Rating curves for operational noise from the biomass development will be met during day and night time periods; no adverse impact is therefore anticipated.

Noise from Perryman's Bus Depot

The other discernible commercial noise affecting the site during daytime and the early hours of the morning is sporadic noise from Perryman's Bus Depot to the south of the proposed dwellings.

As previously described, vehicle maintenance is undertaken during daytime hours; movements in the early hours comprise only vehicles leaving the Depot to start their routes.

Section 9 of BS4142 discusses rating corrections that apply to sources with particular acoustic features. Specifically, it requires the assessor to identify tonality, impulsivity, intermittence and *other sound characteristics* and to what extent they will feature at the assessment location. This is typically defined in terms of perceptibility in relation to the residual acoustic environment.

The operational noise observed (maintenance and vehicle manoeuvring during the day; vehicle manoeuvring at night) is intermittent. This feature would incur a BS4142 rating

penalty of +3dB(A). The noise is not impulsive, however it has characteristics that may make it readily distinctive against the residual acoustic environment. This could also attract an additional +3dB character correction in accordance with BS4142, giving a total penalty of +6dB.

Section 11 of BS4142 provides guidance on the assessment of identified impacts. When considering the difference between the prevailing background and rating noise levels, it states the following:

Typically, the greater this difference, the greater the magnitude of the impact.

A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.

A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.

The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating noise level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

With regards to treatment of the south boundary between the proposed development site and the bus depot, an appropriately specified bund and close-boarded fence combination of respective height 1.0m and 1.8m has been included as previously described. The Depot is at lower ground height than the development site and, as such, this would represent an effective acoustic barrier.

Note 3 of BS4142 Section 11 reminds the assessor to take into consideration in the assessment *...whether dwellings will already incorporate design measures that will secure good internal and / or outdoor acoustic conditions such as... acoustic screening.*

For the purpose of this assessment, it is assumed that the boundary treatment will completely obscure the line of sight from any facing habitable room windows on to the Depot. As such, a conservative estimate of 12dB mitigation is assumed (Maekawa method using path difference).

The following Table 5 presents an assessment of day and night time commercial noise in accordance with the methodology set out in BS4142.

Table 5: BS4142 assessment

BS4142 assessment	Daytime (0700 – 2300h)	Night time (0400 – 0700h)
Operational sources	Vehicle maintenance and manoeuvring	Vehicle manoeuvring
Measured typical background (LA90) (dB)	39	35
Assessment period	1 hour	5 minutes
Specific source noise level (LAeq,T) (dB)	46	44
Applicable rating penalty (dB)	+6	+6
Rating source noise level (LAeq,Tr) (dB)	52	50
Minus effects of bund and close boarded boundary fence (dB)	-12	-12
Difference between rating source noise level and typical background (dB)	+1	+3
Predicted impact	Low impact	Low impact

The results of the assessment indicate that, providing an appropriately specified close boarded fence is incorporated along the south boundary of the proposed development site then the impact of operations at the Perryman’s Bus Depot will be low, both during the early hours of the morning and during typical daytime activities.

The conclusion that noise from operation of the Depot is of *low impact* is strengthened by 2 further factors that describe the context of the assessment, as indicated in BS4142. These are:

- The existing precedent for residential development immediately adjacent to the proposed development site; and
- That the absolute levels of operational noise are well within the recommendations made in BS8233 and the WHO publication *Guidelines for Community Noise*.

The existing precedent for residential dwellings adjacent to a well-established Industrial Estate suggests that residents are not adversely affected by noise from operational sources,

including the Bus Depot. It is also worth noting that there are 2 properties that are respectively significantly closer to the access route to and from the Depot from the main road and to the Depot itself than the proposed development.

Although more relevant to anonymous noise sources, both BS8233 and the WHO recommend absolute design targets of 35dB inside habitable rooms during the day and 30dB during night time. Inclusive of the effects of the close boarded fence described, the absolute noise level outside the closest facing habitable room windows would be in the order of 34dB LAeq,T during daytime hours and 32dB LAeq,T during night time hours. Allowing 15dB attenuation of sound for an open window, the internal noise levels would be approximately 19dB during the daytime and 17dB at night – significantly less than the design recommendations.

Similarly, the WHO recommends absolute noise levels of around 50dB in outdoor amenity areas during the day. This target would also be comfortably met in the proposed gardens.

Additional mitigation

It should be noted that further betterment of received noise from the Depot could be obtained by careful positioning of habitable room windows. Windows located perpendicular to the Depot could receive in the order of 3dB less noise due to their orientation; habitable room windows on the far side of the proposed dwellings from the Depot would benefit by significantly greater margins of up to 10-15dB.

7. Conclusions

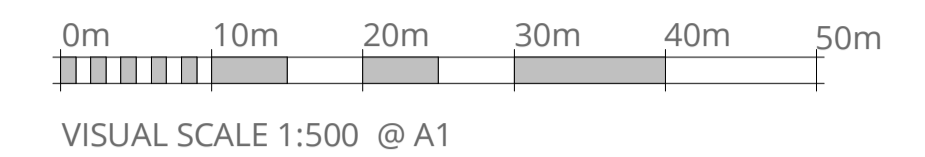
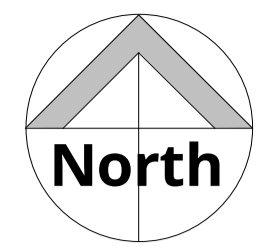
KSG Acoustics Ltd. has carried out a noise impact assessment in relation to proposals for a residential development on land north of Charlesfield Industrial Estate, St. Boswells.

Consideration has been given both to noise from the biomass development to the east as well as noise from Perryman's Bus Depot to the south.

Providing suitable mitigation measures are incorporated into the design, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development. This will include a suitably specified acoustic treatment along the boundary with the Bus Depot to the south and with consideration given to the orientation of habitable room windows relative to the Industrial Estate.

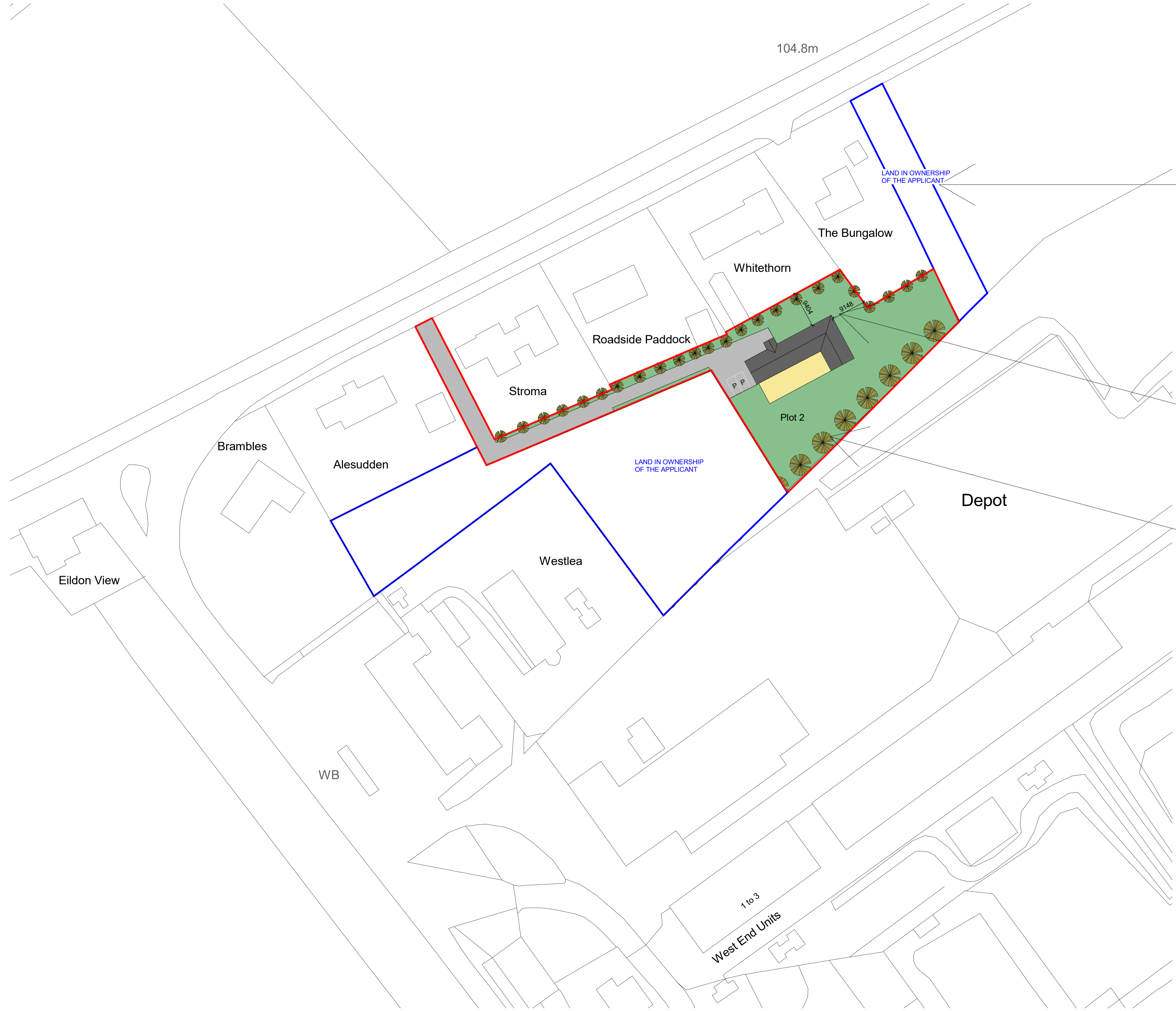
The results of the surveys and assessment indicate that environmental noise will not constitute a significant adverse impact, nor should it be considered a constraint to the proposed development.

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VISUAL SCALE 1:500 @ A1

104.8m



Local Development Plan screening as part of extension to Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREA

Plot 2 : 2391 m²

Rev	Date	Description	by
D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO



client: Mr Trevor Jackson
 project: Charlesfield - Plots 1 & 2
 title: Indicative Site Plan Plot 2
 status: Planning drawn: MO
 scale: 1 : 500@A1 date: 21/05/2021
 number: 10103/05 rev: D

	DALKEITH 11 South street EDINBURGH 46 The Shore ERMOUTH 28 Harbour Rd GLASGOW 1 Wilderhaugh	EH22 1AH EH6 6JQ TD14 5HH TD1 1TQ	0131 663 9735 0131 553 7959 01896 759429 01896 753077
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Ms Julie Hayward
Scottish Borders Council
Development Management
Newtown St Boswells
Melrose
TD6 OSA

29th July 2021

Planning Applications for the erection of two dwellings, formation of new access and associated works at Land South of The Bungalow, Charlesfield, St Boswells (LPA refs: 21/00840/PPP and 21/00839/PPP)

Dear Julie,

As you are aware, Ferguson Planning Ltd is instructed to act on behalf of Trevor Jackson (the 'Applicant') and in relation to the above 'live' planning applications (LPA ref: 21/00840/PPP and 21/00839/PPP).

Following on from your email on the 21st July 2021 and our email response dated 23rd July 2021 we deem it necessary to formally write to you to respond to the concerns you have raised.

It is understood you were unable to visit the site and as requested, please find site photos within Appendix 1.

We note you consider the proposals to be contrary to Policy HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that you deem the proposed dwellings would poorly relate to the existing building group which is considered to be complete and not suitable for further housing.

Having reviewed the online planning portal, there have been no new or existing dwellings that have been consented since 2016 (within the currently Local Development Plan period), as such we consider there is scope for an additional 2 dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2.

We also acknowledge you consider the erection of dwelling houses on this site would constitute backland development and out keeping with the linear character of the building group which is thought to have an inappropriate impact on the setting of the

group and sense of place.

Having undertaken a site visit of the building group, there is a residential property circled in figure 1 below which is considered to be a form of backland development, setting a precedent for this form of development within the area. As such, we consider the site to be a logical infill location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2.

Figure 1: Residential property outlined in Red (Annotated Google Maps)



The neighboring operations have not altered since the submitted Noise Assessment prepared by KSG Acoustics was undertaken and as such we consider it to be up to date for the purpose of this planning application for residential development. The assessment concluded there are no significant noise concerns and as such noise should not be a material reason for refusal.

We would greatly appreciate, prior to determination, the opportunity to have a meeting with you to discuss the proposal.

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



If you have any queries regarding the above, please do not hesitate to contact Tim Ferguson (tim@fergusonplanning.co.uk) or Lucy Moroney (lucy@fergusonplanning.co.uk).

Yours faithfully

A handwritten signature in black ink, appearing to read "Tim Ferguson". The signature is written in a cursive style with a large initial "T" and "F".

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Company Registration Number: 614302 (Registered in Scotland)

Appendix 1: Site Photos

Figure 1: Location of images taken.

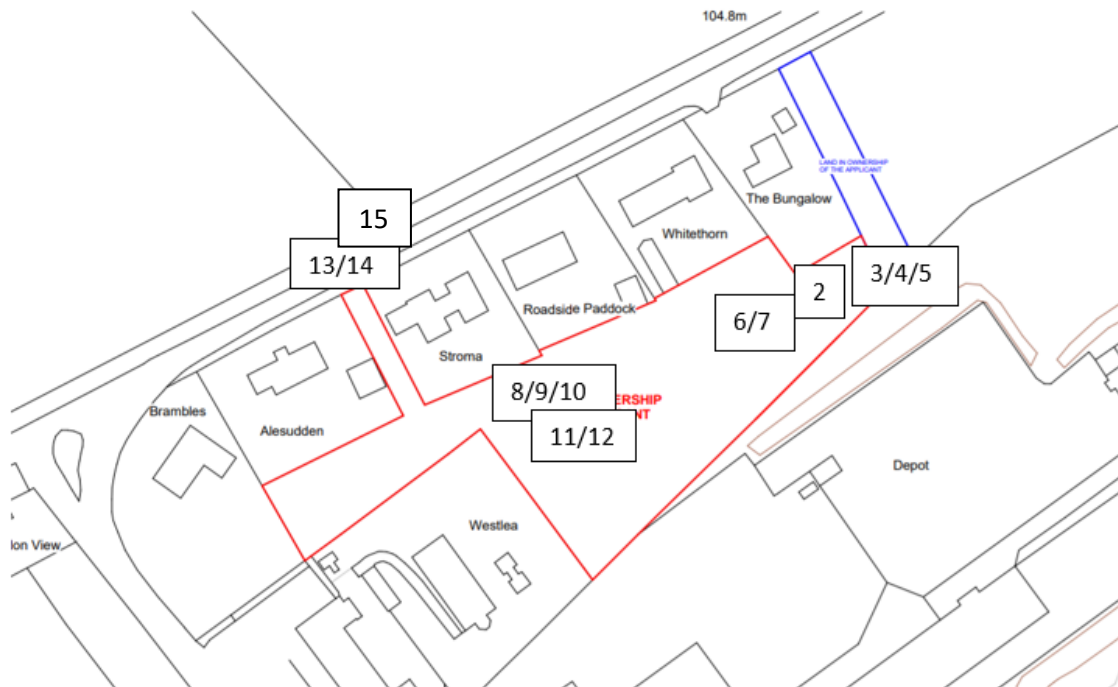


Figure 2: Photo looking east to west across the site.



Figure 3: Photo looking beyond the eastern boarder of the site towards the industrial estate.



Figure 4: Second photo looking beyond the eastern border of the site directed to the northeast.



Figure 5: Photo taken beyond the eastern boundary of the site directed towards the residential properties to the north.





Image 5: Photo taken within the centre of the site directed to the northwest.





Image 7: Photo taken in the centre of the site directed to the southwest towards the industrial site to the south.



Figure 8: Location of proposed access road within the site (photo taken directed to the west, to the north of the site)



Figure 9: Photo taken from the northwest corner of the site directed south east.



Figure 10: Photo taken from the northwest corner of the site directed towards the east.



Figure 11: Photo taken from the norther boundary of the site directed towards the industrial estate to the south.



Figure 12: Photo taken of the western border and southwestern corner of the site.



Figure 13: Location of proposed access road from existing road that services the building group to the north.



Figure 14: Image 2 of proposed access road from existing road that services the building group to the north.

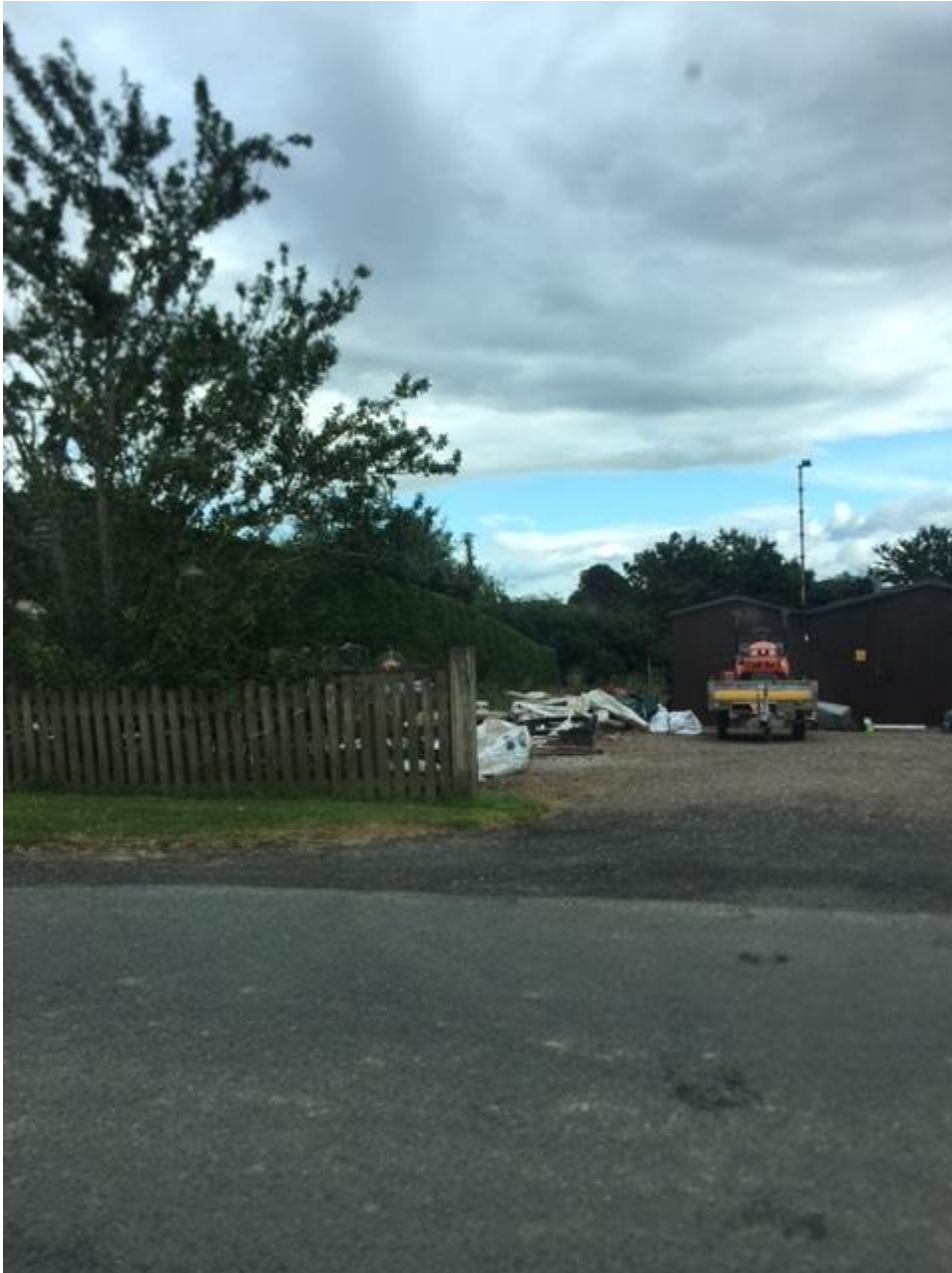


Figure 15: Residential properties adjacent to the access looking east.



Land South Of The Bungalow, Charlesfield

Technical Note

St Boswells LLP

Job No: 1031906
Doc Ref: RPT-TC-001
Revision: —
Revision Date: 14 July 2021

Project title	Land South Of The Bungalow, Charlesfield	Job Number
Report title	Technical Note	1031906

Document Revision History

Revision Ref	Issue Date	Purpose of issue / description of revision
-	12 July 2021	Draft for client comment
A	14 July 2021	Final

Document Validation (latest issue)

14/07/2021	14/07/2021	14/07/2021
Principal author:	Checked by	Verified by
Signed by: Low, Graeme	Signed by: Low, Graeme	Signed by: Low, Graeme

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1.0 Introduction

1.1 Purpose of This Report

Cundall has been commissioned by St Boswells LLP to provide transportation advice to support the development of two residential dwellings on land at Charlesfield, St Boswells. As part of the proposals, a new access is to be formed to serve the properties. This short technical note provides further information in relation to the proposals in response to comments raised by Scottish Borders Council (SBC) Roads in relation to planning application (21/000840/PPP).

1.2 Report Structure

Following this short introductory chapter, the report is set out as follows:

- Chapter 2 estimates the magnitude of trips generated by the proposed development;
- Chapter 3 reviews the proposed access arrangements in relation to transportation comments raised by SBC in relation to the proposals; and
- Chapter 4 provides a summary of the findings of the study.

2.0 Trip Generation

2.1 Introduction

The following section sets out the trip generation assumptions used to estimate the level of trips generated by the proposed residential development.

2.2 Trip Rates

TRICS v.7.8.2 has been used to establish the likely trips that could be generated by the proposed development. The following site selection criteria has been applied to select comparable sites from which to determine trip rates for the development:

- Use selection 03 – Residential, A – Houses Privately Owned;
- Sites located within Greater London and Ireland have been discounted;
- Edge of Town sites selected;
- Weekday surveys selected;
- Vehicle trip rates selected; and
- Sites within 6 - 20 units selected.

Applying the above criteria resulted in 6 comparable sites being returned and the associated TRICS outputs are provided in Appendix A. The TRICS database identifies the AM and PM peak hours to be 08:00 - 09:00 and 16:00 - 17:00 and Table 2.1 shows the vehicle trip rate and resultant peak hour trip generation for the proposed two residential dwellings which have been used to inform this technical note.

	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicle Rate (per dwelling)	0.145	0.231	0.188	0.085
Vehicle Generation (2 dwellings)	1	1	1	1

Table 2.1 Total Vehicle Trip Rates

As can be seen from the above summary, the proposed development is forecast to generate a maximum of 2 two-way vehicle movements in either the AM or PM peak hour. The development will therefore have a negligible impact both in terms of its capacity and safe operation on the operation of the adjacent road from which it is proposed to take access from.

3.0 Transportation Response

3.1 Introduction

The site is located at Charlesfield, St Boswells and is bound by existing residential properties to the north and Charlesfield Industrial Estate to the south. Proposals include the construction of two residential dwellings, with associated parking and the formation of a new access from the adopted road to the north.

This chapter provides additional transportation information to support the application in response to comments provided by SBC Roads on the initial planning application.

3.2 Proposed Vehicle Access

It is proposed to form a new access on the unclassified road located to the north of the site to serve the proposed two house residential development, with the access able to be constructed using land within the ownership of the applicant.

3.2.1 Visibility Review

SBC have identified a requirement to provide 2.4x120m visibility splays in association with the proposed access and the ability to provide this is shown in Figure 3.1 below, with the drawing included at a larger scale in Appendix B.

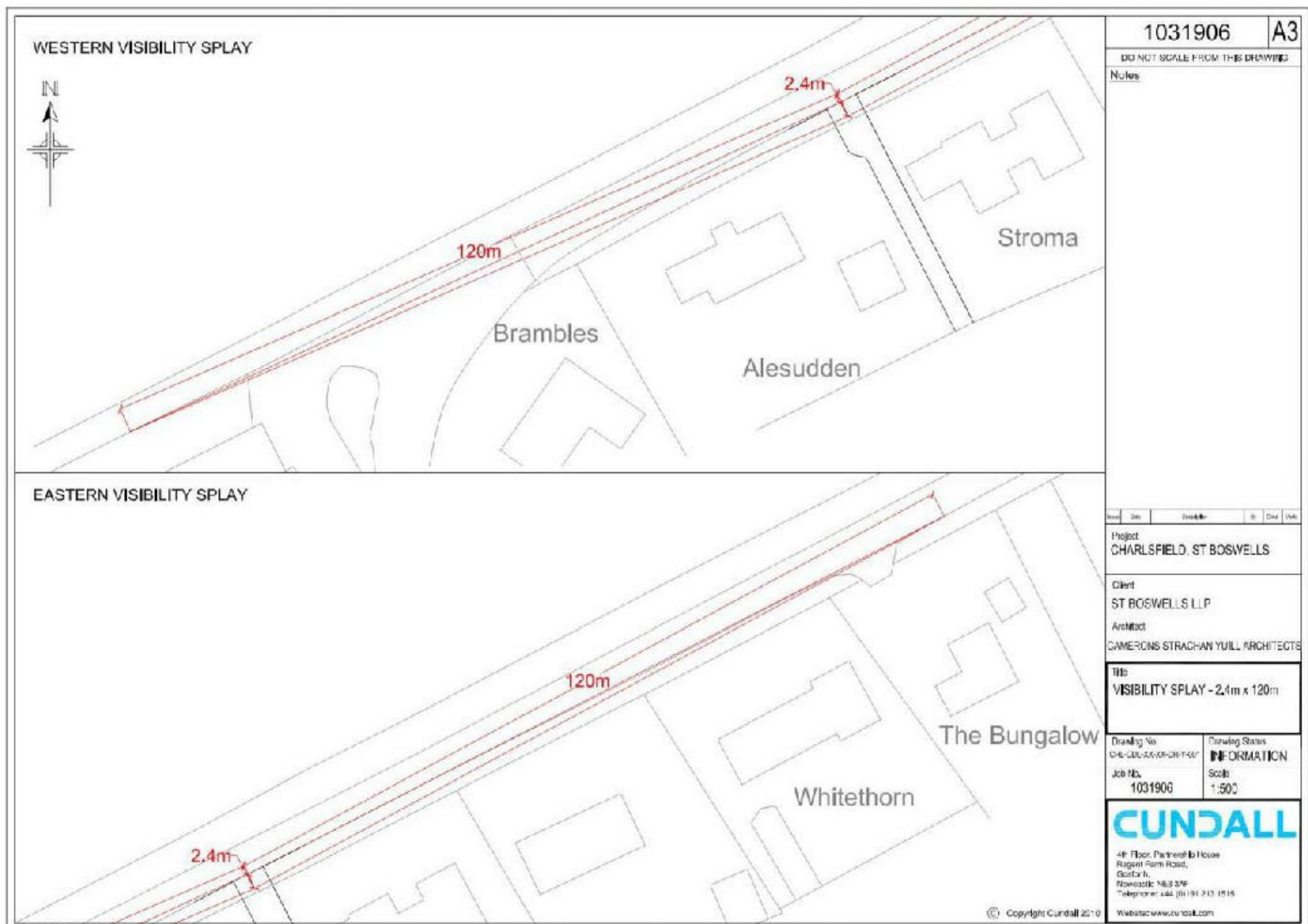


Figure 3.1 Junction Visibility

As can be seen from Figure 3.1, the required visibility can be achieved to the east. An existing junction is, however, located within the western visibility splay although the required visibility can be provided to traffic approaching from the

west. Whilst the junction is located approximately 70m to the west of the proposed access and therefore falls within the visibility splay, vehicles will be travelling at low speeds when accessing the unclassified road and travelling east towards the proposed access junction. It is therefore considered that the location of the nearby junction will not generate any safety issues which would have an impact on the intention to form a new access in the location being proposed, particularly with the low level of vehicle trips anticipated to be generated by the proposed development (2 two-way movements in either the AM or PM peak hours).

A review of Personal Injury Accident Data using the CrashMap database confirms that no accidents have been recorded in the vicinity of the site over the last ten years, demonstrating that the local road network currently operates in a safe manner. Figure 3.2 provides an extract from the database showing the road network located in the vicinity of the site.

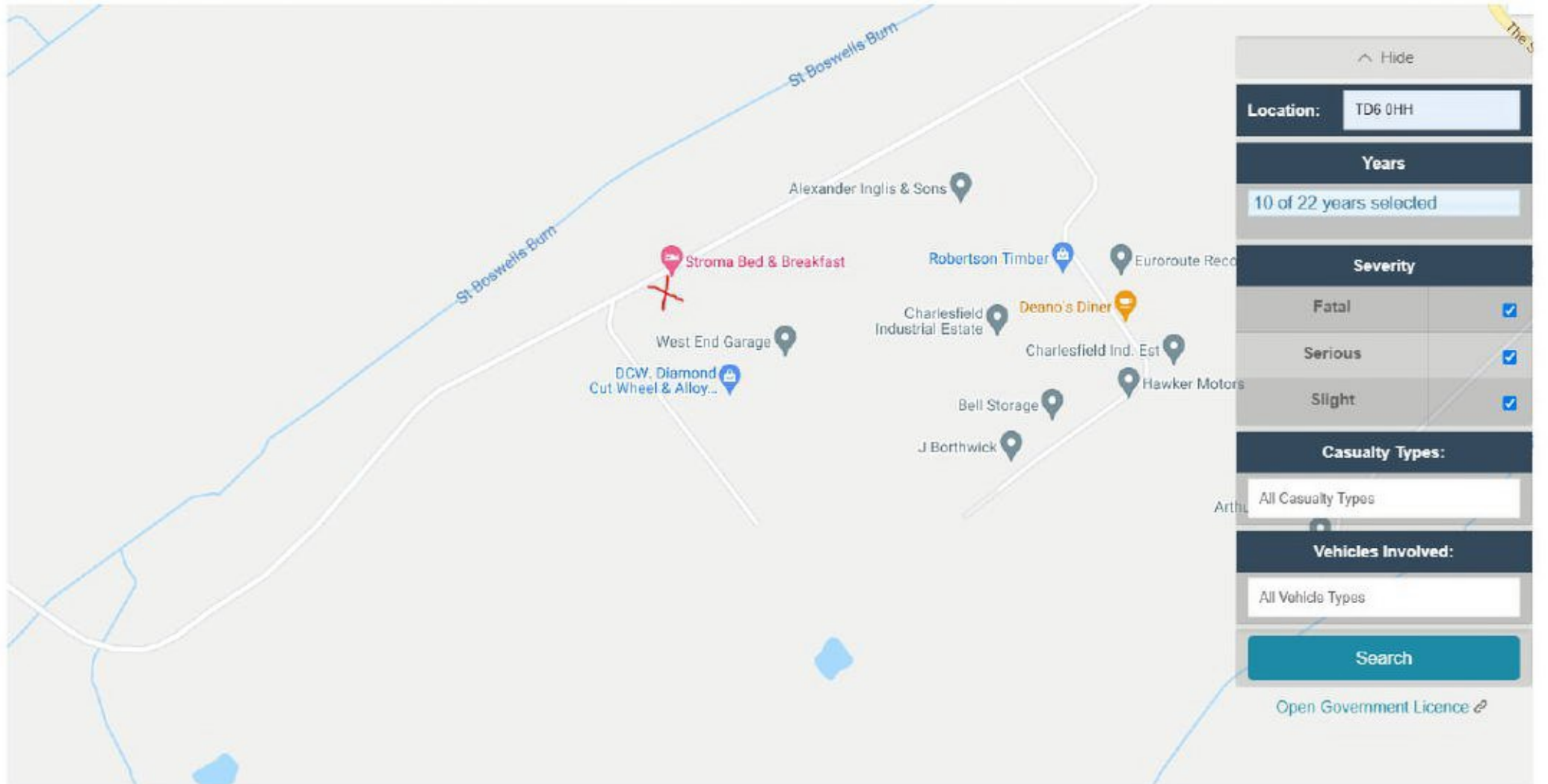


Figure 3.2 Accident History

It is considered that the formation of a new access to serve two properties will not have an impact on the road’s current operation in terms of safety, given the negligible level of trips generated by the proposed development.

3.2.2 Indicative Site Access

It is proposed to provide an access with a 5m width to enable a vehicle accessing the site to pass a vehicle waiting to leave the site. This arrangement will also enable a vehicle leaving the site to be visible to a second vehicle accessing the site and provide opportunity for this to wait prior to proceeding. The access road will be constructed on an alignment which will provide clear visibility for approximately 30m to enable the wider carriageway located at the northern end of the access, to provide an effective passing place and this arrangement is shown in Figure 3.3 and provided at a larger scale in Appendix B.

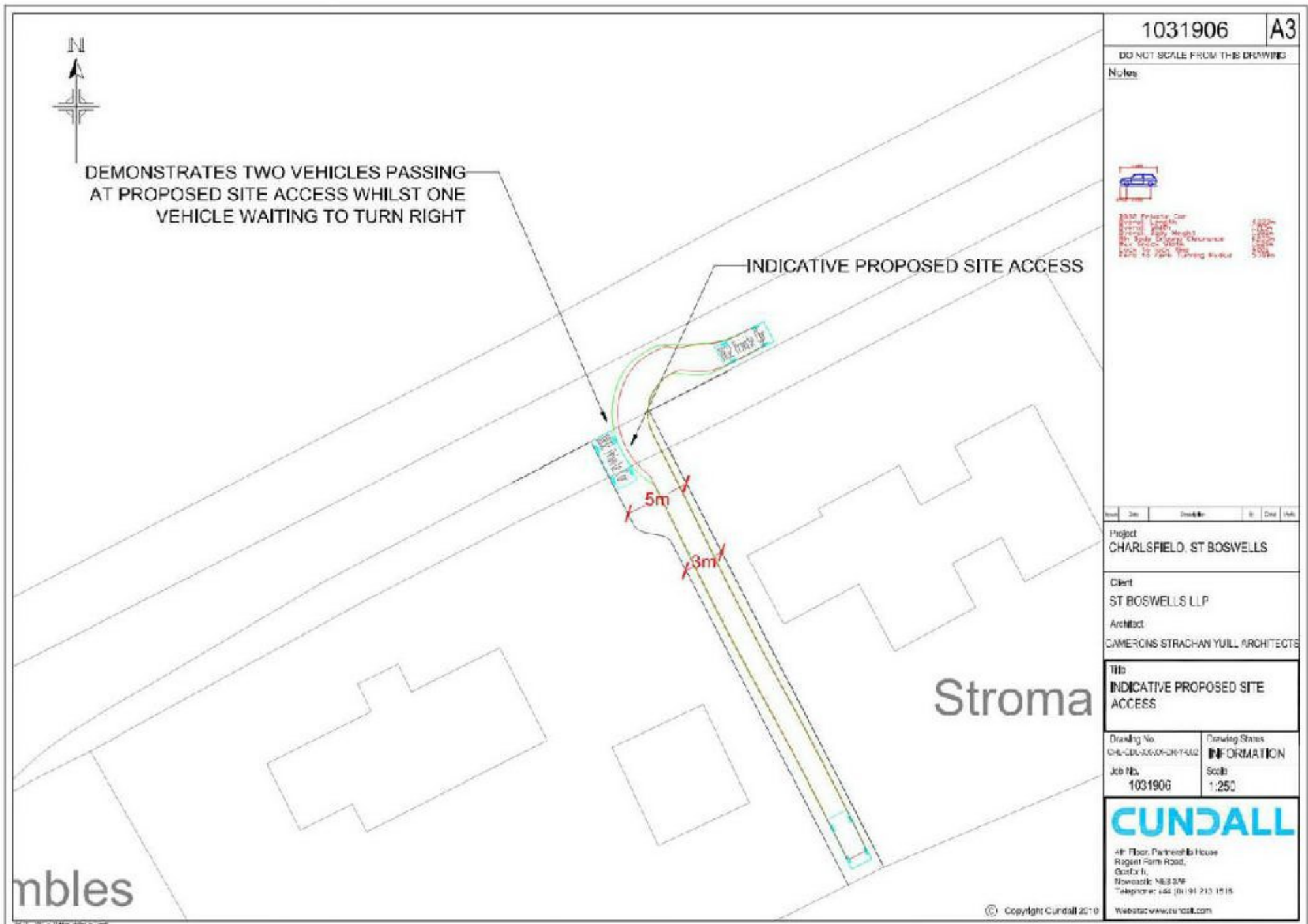


Figure 3.3 Proposed Site Access

AutoTrack has been used to review the operation of the proposed access junction based on a proposed width of 5m, with the results of the analysis shown in Figure 3.3. The analysis confirms that the proposed access arrangements can accommodate a vehicle accessing the site whilst another is waiting to turn right out of the site. It is unlikely, given the scale of the development proposals which is forecast to generate a maximum of 1 arrival and 1 departure in either peak hour, that two vehicles will meet at the access on a regular basis and it is considered that the proposed arrangement is sufficient to support the development proposals.

It is proposed to maintain the 5m access width for a distance of 7m to enable a vehicle to pass a stationary vehicle on the basis of the analysis shown in Figure 3.3.

The first 6m of the access will be constructed using a bituminous finish, with the verge crossing constructed in accordance with Scottish Borders Council standard detail DC2 in line with SBC requirements.

The site layout will also ensure that parking will be provided for a minimum of two vehicles within the curtilage of the plot.

3.2.3 Servicing and Deliveries

It is expected that servicing and deliveries will be accommodated from the adjacent road network, as per the arrangement for existing properties in the vicinity of the site, with refuse bins pulled to the back of the kerb by the occupiers for collection.

4.0 Summary

Cundall has been commissioned by St Boswells LLP to provide transportation advice to support the development of two residential dwellings on land at Charlesfield, St Boswells.

This note has demonstrated that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. Nevertheless, it is proposed to provide a 5m wide access for the initial 7m to enable a vehicle to pass a stationary vehicle waiting to leave the access.

The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The first 6m of the access will be constructed using a bituminous finish, with the verge crossing constructed in accordance with Scottish Borders Council standard detail DC2 in accordance with SBC requirements.

Space will be provided within the site to accommodate two parked vehicles and enable vehicles to access and leave the site in a forward gear. The site would, however, be expected to be serviced from the external road network.

Appendix A

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED

TOTAL VEHICLESSelected regions and areas:

02	SOUTH EAST	
	KC - KENT	1 days
04	EAST ANGLIA	
	NE - NORFOLK	2 days
	SF - SUFFOLK	1 days
06	WEST MIDLANDS	
	SH - SHROPSHIRE	1 days
	WK - WARWICKSHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	SY - SOUTH YORKSHIRE	1 days
10	WALES	
	VG - VALE OF GLAMORGAN	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation

Parameter: No of Dwellings
 Actual Range: 8 to 19 (units)
 Range Selected by User: 5 to 20 (units)

Parking Spaces Range: A - Surveys Included

Parking Spaces per Dwelling Range: All Surveys Included

Bedrooms per Dwelling Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision

Selection by: Include all surveys

Date Range: 01/01/18 to 09/09/20

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation

Selected survey days:

Monday	1 days
Wednesday	4 days
Thursday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week

Selected survey types:

Manual count	7 days
Directional ATC Count	1 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Edge of Town	6
Neighbourhood Centre (PPS6 Local Centre)	2

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub-Categories:

Residential Zone	6
Village	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub-Category.

Secondary Filtering selection:Use Class:

C3 8 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS@.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000 3 days

5,001 to 10,000 1 days

10,001 to 15,000 3 days

15,001 to 20,000 1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

25,001 to 50,000 2 days

50,001 to 75,000 1 days

75,001 to 100,000 1 days

125,001 to 250,000 3 days

250,001 to 500,000 1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0 4 days

1.1 to 1.5 3 days

1.6 to 2.0 1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No 8 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans

PTAL Rating:

No PTAL Present 8 days

This data displays the number of selected surveys with PTAL Ratings

Covid-19 Restrictions Yes At least one survey within the selected data set was undertaken at a time of Covid-19 restrictions

LIST OF SITES relevant to selection parameters

1	KC-03-A-05	DETACHED & SEMI-DETACHED	KENT
	ROCHESTER ROAD NEAR CHATHAM BLRHAM Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 8 Survey date, FRIDAY 22/09/17 Survey Type, MANUAL		
2	NF-03-A-03	DETACHED HOUSES	NORFOLK
	HALING WAY THETFORD Edge of Town Residential Zone Total No of Dwellings: 10 Survey date, WEDNESDAY 16/09/15 Survey Type, MANUAL		
3	NF-03-A-10	MIXED HOUSES & FLATS	NORFOLK
	HUNSTANTON ROAD HUNSTANTON Edge of Town Residential Zone Total No of Dwellings: 17 Survey date, WEDNESDAY 12/09/18 Survey Type, DIRECTIONAL ATC COUNT		
4	SF-03-A-05	DETACHED HOUSES	SUFFOLK
	VALE LANE BLRY ST EDMUNDS Edge of Town Residential Zone Total No of Dwellings: 18 Survey date, WEDNESDAY 09/09/15 Survey Type, MANUAL		
5	SH-03-A-06	BUNGALOWS	SHROPSHIRE
	ELLESVERE ROAD SHREWSBURY Edge of Town Residential Zone Total No of Dwellings: 16 Survey date, THURSDAY 22/05/14 Survey Type, MANUAL		
6	SY-03-A-03	BUNGALOWS & DETACHED	SOUTH YORKSHIRE
	CHURCH LANE NEAR BARNSELY WORSBROUGH Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 19 Survey date, WEDNESDAY 09/09/20 Survey Type, MANUAL		
7	VG-03-A-01	SEMI-DETACHED & TERRACED	VALE OF GLAMORGAN
	ARTHUR STREET BARRY Edge of Town Residential Zone Total No of Dwellings: 12 Survey date, MONDAY 05/05/17 Survey Type, MANUAL		
8	WK-03-A-02	BUNGALOWS	WARWICKSHIRE
	NARBERTH WAY COVENTRY POTTERS GREEN Edge of Town Residential Zone Total No of Dwellings: 17 Survey date, THURSDAY 17/10/13 Survey Type, MANUAL		

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

TOTAL VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	15	0.068	8	15	0.154	8	15	0.222
08:00 - 09:00	8	15	0.145	8	15	0.231	8	15	0.376
09:00 - 10:00	8	15	0.077	8	15	0.197	8	15	0.274
10:00 - 11:00	8	15	0.214	8	15	0.162	8	15	0.376
11:00 - 12:00	8	15	0.137	8	15	0.137	8	15	0.274
12:00 - 13:00	8	15	0.162	8	15	0.197	8	15	0.359
13:00 - 14:00	8	15	0.145	8	15	0.145	8	15	0.290
14:00 - 15:00	8	15	0.197	8	15	0.145	8	15	0.342
15:00 - 16:00	8	15	0.222	8	15	0.239	8	15	0.461
16:00 - 17:00	8	15	0.171	8	15	0.154	8	15	0.325
17:00 - 18:00	8	15	0.188	8	15	0.085	8	15	0.273
18:00 - 19:00	8	15	0.214	8	15	0.162	8	15	0.376
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			1.940			2.008			3.948

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP*FACT. Trip rates are then rounded to 8 decimal places.

The survey data, graphs and all associated supporting information, contained within the TRICS Database are published by TRICS Consortium Limited ("the Company") and the Company claims copyright and database rights in this published work. The Company authorises those who possess a current TRICS licence to access the TRICS Database and copy the data contained within the TRICS Database for the licence holders' use only. Any resulting copy must retain all copyrights and other proprietary notices, and any disclaimer contained thereon.

The Company accepts no responsibility for use which may arise from reliance on data contained in the TRICS Database. [No warranty of any kind, express or implied, is made as to the data contained in the TRICS Database.]

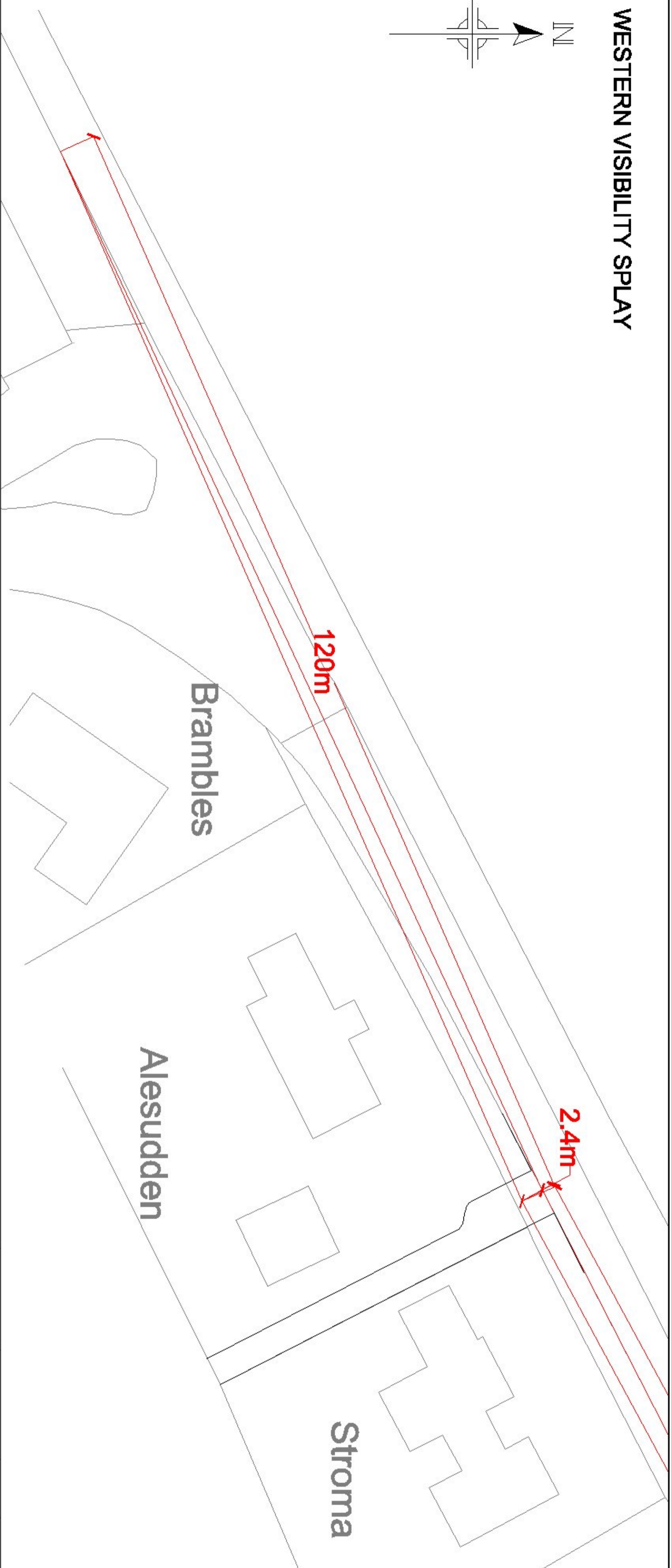
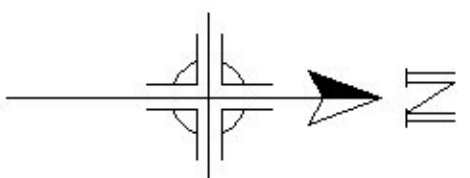
Parameter summary

Trip rate parameter range selected:	8 - 15 (units:)
Survey date date range:	01/01/23 - 09/09/20
Number of weekdays (Monday-Friday):	8
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Appendix B

WESTERN VISIBILITY SPLAY



EASTERN VISIBILITY SPLAY



1031906

A3

DO NOT SCALE FROM THIS DRAWING

Notes

Issue	Date	Description	By	Check	Valid

Project:
CHARLSFIELD, ST BOSWELLS

Client:
ST BOSWELLS LLP

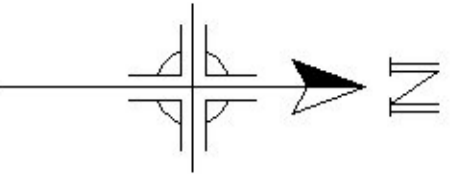
Architected:
CAMERONS STRACHAN YVILL ARCHITECTS

Title:
VISIBILITY SPLAY - 2.4m x 120m

Drawing No. CHL-CDL-XX-XX-DR-Y-001	Drawing Status INFORMATION
Job No. 1031906	Scale 1:500

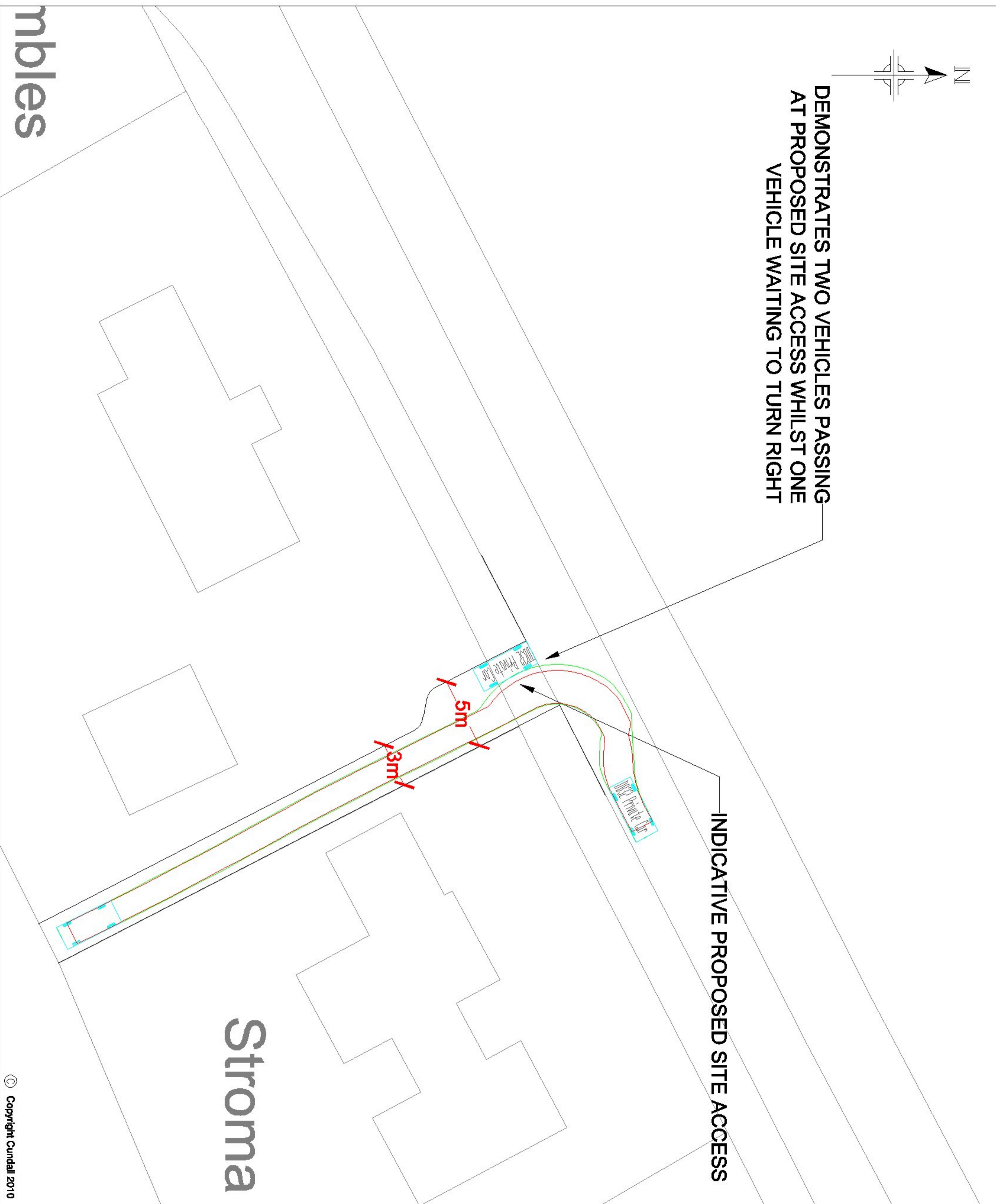
CUNDALL

4th Floor, Partnership House
Regent Farm Road,
Gosforth,
Newcastle NE3 3AF
Telephone: +44 (0)191 213 1515
Website: www.cundall.com



**DEMONSTRATES TWO VEHICLES PASSING
AT PROPOSED SITE ACCESS WHILST ONE
VEHICLE WAITING TO TURN RIGHT**

INDICATIVE PROPOSED SITE ACCESS



1031906 **A3**

DO NOT SCALE FROM THIS DRAWING

Notes

	DPC Private Car Overall Width Overall Length Overall Body Height Min Body Lock to Lock Lock to Lock Kerbo to Kerbo Turning Radius	4.323m 1.715m 1.332m 1.0225m 4.005m 5.780m
--	---	---

Issue	Date	Description	By	Check	Valid

Project:
CHARLSFIELD, ST BOSWELLS

Client:
ST BOSWELLS LLP

Architected:
CAMERONS STRACHAN YVILL ARCHITECTS

Title:
INDICATIVE PROPOSED SITE
ACCESS

Drawing No. CHL-CDL-XX-XX-DR-Y-002	Drawing Status INFORMATION
Job No. 1031906	Scale 1:250

CUNDALL

4th Floor, Partnership House
Regent Farm Road,
Gosforth,
Newcastle NE3 3AF
Telephone: +44 (0)191 213 1515
Website: www.cundall.com



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100417213-001

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)

PLANNING APPLICATION IN PRINCIPLE FOR RESIDENTIAL DWELLING WITH ASSOCIATED AMENITY, PARKING, INFRASTRUCTURE AND ACCESS

Is this a temporary permission? * Yes No

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

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

- No Yes – Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *	Trevor	Building Number:	
Last Name: *	Jackson	Address 1 (Street): *	c/o Agent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	c/o Agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	lucy@fergusonplanning.com		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land at West End Charlesfield, St Boswells

Northing

629662

Easting

358309

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.31

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

field laid to grass

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

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: Lucy Moroney

On behalf of: Mr Trevor Jackson

Date: 21/05/2021

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 Noise Impact Assessment

Declare – For Application to Planning Authority

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

Declaration Name: Miss Lucy Moroney

Declaration Date: 21/05/2021

Payment Details

Cheque: 12345678, 12345678

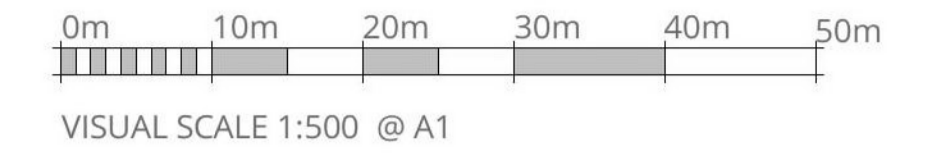
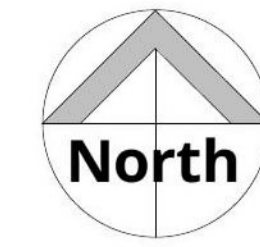
Created: 21/05/2021 14:46

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21/00839/PPP

13.08.2021

Disclaimer:
This generation of drawings is for the stated purpose only and should not be used for any other purpose without the originators consent. Do not scale from this drawing.



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Local Development Plan screening as
part of extension to
Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses
and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREAS

Plot 1 : 3161 m²

D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO
Rev	Date	Description	by

CAMERONS
STRACHAN
YUILL
ARCHITECTS

client: Mr Trevor Jackson

project: Charlesfield - Plots 1 & 2

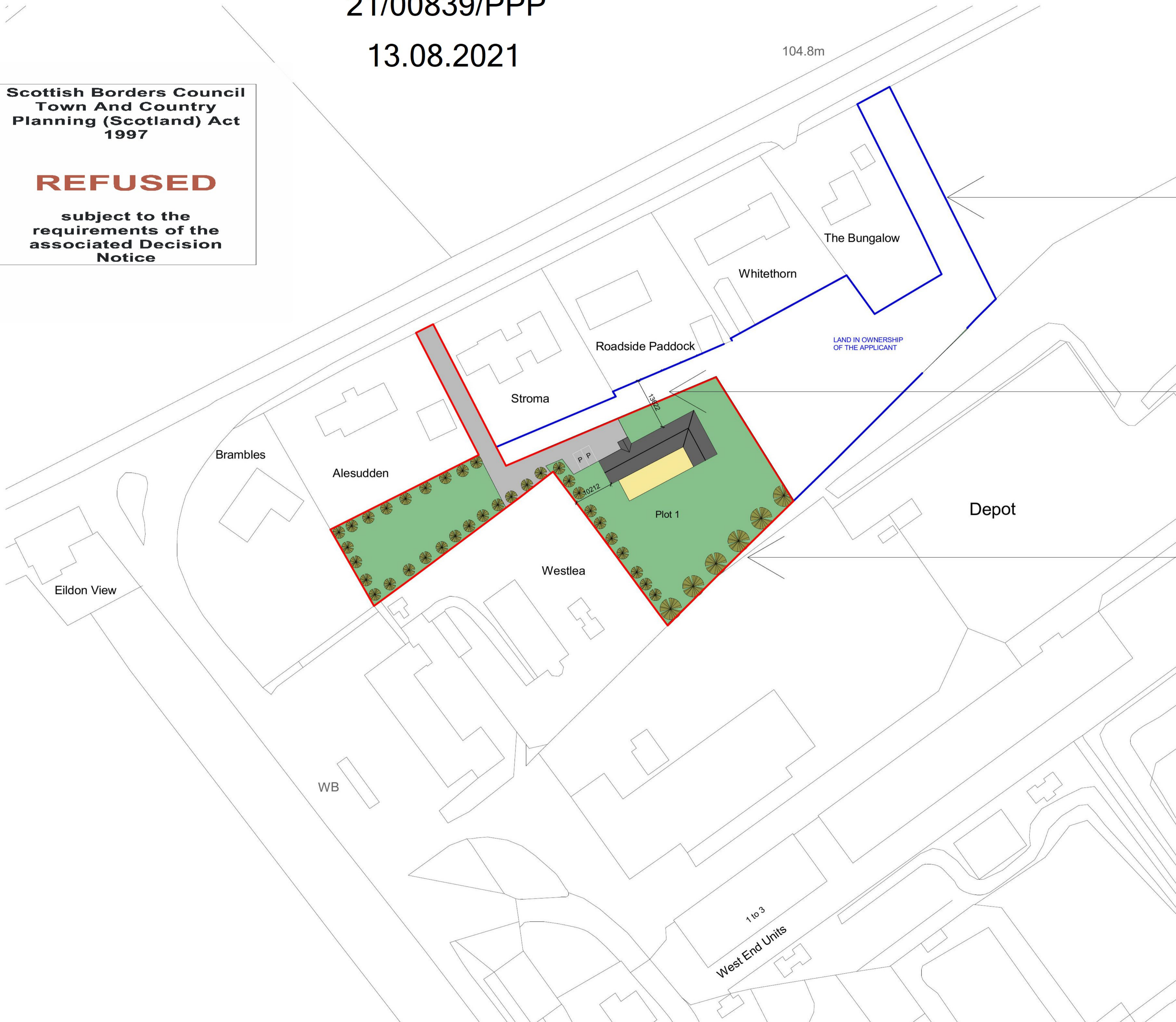
title: Indicative Site Plan Plot 1

status: Planning drawn: MO

scale: 1 : 500@A1 date: 21/05/2021

number: 10103/03 rev: D

DALKRIETH	11 South street	EH22 1AH	0131 663 9735
EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
EYEMOUTH	28 Harbour Rd	TD14 5HH	01890 750429
GLASGOW	1 Widenhaugh	TD1 1QJ	01896 753077



Indicative Site Plan Plot 1
1 : 500

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Outline Planning Permission

Reference :04/01824/OUT

To : Gail Robson 2 Roadside Paddock Charlesfield St Boswells TD6 0HH

With reference to your application received on **15th September 2004** for outline planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land To Rear Of 2 Roadside Paddock Charlesfield St Boswells Melrose Scottish Borders TD6 0HH

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

**Dated 15th November 2004
Economic Development and Environmental Planning
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed *Alistair Dhermes*
Head of Development Control

Assistant

Application reference : 04/01824/OUT

REASONS FOR REFUSAL

- 1 The proposal would be contrary to policies H5 of the Scottish Borders Structure Plan 2001 - 2011 and 7 of the Ettrick and Lauderdale Local Plan in that the form and appearance of the existing building group at Charlesfield would be adversely affected by additional development. In addition the proposal would be contrary to policies E13 of the Scottish Borders Structure Plan 2001 - 2011 and 23 of the Ettrick and Lauderdale Local Plan in that part of the site is allocated for the retention of industrial uses as part of the Charlesfield Industrial Estate.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

From: mike chandler [REDACTED]
Sent: 15 June 2021 16:52
To: Planning & Regulatory Services
Subject: planning consultation

CAUTION: External Email

Hi Julie,

I have tried to send comments via the Public Access Portal, but it was not possible to register with a new email address, as the address I used in 2017 is no longer available. Hence I hope it is acceptable to use this route:

Application 21/00839/PPP and
Application 21/00840/PPP

In 2014 I was informed by your colleague Mr Clarke that there were no plans to develop the surrounding area "in the foreseeable future". I asked in 2017 if this policy had changed, but didn't get a definite answer. It is highly unlikely that we would have purchased this property had adjacent development been developed or planned.

I am concerned that the access road to the site would damage or destroy the adjacent boundary hedge on the southwest side of my property.

I am concerned that wildlife in my garden, and the proposed development land, will be disturbed. There is an established bat population which roost in the trees in the area, some of which may be destroyed. There are otters, badgers and other mammals and garden birds whose habitats and populations may be adversely affected.

In the current public documents for these applications, the acoustic survey of 2017 is presented. It's not clear if this is still valid, or, if a more recent acoustic survey was conducted, this was carried out during lockdown when noise levels were much lower, as the Bus Depot was much less busy.

Thank you for noting these comments. If you require me to send them in a separate file I would be happy to comply.

Best wishes,
Dr. Mike Chandler,
Stroma,
Charlesfield,
St. Boswells, TD6 0HH.

Sent from [Mail](#) for Windows 10

From: Margaret Redpath [REDACTED]
Sent: 04 June 2021 13:00
To: Planning & Regulatory Services
Subject: Planning Applications

CAUTION: External Email

Dear sir/madam

With reference to -
Planning application 21/00839/PPP - plot1 Planning application 21/00840/PPP -plot 2 At Charlesfield St
Boswells TD6 0HH

We would like to express concern regarding the proposed drainage from the two plots.
At present the main drain comes down directly behind our house at Westlea taking a sharp right turn at the end of our building.
Historically, Alesudden drainage uses that drain too. However when Whithorn, Roadside Paddock and Stroma were build their drainage was also added. Periodically this blocks and needs to be flushed out. Therefore, we would question adding a further two houses to that system. Also, is the access road and entrance suitable for two new houses.

Yours faithfully

Andrew & Margaret Redpath
Westlea
Charlesfield
St Boswells
TD6 0HH

Sent from my iPad

From: Elliott, Keith
Sent: 30 June 2021 12:31
To: Hayward, Julie
Cc: DCConsultees
Subject: Charlesfield area planning application 21/00839/PPP and 21/00840/PPP

Good Afternoon Julie,

I have read and assessed the details of the following pair of applications of your consultations;

21/00839/PPP – Plot 1 site adjacent Stroma, Charlesfield Industrial Estate, St Boswells – erection of house, landscaping and access

21/00840/PPP – Plot 2 land south of The Bungalow, Charlesfield, St Boswells – erection of dwelling house

These have been briefly examined against the Scottish Borders Historic Environment Record and further information sources held, such as old Ordnance Survey mapping, aerial photographs and so on.

However, I have few comments to make upon either application as these are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the respective sites of the two applications. The comments of my predecessor as Archaeology Officer, Dr Chris Bowles, in response to earlier application has been borne in mind in responding to this fresh pair of applications alongside one another.

Please let me know any questions and/or comments upon this email.

Thanks,

Keith

A Keith Elliott
Archaeology Officer

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

Email: Keith.Elliott@scotborders.gov.uk

Tel: 01835 824 000 ext 8886

Web: www.scotborders.gov.uk

Service e-mail: archaeology@scotborders.gov.uk

Web: <https://www.scotborders.gov.uk/info/20013/environment/603/archaeology/1>

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 28th June 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00839/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 19th July 2021, 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 19th July 2021, 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 Trevor Jackson

Agent: Ferguson Planning

Nature of Proposal: Erection of dwellinghouse, formation of new access and associated work
Site: Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells
Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:		
	EVH - Contaminated Land Officer Gareth Stewart			
Date of reply	26 th June 2021	Consultee reference: 21/01398/PLANCO		
Planning Application Reference	21/00839/PPP	Case Officer: Julie Hayward		
Applicant	Mr Trevor Jackson			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse, formation of new access and associated work			
Site Location	Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The above application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant And Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

<p>Recommended Conditions</p>	<p>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan). d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council. e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.</p>
<p>Recommended Informatives</p>	

PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 25th May 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00839/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th June 2021, 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 15th June 2021, 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 Trevor Jackson

Agent: Ferguson Planning

Nature of Proposal: Erection of dwellinghouse, formation of new access and associated work
Site: Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells
Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Environmental Health Craig Liddle		PLACEhealth@scotborders.gov.uk	
Date of reply	14 June 2021		Consultee reference: 21/01398/PLANCO	
Planning Application Reference	21/00839/PPP		Case Officer: Julie Hayward	
Applicant	Mr Trevor Jackson			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse, formation of new access and associated work			
Site Location	Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The applicant requests permission for two residential dwellings on land immediately to the north-west of the industrial estate. The site is also located adjacent to existing residential properties. This application is for one of the two proposed dwellings.			
Key Issues (Bullet points)	<ul style="list-style-type: none"> Noise from the neighbouring industrial estate has the potential to adversely affect residential amenity 			
Assessment	<p>Environmental Health is unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.</p> <p>The application is supported by a noise impact assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.</p> <p>There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the local planning authority, which could mean a change in noise generating activities. It is also noted that the noise impact assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.</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	
Recommended Informatives	

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer	ascott@scotborders.gov.uk 01835 826640
Date of reply	15 th June 2021	Consultee reference:
Planning Application Reference	21/00839/PPP	Case Officer: Julie Hayward
Applicant	Mr. T. Jackson	
Agent	Ferguson Planning	
Proposed Development	Erection of dwelling and formation of access	
Site Location	Plot 1, Site adjacent to Stroma, Charlesfield Ind. Est., St. Boswells	
<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>To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at detailed stage.</p> <ul style="list-style-type: none"> • Visibility of 2.4 x 120m minimum in either direction at the access onto the public road. • The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision. • Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish. • The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC). • Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity. • Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road. • Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission. <p>It should be noted that due to travel restrictions in place at the time of writing due to the coronavirus, no site visit was undertaken prior to this response. The comments above are based on the information submitted and responders' knowledge.</p>	

Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended conditions	<p>Prior to the commencement of development hereby approved, details of the means of access must be submitted to, and approved by, the Council. Thereafter the approved details to be implemented prior to occupation of the dwelling. Reason: To ensure that the development hereby approved is served by an appropriate form of access.</p> <p>Parking and turning, excluding any garages, must be provide within the curtilage of the plot prior to occupation and be retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by an appropriate level of parking.</p>			
Recommended Informatives	All work within the public road and verge must be carried out by a contractor first approved by the Council.			

Signed: DJI

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LOCAL REVIEW BODY – LIST OF POLICIES

Local Review Reference: 21/00023/RREF

Planning Application Reference: 21/00840/PPP

Development Proposal: Erection of dwellinghouse, formation of new access and associated work

Location: Plot 2 Site adjacent Stroma, Charlesfield Industrial Estate, St Boswells

Applicant: Mr Trevor Jackson

Scottish Borders Local Development Plan 2016

POLICY PMD1: SUSTAINABILITY

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

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

POLICY PMD2: QUALITY STANDARDS

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

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- 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

LOCAL REVIEW BODY – LIST OF POLICIES

required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

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

Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

The Council aims to maintain a supply of business and industrial land allocations in the Scottish Borders (see Table 1). There is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land.

LOCAL REVIEW BODY – LIST OF POLICIES

1. STRATEGIC SITES

The Council rigorously protects strategic business and industrial sites for employment uses.

a) Strategic High Amenity Sites

Development on Strategic High Amenity Sites will be predominantly for Class 4 use. Other complementary commercial activity e.g. offices, call centres and high technology uses may be acceptable if it enhances the quality of the business park as an employment location.

b) Strategic Business and Industrial Sites

Development for uses other than Classes 4, 5 and 6 on strategic business and industrial sites in the locations identified in Table 1 will generally be refused. Uses other than Class 4, 5 or 6 can be considered if clearly demonstrated as contributing to the efficient functioning of the allocated site.

2. DISTRICT SITES

Although District sites do not merit the same level of stringent protection as Strategic sites there remains a preference to retain these within employment uses.

However, development other than Classes 4, 5 and 6 may be accepted on district business and industrial sites identified in Table 1 in order to, where appropriate, allow a more mixed use area.

Proposals for development outwith Class 4, 5 and 6 will be considered against the following criteria:

- a) the loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and
- b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and
- c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or
- d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

Development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites identified in Table 1. Retail may be acceptable on local sites where they are located within or adjacent to town centres.

In all business and industrial land site categories development must:

- a) respect the character and amenity of the surrounding area, and be landscaped accordingly, and
- b) be compatible with neighbouring business and industrial uses

Shops and outright retail activities will not be allowed on Strategic or District sites. The only retailing permissible on these sites will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

LOCAL REVIEW BODY – LIST OF POLICIES

POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

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

(A) BUILDING GROUPS

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

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

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

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

(B) DISPERSED BUILDINGS GROUPS

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

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

LOCAL REVIEW BODY – LIST OF POLICIES

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

(C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

(D) RESTORATION OF HOUSES

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

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

(E) REPLACEMENT DWELLINGS

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

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

(F) ECONOMIC REQUIREMENT

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it

LOCAL REVIEW BODY – LIST OF POLICIES

is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or

- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

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

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

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

- a) the principle of the development, including where relevant, any open space that would be lost; and
- 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 HD4: MEETING THE HOUSING LAND REQUIREMENT/ FURTHER HOUSING LAND SAFEGUARDING

The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas coming forward in advance of the identification of a shortfall in the effective housing land supply will be treated as premature.

As the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period.

POLICY EP3: LOCAL BIODIVERSITY

LOCAL REVIEW BODY – LIST OF POLICIES

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

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

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

POLICY 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 EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

LOCAL REVIEW BODY – LIST OF POLICIES

- 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 IS3: DEVELOPER CONTRIBUTIONS RELATED TO THE BORDERS RAILWAY

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

POLICY IS7: PARKING PROVISION AND STANDARDS

LOCAL REVIEW BODY – 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.

POLICY IS13: CONTAMINATED LAND

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

LOCAL REVIEW BODY – LIST OF POLICIES

- a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2008
- Scottish Planning Policy 2014
- SESPlan 2013



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100472555-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Lucy"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Moroney"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668 744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Galasheils"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Scottish Borders"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="lucy@fergusonplanning.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Agent"/>
First Name: *	<input type="text" value="Trevor"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Jackson"/>	Address 1 (Street): *	<input type="text" value="c/o Agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="lucy@fergusonplanning.com"/>		

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="Plot 2 Land South at West End Charlesfield, St Boswells"/>
--

Northing	<input type="text" value="629662"/>	Easting	<input type="text" value="358309"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Planning application in principle for residential dwellings with associated amenity, parking, infrastructure and access

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 Appeal Statement

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

Yes No

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

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

Appeal Statement and Core Documents

Application Details

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

21/00839/PPP

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

24/05/2021

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

13/08/2021

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: Miss Lucy Moroney

Declaration Date: 20/09/2021

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Proposal Details

Proposal Name	100472555
Proposal Description	Planning Application in Principle for residential dwellings with associated amenity, parking, infrastructure and access
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100472555-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
CD1 Part 2	Attached	A0
CD1 Part 1	Attached	A0
CD1 Part 3	Attached	A0
CD1 Part 4	Attached	A0
CD 2	Attached	A0
CD 3 Part 1	Attached	A0
CD 3 Part 2	Attached	A0
CD 3 Part 3	Attached	A0
CD 3 Part 4	Attached	A0
CD 4	Attached	A0
CD 5	Attached	A0
CD 6	Attached	A0
Appeal Statement	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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**APPEAL STATEMENT IN RELATION TO SCOTTISH
BORDERS COUNCIL'S REFUSAL OF: PLANNING
APPLICATION IN PRINCIPLE FOR RESIDENTIAL
DWELLINGS WITH ASSOCIATED AMENITY, PARKING,
INFRASTRUCTURE AND ACCESS.
LAND AT WEST END CHARLESFIELD, ST BOSWELLS**

APPLICANT: MR TREVOR JACKSON

SEPTEMBER 2021

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2.	Site Context and Key Planning History	4
3.	The Appeal Proposal	8
4.	Planning Policy Context	11
5.	Grounds of Appeal	15
6.	Conclusions	23

Appendices:

Appendix 1: Core Documents

Author	Date
Lucy Moroney	14/09/2021
Approved	Date
Tim Ferguson	14/09/2021

1. Introduction

- 1.1 This statement is submitted on behalf of Mr Trevor Jackson ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application 21/00840/PPP and 21/00839/PPP by delegated decision on 17th August 2021.
- 1.2 The two Planning Permission in Principle (PPiP) applications sought consent for the **'erection of two dwelling houses, formation of new access and associated works'** on plots 1 and 2 Land South of The Bungalow Charlesfield at Boswells, Scottish Borders.
- 1.3 SBC's single reason for the refusal of the PPiP applications LPA ref 21/00840/PPP and LPA ref 21/00839/PPP as set out in the decision notices was:

"The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3"

- 1.4 Other than the reason for refusal above, the other technical consultees have raised no objection to the proposed development, as summarised in the table below:

Table 1: Summary of Technical Consultee Comments

Consultee	Comment
Roads Planning	No Objection
Contaminated Land Officer	No Objection
Archaeology Officer	No Objection
Scottish Water	No Comment
Ecology Officer	No Comment
Flood Officer	No Comment
Forward Planning	No Comment
Housing Strategy	No Comment

- 1.5 For the purposes of this appeal statement and to aid clarity in our response to the key points raised by SBC, the above reason for refusal has been broken down into three parts and each will be addressed in turn in this statement:

1. The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions.
2. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place.
3. The proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

1.6 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2).
- A summary of the appeal proposals (Section 3).
- A summary of relevant development plan policy and other material considerations (Section 4).
- Response to the Council's reasons for refusal and our grounds for appeal (Section 5).
- Summary of the appellant's case and conclusion in respect of the appeal proposal (Section 6).

Supporting Documents

1.7 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application listed below.

Table 2: Original Planning Submission Documents

Document	Consultant
Planning Statement	Ferguson Planning Ltd
Noise Impact Assessment	KSG Acoustics Ltd
Transport Technical Note	Cundalls
Consultee Response Letter (29 th July 2021)	Ferguson Planning Ltd

Table 3: Architectural Drawings

Document	Consultant
Site Location Plan	CSY Architects
Proposed Site Plan	CSY Architects
Concept Cross Section	CSY Architects

The planning officer's report and decision notices relating to the refused applications are also included.

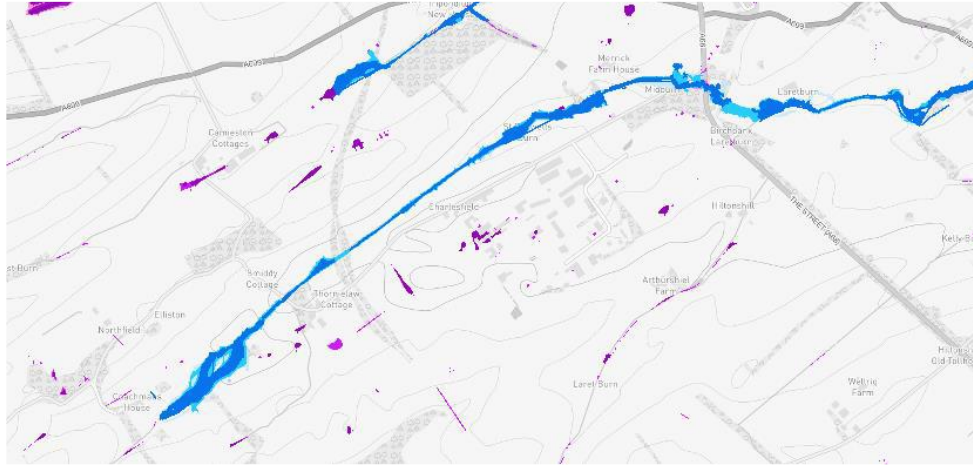
Application process

- 1.8 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.
- 1.9 This statement demonstrates that SBC does have a shortfall in their effective five-year housing land supply, the proposed development would represent a logical location for the extension of the existing building group in an infill location and will provide much needed housing within a sustainable location that would have no adverse impact on the character of the surrounding area.
- 1.10 On that basis, we respectfully request that this appeal is allowed to enable planning permission in principle to be granted for the proposed development at Plots 1 and 2, Land at West End, Chelsfield, St Boswells.

2. Site Context and Key Planning History

- 2.1 The site is 0.65ha in size currently rough pasture and is positioned between the Charlesfield Industrial Estate to the south and residential units to the north and west. Adjoining the site to the east are agricultural fields laid to grass, beyond lies St Boswells. Access is to be obtained to the northwest of the site off the existing access road to the north towards the A68.
- 2.2 In terms of topography, the site itself is relatively flat without any significant landscape variations. There is a slight gradient from the northeast corner to the southeast corner.
- 2.3 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 2.4 The proposed dwellings are shown indicatively on two individual plots, illustrated within Section 3 of this report. The intention being that they would be set within the infill plot and not extend beyond the existing building line to the east of the adjoining properties, whilst being contained by existing and proposed new planting/woodland. Again, existing buildings sit further south, further identifying the sites infill location.
- 2.5 In terms of accessibility, the site is approximately 1.4 miles south of St Boswells town centre offering a range of services and facilities, along with onward public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.6 In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.7 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding which is identified in figure 1 below.

Figure 1: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.



2.8 Please refer to the location plan in Figure 2, and aerial view in Figure 3 below, with the site outlined in red, and the appellant's wider land ownership outlined in blue (Figure 2).

Figure 2: Site Location Plan

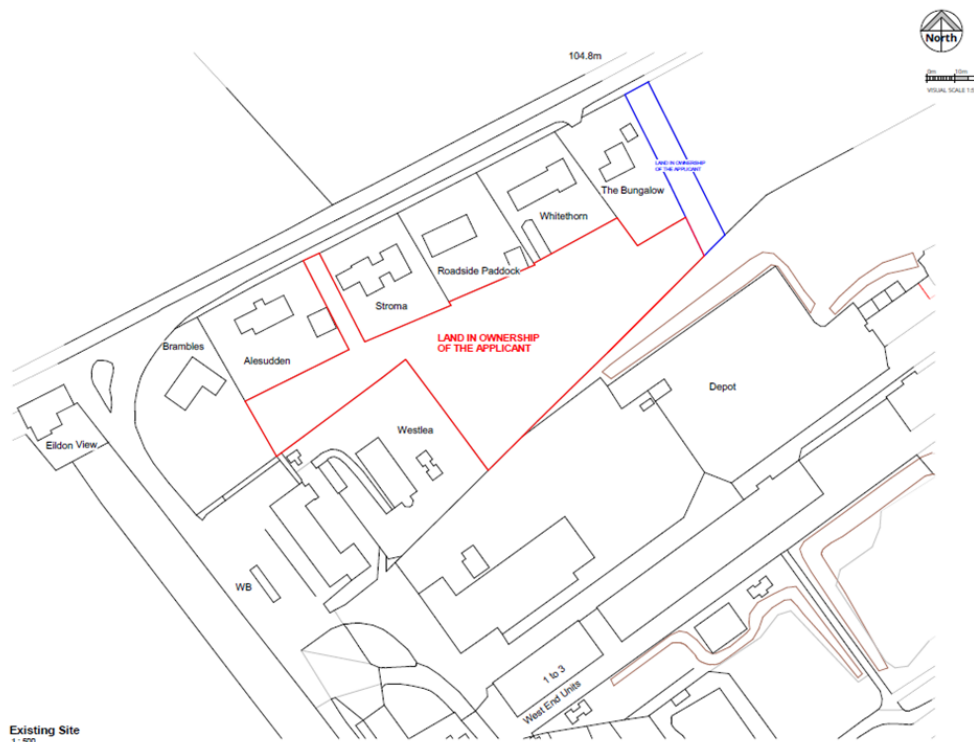


Figure 3: Aerial View of the Site (Google Maps)



Planning History

- 2.9 Referring to the Scottish Borders planning application search, there have been two planning applications associated with the site which have been withdrawn.

Table 4: Summary of Planning History

LPA Ref	Address	Proposal	Status
17/01344/PPP	Plot 1 Land South and West of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017
17/01343/PPP	Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017

- 2.10 The above applications sought pre-application advice from Council in December 2017. Julie Hayward, the Case Officer expressed concerns with the proposed access to the south as this was situated on land allocated in the Local Development Plan 2016 for structure planting and landscaping associated with the extension to Charlesfield Industrial Estate. The screen planning is required to help protect the amenity of the neighbouring properties to the west.
- 2.11 The proposed development in which this application relates to has shifted the site boundary further to the west, retaining the allocated land to the east for further landscaping. Access to both plots is to be from the northwest, so again taking on board previous concerns.
- 2.12 The Case Officer has acknowledged that there was a building group in the area, albeit, has some concerns relating to backland development. We will comment on such matters in the following chapters.

3. The Appeal Proposal

3.1 This section sets out details of the appeal proposal. The description of which is as follows:

“Planning Application in Principle for Two Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at West End Charlesfield St Boswells”.

3.2 The proposed development involves the provision two detached residential dwellings with associated infrastructure at West End, Charlesfield, St Boswells which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 4 below:

Figure 4: Proposed Scheme



3.3 In terms of layout, it is proposed the body of the site will be split in half, with the dwellings situated on individual plots to the south of the existing properties.

3.4 Careful consideration has been taken in the position of the proposed dwellings within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the northern and western boundary, safeguarding the daylight and sunlight provision and privacy of residents. The woodland screening to the south of the site provides a substantial buffer between the Charlesfield Industrial Site to the south again safeguarding the residential amenity of future residents.

Figure 5: Proposed Cross Section



- 3.5 The Noise Impact Assessment prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.
- 3.6 The intention already exists for those dwellings to the north and west which have commercial buildings to the south. The residential property to the west is within closer proximity to the commercial buildings to the south than the proposed site.
- 3.7 There is a single access point to the northwest off the road to the north leading to the A68 towards St Boswells. The access adjoins the existing residential properties at Stroma to the east and Alesudden to the west. Each plot with then have their own individual access leading off the primary access.
- 3.8 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 3.9 There will be private outdoor amenity provision for each proposed dwelling. The site benefits from being bordered by existing trees and vegetation which will be retained where possible, enhancing the natural environment in which it surrounds.
- 3.10 It is noted that the case officer for the former planning application at the site deemed the proposal to be back-land development. It is considered that due to the positioning of the residential properties to the north and west, along with the residential and

commercial buildings to the south, the site represents a logical infill location which is considered to be preferable in comparison to ribbon development which is generally discouraged.

- 3.11 As this appeal relates to an application for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

4. Planning Policy Context

- 4.1 This section outlines the principal planning policy and material considerations which provide the context for the consideration of this appeal.
- 4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 The Development Plan in this case, comprises the Southeast Scotland Strategic Development Plan, SESplan, (2013) and the Scottish Borders Local Development Plan (2016).
- 4.4 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period on the Proposed Plan ended on 25th January 2021.
- 4.5 Other documents relevant to the planning policy context and consideration of this appeal, forming 'material considerations' comprise:
- Scottish Planning Policy (2014)

Development Plan

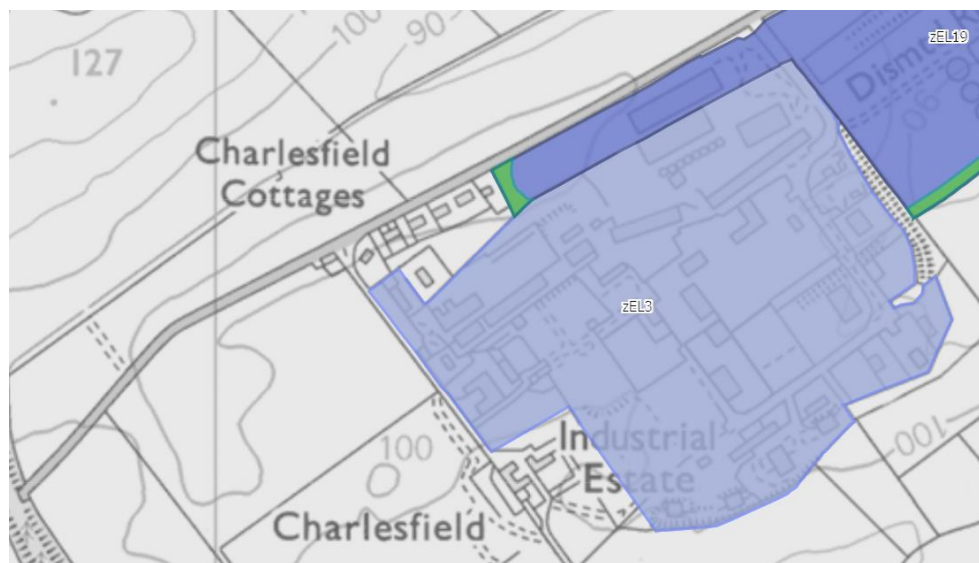
SESplan Strategic Development Plan (2013)

- 4.6 The SESplan seeks to prepare and maintain an up-to-date Strategic Development Plan for the Southeast Scotland Area. The vision for the Scottish Borders in the Strategic Development Plan (SDP) is that development will be focussed on the Borders Rail and A701 corridor with up to 5,900 new homes and new economic development proposed in this area.

Scottish Borders Local Development Plan (2016)

- 4.7 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.
- 4.8 With reference to the adopted LDP Proposals Map (2016), the site is classed as White Land, holding no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 4.9 An extract of the proposals map can be found below at Figure 6.

Figure 6: Extract of Scottish Borders Proposals Map



- 4.10 The key policies under which the development will be assessed were fully appraised within the Planning Statement submitted with the application and this document should be read in conjunction with this appeal statement (**Core Document 4**).
- 4.11 This appeal statement therefore only focuses upon the key policies upon which the Council based their refusal of the planning permission. In this case, LDP Policy HD2 and HD3, as set out below.
- 4.12 The Council's reasons for refusal focused upon the 'Building Groups' section Policy HD2, in refusing the application for its perceived impact on the character of the area. We have therefore focussed our assessment on these criteria only.
- 4.13 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

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

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional

- development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

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

4.14 Policy HD3: Protection of Residential Amenity: 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:

- 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 HD3 will be applicable for development on garden ground or ‘backland’ proposals to safeguard the amenity of residential areas. It applies to all forms of development and is also applicable in rural situations.

Material Considerations

Scottish Planning Policy (2014)

4.15 Scottish Planning Policy (SPP) was adopted in 2014 and is a statement of the Scottish Government’s policy on how nationally important land use planning matters should be addressed across the country. A revised SPP was published in December 2020 which superseded the 2014 SPP. In July 2021, the Court of Session, however, decided the consultation on revising the SPP was unlawful and has quashed the

changes made to the SPP and the associated Planning Advice Note 1/2020. We therefore rely upon the 2014 publication for the purposes of this appeal statement.

- 4.16 The content of SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposal accord with this SPP, their progress through the planning system should be smoother.
- 4.17 With regards to specific housing policy, Paragraph 110 of SPP establishes that “a *generous supply of land for each housing market area within the plan area*” should be identified in order to “*support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times*”.
- 4.18 Paragraph 123 of SPP states that, “*Planning Authorities should actively manage the housing land supply*”. Further it is established that “*a site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing*”.
- 4.19 Paragraph 125 of SPP requires that: “*Planning Authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where there is a shortfall in the 5-year land supply, development plan policies for the supply of housing will not be considered up-to-date and paragraphs 32-35 will be relevant*”.
- 4.20 Paragraph 33 of SPP states that, “*where relevant policies in a development plan are out of date...then the presumption in favour of development that contributes to sustainable development will be a significant material consideration*”.

Recent Case Law

- 4.21 Significantly, the shortfall in the Council’s five-year land supply, has been confirmed by an important recent appeal decision with reference PPA-140-2088 published 18th May 2021. The Reporter concluded that there is a “significant five-year effective land shortfall” with a c.631 housing shortfall in terms of 5-year housing land supply. This is the latest government opinion on this case and therefore a significant material consideration in this appeal.

5. Grounds of Appeal

- 5.1 SBC refused the application for one reason, as outlined in Section 1, and re-stated below.
- 5.2 To aid clarity in our response to the issues raised in the reason for refusal, we have split it into four parts **[as noted in bold]**, along with our responses to them.
- 5.3 *“The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions **[Part 1]**. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place **[Part 2]**. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3 **[Part 3]**.”*

Reason for Refusal - Part 1

- 5.4 *The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions.*

Appellant's Response

- 5.5 This site is considered to be within the building group of Charlesfield. Policy HD2 allows for development of up to 2 additional dwellings or a 30% increase of the building group, whichever is greater.
- 5.6 We set out below the circumstances for why this development should proceed in line with the policy. We first demonstrate that the existing building group occupies more than three dwellings and that there are no other buildings capable for conversion into residential use- part A a) of this policy.
- 5.7 We then provide justification for the proposed development of the site in line with criteria b) and c) of this policy, as is necessary to justify development within a building group.

Policy HD2 A Part a)

Criteria a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented.

- 5.8 The building group at Charlesfield comprises a total of ten residential dwellings with seven cottages to the north of the site, one dwelling adjoining the western boundary to the rear of the café and an additional two residential properties to the south, beyond the industrial estate. There are no vacant properties or buildings that could be capable of conversion within the building group.
- 5.9 It is considered the proposed site relates well to the existing building group, positioned in a logical infill location, adjacent to residential properties to the north, south and west as illustrated on the site plan in figure 4 above. The officers' findings appear to not fully acknowledge the existence of the residential and commercial properties and thus what we consider a logical infill location, rather than back land development. Overall, it is considered the site proposal is compliant with Policy HD2 A Part a).

Policy HD2 Part b)

The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

- 5.10 The proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings and safeguarding the amenity of residents from the Industrial Estate to the south.
- 5.11 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape as illustrated in figure 5 above. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 5.12 In addition to this, there have been no residential developments approved within the building group within this plan period since 2016, resulting in no cumulative impact of new development on the character of the building group.

- 5.13 The proposal will go largely unnoticed in landscape impact terms and from public receptor points (i.e., public roads and footpaths).
- 5.14 Overall, it is considered the site proposal is compliant with Policy HD2 A Part b).

Policy HD2 Part c)

Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

- 5.15 Having reviewed the online planning portal, there have been no new or existing dwellings that have been consented since 2016 (within the currently Local Development Plan period), we therefore consider there is scope for an additional 2 dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2 Par c).
- 5.16 As such, we consider the site to be a logical infill location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2 Part c).
- 5.17 It is again worth highlighting that the proposal will assist in the identified housing land supply shortfall as referred to previously in paragraph 4.21 of this appeal statement.

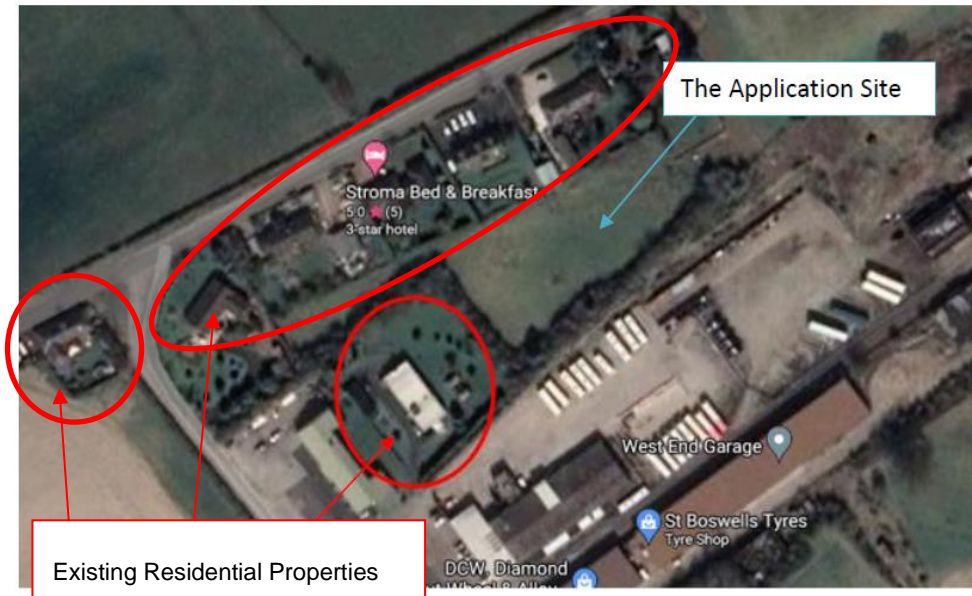
Reason for Refusal – Part 2

- 5.18 *The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place.*

Appellant's Response

- 5.19 In response to the above reason for refusal that the proposal would constitute backland development and would be out of keeping with the linear character of the building group which is thought to have an inappropriate impact on the setting of the group and sense of place, we would disagree as residential properties clearly exist and are highlighted in figure 7 below and as such setting a precedent for this form of development within the Charlesfield Building Group, to which the subject site simply infills. Having a rounded compact building group is considered preferable to ribbon development along the main road to the north.

Figure 7 Residential properties outlined in Red (Annotated Google Maps)



Reason for Refusal – Part 3

- 5.20 *The proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3*

Appellant's Response

- 5.21 We set out below why this development should proceed in line with Policy HD3 Protection of Residential Amenity a) and b), demonstrating the proposal does not conflict with the protection of the amenity in the local area.

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:

- a) the principle of the development, including where relevant, any open space that would be lost***

- 5.22 Appropriate boundary treatments will be provided as illustrated in figure 4 above, to ensure attractive edges to the development that will help integration with its surroundings, and the proposals are therefore considered compliant with criteria a).

5.23 As this is a PPiP application, further consideration can also be given to the proposed design at the detailed planning stage, as necessary.

b) the details of the development itself particularly in terms of:

v. the scale, form, and type of development in terms of its fit within a residential area.

5.24 While the details of the appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site. The indicative sections (Figure 5 above) indicate a similar height to the existing neighbouring properties to the north and west, whilst not extending beyond the building line to the east, respecting the setting of the surroundings. In addition to this, the proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings whilst safeguarding the amenity of residents from the Industrial Estate to the south.

5.25 As noted above, whilst this is a Planning Permission in Principle application, it is intended to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

5.26 The proposal is therefore considered to be compliant with criteria b) v.

vi. 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.

5.27 Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of neighbouring residents which is further enhance by the proposed landscaping across the northern and western boundary. In addition, the proposed landscaping buffer to the south of the site is considered to be a substantial separation distance from the Industrial Estate, again safeguarding the residential amenity of future residents.

5.28 The proposal is therefore considered to be compliant with criteria b) vi.

vii. the generation of traffic or noise.

- 5.29 The planning application was accompanied by a Noise Impact Assessment prepared by KSG Acoustics Ltd and can be found in Core Document 5 of this appeal submission. The assessment has given consideration to both noise generated from the biomass development to the east, as well as noise from Perryman's Bus Depot to the south and the impact this could have on residential development.
- 5.30 The noise assessment concluded that provided suitable mitigation measures are incorporated into the design that can be agreed via a condition and during the detailed planning application stage, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development. The proposed mitigation measures would include a suitably specified acoustic treatment along the boundary of the Bus Depot to the south of the site, with consideration given to the orientation of habitable room windows relative to the Industrial Estate.
- 5.31 The proposal includes one access point from the adopted road to the north which will then split off into the individual plots in the body of the site. It addressed previous concerns raised by the case officer with regards to the second, eastern access formerly proposed.
- 5.32 The proposed dwellings include a private driveway and car parking space deemed adequate for a proposal of this nature and is deemed to not give significant rise to the generation of traffic or noise.
- 5.33 Roads Planning raised no objection to both planning applications and the Noise Assessment indicated that the environmental noise will not constitute a significant adverse impact, nor should it be considered a constraint to the proposed development and as such the proposal is considered to be compliant with criteria b) vii.

viii. the level of visual impact.

- 5.34 Views of the site from public receptor points are minimal due to the infill location between the residential properties to the north and west, with the Charlesfield Industrial Estate to the South. The existing bund to the east of the site, further restricts views upon approach from the adopted road to the north due to the rise in topography as illustrated in figure 8 below. Existing and proposed hedgerow bordering the site further enhances the aesthetics, screening views from the east and south as shown in figures 9 and 10 below. Overall, the visual impact of the proposal on the local area is considered to be minimal and, on this basis, we are therefore compliant with criteria b) viii.

Figure 8: Photo taken from the eastern border of the site towards the adopted road to the north, noting the rise in topography.



Figure 9: Photo taken from the eastern border looking to the west of the site noting the existing landscaping bordering the southern and western part of the site.



Figure 10: Photo taken within the centre of the site directed to the northwest, noting the existing landscaping bordering the northern boundary of the site.



6. Conclusions

6.1 The submitted appeal, supported by this statement, seeks the Council's decision to refuse planning permission for the '**residential dwellings with associated amenity, parking, infrastructure and access**' at Land at West End Charlesfield, St Boswells to be overturned and for this appeal to be allowed, for the reasons outlined in this statement and summarised below.

6.2 In summary:

- The proposal represents a logical extension of the Building Group adjoining the existing built-up area, which has the capacity to accommodate two additional dwellings this this local plan period, in accordance with Policy HD2.
- The proposal is sympathetic to the character of the building groups, positioned in a logical infill location and will have no detrimental impact upon the amenity as demonstrated in the accompanying Noise Impact Assessment.
- The proposal will provide two high quality family sized dwellings within this desirable and sustainable location, being within walking distance to St Boswells. It will assist in meeting the strong demand for new rural homes in the Scottish Borders.
- There has been no road safety concerns or objections from the Roads Officer.
- The site is free from constraint and would assist with the Council's identified (and recently confirmed by a Scottish Government Reporter) housing shortfall in providing residential homes within a sustainable location.

6.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies HD2 and HD3 against which the original application was refused.

6.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.

6.5 There are no material considerations that outweigh this decision, in fact there are significant material considerations that support this appeal. In this case, as we have outlined, due to the housing shortage, the SPP presumption in favour of development is a significant material consideration. The proposed development is

consistent with the guiding principles of SPP, and we do not consider that there are any impacts which significant and demonstrably outweigh the presumption in favour of development. A 'tilted balance' therefore exists in favour of this development and the LRB is therefore respectfully requested to allow this appeal.

Appendix 1: Core Document List

Core Doc 1: 21/00840/PPP and LPA ref 21/00839/PPP Decision Notice and Officers Report

Core Doc 2: Location Plan

Core Doc 3: Proposed Plans


Core Doc 4: Planning Statement

Core Doc 5: Noise Impact Assessment

Core Doc 6: Preliminary Ecology Report

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Mr Trevor Jackson
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

**Please ask
for:**


Julie Hayward
01835 825585

**Our Ref:
Your Ref:**

21/00839/PPP

E-Mail:

jhayward2@scotborders.gov.uk

Date:

17th August 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells
Scottish Borders**

PROPOSED DEVELOPMENT: **Erection of dwellinghouse, formation of new access and
associated work**

APPLICANT: **Mr Trevor Jackson**

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 21/00839/PPP

To : Mr Trevor Jackson per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **24th May 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse, formation of new access and associated work

at : Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells Scottish Borders

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

**Dated 13th August 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00839/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
10103/03 D	Location Plan	Refused

REASON FOR REFUSAL

The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.


FOR THE INFORMATION OF THE APPLICANT

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

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

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Mr Trevor Jackson
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

**Please ask
for:**


Julie Hayward
01835 825585

**Our Ref:
Your Ref:**

21/00840/PPP

E-Mail:

jhayward2@scotborders.gov.uk

Date:

17th August 2021

Dear Sir/Madam

PLANNING APPLICATION AT Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse, formation of new access and associated work

APPLICANT: Mr Trevor Jackson

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 21/00840/PPP

To : Mr Trevor Jackson per Ferguson Planning 54 Island Street Galashiels TD1 1NU

With reference to your application validated on **24th May 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse, formation of new access and associated work

at : Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders

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

**Dated 13th August 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00840/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
10103/05 D	Location Plan	Refused

REASON FOR REFUSAL

The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3,

FOR THE INFORMATION OF THE APPLICANT

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

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00839/PPP
APPLICANT : Mr Trevor Jackson
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse, formation of new access and associated work
LOCATION: Plot 1 Site Adjacent Stroma
Charlesfield Industrial Estate
St Boswells
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
10103/03 D	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Two representations objecting to the proposal have been received, raising the following planning issues:

- o Drainage from the plot. The main drain comes down directly behind Westlea. Historically, Alesudden drainage uses that drain and when Whithorn, Roadside Paddock and Stroma were built their drainage was also added. Periodically this blocks and needs to be flushed out. Adding a further two houses to that system is an issue.
- o The access road and entrance may be unsuitable for two new houses and could damage the boundary hedge to the south west of Stoma.
- o Impact on wildlife including bats, otters, birds and badgers.
- o The acoustic survey is dated 2017 and is out of date.

CONSULTATIONS:

Roads Planning Service: To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at the detailed stage.

- o Visibility of 2.4 x 120m minimum in either direction at the access onto the public road.
- o The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision.

- o Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish.
- o The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC).
- o Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity.
- o Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road.
- o Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission.

Community Council: No response.

Environmental Health: Unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The application is supported by a Noise Impact Assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. It is also noted that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

Archaeology Officer: These sites are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither site is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the sites.

Education and Lifelong Learning: No response.

Contaminated Land Officer: The application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant and Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

APPLICANT' SUPPORTING INFORMATION:

- o Planning Statement
- o Noise Impact Assessment
- o Preliminary Ecological Appraisal
- o Transport Technical Note
- o Agent's Letter of Support

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
ED1: Protection of Business and Industrial Land
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design January 2010
Guidance on Householder Development July 2006
New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 12th August 2021

Site and Proposal

The site is situated between Charlesfield Industrial Estate and a row of six detached dwellinghouses that front onto the public road to the south west of St Boswells. The site is an area of grass used for grazing with high hedges/trees and fences on the boundaries. The ground slopes down to the south.

Three houses, Alesudden, Storma and Roadside Paddock are to the north west, agricultural land is to the north east, the industrial estate (bus depot) is to the south/south east, Westlea, a dwellinghouse, is to the south west and plot 2 (21/00840/PPP) is to the north east.

The proposal is to erect a dwellinghouse on the site. Access would be from the public road via an access between Alesudden and Storma (shared with plot 2). Two on-site parking spaces are proposed. A 6m wide woodland screen is proposed for the south eastern boundary.

Planning History

93/01637/REM: Erection of dwellinghouse. Approved 7th January 1994.

98/00845/OUT: Erection of dwellinghouse. Refused 28th September 1998.

17/01344/PPP: Erection of dwellinghouse. Withdrawn 21st December 2017.

21/00840/PPP: Erection of dwellinghouse, formation of new access and associated work. Plot 2. Land South of The Bungalow Charlesfield St Boswells. Pending consideration.

The following application relates to the northern corner of the plot:

04/01824/OUT: Erection of dwellinghouse. Land to Rear of 2 Roadside Paddock Charlesfield St Boswells. Refused 15th November 2004

Assessment

Planning Policy

The site is situated outwith the land allocated in the Local Development Plan 2016 for business and industrial safeguarding (allocation zEL3).

The site is outwith any settlement and so must be assessed against the Council's housing in the countryside policies.

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

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

It is accepted that there is a building group at Charlesfield that comprises of six detached houses fronting onto the public road that runs between the A68 and B6359 to the west. The building group has a distinct linear pattern and there are no existing houses directly behind this row of properties. The only exception is Westlea, situated within the industrial estate to the south west. This building appears to have been converted into a dwellinghouse rather than being purpose built, and was connected to the adjacent haulier business.

It is considered that the erection of a dwellinghouse on this plot would be out of keeping with the linear character of the building group, would constitute backland development and would be an inappropriate addition to the building group. In addition, it is considered that this building group is complete and cannot accommodate further development without resulting in a detrimental impact on the building group.

There have been no consents for housing within this building group in the Local Development Plan period and so the proposal complies with the thresholds contained within policy HD2.

Planning permission was refused in 2004 for the erection of a dwellinghouse on part of this plot and a section of the garden ground belonging to Roadside Paddock as it was considered that the form and appearance of the existing building group at Charlesfield would be adversely affected by this additional development. A further Planning Permission in Principle application (17/01344/PPP) for the erection of a dwellinghouse on this plot (though a smaller site) was withdrawn in December 2017 as the application could not be supported for the above reasons.

The Council's housing in the countryside policies have not changed significantly since that decision to warrant a different recommendation in this case.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

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

The building group is characterised by modern detached single and one-and-a-half storey houses with render and brick walls and tile roofs that all front onto the public road.

As this is a Planning Permission in Principle application no details of the design or materials of the proposed dwellinghouse have been submitted. The Planning Statement suggests that the dwelling would be one-and-a-half storey in height.

It would be important at the Approval of Matters Specified in Conditions stage to ensure that the scale, design and materials of the proposed dwellinghouse are in keeping with the character of the building group.

The site is well screened from the public road by the existing houses. The buildings within industrial estate and the proposed woodland belt on the southern boundary would screen the site when viewed from the south, though this would take time to mature. The indicative section drawing shows that the proposed dwellinghouse would be on a lower ground level than the houses adjacent to the public road.

It is accepted that with appropriate scale, design and materials the proposal would not harm the visual amenities of the wider area.

Impact on Residential Amenities

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

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

The site is to the rear of Stroma and Roadside Paddock and to the north east of Westlea. The indicative drawings show that the proposed dwellinghouse would be approximately 13m from the rear boundary of Roadside Paddock and on lower ground. Planting is proposed along the northern boundary of the site. It is accepted that an adequate distance can be achieved between the existing properties and the proposed dwellinghouse. With careful consideration of the design of the dwellinghouse, position of windows and boundary planting, the proposal would not result in a loss of light or privacy to these properties.

The site abuts the industrial estate and this proximity is a concern due to the potential noise, smell and dust associated with the industrial estate and the conflict of uses that could occur. The proposal would bring residential uses closer to the industrial estate, which may adversely impact on the residential amenities of future occupiers of the proposed dwellinghouse.

A 6m wide woodland belt is proposed for the south east boundary with the industrial estate. A Noise Impact Assessment (dated July 2017) has been submitted which evaluates noise levels associated with the industrial estate, concentrating on the bus depot and the biomass plant, during the day and night time. A bund and close boarded fence along the southern boundary is recommended as mitigation, together with the careful positioning of habitable room windows in the proposed house. The report concludes that provided this mitigation is in place, the appropriate levels of noise ingress can be achieved throughout the development.

Environmental Health has objected to the proposal as the proposed site shares a boundary with an industrial use, with many others in close proximity. They are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The Noise Impact Assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. The mitigation (bund and a 1.8m close boarded fence) along the south boundary of the development site, however this is not shown on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. Environmental Health also note that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

The proposal would therefore result in a conflict in uses

It is considered that the site is large enough to accommodate a house, on-site parking and turning and adequate garden ground. However, the proposed planting within site to the rear gardens of the existing properties and the screen planting in the form of the woodland buffer would enclose the site and potentially overshadow the proposed dwellinghouse and affect the outlook and light of future occupants.

Ecology

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

Concern has been expressed that there are protected species (otters and badger) within the site.

A Preliminary Ecological Appraisal has been submitted. No evidenced of badger, reptiles, amphibians were found. The hedgerows and trees on the boundaries provide suitable habitats for breeding birds but were not suitable to support roosting bats. The report concludes that the site would provide low suitability to support protected species and no evidence of protected species were identified.

Should the application be approved, further surveys for breeding birds would be required should the proposal include the felling of any of the trees or hedgerows and an informative would advise of the legislation and responsibilities in respect of bats.

Trees and Hedgerows

Policy EP13 seeks to protect trees and hedges from development. There are mature hedges on the southern and western boundaries of the site and fencing and hedging on the rear boundaries of the existing properties, including along the proposed access along the western boundary of Stroma.

It would be desirable to see this planting retained and protected from development due to its biodiversity value and contribution to the visual amenities of the area and this could be secured by conditions.

Access and Parking

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

The site would be accessed from a new access from the public road between Alesudden and Stroma and two on-site parking spaces are proposed.

A Roads Technical Note has been submitted to support the application, containing information on trip rates, the proposed access and visibility splays. This concludes that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. A 5m wide access for the initial 7m would enable a vehicle to pass a stationary vehicle waiting to leave the access. The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The Roads Planning Service has no objections to the proposal on access and road safety grounds provided that his requirements regarding visibility, the specification of the access, drainage and parking provision are met and these can be controlled by conditions should the application be approved.

Achieving the visibility requirements at the access onto the public road may require the removal of planting within the roadside verge associated with the adjacent properties and it would need to be demonstrated at the detailed application stage that the visibility splays could be provided.

Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the

use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

Concern has been expressed regarding the capacity of the existing drainage system to cope with the additional demand.

The water supply would be from the public mains but no details of the surface or foul drainage have been submitted. The applicant would have to demonstrate that adequate drainage is achievable at the detailed application stage and as part of the Building Warrant.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Councils Contaminated Land Officer advises that the site was previously used as a munitions factory (Charlesfield Incendiary Bomb Munitions Plant and Depot). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A condition would be required that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority together with a remediation strategy and verification plan.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (St Boswells Primary School and Earlston High School), affordable housing in connection with the application for plot 2, and the Borders railway. These would be secured by a Section 75 legal agreement should the application be approved.

REASON FOR DECISION :

The development is considered to be contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

Recommendation: Refused

- 0 The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00840/PPP
APPLICANT : Mr Trevor Jackson
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse, formation of new access and associated work
LOCATION: Plot 2 Land South Of The Bungalow
Charlesfield
St Boswells
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
10103/05 D	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Two representations objecting to the proposal have been received, raising the following planning issues:

- o Drainage from the plot. The main drain comes down directly behind Westlea. Historically, Alesudden drainage uses that drain and when Whithorn, Roadside Paddock and Stroma were build their drainage was also added. Periodically this blocks and needs to be flushed out. Adding a further two houses to that system is an issue.
- o The access road and entrance may be unsuitable for two new houses and could damage the boundary hedge to the south west of Stoma.
- o Impact on wildlife including bats, otters, birds and badgers.
- o The acoustic survey is dated 2017 and is out of date.

CONSULTATIONS:

Roads Planning Service: To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at the detailed stage.

- o Visibility of 2.4 x 120m minimum in either direction at the access onto the public road.
- o The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision.

- o Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish.
- o The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC).
- o Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity.
- o Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road.
- o Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission.

Community Council: No response.

Environmental Health: Unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The application is supported by a Noise Impact Assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. It is also noted that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

Archaeology Officer: These sites are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither site is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the sites.

Education and Lifelong Learning: No response.

Contaminated Land Officer: The application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant and Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

APPLICANT' SUPPORTING INFORMATION:

- o Planning Statement
- o Noise Impact Assessment
- o Preliminary Ecological Appraisal
- o Transport Technical Note
- o Agent's Letter of Support

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
ED1: Protection of Business and Industrial Land
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design January 2010
Guidance on Householder Development July 2006
New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 12th August 2021

Site and Proposal

The site is situated between Charlesfield Industrial Estate and a row of six detached dwellinghouses that front onto the public road to the south west of St Boswells. The site is an area of grass used for grazing with high hedges/trees and fences on the boundaries. The ground slopes down to the south.

Three houses, Roadside Paddock, Whitethorn and The Bungalow are to the north west, agricultural land is to the north east, the industrial estate (bus depot) is to the south/ south east and plot 1 (21/00839/PPP) is to the south west.

The proposal is to erect a dwellinghouse on the site. Access would be from the public road via an access between Alesudden and Stroma (shared with plot 1). Two on-site parking spaces are proposed. A 6m wide woodland screen is proposed for the south eastern boundary.

Planning History

17/01343/PPP: Erection of dwellinghouse. Withdrawn 21st December 2017.

21/00839/PPP: Erection of dwellinghouse, formation of new access and associated works. Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells. Pending consideration.

The following application relates to the northern corner of the plot:

04/01824/OUT: Erection of dwellinghouse. Land to Rear of 2 Roadside Paddock Charlesfield St Boswells. Refused 15th November 2004

Assessment

Planning Policy

The site is situated outwith the land allocated in the Local Development Plan 2016 for business and industrial safeguarding (allocation zEL3).

The site is outwith any settlement and so must be assessed against the Council's housing in the countryside policies.

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

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

It is accepted that there is a building group at Charlesfield that comprises of six detached houses fronting onto the public road that runs between the A68 and B6359 to the west. The building group has a distinct linear pattern and there are no existing houses directly behind this row of properties. The only exception is Westlea, situated within the industrial estate to the south west. This building appears to have been converted into a dwellinghouse rather than being purpose built, and was connected to the adjacent haulier business.

It is considered that the erection of a dwellinghouse on this plot would be out of keeping with the linear character of the building group, would constitute backland development and would be an inappropriate addition to the building group. In addition, it is considered that this building group is complete and cannot accommodate further development without resulting in a detrimental impact on the building group.

There have been no consents for housing within this building group in the Local Development Plan period and so the proposal complies with the thresholds contained within policy HD2.

Planning permission was refused in 2004 for the erection of a dwellinghouse on part of this plot and a section of the garden ground belonging to Roadside Paddock as it was considered that the form and appearance of the existing building group at Charlesfield would be adversely affected by this additional development. A further Planning Permission in Principle application (17/01343/PPP) for the erection of a dwellinghouse on this plot (on a larger site with a vehicular access onto the public road to the north west) was withdrawn in December 2017 as the application could not be supported for the above reasons.

The Council's housing in the countryside policies have not changed significantly since that decision to warrant a different recommendation in this case.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

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

The building group is characterised by modern detached single and one-and-a-half storey houses with render and brick walls and tile roofs that all front onto the public road.

As this is a Planning Permission in Principle application no details of the design or materials of the proposed dwellinghouse have been submitted. The Planning Statement suggests that the dwelling would be one-and-a-half storey in height.

It would be important at the Approval of Matters Specified in Conditions stage to ensure that the scale, design and materials of the proposed dwellinghouse are in keeping with the character of the building group.

The site is well screened from the public road by the existing houses. The buildings within industrial estate and the proposed woodland belt on the southern boundary would screen the site when viewed from the south, though this would take time to mature. The indicative section drawing shows that the proposed dwellinghouse would be on a lower ground level than the houses adjacent to the public road.

It is accepted that with appropriate scale, design and materials the proposal would not harm the visual amenities of the wider area.

Impact on Residential Amenities

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

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

The site is to the rear of Roadside Paddock and Whitethorn to the north west. The indicative drawings show that the proposed dwellinghouse would be approximately 9m from the rear boundary of Whitethorn and on lower ground. Planting is proposed along the northern boundary of the site. It is accepted that an adequate distance can be achieved between the existing properties and the proposed dwellinghouse. With careful consideration of the design of the dwellinghouse, position of windows and boundary planting, the proposal would not result in a loss of light or privacy to these properties.

The site abuts the industrial estate and this proximity is a concern due to the potential noise, smell and dust associated with the industrial estate and the conflict of uses that could occur. The proposal would bring residential uses closer to the industrial estate, which may adversely impact on the residential amenities of future occupiers of the proposed dwellinghouse.

A 6m wide woodland belt is proposed for the south east boundary with the industrial estate. A Noise Impact Assessment (dated July 2017) has been submitted which evaluates noise levels associated with the industrial estate, concentrating on the bus depot and the biomass plant, during the day and night time. A bund and close boarded fence along the southern boundary is recommended as mitigation, together with the careful positioning of habitable room windows in the proposed house. The report concludes that provided this mitigation is in place, the appropriate levels of noise ingress can be achieved throughout the development.

Environmental Health has objected to the proposal as the proposed site shares a boundary with an industrial use, with many others in close proximity. They are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The Noise Impact Assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. The mitigation (bund and a 1.8m close boarded fence) along the south boundary of the development site, however this is not shown on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. Environmental Health also note that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

The proposal would therefore result in a conflict in uses to the detriment of future occupants of the dwellinghouse.

It is considered that the site is large enough to accommodate a house, on-site parking and turning and adequate garden ground. However, the proposed planting within site to the rear gardens of the existing properties and the screen planting in the form of the woodland buffer would enclose the site and potentially overshadow the proposed dwellinghouse and affect the outlook and light of future occupants.

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Concern has been expressed that there are protected species (otters and badger) within the site.

A Preliminary Ecological Appraisal has been submitted. No evidenced of badger, reptiles, amphibians were found. The hedgerows and trees on the boundaries provide suitable habitats for breeding birds but were not suitable to support roosting bats. The report concludes that the site would provide low suitability to support protected species and no evidence of protected species were identified.

Should the application be approved, further surveys for breeding birds would be required should the proposal include the felling of any of the trees or hedgerows and an informative would advise of the legislation and responsibilities in respect of bats.

Trees and Hedgerows

Policy EP13 seeks to protect trees and hedges from development. There are mature hedges on the southern and western boundaries of the site and fencing and hedging on the rear boundaries of the existing properties, including along the proposed access along the western boundary of Stroma.

It would be desirable to see this planting retained and protected from development due to its biodiversity value and contribution to the visual amenities of the area and this could be secured by conditions.

Access and Parking

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

The site would be accessed from a new access from the public road between Alesudden and Stroma and two on-site parking spaces are proposed.

A Roads Technical Note has been submitted to support the application, containing information on trip rates, the proposed access and visibility splays. This concludes that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. A 5m wide access for the initial 7m would enable a vehicle to pass a stationary vehicle waiting to leave the access. The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The Roads Planning Service has no objections to the proposal on access and road safety grounds provided that his requirements regarding visibility, the specification of the access, drainage and parking provision are met and these can be controlled by conditions should the application be approved.

Achieving the visibility requirements at the access onto the public road may require the removal of planting within the roadside verge associated with the adjacent properties and it would need to be demonstrated at the detailed application stage that the visibility splays could be provided.

Drainage

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

Concern has been expressed regarding the capacity of the existing drainage system to cope with the additional demand.

The water supply would be from the public mains but no details of the surface or foul drainage have been submitted. The applicant would have to demonstrate that adequate drainage is achievable at the detailed application stage and as part of the Building Warrant.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Councils Contaminated Land Officer advises that the site was previously used as a munitions factory (Charlesfield Incendiary Bomb Munitions Plant and Depot). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A condition would be required that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority together with a remediation strategy and verification plan.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (St Boswells Primary School and Earlston High School), affordable housing in connection with the application for plot 1, and the Borders railway. These would be secured by a Section 75 legal agreement should the application be approved.

REASON FOR DECISION :

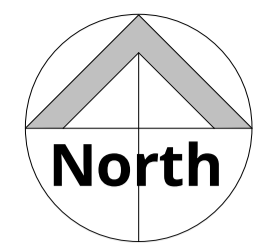
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Recommendation: Refused

- 0 The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3,

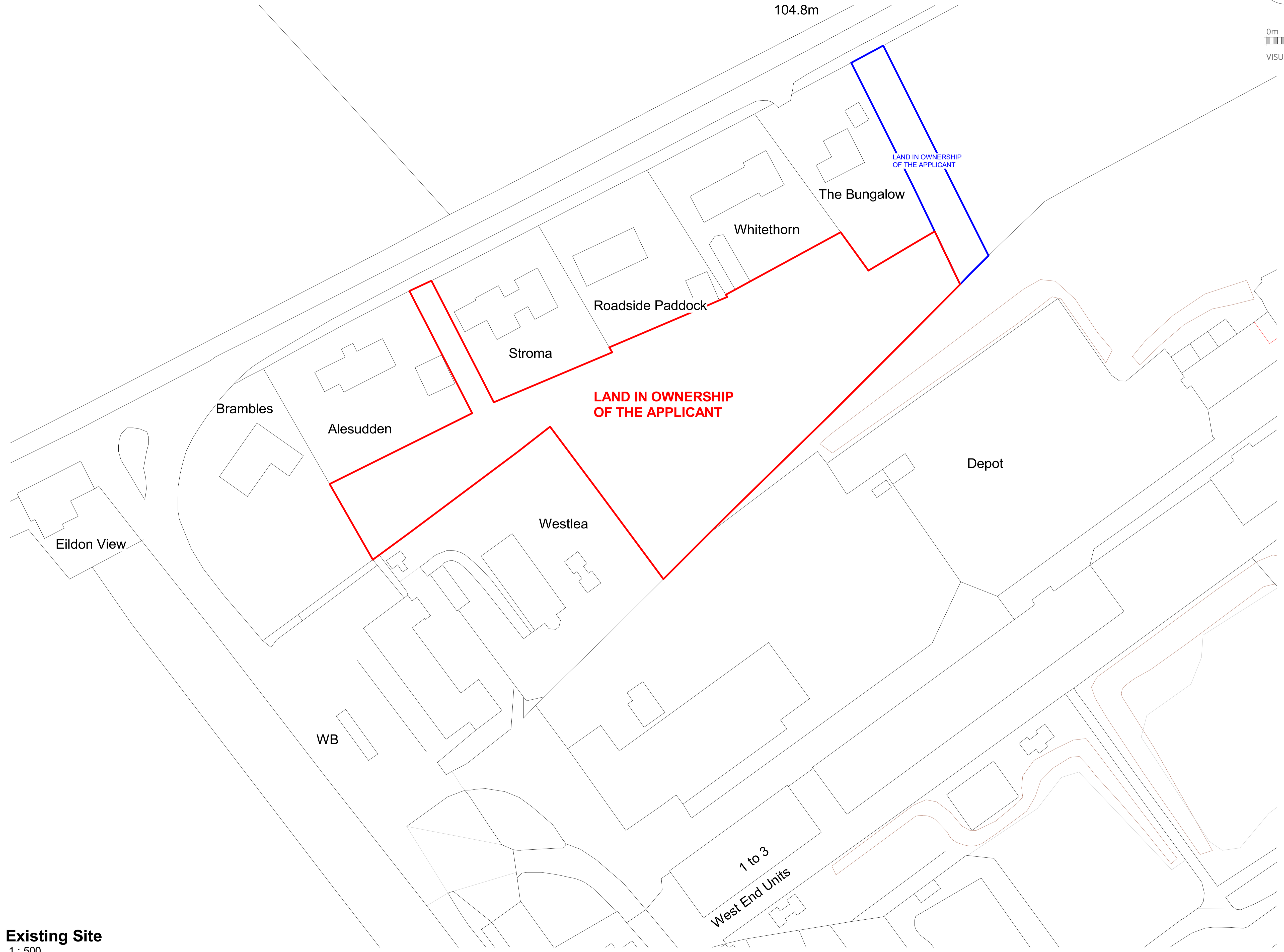
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VISUAL SCALE 1:500 @ A1

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Rev	Date	Description	by
A	11/05/21	Updated Site Boundary & Land In Ownership	MO

CAMERONS
STRACHAN
YUILL
ARCHITECTS

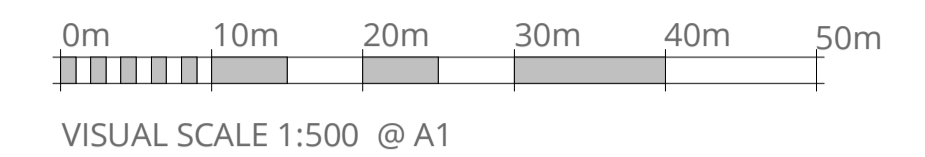
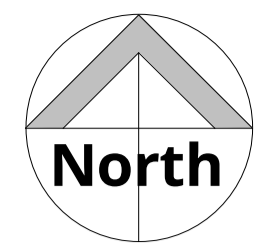
client: Mr Trevor Jackson
project: Charlesfield Plots 1 & 2
title: Existing Site Plan
status: Preliminary drawn: MO
scale: 1 : 500@A1 date: 11/05/2021
number: 10103/01 rev: A

Existing Site
1 : 500

<p>  DALKEITH 11 South street EH22 1AH 0131 663 9735 EDINBURGH 46 The Shore EH6 6JQ 0131 553 7959 ERMOUTH 28 Harbour Rd TD14 5HH 01890 759429 GALASHIELLS 1 Wilderhaugh TD1 1TQ 01896 753077 </p>

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VISUAL SCALE 1:500 @ A1

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Local Development Plan screening as part of extension to Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREAS

Plot 1 : 3161 m²
Plot 2 : 2391 m²

Rev	Date	Description	by
D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO



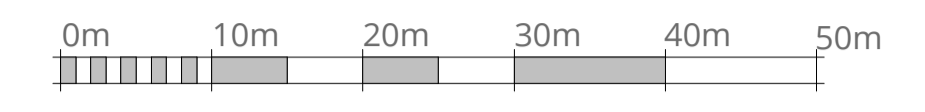
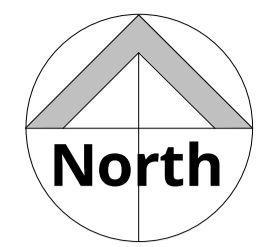
client: Mr Trevor Jackson
project: Charlesfield - Plots 1 & 2
title: Indicative Overall Site Plan
status: Planning drawn: MO
scale: 1 : 500@A1 date: 21/05/2021
number: 10103/02 rev: D

Indicative Overall Site Plan
1 : 500

DALKEITH EDINBURGH EYEMOUTH GLASGOW	11 South street 46 The Shore 28 Harbour Rd 1 Wilderhaugh	EH22 1AH EH6 6JQ TD14 5HH TD1 1TQ	0131 663 9735 0131 553 7959 01890 759429 01896 753077
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VISUAL SCALE 1:500 @ A1

104.8m



Local Development Plan screening as part of extension to Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREAS

Plot 1 : 3161 m²

Rev	Date	Description	by
D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO



client: Mr Trevor Jackson
 project: Charlesfield - Plots 1 & 2
 title: Indicative Site Plan Plot 1
 status: Planning drawn: MO
 scale: 1 : 500@A1 date: 21/05/2021
 number: 10103/03 rev: D

	11 South street EDINBURGH TD1 4SH	EH22 1AH EH6 6QJ TD1 4SH	0131 663 9735 0131 553 7959 01890 759429
	1 Wilderhaugh GLASGOW	TD1 1QJ	01896 753077

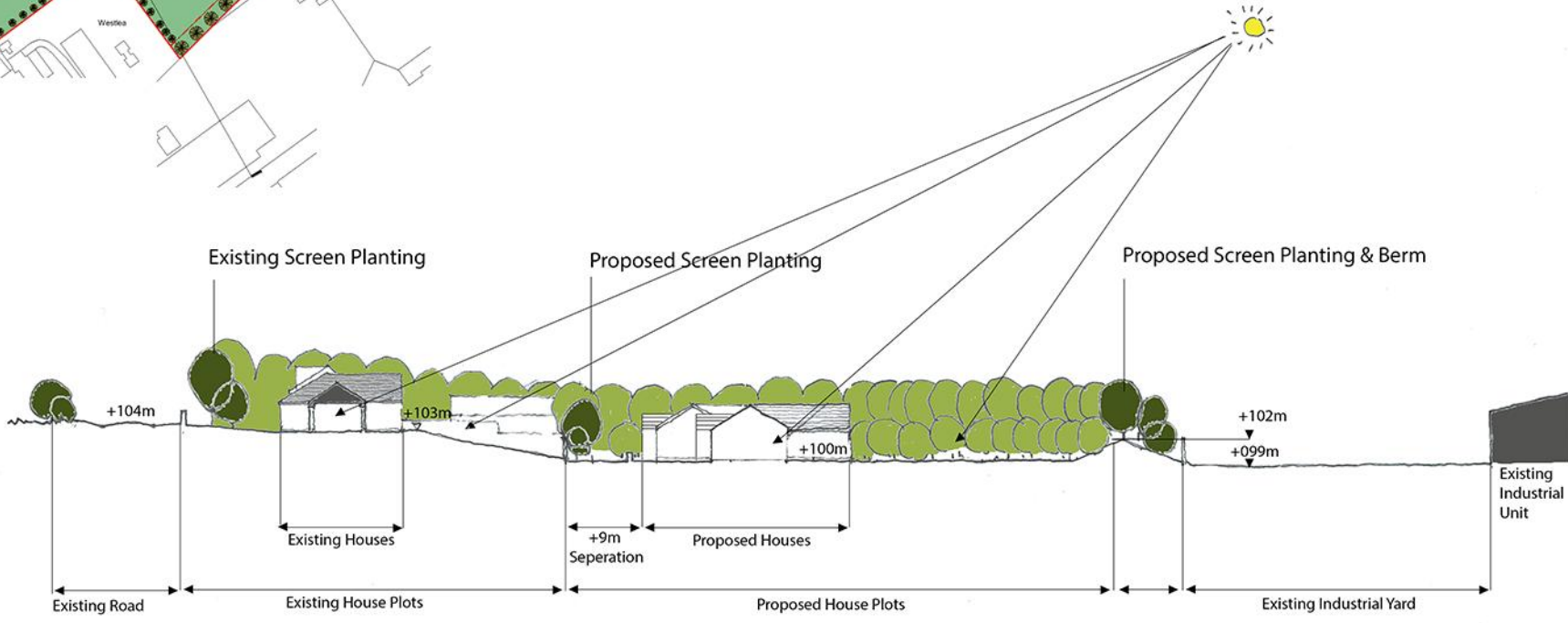
Indicative Site Plan Plot 1
1 : 500

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INDICATIVE NORTH-WEST TO SOUTH-EAST SITE CROSS-SECTION



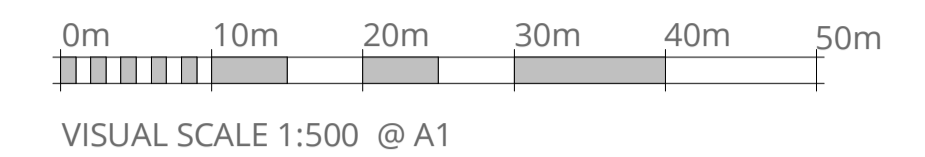
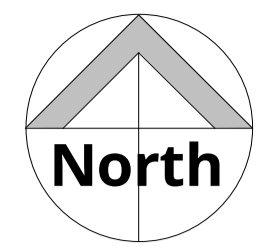
CAMERONS
 STRACHAN
 YUILL
 ARCHITECTS

client:	Mr Trevor Jackson		
project:	Charlesfield - Plots 1 & 2		
title:	Indicative North-West to South-East Site Cross-Section		
status:	Planning	drawn:	NM
scale:		date:	02/05/2021
number:	10103/04	rev:	C

	DALKIETH	11 South street	EH22 1AH	0131 663 9735
	EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
	EYEMOUTH	28 Harbour Rd	TD14 5HY	01890 750429
	GALASHIELS	1 Wilderhaugh	TD1 1QJ	01896 753077

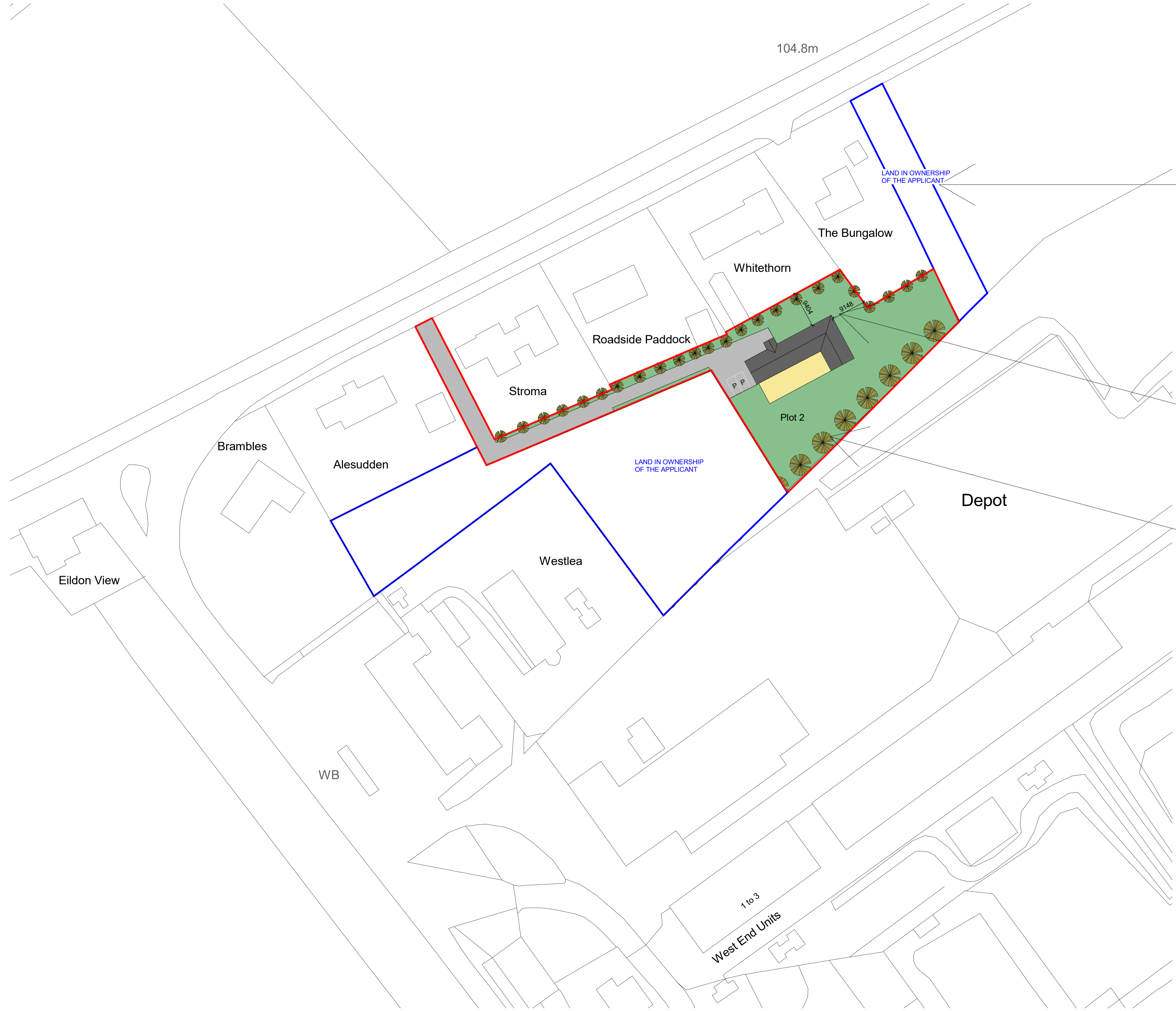
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VISUAL SCALE 1:500 @ A1

104.8m



Local Development Plan screening as part of extension to Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREA

Plot 2 : 2391 m²

D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO
Rev	Date	Description	by

CAMERONS
STRACHAN
YUILL
ARCHITECTS

client: Mr Trevor Jackson
project: Charlesfield - Plots 1 & 2
title: Indicative Site Plan Plot 2
status: Planning drawn: MO
scale: 1 : 500@A1 date: 21/05/2021
number: 10103/05 rev: D

DALKEITH 11 South street EH22 1AH 0131 663 9735
 EDINBURGH 46 The Shore EH6 6QU 0131 553 7959
 GLENROTH 28 Harbour Rd TD14 5HH 01896 759429
 GLENSHIELDS 1 Wilderhaugh TD1 1TQ 01896 753077

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PLANNING STATEMENT

LAND AT WEST END CHARLESFIELD, ST BOSWELLS

**PLANNING APPLICATION IN PRINCIPLE FOR
RESIDENTIAL DWELLINGS WITH ASSOCIATED
AMENITY, PARKING, INFRASTRUCTURE AND ACCESS**

APPLICANT: TREVOR JACKSON

MAY 2021

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Author	Date
Lucy Moroney	21/05/2021
Approved	Date



1. Introduction

- 1.1 This Planning Statement has been prepared by Ferguson Planning Ltd in support of an application for Planning Permission in Principle (PPP) submitted on behalf of Trevor Jackson (the applicant) for two residential dwellings, located in an infill plot at West End Charlesfield, St Boswells. A site / location plan can be found within **Appendix 1**.
- 1.2 The proposal will provide much needed residential homes within the Scottish Borders and represents the most suitable and sustainable form of development within a rural setting whilst being within close proximity to St Boswells, enabling the proposal to contribute to the vitality and viability of St Boswells’s local services and facilities.
- 1.3 This statement has been prepared to consider the site context and relevant planning policy, before explaining the compliance with the development plan and related material planning considerations.

Submission Documents

- 1.4 The following documents and drawings (Table 1.1 and Table 1.2) have been prepared by the consultant team and are submitted in support of this planning application. Notably, the submission documents are in accordance with the Scottish Borders Council (SBC) Validation Requirements for planning applications of this nature.

Table 1.1 Planning Application Submission Documents

Document	Consultant
Planning Application Fee	The Applicant
Application Form, Ownership Certificates	Ferguson Planning Ltd
Planning Statement	Ferguson Planning Ltd
Noise Impact Assessment	KSG Acoustics Ltd

Table 1.2 Drawings

Document	Consultant
Site Location Plan	CSY Architects
Proposed Site Plan	CSY Architects
Concept Cross Section	CSY Architects

Structure of Planning Statement

1.5 The purpose of this Planning Statement is to provide SBC with details of the existing site and surroundings; the relevant planning history of the site; details of the proposed development and reasoned justification in the context of the local area and relevant planning policies. This Planning Statement is structured as follows:

- Section 2 - Site Context and Planning History;
- Section 3 - The Development;
- Section 4 - Planning Policy;
- Section 5- Development Consideration; and
- Sections 6 - Conclusions.

2. Site Context and Planning History

- 2.1 This Planning Permission in Principle (PPP) application relates to the development of two detached residential dwellings at West End Charlesfield, St Boswells.
- 2.2 The site is 0.65ha in size currently rough pasture and is positioned between the Charlesfield Industrial Estate to the south and residential units to the north and west. Adjoining the site to the east are agricultural fields laid to grass, beyond lies St Boswells. Access is to be obtained to the north west of the site off the existing access road to the north towards the A68.
- 2.3 In terms of topography, the site itself is relatively flat without any significant landscape variations. There is a slight gradient from the north east corner to the south east corner.
- 2.4 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 2.5 The proposed dwellings are shown indicatively on two individual plots, illustrated within Section 3 of this report. The intention being that they would be set within the infill plot and not extend beyond the existing building line to the east of the adjoining properties, whilst being contained by existing and proposed new planting/woodland. Again, existing buildings sit further south, further identifying the sites infill location.
- 2.6 In terms of accessibility, the site is approximately 1.4 miles south of St Boswells town centre offering a range of services and facilities, along with onward public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.7 In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.8 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding which is identified in figure 1 below.

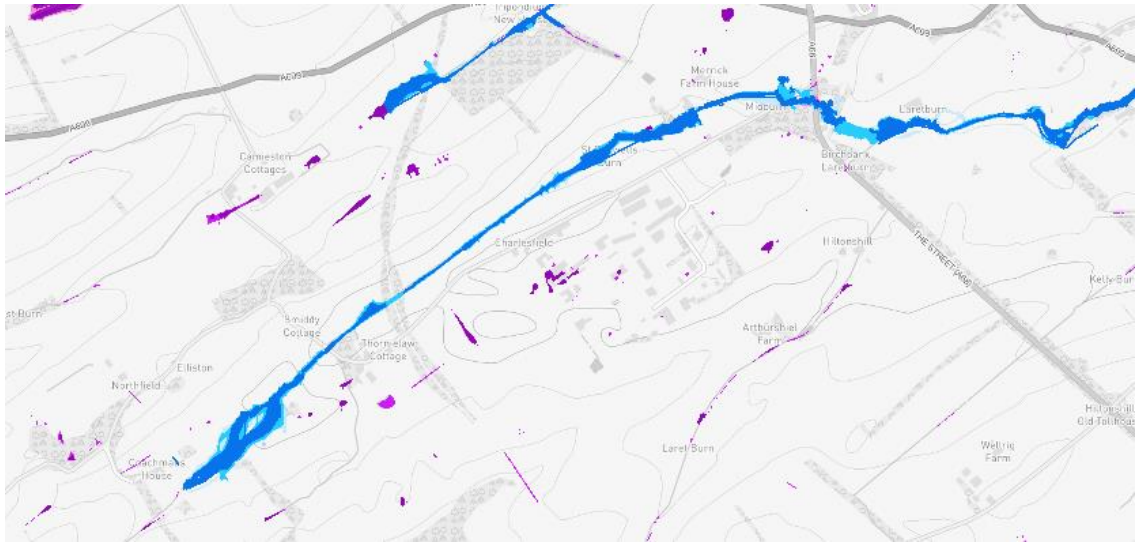


Figure 1: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.

Planning History

2.9 Referring to the Scottish Borders planning application search, there have been two planning applications associated with the site which have been withdrawn.

LPA Ref	Address	Proposal	Status
17/01344/PPP	Plot 1 Land South and West of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017
17/01343/PPP	Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017

2.10 The above applications sought pre-application advice from Council in December 2017. Julie Hayward, the Case Officer expressed concerns with the proposed access to the south as this was situated on land allocated in the Local Development Plan 2016 for structure planting and landscaping associated with the extension to Charlesfield Industrial Estate. The screen planning is required to help protect the amenity of the neighbouring properties to the west.

2.11 The proposed development in which this application relates to has shifted the site boundary further to the west, retaining the allocated land to the east for further landscaping. Access to both plots is to be from the north west.

2.12 Bringing that the Case Officer acknowledged that there was a building group, albeit, has some concerns relating to backland development. We will comment on such matters in the following chapters.

3. The Development

3.1 This section sets out details of the proposed development. The description of which is as follows:

“Planning Application in Principle for Two Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at West End Charlesfield St Boswells”.

3.2 The proposed development involves the provision two detached residential dwellings with associated infrastructure at West End, Charlesfield, St Boswells which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 2 below:



Figure 2: Proposed Layout Plan

3.3 In terms of layout, it is proposed the body of the site will be split in half, with the dwellings situated on individual plots to the south of the existing properties.

3.4 Careful consideration has been taken in the position of the proposed dwellings within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the northern and western boundary, safeguarding the daylight and sunlight provision and privacy of residents. The woodland screening to the south of the site provides a substantial buffer between the Charlesfield Industrial Site to the south again safeguarding the residential amenity of future residents.

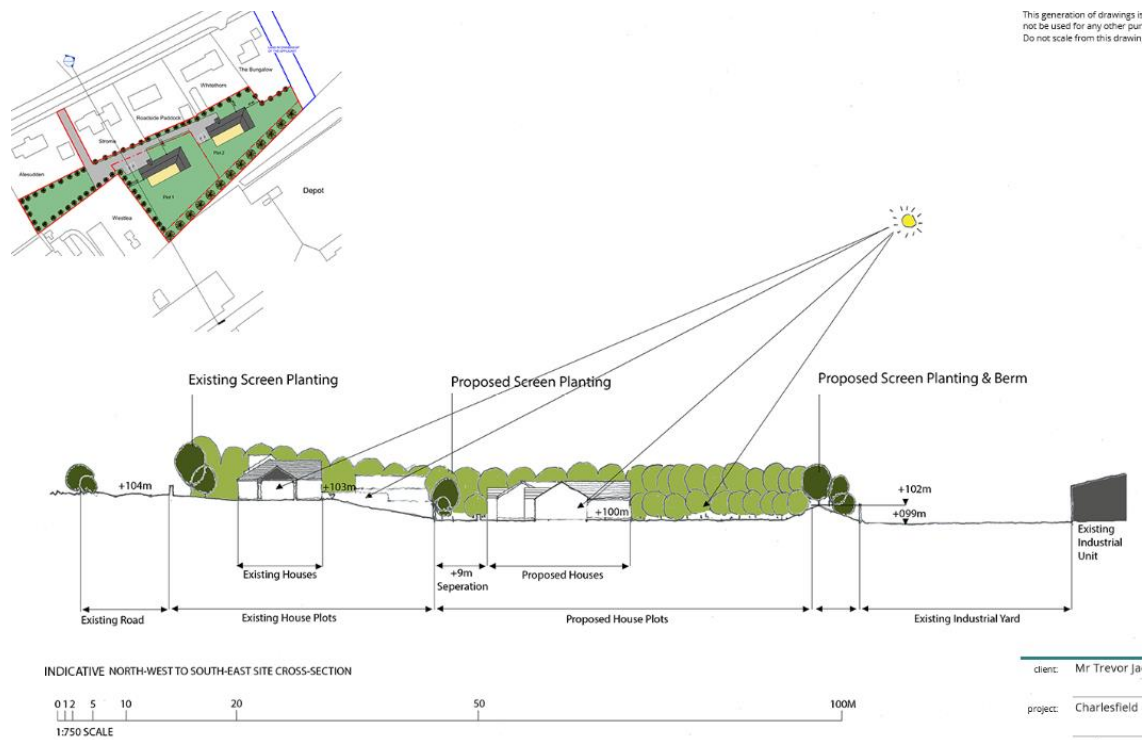


Figure 3: Proposed Cross Section

- 3.1 The Noise Impact Assessment prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.
- 3.2 The intention already exists for those dwellings to the north and west which have commercial buildings to the south.
- 3.3 There is a single access point to the north west off the road to the north leading to the A68 towards St Boswells. The access adjoins the existing residential properties at Stroma to the east and Alesudden to the west. Each plot with then have their own individual access leading off the primary access.
- 3.4 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 3.5 There will be private outdoor amenity provision for each proposed dwelling. The site benefits from being bordered by existing trees and vegetation which will be retained where possible, enhancing the natural environment in which it surrounds.
- 3.6 It is noted that the case officer for the former planning application at the site deemed the proposal to be back-land development. It is considered that due to the positioning of the residential properties to the north and west, along with the commercial buildings to the south, the site

represents a logical infill location which is considered to be preferable in comparison to ribbon development.

- 3.7 As the application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

4. Planning Policy

4.1 This section outlines the principle planning policy considerations which have informed the emerging development proposals, and which provide the context for the consideration of the proposed scheme.

Scottish planning Policy (SPP) 2020

4.2 SPP creates a presumption in favour of 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 delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- 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 cultural heritage, including the historic environment;
- 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.

- 2.1 SPP sets out a vision for vibrant 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.
- 4.3 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.

The Scottish Borders Local Development Plan

- 4.4 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.
- 4.5 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period is between 2nd November 2020 and 25th January 2021. As the plan is nearing adoption, it should be considered a material consideration.
- 4.6 With reference to the adopted Scottish Borders Proposals Map (2016), the site is classed as 'White Land' with no allocations or designations.
- 4.7 The key policies under which the development will be assessed include:
- LDP Policy PMD1: Sustainability
 - LDP Policy PMD2: Quality Standards
 - LDP Policy HD2: Housing in the Countryside
 - LDP Policy HD3: Protection of Residential Amenity
 - LDP Policy HD 4: Meeting the Housing Land Requirement / Further Housing Land Safeguarding
- 4.8 **Policy PMD1: Sustainability:** The preparation of the Local Development Plan was heavily informed by the acknowledged "*need for action on climate change*" and the Council's Environmental Strategy, which sit behind the 'support and encouragement of sustainable development' across the Borders. Policy PMD1 sets out the "*sustainability principles which underpin all the Plan's policies*" and that the Council expects to inform development proposals and planning decisions:

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

4.9 **Policy PMD2: Quality Standards:** 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.

4.10 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

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

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,

- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

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

4.11 **Policy HD3: Protection of Residential Amenity:** 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:

- 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 HD3 will be applicable for development on garden ground or ‘backland’ proposals to safeguard the amenity of residential areas. It applies to all forms of development and is also applicable in rural situations.

Material Considerations

New Housing in the Borders Countryside Supplementary Planning Guidance (SPG)

- 4.12 The Supplementary Planning Guidance provides “advice and assistance with the siting and design of new housing in the Borders countryside”. Pertinent sections of the Guidance have been identified below.
- 4.13 The Guidance accepts that “the Borders area is not uniform in its landscape character” and that for “new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover”.
- 4.14 The Guidance continues to establish that the development of “new housing in harmony with its immediate and wider surroundings” is possible by “respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover”.
- 4.15 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 4.16 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on-site facilities for vehicle movement and parking.”

5. Development Considerations

- 5.1 This section of the statement sets out the key planning considerations arising from the proposal setting out a reasoned justification for the development in the context of the adopted planning policy and the specifics of the site and its surroundings.

Principle of Development

- 5.2 The site in question is positioned within an infill plot, sitting within and adjacent to the setting of the existing Building Group at Charlesfield. The Building Group comprises seven cottages to the north of the site, with one dwelling adjoining the western boundary to the rear of the café. Charlesfield Industrial Estate is to the south of the site. Beyond the Industrial Estate to the south lies two additional residential properties.
- 5.3 A review of the Council's online planning records has indicated that no new or existing dwellings have been consented at Charlesfield within the current Local Development Plan period. The proposal is for the erection of two dwellings within the setting and enlarging of an existing Building Group comprising eight dwellings. While the details of the appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site.
- 5.4 The principle of development is considered to be acceptable as the proposal comprise the erection of two dwellings together with access, landscaping and associated works on an infill site within the setting of an acknowledged building group at Charlesfield, in accordance with section (A) of Policy HD2 as no new dwellings have been consented within the area with the LDP period. The proposal will also contribute to the Scottish Borders Housing Land Supply supported by policy HD4 of the LDP.

Residential Amenity

- 5.5 The proposal has been prepared to provide a good level of amenity for future occupiers of the two proposed dwelling whilst safeguarding the amenity of residents within existing neighbouring properties. Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of residents which is further enhance by the proposed landscaping across the northern boundary. In addition, the proposed landscaping buffer to the south of the site is considered to be a substantial separation distance from the Industrial Estate, further safeguarding any noise disturbance. A Noise Impact Assessment has been prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.

- 5.6 It is considered the indicative scale of the proposed one and half storey dwellings are appropriate to the site and the local area. The building heights do not extend beyond those of the neighbouring dwellings. The proposed dwellings do not extend beyond the building line to the east of the site, sitting well within the rural setting, enclosed with its infill location.
- 5.7 Views of the site from public receptor points are minimal due to its infill location between the residential properties to the north and west with the Charlesfield Industrial Estate to the South. The site is primarily visible from the adopted road to the north of the site upon approach from the east, noting the visibility will be restricted due to the rise in topography to the east. Existing and proposed hedgerow bordering the site further enhances the aesthetics, screening views from the east and south. Overall, the visual impact of the proposal on the local area is considered to be minimal.
- 5.8 As the proposal provides for good amenity on-site and safeguards the amenity of the surrounding area, it is considered to be in accordance with Policy HD3.

Design and Materiality

- 5.9 In accordance with policy PMD2 'Quality Standards' the indicative illustrations indicate a similar height to the existing neighbouring properties to the north and west, whilst not extending beyond the building line to the east, respecting the setting of the surroundings. The proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings whilst safeguarding the amenity of residents from the Industrial Estate to the south.
- 5.10 Whilst this is a Planning Permission in Principle application, it is intended to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

Sustainability

- 5.11 While this application is for Planning Permission in Principle, the proposal intends to support a sustainable form of development through renewables such as solar panels, air source heat pumps and electrical charging points in accordance with policy PMD1.

Access and Parking

- 5.12 The proposal includes one access point from the adopted road to the north which will then split off into the individual plots in the body of the site. It addressed previous concerns raised by the case officer with regards to the second, eastern access formerly proposed.
- 5.13 The proposed dwellings include a private driveway and car parking space deemed adequate for a proposal of this nature.

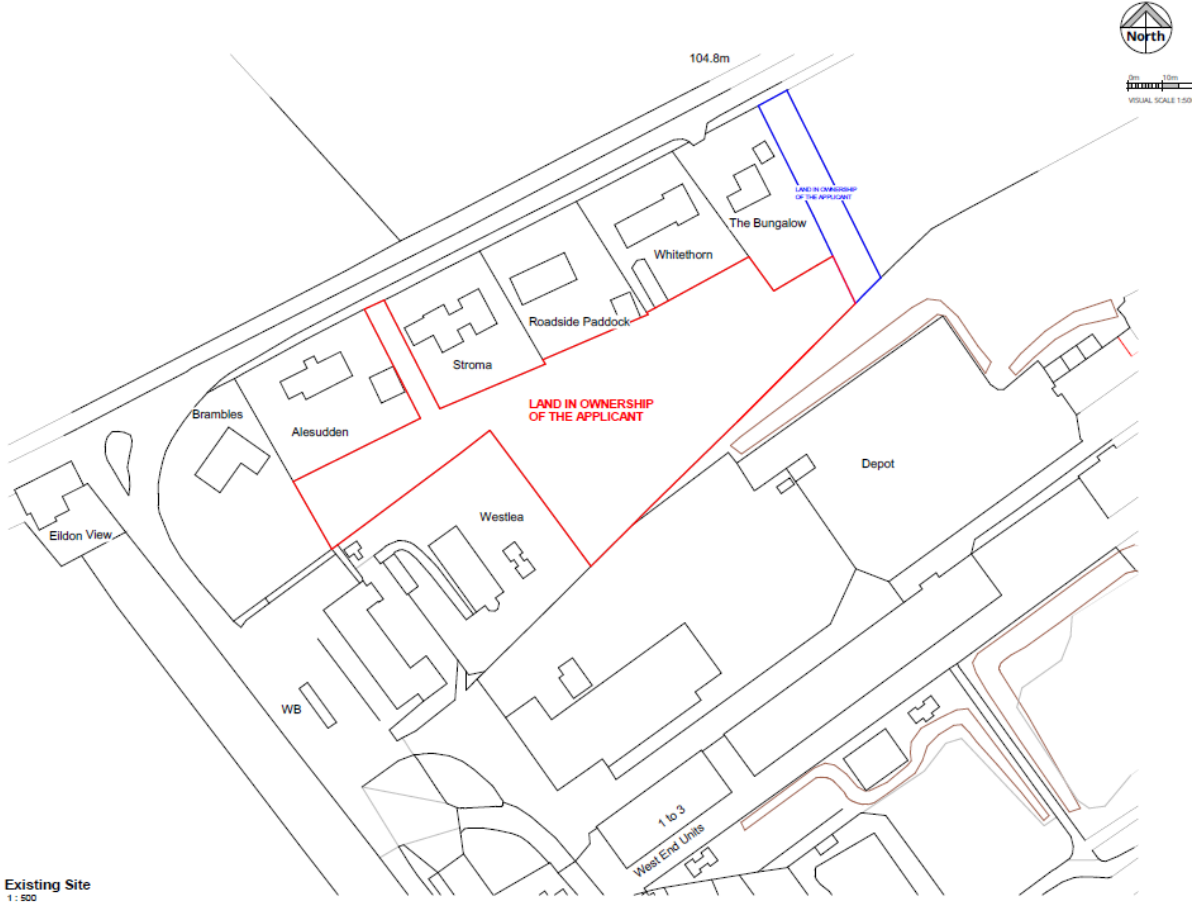
Housing Need and Economic Benefit

- 5.14 We consider, while modest in scale, will assist in meeting SBC five-year housing land supply to which we consider to be a shortfall.
- 5.15 Again, the proposal will support local jobs creating economic benefits during the construction process.

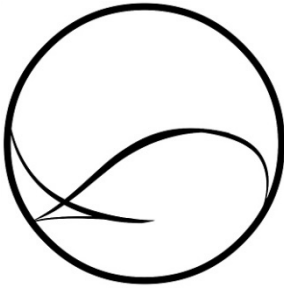
6. Conclusions

- 6.1 Ferguson Planning has been appointed by Trevor Jackson, (the applicant) to submit this Planning Statement in support of a Planning Application in Principle (PPP Application) for two residential dwellings, together with associated infrastructure at West End, Charlesfield, St Boswells.
- 6.2 The proposal represents the enlargement of an existing Building Group by two dwellings upon a site which is considered to be a logical infill location for residential development, relating well to the existing building group adjoining the site. Therefore, it is considered the erection of the proposed dwellings upon the site is to be acceptable in accordance with Policy HD2(A). Whilst the proposal utilises this sustainable infill site, it will also contribute to the housing land supply with the borders supported by Policy HD4.
- 6.3 The proposed dwellings have been carefully positioned and designed ensuring there is a good level of amenity for future occupiers whilst safeguarding the privacy of the neighbouring dwellings and providing good quality standards using sustainable methods in accordance with Policies PMD1, PMD2 and HD3. The proposed landscaping buffer to the south of the site is considered to be a substantial set off distance from the Industrial Estate ensuring there are no adverse impacts on residential amenity whilst not interfering with the Industrial operations at the site.
- 6.4 It is proposed to create one vehicle access point off the adjoining road to the north to serve the new dwellings. The proposed development is considered to be acceptable in transport terms.
- 6.5 Overall, it is thought that the proposal is in accordance with relevant adopted Planning Policy of the Local Development Plan and wider planning material considerations. It is therefore respectfully requested that planning permission is granted.

Appendix 1: Site Location Plan



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Proposed Residential Development – Charlesfield, St Boswells

Noise Impact Assessment

KSG Acoustics Ltd.

Prepared for
EMA Architects

24 July 2017

Project reference 1593/R1

KSG Acoustics Ltd.
SC467501
lindsaymcintyre@ksg-ltd.co.uk
+44 (0)7887 932 654

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Proposed residential development – Charlesfield, St. Boswells

Noise Impact Assessment

1. Introduction

KSG Acoustics Ltd. has been appointed by EMA Architects to provide a noise impact assessment (NIA) pertaining to a proposed residential development on land north west of Charlesfield Industrial Estate, St. Boswells. This report determines the prevailing levels of day and night time environmental noise typical to the site of the proposed development and considers the likelihood of significant impacts on future sensitive receptors.

2. Site description

The proposed development site is located west of the A68 and north west of Charlesfield Industrial Estate. It is a linear green field area with existing dwellings immediately to the north along the road side and also to the east and west.

South of the red line boundary is Perryman's Bus Depot and further to the west is Pirnhouse Interiors, which comprises a gift shop and coffee shop open to the public. The industrial estate extends to the south and east, with the primary access taken from a junction around 580m to the east, close to the A68. Alexander Inglis and Son Ltd grain processing facility is located immediately to the west of the junction; in the field immediately to the east there is a newly operational biomass facility.

The remainder of the estate comprises a mixture of businesses, including motor vehicle servicing and repair, offices and sales facilities.

The proposed development site is at a higher local ground height than the Industrial Estate. It is visually screened from the Industrial Estate by extensive hedging along the south boundary with Perryman Bus Depot, although there appears to be no existing close-boarded element to act as an effective acoustic barrier.

Subjectively, the acoustic environment at the proposed development site is quiet and in keeping with the rural setting. The dominant source of environmental noise across the proposed development site is distant road traffic noise and intermittent vehicle movements

along the public road to the north and the access road to the west. There is low level continuous fixed plant noise from the new biomass facility to the east, the effects of which vary with prevailing meteorological conditions. There are also intermittent contributions to the acoustic environment from activities at the Industrial Estate, especially the adjacent Perryman's Bus Depot. Finally, there are contributions from natural sources, including wind through foliage, bird song and animals in the surrounding fields.

Perryman's Bus Depot

Perryman's Bus Depot was consulted to determine typical activities and hours of operation. A representative confirmed that buses leave the yard mainly during the morning and return throughout the afternoon and evening, concluding by 2300h. Activities in the yard during the day include refuelling and general maintenance. The yard is then closed until 0330h, when a staff member arrives to prepare for the bus fleet egress, which commences gradually from 0430h.

There is no fixed plant at the depot; general maintenance tools include compressed air tools and hand tools.

Biomass development

A representative from the biomass development to the east was consulted and confirmed that the fixed plant components operate consistently 24 hours with no significant variation. During the day, HGV deliver feedstock to the site, which is then handled locally according to requirements.

3. Proposed development

The proposals for development are to erect 2 dwelling houses with associated access and outdoor amenity areas. The dwellings are proposed to be located side by side with separate accesses from the main road, passing between existing dwellings. The principle outdoor amenity areas will be located back-to-back between the dwellings.

It is proposed to incorporate an appropriately specified bund and close-boarded fence along the south boundary of the proposed development site, beyond which lies Perryman's Bus Depot. For the purposes of this assessment, it has been assumed that this will comprise a 1m bund plus a 1.8m close-boarded fence.

4. Assessment methodology and consultation

The following documents have been referred to in this report:

- Planning Advice Note (PAN) 1/2011 Planning and Noise and associated Technical Advice Note (TAN);
- British Standard (BS) 4142: Methods for rating and assessment industrial and commercial sound;
- British Standard (BS) 8233: Guidance on Sound Insulation and Noise Reduction for Buildings; and
- World Health Organisation (WHO) publication Guidelines for community noise.

PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The associated TAN provides information and advice on noise impact assessment methods. PAN 1/2011 is the overarching guidance document in Scotland for the consideration of noise in the context of planning decisions. It highlights the principles of good acoustic design and a sensitive approach to new development. It does not provide any specific methodology that should be applied to the assessment of locations proposed for noise sensitive development however it does recommend the use of other guidance documents which should be used to construct a quantitative and qualitative assessment. This report seeks to apply the principles underpinning the guidance document to assess the possible impacts of environmental noise on future sensitive development.

BS4142 describes methods for rating and assessment commercial and industrial sound. It uses outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.

BS8233 and the WHO publication contain guidance with respect to suitable noise levels for internal and external habitable spaces. BS8233 also provides guidance with respect to the acoustic performance of façade elements and composites.

Consultation

Verbal and written consultation has been undertaken with the Environmental Health Officer (EHO) for Scottish Borders Council (SBC). SBC confirmed that they would be most interested

in the potential impact of any industrial or commercial noise from the adjacent Industrial Estate as well as typical day and night time levels of environmental noise.

The EHO also confirmed that SBC has no specific local guidance with respect to planning and noise that the developer should be aware of.

5. Baseline noise survey

A site walkover was undertaken on Friday 02 June 2017, during which activities throughout the Industrial Estate were investigated, especially those in close proximity to the proposed development site.

Daytime measurements of baseline environmental noise were undertaken to establish typical environmental noise conditions across the proposed development site.

A sound level meter was located within the curtilage of Brambles Cottage, which is located immediately west of the site and on the site boundary.

Measurements were made using a Rion NL-52 sound level meter (serial number 00821105) fitted with ½ inch condenser microphone (serial number 04086). The sound level meter was calibrated at the beginning and end of the measurement period using a Bruel & Kjaer acoustic calibrator (serial number 909231) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

Measurements were taken in the free field at a height of approximately 1.5m above local ground height.

The following Table 1 presents a summary of the measured levels of day time environmental noise at the location previously described.

Table 1: Typical daytime environmental noise levels

Period start	LAeq,1h (dB)	LA90,1h (dB)	LAFmax (dB)
12:00:00	46.5	37.1	52
13:00:00	45.1	38.2	55
14:00:00	47.0	38.8	57
15:00:00	47.8	39.5	55
16:00:00	49.7	40.5	60

17:00:00	54.3	39.7	58
18:00:00	52.6	37.4	54
19:00:00	49.6	38.6	55
20:00:00	49.9	31.6	52
21:00:00	45.9	24.9	49

Detailed night time noise survey

A second site walkover and detailed attended night time noise survey was undertaken on 11 and 12 July 2017. The purpose of this exercise was to determine typical night time noise contributions at the proposed development site and identify sources.

Weather conditions between 11 and 12 July were suitable for the monitoring of environmental noise, being still and mild.

All measurements were taken in the free field at a height of approximately 1.5m above local ground height.

A sound level meter was installed on the proposed development site between 2200h on 11 July and 1000h on 12 July. Measurements were made using a Rion NL-52 sound level meter (serial number 00821105) fitted with ½ inch condenser microphone (serial number 04086). The sound level meter was calibrated at the beginning and end of the measurement period using a Bruel & Kjaer acoustic calibrator (serial number 909231) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

Attended measurements were made using a 01dB Solo sound level meter (serial number 60502) fitted with ½ inch condenser microphone (serial number 59680). The sound level meter was calibrated at the beginning and end of the measurement period using a Bruel & Kjaer acoustic calibrator (serial number 909231) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

The following Table 2 summarises the results of the unattended night time measurements on the proposed development site and Table 3 summarises the results of the attended measurements.

Table 2: Typical night time environmental noise levels

Period start time	LAeq,1h (dB)	LA90,1h (dB)	LAFmax (dB)
22:00:00	40	37	66
23:00:00	37	33	57
00:00:00	33	31	44
01:00:00	33	32	41
02:00:00	33	32	43
03:00:00	36	32	46
04:00:00	44	38	50
05:00:00	48	42	58
06:00:00	49	43	62
07:00:00	45	39	63

It is worth noting that sunrise on the 12 July 2017 was at 0445h. Given the significant number of trees along the south boundary of the development site and the rural location, it is likely that the dawn chorus of birdsong has contributed to the measured LAeq at this location.

Table 3: Attended night time noise measurements

Location	Start time (h)	T (s)	LAeq,T (dB)	LA90 (dB)	LAFmax (dB)
Industrial Estate access road, adjacent to St Boswells Mowers	0102	300	34	34	38
Industrial Estate access road, adjacent to Alexander Inglis Grain Depot	0113	300	37	37	39
Proposed development site access from the public road	0124	300	28	27	33
West Industrial Estate access road adjacent to The Brambles	0131	300	28	28	32
Adjacent to proposed development site boundary	0159	1200	30	27	42
	0259	600	32	27	52

The attended night time site visit confirmed that Perryman's Bus Depot is completely closed during night time hours until 0330h, as described by the representative consulted.

6. Noise impact assessment

An assessment of the likely levels of environmental noise affecting internal and external habitable spaces associated with the proposed development has been undertaken to determine the likelihood of adverse effect.

The assessment considers the commercial noise levels in the context of the ambient acoustic environment as well as the absolute levels. An explanation for the choice of assessments is set out below.

Calculations have been presented for the situation where windows are partially open. With respect to the acoustic attenuation afforded by a partially open window in a façade, BS8233 Annex G suggests that 15dB may be achieved, although it goes on to say that the acoustic performance will vary with the frequency content of the noise and window type.

The absolute design targets considered are 35dB inside habitable rooms during the daytime and 30dB inside habitable rooms at night, as recommended in BS8233 and the WHO guidance *Guidelines for Community Noise* and Noise Rating curves. Noise Rating curves specify a target in each octave band and therefore take account of the distribution of energy across the acoustic spectrum.

Noise from the operational biomass plant

Generally, BS4142 makes a comparison between typical levels of background noise (LA90) and predicted or measured cumulative operational levels of identified sources of commercial noise, after correction for any acoustic features.

Observations made on site during the daytime and early hours of the morning have confirmed that noise from the biomass plant to the east is low level and continuous without fluctuation. As this noise occurs continuously, however, it is arguably part of the existing baseline.

During the daytime, the noise remains audible, although it is partially masked by other typical sources of environmental noise.

It is also worth noting that, in Section 11 Assessment of the Impacts, BS4142 notes that *Where background sound levels and rating levels are low, absolute levels might be as or*

more relevant than the margin by which the rating levels exceeds the background. This is especially true at night.

On this basis, BS4142 does not seem to be an appropriate assessment methodology to consider the potential impact of noise from this source.

The Planning Permission granted to the operator of the biomass plant has been examined and it has been found that the Condition relating to off-site noise levels contains the following wording:

11. Noise emitted by any structure and / or plant... shall not exceed NR20 between the hours of 2300 to 0700 inclusive and NR30 at all other times when measured within the nearest noise sensitive dwelling (even when windows of the latter are open for ventilation).

The measured levels of noise from the biomass plant have therefore been considered against these day and night time standards. Levels of operational noise from the biomass affecting the proposed development site has been derived from the measurements undertaken during night time hours as described in Table 3 above.

The following Table 4 presents the results of this assessment for the proposed residential development. It assumes that receiving windows are open and on the east façade with no additional barriers to the passage of sound other than those currently in existence. Negative or zero values are indicative of compliance.

Table 4: Noise Rating curve assessment

Scenario	Octave band centre frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
Measured values (external) (dB)	46	34	29	26	23	16	14	13
Calculated values (internal; windows open) (dB)	31	19	14	11	8	1	-1	-2
NR20 values (dB)	51	39	31	24	20	17	14	13
NR30 values (dB)	59	48	40	34	30	27	25	23
Comparison with NR20 (night time standard) (dB)	-20	-20	-17	-13	-12	-16	-15	-15
Comparison with NR30 (day time standard) (dB)	-28	-29	-26	-23	-22	-26	-26	-25

The results of the assessment suggest that the requisite Noise Rating curves for operational noise from the biomass development will be met during day and night time periods; no adverse impact is therefore anticipated.

Noise from Perryman's Bus Depot

The other discernible commercial noise affecting the site during daytime and the early hours of the morning is sporadic noise from Perryman's Bus Depot to the south of the proposed dwellings.

As previously described, vehicle maintenance is undertaken during daytime hours; movements in the early hours comprise only vehicles leaving the Depot to start their routes.

Section 9 of BS4142 discusses rating corrections that apply to sources with particular acoustic features. Specifically, it requires the assessor to identify tonality, impulsivity, intermittence and *other sound characteristics* and to what extent they will feature at the assessment location. This is typically defined in terms of perceptibility in relation to the residual acoustic environment.

The operational noise observed (maintenance and vehicle manoeuvring during the day; vehicle manoeuvring at night) is intermittent. This feature would incur a BS4142 rating

penalty of +3dB(A). The noise is not impulsive, however it has characteristics that may make it readily distinctive against the residual acoustic environment. This could also attract an additional +3dB character correction in accordance with BS4142, giving a total penalty of +6dB.

Section 11 of BS4142 provides guidance on the assessment of identified impacts. When considering the difference between the prevailing background and rating noise levels, it states the following:

Typically, the greater this difference, the greater the magnitude of the impact.

A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.

A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.

The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating noise level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

With regards to treatment of the south boundary between the proposed development site and the bus depot, an appropriately specified bund and close-boarded fence combination of respective height 1.0m and 1.8m has been included as previously described. The Depot is at lower ground height than the development site and, as such, this would represent an effective acoustic barrier.

Note 3 of BS4142 Section 11 reminds the assessor to take into consideration in the assessment *...whether dwellings will already incorporate design measures that will secure good internal and / or outdoor acoustic conditions such as... acoustic screening.*

For the purpose of this assessment, it is assumed that the boundary treatment will completely obscure the line of sight from any facing habitable room windows on to the Depot. As such, a conservative estimate of 12dB mitigation is assumed (Maekawa method using path difference).

The following Table 5 presents an assessment of day and night time commercial noise in accordance with the methodology set out in BS4142.

Table 5: BS4142 assessment

BS4142 assessment	Daytime (0700 – 2300h)	Night time (0400 – 0700h)
Operational sources	Vehicle maintenance and manoeuvring	Vehicle manoeuvring
Measured typical background (LA90) (dB)	39	35
Assessment period	1 hour	5 minutes
Specific source noise level (LAeq,T) (dB)	46	44
Applicable rating penalty (dB)	+6	+6
Rating source noise level (LAeq,Tr) (dB)	52	50
Minus effects of bund and close boarded boundary fence (dB)	-12	-12
Difference between rating source noise level and typical background (dB)	+1	+3
Predicted impact	Low impact	Low impact

The results of the assessment indicate that, providing an appropriately specified close boarded fence is incorporated along the south boundary of the proposed development site then the impact of operations at the Perryman’s Bus Depot will be low, both during the early hours of the morning and during typical daytime activities.

The conclusion that noise from operation of the Depot is of *low impact* is strengthened by 2 further factors that describe the context of the assessment, as indicated in BS4142. These are:

- The existing precedent for residential development immediately adjacent to the proposed development site; and
- That the absolute levels of operational noise are well within the recommendations made in BS8233 and the WHO publication *Guidelines for Community Noise*.

The existing precedent for residential dwellings adjacent to a well-established Industrial Estate suggests that residents are not adversely affected by noise from operational sources,

including the Bus Depot. It is also worth noting that there are 2 properties that are respectively significantly closer to the access route to and from the Depot from the main road and to the Depot itself than the proposed development.

Although more relevant to anonymous noise sources, both BS8233 and the WHO recommend absolute design targets of 35dB inside habitable rooms during the day and 30dB during night time. Inclusive of the effects of the close boarded fence described, the absolute noise level outside the closest facing habitable room windows would be in the order of 34dB LAeq,T during daytime hours and 32dB LAeq,T during night time hours. Allowing 15dB attenuation of sound for an open window, the internal noise levels would be approximately 19dB during the daytime and 17dB at night – significantly less than the design recommendations.

Similarly, the WHO recommends absolute noise levels of around 50dB in outdoor amenity areas during the day. This target would also be comfortably met in the proposed gardens.

Additional mitigation

It should be noted that further betterment of received noise from the Depot could be obtained by careful positioning of habitable room windows. Windows located perpendicular to the Depot could receive in the order of 3dB less noise due to their orientation; habitable room windows on the far side of the proposed dwellings from the Depot would benefit by significantly greater margins of up to 10-15dB.

7. Conclusions

KSG Acoustics Ltd. has carried out a noise impact assessment in relation to proposals for a residential development on land north of Charlesfield Industrial Estate, St. Boswells.

Consideration has been given both to noise from the biomass development to the east as well as noise from Perryman's Bus Depot to the south.

Providing suitable mitigation measures are incorporated into the design, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development. This will include a suitably specified acoustic treatment along the boundary with the Bus Depot to the south and with consideration given to the orientation of habitable room windows relative to the Industrial Estate.

The results of the surveys and assessment indicate that environmental noise will not constitute a significant adverse impact, nor should it be considered a constraint to the proposed development.

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Ms Julie Hayward
Scottish Borders Council
Development Management
Newtown St Boswells
Melrose
TD6 OSA

29th July 2021

Planning Applications for the erection of two dwellings, formation of new access and associated works at Land South of The Bungalow, Charlesfield, St Boswells (LPA refs: 21/00840/PPP and 21/00839/PPP)

Dear Julie,

As you are aware, Ferguson Planning Ltd is instructed to act on behalf of Trevor Jackson (the 'Applicant') and in relation to the above 'live' planning applications (LPA ref: 21/00840/PPP and 21/00839/PPP).

Following on from your email on the 21st July 2021 and our email response dated 23rd July 2021 we deem it necessary to formally write to you to respond to the concerns you have raised.

It is understood you were unable to visit the site and as requested, please find site photos within Appendix 1.

We note you consider the proposals to be contrary to Policy HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that you deem the proposed dwellings would poorly relate to the existing building group which is considered to be complete and not suitable for further housing.

Having reviewed the online planning portal, there have been no new or existing dwellings that have been consented since 2016 (within the currently Local Development Plan period), as such we consider there is scope for an additional 2 dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2.

We also acknowledge you consider the erection of dwelling houses on this site would constitute backland development and out keeping with the linear character of the building group which is thought to have an inappropriate impact on the setting of the

group and sense of place.

Having undertaken a site visit of the building group, there is a residential property circled in figure 1 below which is considered to be a form of backland development, setting a precedent for this form of development within the area. As such, we consider the site to be a logical infill location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2.

Figure 1: Residential property outlined in Red (Annotated Google Maps)



The neighboring operations have not altered since the submitted Noise Assessment prepared by KSG Acoustics was undertaken and as such we consider it to be up to date for the purpose of this planning application for residential development. The assessment concluded there are no significant noise concerns and as such noise should not be a material reason for refusal.

We would greatly appreciate, prior to determination, the opportunity to have a meeting with you to discuss the proposal.

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



If you have any queries regarding the above, please do not hesitate to contact Tim Ferguson (tim@fergusonplanning.co.uk) or Lucy Moroney (lucy@fergusonplanning.co.uk).

Yours faithfully

A handwritten signature in black ink, appearing to read "Tim Ferguson". The signature is written in a cursive style with a large initial "T" and "F".

Ferguson Planning

T. 01896 668 744

E. lucy@fergusonplanning.co.uk

W. www.fergusonplanning.co.uk

Appendix 1: Site Photos

Figure 1: Location of images taken.

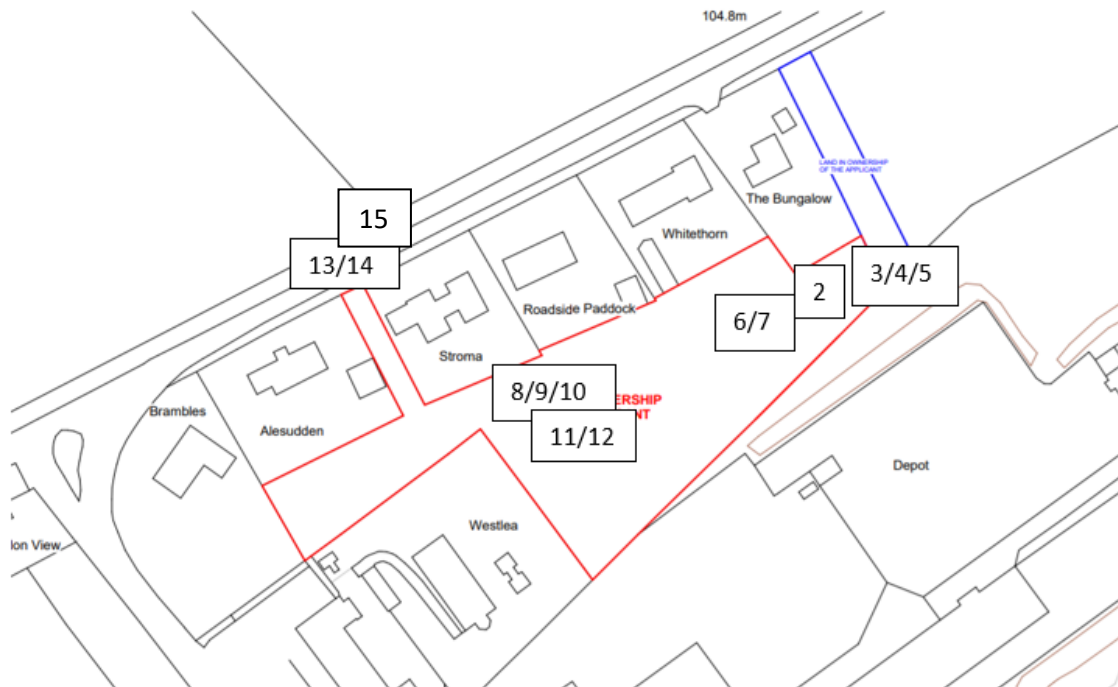


Figure 2: Photo looking east to west across the site.



Figure 3: Photo looking beyond the eastern boarder of the site towards the industrial estate.



Figure 4: Second photo looking beyond the eastern border of the site directed to the northeast.



Figure 5: Photo taken beyond the eastern boundary of the site directed towards the residential properties to the north.



Image 5: Photo taken within the centre of the site directed to the northwest.





Image 7: Photo taken in the centre of the site directed to the southwest towards the industrial site to the south.



Figure 8: Location of proposed access road within the site (photo taken directed to the west, to the north of the site)



Figure 9: Photo taken from the northwest corner of the site directed south east.



Figure 10: Photo taken from the northwest corner of the site directed towards the east.



Figure 11: Photo taken from the norther boundary of the site directed towards the industrial estate to the south.



Figure 12: Photo taken of the western border and southwestern corner of the site.



Figure 13: Location of proposed access road from existing road that services the building group to the north.



Figure 14: Image 2 of proposed access road from existing road that services the building group to the north.

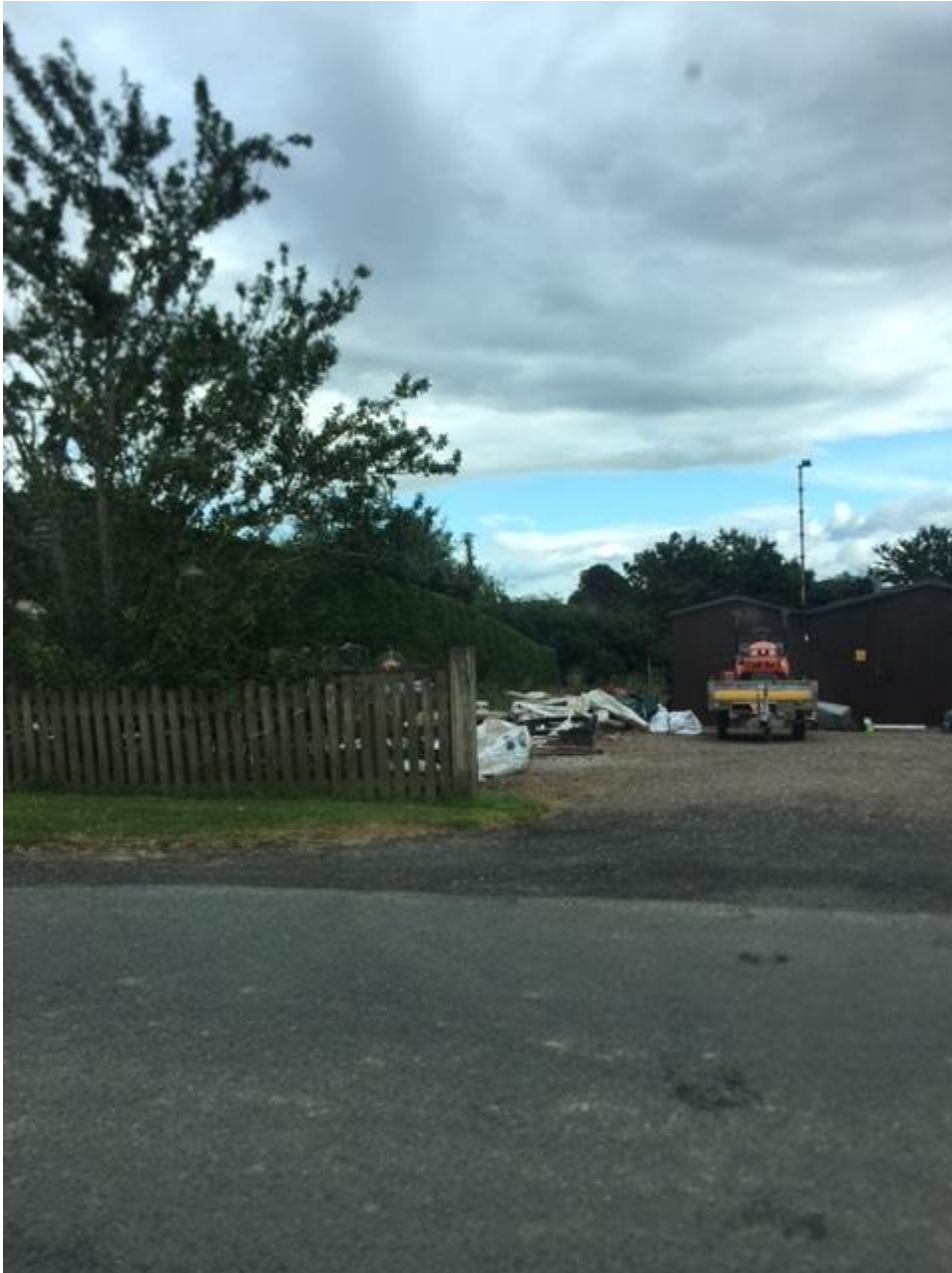


Figure 15: Residential properties adjacent to the access looking east.





**APPEAL STATEMENT IN RELATION TO SCOTTISH
BORDERS COUNCIL'S REFUSAL OF: PLANNING
APPLICATION IN PRINCIPLE FOR RESIDENTIAL
DWELLINGS WITH ASSOCIATED AMENITY, PARKING,
INFRASTRUCTURE AND ACCESS.
LAND AT WEST END CHARLESFIELD, ST BOSWELLS**

APPLICANT: MR TREVOR JACKSON

SEPTEMBER 2021

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Appendices:

Appendix 1: Core Documents

Author	Date
Lucy Moroney	14/09/2021
Approved	Date
Tim Ferguson	14/09/2021

1. Introduction

- 1.1 This statement is submitted on behalf of Mr Trevor Jackson ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application 21/00840/PPP and 21/00839/PPP by delegated decision on 17th August 2021.
- 1.2 The two Planning Permission in Principle (PPiP) applications sought consent for the **'erection of two dwelling houses, formation of new access and associated works'** on plots 1 and 2 Land South of The Bungalow Charlesfield at Boswells, Scottish Borders.
- 1.3 SBC's single reason for the refusal of the PPiP applications LPA ref 21/00840/PPP and LPA ref 21/00839/PPP as set out in the decision notices was:

"The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3"

- 1.4 Other than the reason for refusal above, the other technical consultees have raised no objection to the proposed development, as summarised in the table below:

Table 1: Summary of Technical Consultee Comments

Consultee	Comment
Roads Planning	No Objection
Contaminated Land Officer	No Objection
Archaeology Officer	No Objection
Scottish Water	No Comment
Ecology Officer	No Comment
Flood Officer	No Comment
Forward Planning	No Comment
Housing Strategy	No Comment

- 1.5 For the purposes of this appeal statement and to aid clarity in our response to the key points raised by SBC, the above reason for refusal has been broken down into three parts and each will be addressed in turn in this statement:

1. The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions.
2. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place.
3. The proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

1.6 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2).
- A summary of the appeal proposals (Section 3).
- A summary of relevant development plan policy and other material considerations (Section 4).
- Response to the Council's reasons for refusal and our grounds for appeal (Section 5).
- Summary of the appellant's case and conclusion in respect of the appeal proposal (Section 6).

Supporting Documents

1.7 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application listed below.

Table 2: Original Planning Submission Documents

Document	Consultant
Planning Statement	Ferguson Planning Ltd
Noise Impact Assessment	KSG Acoustics Ltd
Transport Technical Note	Cundalls
Consultee Response Letter (29 th July 2021)	Ferguson Planning Ltd

Table 3: Architectural Drawings

Document	Consultant
Site Location Plan	CSY Architects
Proposed Site Plan	CSY Architects
Concept Cross Section	CSY Architects

The planning officer's report and decision notices relating to the refused applications are also included.

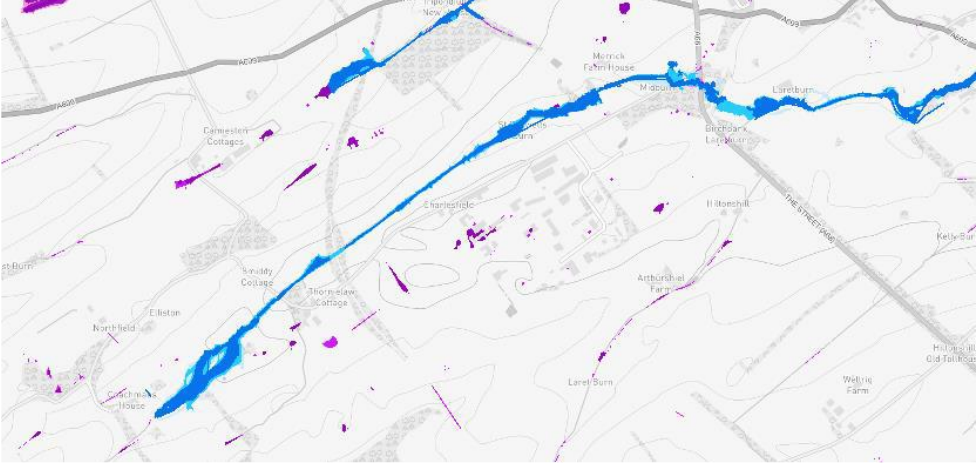
Application process

- 1.8 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.
- 1.9 This statement demonstrates that SBC does have a shortfall in their effective five-year housing land supply, the proposed development would represent a logical location for the extension of the existing building group in an infill location and will provide much needed housing within a sustainable location that would have no adverse impact on the character of the surrounding area.
- 1.10 On that basis, we respectfully request that this appeal is allowed to enable planning permission in principle to be granted for the proposed development at Plots 1 and 2, Land at West End, Chelsfield, St Boswells.

2. Site Context and Key Planning History

- 2.1 The site is 0.65ha in size currently rough pasture and is positioned between the Charlesfield Industrial Estate to the south and residential units to the north and west. Adjoining the site to the east are agricultural fields laid to grass, beyond lies St Boswells. Access is to be obtained to the northwest of the site off the existing access road to the north towards the A68.
- 2.2 In terms of topography, the site itself is relatively flat without any significant landscape variations. There is a slight gradient from the northeast corner to the southeast corner.
- 2.3 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 2.4 The proposed dwellings are shown indicatively on two individual plots, illustrated within Section 3 of this report. The intention being that they would be set within the infill plot and not extend beyond the existing building line to the east of the adjoining properties, whilst being contained by existing and proposed new planting/woodland. Again, existing buildings sit further south, further identifying the sites infill location.
- 2.5 In terms of accessibility, the site is approximately 1.4 miles south of St Boswells town centre offering a range of services and facilities, along with onward public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.6 In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.7 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall in an area at risk of flooding which is identified in figure 1 below.

Figure 1: Extract from The Scottish Environment Protection Agency (SEPA) highlighting the areas at risk of flooding in blue.



2.8 Please refer to the location plan in Figure 2, and aerial view in Figure 3 below, with the site outlined in red, and the appellant's wider land ownership outlined in blue (Figure 2).

Figure 2: Site Location Plan

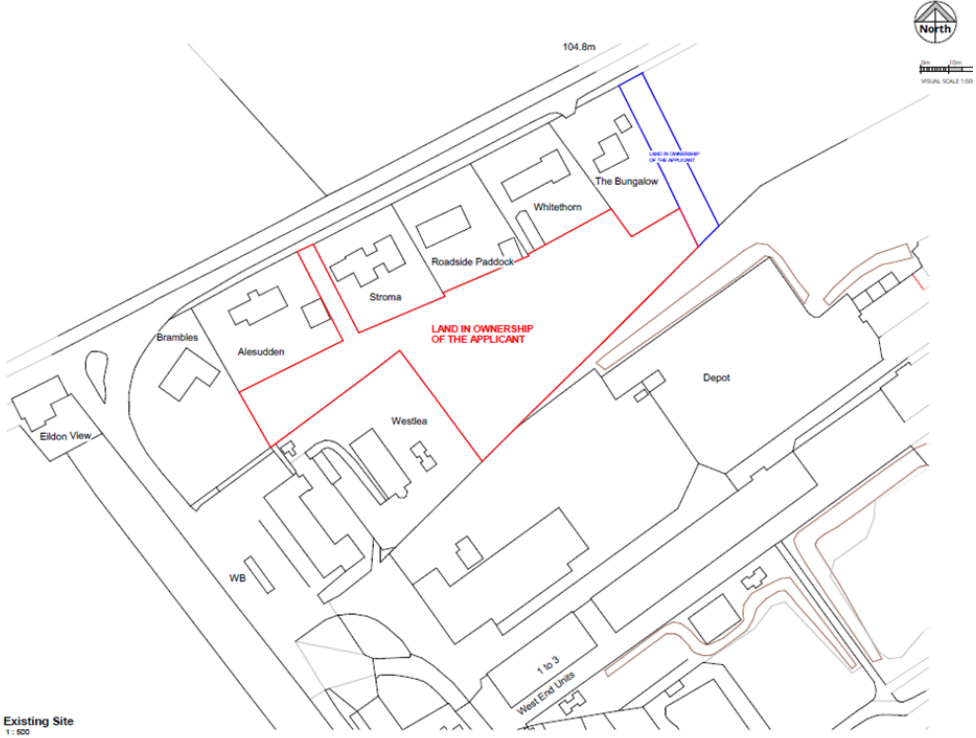


Figure 3: Aerial View of the Site (Google Maps)



Planning History

2.9 Referring to the Scottish Borders planning application search, there have been two planning applications associated with the site which have been withdrawn.

Table 4: Summary of Planning History

LPA Ref	Address	Proposal	Status
17/01344/PPP	Plot 1 Land South and West of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017
17/01343/PPP	Plot 2 Land South of The Bungalow Charlesfield St Boswells Scottish Borders	Erection of dwelling house	Withdrawn December 2017

- 2.10 The above applications sought pre-application advice from Council in December 2017. Julie Hayward, the Case Officer expressed concerns with the proposed access to the south as this was situated on land allocated in the Local Development Plan 2016 for structure planting and landscaping associated with the extension to Charlesfield Industrial Estate. The screen planning is required to help protect the amenity of the neighbouring properties to the west.
- 2.11 The proposed development in which this application relates to has shifted the site boundary further to the west, retaining the allocated land to the east for further landscaping. Access to both plots is to be from the northwest, so again taking on board previous concerns.
- 2.12 The Case Officer has acknowledged that there was a building group in the area, albeit, has some concerns relating to backland development. We will comment on such matters in the following chapters.

3. The Appeal Proposal

3.1 This section sets out details of the appeal proposal. The description of which is as follows:

“Planning Application in Principle for Two Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at West End Charlesfield St Boswells”.

3.2 The proposed development involves the provision two detached residential dwellings with associated infrastructure at West End, Charlesfield, St Boswells which is identified on the site location plan in Appendix 1 and proposed layout plan in Figure 4 below:

Figure 4: Proposed Scheme



3.3 In terms of layout, it is proposed the body of the site will be split in half, with the dwellings situated on individual plots to the south of the existing properties.

3.4 Careful consideration has been taken in the position of the proposed dwellings within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the northern and western boundary, safeguarding the daylight and sunlight provision and privacy of residents. The woodland screening to the south of the site provides a substantial buffer between the Charlesfield Industrial Site to the south again safeguarding the residential amenity of future residents.

Figure 5: Proposed Cross Section



- 3.5 The Noise Impact Assessment prepared by KSG Acoustics Ltd which concluded that through the provision of suitable mitigation measures such as the proposed vegetation buffer, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development.
- 3.6 The intention already exists for those dwellings to the north and west which have commercial buildings to the south. The residential property to the west is within closer proximity to the commercial buildings to the south than the proposed site.
- 3.7 There is a single access point to the northwest off the road to the north leading to the A68 towards St Boswells. The access adjoins the existing residential properties at Stroma to the east and Alesudden to the west. Each plot will then have their own individual access leading off the primary access.
- 3.8 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 3.9 There will be private outdoor amenity provision for each proposed dwelling. The site benefits from being bordered by existing trees and vegetation which will be retained where possible, enhancing the natural environment in which it surrounds.
- 3.10 It is noted that the case officer for the former planning application at the site deemed the proposal to be back-land development. It is considered that due to the positioning of the residential properties to the north and west, along with the residential and

commercial buildings to the south, the site represents a logical infill location which is considered to be preferable in comparison to ribbon development which is generally discouraged.

- 3.11 As this appeal relates to an application for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

4. Planning Policy Context

- 4.1 This section outlines the principal planning policy and material considerations which provide the context for the consideration of this appeal.
- 4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 The Development Plan in this case, comprises the Southeast Scotland Strategic Development Plan, SESplan, (2013) and the Scottish Borders Local Development Plan (2016).
- 4.4 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period on the Proposed Plan ended on 25th January 2021.
- 4.5 Other documents relevant to the planning policy context and consideration of this appeal, forming 'material considerations' comprise:
- Scottish Planning Policy (2014)

Development Plan

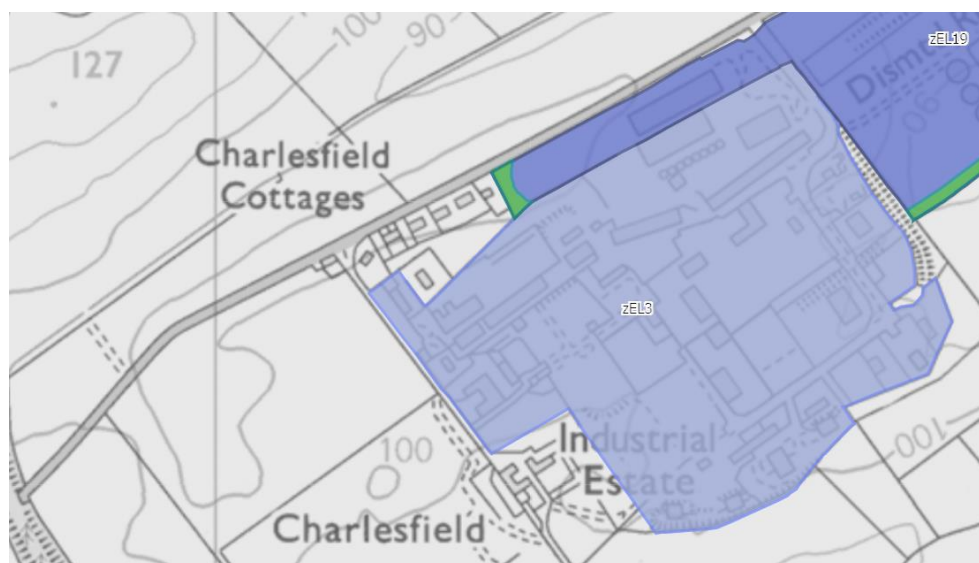
SESplan Strategic Development Plan (2013)

- 4.6 The SESplan seeks to prepare and maintain an up-to-date Strategic Development Plan for the Southeast Scotland Area. The vision for the Scottish Borders in the Strategic Development Plan (SDP) is that development will be focussed on the Borders Rail and A701 corridor with up to 5,900 new homes and new economic development proposed in this area.

Scottish Borders Local Development Plan (2016)

- 4.7 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.
- 4.8 With reference to the adopted LDP Proposals Map (2016), the site is classed as White Land, holding no specific allocations or designations. Immediately adjoining the site to the east is allocated woodlands, within the applicant's ownership. Beyond lies an allocated business and industrial site at ZEL19. To the south is a Business and Industrial Land Safeguarding site at ZEL3.
- 4.9 An extract of the proposals map can be found below at Figure 6.

Figure 6: Extract of Scottish Borders Proposals Map



- 4.10 The key policies under which the development will be assessed were fully appraised within the Planning Statement submitted with the application and this document should be read in conjunction with this appeal statement (**Core Document 4**).
- 4.11 This appeal statement therefore only focuses upon the key policies upon which the Council based their refusal of the planning permission. In this case, LDP Policy HD2 and HD3, as set out below.
- 4.12 The Council's reasons for refusal focused upon the 'Building Groups' section Policy HD2, in refusing the application for its perceived impact on the character of the area. We have therefore focussed our assessment on these criteria only.
- 4.13 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

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

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional

- development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

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

4.14 Policy HD3: Protection of Residential Amenity: 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:

- 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 HD3 will be applicable for development on garden ground or ‘backland’ proposals to safeguard the amenity of residential areas. It applies to all forms of development and is also applicable in rural situations.

Material Considerations

Scottish Planning Policy (2014)

4.15 Scottish Planning Policy (SPP) was adopted in 2014 and is a statement of the Scottish Government’s policy on how nationally important land use planning matters should be addressed across the country. A revised SPP was published in December 2020 which superseded the 2014 SPP. In July 2021, the Court of Session, however, decided the consultation on revising the SPP was unlawful and has quashed the

changes made to the SPP and the associated Planning Advice Note 1/2020. We therefore rely upon the 2014 publication for the purposes of this appeal statement.

- 4.16 The content of SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposal accord with this SPP, their progress through the planning system should be smoother.
- 4.17 With regards to specific housing policy, Paragraph 110 of SPP establishes that “a *generous supply of land for each housing market area within the plan area*” should be identified in order to “*support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times*”.
- 4.18 Paragraph 123 of SPP states that, “*Planning Authorities should actively manage the housing land supply*”. Further it is established that “*a site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing*”.
- 4.19 Paragraph 125 of SPP requires that: “*Planning Authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where there is a shortfall in the 5-year land supply, development plan policies for the supply of housing will not be considered up-to-date and paragraphs 32-35 will be relevant*”.
- 4.20 Paragraph 33 of SPP states that, “*where relevant policies in a development plan are out of date...then the presumption in favour of development that contributes to sustainable development will be a significant material consideration*”.

Recent Case Law

- 4.21 Significantly, the shortfall in the Council’s five-year land supply, has been confirmed by an important recent appeal decision with reference PPA-140-2088 published 18th May 2021. The Reporter concluded that there is a “significant five-year effective land shortfall” with a c.631 housing shortfall in terms of 5-year housing land supply. This is the latest government opinion on this case and therefore a significant material consideration in this appeal.

5. Grounds of Appeal

- 5.1 SBC refused the application for one reason, as outlined in Section 1, and re-stated below.
- 5.2 To aid clarity in our response to the issues raised in the reason for refusal, we have split it into four parts **[as noted in bold]**, along with our responses to them.
- 5.3 *“The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions **[Part 1]**. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place **[Part 2]**. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3 **[Part 3]**.”*

Reason for Refusal - Part 1

- 5.4 *The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions.*

Appellant's Response

- 5.5 This site is considered to be within the building group of Charlesfield. Policy HD2 allows for development of up to 2 additional dwellings or a 30% increase of the building group, whichever is greater.
- 5.6 We set out below the circumstances for why this development should proceed in line with the policy. We first demonstrate that the existing building group occupies more than three dwellings and that there are no other buildings capable for conversion into residential use- part A a) of this policy.
- 5.7 We then provide justification for the proposed development of the site in line with criteria b) and c) of this policy, as is necessary to justify development within a building group.

Policy HD2 A Part a)

Criteria a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented.

- 5.8 The building group at Charlesfield comprises a total of ten residential dwellings with seven cottages to the north of the site, one dwelling adjoining the western boundary to the rear of the café and an additional two residential properties to the south, beyond the industrial estate. There are no vacant properties or buildings that could be capable of conversion within the building group.
- 5.9 It is considered the proposed site relates well to the existing building group, positioned in a logical infill location, adjacent to residential properties to the north, south and west as illustrated on the site plan in figure 4 above. The officers' findings appear to not fully acknowledge the existence of the residential and commercial properties and thus what we consider a logical infill location, rather than back land development. Overall, it is considered the site proposal is compliant with Policy HD2 A Part a).

Policy HD2 Part b)

The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

- 5.10 The proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings and safeguarding the amenity of residents from the Industrial Estate to the south.
- 5.11 The proposed built form does not extend beyond the building line of the neighbouring properties to the east, ensuring they do not impinge upon the open landscape as illustrated in figure 5 above. This is further supported by the height of the proposal, forming 1.5 storey dwellings, not exceeding beyond the height of the neighbouring dwellings.
- 5.12 In addition to this, there have been no residential developments approved within the building group within this plan period since 2016, resulting in no cumulative impact of new development on the character of the building group.

- 5.13 The proposal will go largely unnoticed in landscape impact terms and from public receptor points (i.e., public roads and footpaths).
- 5.14 Overall, it is considered the site proposal is compliant with Policy HD2 A Part b).

Policy HD2 Part c)

Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

- 5.15 Having reviewed the online planning portal, there have been no new or existing dwellings that have been consented since 2016 (within the currently Local Development Plan period), we therefore consider there is scope for an additional 2 dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2 Par c).
- 5.16 As such, we consider the site to be a logical infill location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2 Part c).
- 5.17 It is again worth highlighting that the proposal will assist in the identified housing land supply shortfall as referred to previously in paragraph 4.21 of this appeal statement.

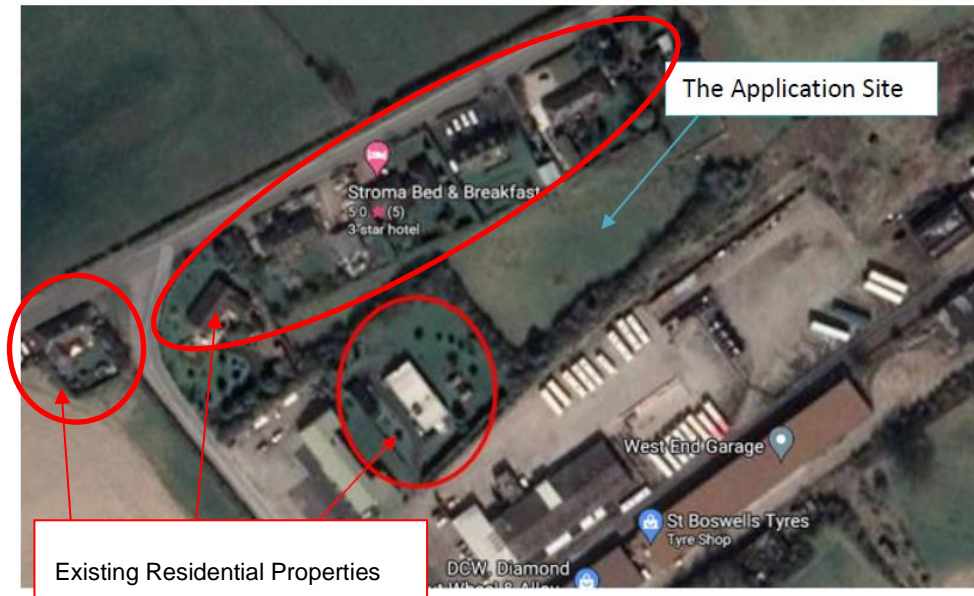
Reason for Refusal – Part 2

- 5.18 *The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place.*

Appellant's Response

- 5.19 In response to the above reason for refusal that the proposal would constitute backland development and would be out of keeping with the linear character of the building group which is thought to have an inappropriate impact on the setting of the group and sense of place, we would disagree as residential properties clearly exist and are highlighted in figure 7 below and as such setting a precedent for this form of development within the Charlesfield Building Group, to which the subject site simply infills. Having a rounded compact building group is considered preferable to ribbon development along the main road to the north.

Figure 7 Residential properties outlined in Red (Annotated Google Maps)



Reason for Refusal – Part 3

- 5.20 *The proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3*

Appellant's Response

- 5.21 We set out below why this development should proceed in line with Policy HD3 Protection of Residential Amenity a) and b), demonstrating the proposal does not conflict with the protection of the amenity in the local area.

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:

- a) the principle of the development, including where relevant, any open space that would be lost***

- 5.22 Appropriate boundary treatments will be provided as illustrated in figure 4 above, to ensure attractive edges to the development that will help integration with its surroundings, and the proposals are therefore considered compliant with criteria a).

5.23 As this is a PPiP application, further consideration can also be given to the proposed design at the detailed planning stage, as necessary.

b) the details of the development itself particularly in terms of:

v. the scale, form, and type of development in terms of its fit within a residential area.

5.24 While the details of the appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site. The indicative sections (Figure 5 above) indicate a similar height to the existing neighbouring properties to the north and west, whilst not extending beyond the building line to the east, respecting the setting of the surroundings. In addition to this, the proposed landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst reducing the visual impact of the dwellings whilst safeguarding the amenity of residents from the Industrial Estate to the south.

5.25 As noted above, whilst this is a Planning Permission in Principle application, it is intended to use high quality materials that relates well to the sites rural setting, such as timber, stone and natural slate.

5.26 The proposal is therefore considered to be compliant with criteria b) v.

vi. 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.

5.27 Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the properties within the site has ensured adequate separation distances between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of neighbouring residents which is further enhance by the proposed landscaping across the northern and western boundary. In addition, the proposed landscaping buffer to the south of the site is considered to be a substantial separation distance from the Industrial Estate, again safeguarding the residential amenity of future residents.

5.28 The proposal is therefore considered to be compliant with criteria b) vi.

vii. the generation of traffic or noise.

- 5.29 The planning application was accompanied by a Noise Impact Assessment prepared by KSG Acoustics Ltd and can be found in Core Document 5 of this appeal submission. The assessment has given consideration to both noise generated from the biomass development to the east, as well as noise from Perryman's Bus Depot to the south and the impact this could have on residential development.
- 5.30 The noise assessment concluded that provided suitable mitigation measures are incorporated into the design that can be agreed via a condition and during the detailed planning application stage, it is considered that appropriate levels of environmental noise ingress can be achieved throughout the development. The proposed mitigation measures would include a suitably specified acoustic treatment along the boundary of the Bus Depot to the south of the site, with consideration given to the orientation of habitable room windows relative to the Industrial Estate.
- 5.31 The proposal includes one access point from the adopted road to the north which will then split off into the individual plots in the body of the site. It addressed previous concerns raised by the case officer with regards to the second, eastern access formerly proposed.
- 5.32 The proposed dwellings include a private driveway and car parking space deemed adequate for a proposal of this nature and is deemed to not give significant rise to the generation of traffic or noise.
- 5.33 Roads Planning raised no objection to both planning applications and the Noise Assessment indicated that the environmental noise will not constitute a significant adverse impact, nor should it be considered a constraint to the proposed development and as such the proposal is considered to be compliant with criteria b) vii.

viii. the level of visual impact.

- 5.34 Views of the site from public receptor points are minimal due to the infill location between the residential properties to the north and west, with the Charlesfield Industrial Estate to the South. The existing bund to the east of the site, further restricts views upon approach from the adopted road to the north due to the rise in topography as illustrated in figure 8 below. Existing and proposed hedgerow bordering the site further enhances the aesthetics, screening views from the east and south as shown in figures 9 and 10 below. Overall, the visual impact of the proposal on the local area is considered to be minimal and, on this basis, we are therefore compliant with criteria b) viii.

Figure 8: Photo taken from the eastern border of the site towards the adopted road to the north, noting the rise in topography.



Figure 9: Photo taken from the eastern border looking to the west of the site noting the existing landscaping bordering the southern and western part of the site.



Figure 10: Photo taken within the centre of the site directed to the northwest, noting the existing landscaping bordering the northern boundary of the site.



6. Conclusions

6.1 The submitted appeal, supported by this statement, seeks the Council's decision to refuse planning permission for the '**residential dwellings with associated amenity, parking, infrastructure and access**' at Land at West End Charlesfield, St Boswells to be overturned and for this appeal to be allowed, for the reasons outlined in this statement and summarised below.

6.2 In summary:

- The proposal represents a logical extension of the Building Group adjoining the existing built-up area, which has the capacity to accommodate two additional dwellings this this local plan period, in accordance with Policy HD2.
- The proposal is sympathetic to the character of the building groups, positioned in a logical infill location and will have no detrimental impact upon the amenity as demonstrated in the accompanying Noise Impact Assessment.
- The proposal will provide two high quality family sized dwellings within this desirable and sustainable location, being within walking distance to St Boswells. It will assist in meeting the strong demand for new rural homes in the Scottish Borders.
- There has been no road safety concerns or objections from the Roads Officer.
- The site is free from constraint and would assist with the Council's identified (and recently confirmed by a Scottish Government Reporter) housing shortfall in providing residential homes within a sustainable location.

6.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies HD2 and HD3 against which the original application was refused.

6.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.

6.5 There are no material considerations that outweigh this decision, in fact there are significant material considerations that support this appeal. In this case, as we have outlined, due to the housing shortage, the SPP presumption in favour of development is a significant material consideration. The proposed development is

consistent with the guiding principles of SPP, and we do not consider that there are any impacts which significant and demonstrably outweigh the presumption in favour of development. A 'tilted balance' therefore exists in favour of this development and the LRB is therefore respectfully requested to allow this appeal.

Appendix 1: Core Document List

Core Doc 1: 21/00840/PPP and LPA ref 21/00839/PPP Decision Notice and Officers Report

Core Doc 2: Location Plan

Core Doc 3: Proposed Plans

Core Doc 4: Planning Statement

Core Doc 5: Noise Impact Assessment

Core Doc 6: Preliminary Ecology Report

Core Doc 7: Consultee Response Letter

Core Doc 8: Transport Statement

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Land South Of The Bungalow, Charlesfield

Technical Note

St Boswells LLP

Job No: 1031906
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Revision: —
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Project title	Land South Of The Bungalow, Charlesfield	Job Number
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Document Ref. RPT-TC-001

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1.0 Introduction

1.1 Purpose of This Report

Cundall has been commissioned by St Boswells LLP to provide transportation advice to support the development of two residential dwellings on land at Charlesfield, St Boswells. As part of the proposals, a new access is to be formed to serve the properties. This short technical note provides further information in relation to the proposals in response to comments raised by Scottish Borders Council (SBC) Roads in relation to planning application (21/000840/PPP).

1.2 Report Structure

Following this short introductory chapter, the report is set out as follows:

- Chapter 2 estimates the magnitude of trips generated by the proposed development;
- Chapter 3 reviews the proposed access arrangements in relation to transportation comments raised by SBC in relation to the proposals; and
- Chapter 4 provides a summary of the findings of the study.

2.0 Trip Generation

2.1 Introduction

The following section sets out the trip generation assumptions used to estimate the level of trips generated by the proposed residential development.

2.2 Trip Rates

TRICS v.7.8.2 has been used to establish the likely trips that could be generated by the proposed development. The following site selection criteria has been applied to select comparable sites from which to determine trip rates for the development:

- Use selection 03 – Residential, A – Houses Privately Owned;
- Sites located within Greater London and Ireland have been discounted;
- Edge of Town sites selected;
- Weekday surveys selected;
- Vehicle trip rates selected; and
- Sites within 6 - 20 units selected.

Applying the above criteria resulted in 6 comparable sites being returned and the associated TRICS outputs are provided in Appendix A. The TRICS database identifies the AM and PM peak hours to be 08:00 - 09:00 and 16:00 - 17:00 and Table 2.1 shows the vehicle trip rate and resultant peak hour trip generation for the proposed two residential dwellings which have been used to inform this technical note.

	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicle Rate (per dwelling)	0.145	0.231	0.188	0.085
Vehicle Generation (2 dwellings)	1	1	1	1

Table 2.1 Total Vehicle Trip Rates

As can be seen from the above summary, the proposed development is forecast to generate a maximum of 2 two-way vehicle movements in either the AM or PM peak hour. The development will therefore have a negligible impact both in terms of its capacity and safe operation on the operation of the adjacent road from which it is proposed to take access from.

3.0 Transportation Response

3.1 Introduction

The site is located at Charlesfield, St Boswells and is bound by existing residential properties to the north and Charlesfield Industrial Estate to the south. Proposals include the construction of two residential dwellings, with associated parking and the formation of a new access from the adopted road to the north.

This chapter provides additional transportation information to support the application in response to comments provided by SBC Roads on the initial planning application.

3.2 Proposed Vehicle Access

It is proposed to form a new access on the unclassified road located to the north of the site to serve the proposed two house residential development, with the access able to be constructed using land within the ownership of the applicant.

3.2.1 Visibility Review

SBC have identified a requirement to provide 2.4x120m visibility splays in association with the proposed access and the ability to provide this is shown in Figure 3.1 below, with the drawing included at a larger scale in Appendix B.

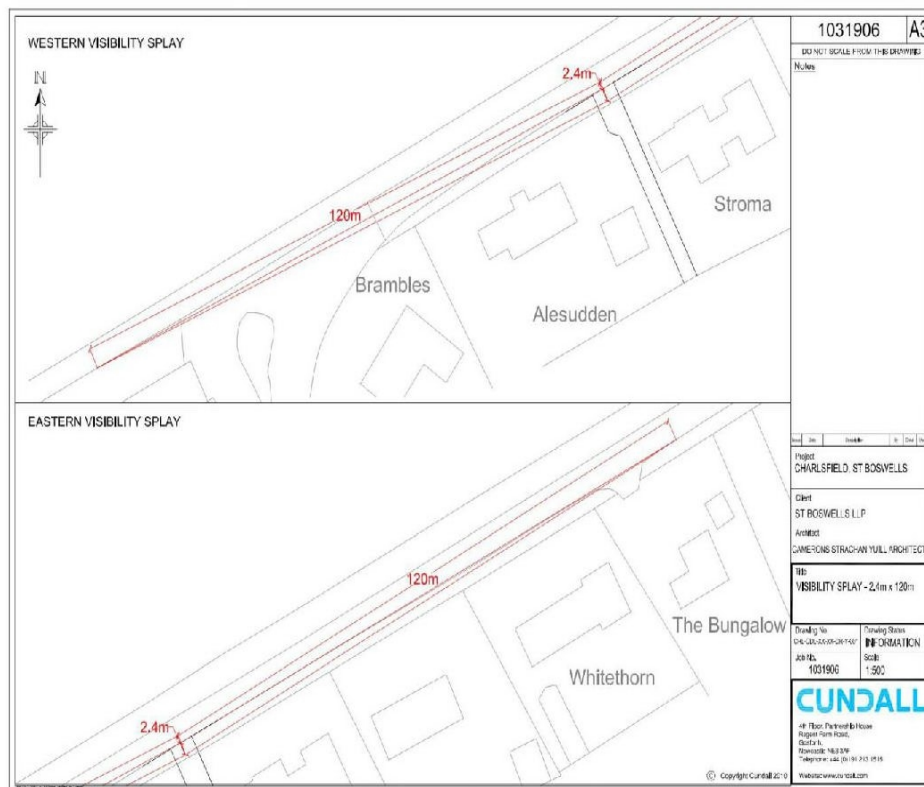


Figure 3.1 Junction Visibility

As can be seen from Figure 3.1, the required visibility can be achieved to the east. An existing junction is, however, located within the western visibility splay although the required visibility can be provided to traffic approaching from the

west. Whilst the junction is located approximately 70m to the west of the proposed access and therefore falls within the visibility splay, vehicles will be travelling at low speeds when accessing the unclassified road and travelling east towards the proposed access junction. It is therefore considered that the location of the nearby junction will not generate any safety issues which would have an impact on the intention to form a new access in the location being proposed, particularly with the low level of vehicle trips anticipated to be generated by the proposed development (2 two-way movements in either the AM or PM peak hours).

A review of Personal Injury Accident Data using the CrashMap database confirms that no accidents have been recorded in the vicinity of the site over the last ten years, demonstrating that the local road network currently operates in a safe manner. Figure 3.2 provides an extract from the database showing the road network located in the vicinity of the site.

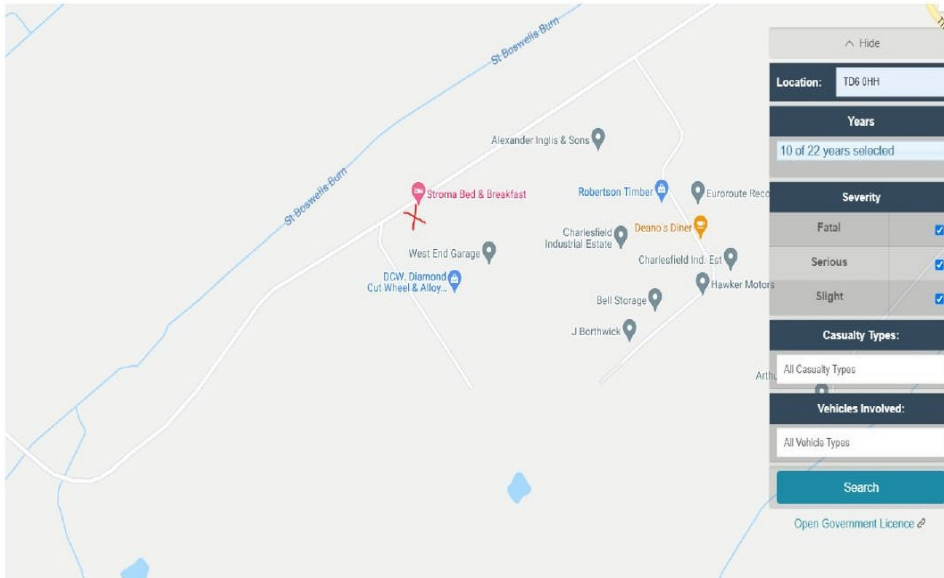


Figure 3.2 Accident History

It is considered that the formation of a new access to serve two properties will not have an impact on the road's current operation in terms of safety, given the negligible level of trips generated by the proposed development.

3.2.2 Indicative Site Access

It is proposed to provide an access with a 5m width to enable a vehicle accessing the site to pass a vehicle waiting to leave the site. This arrangement will also enable a vehicle leaving the site to be visible to a second vehicle accessing the site and provide opportunity for this to wait prior to proceeding. The access road will be constructed on an alignment which will provide clear visibility for approximately 30m to enable the wider carriageway located at the northern end of the access, to provide an effective passing place and this arrangement is shown in Figure 3.3 and provided at a larger scale in Appendix B.

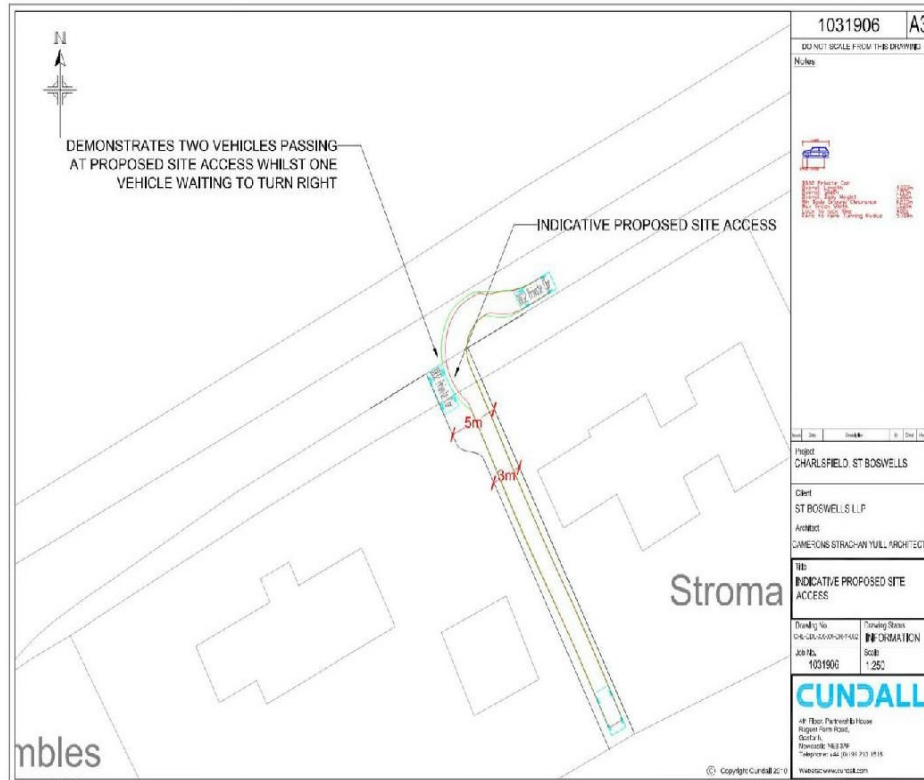


Figure 3.3 Proposed Site Access

AutoTrack has been used to review the operation of the proposed access junction based on a proposed width of 5m, with the results of the analysis shown in Figure 3.3. The analysis confirms that the proposed access arrangements can accommodate a vehicle accessing the site whilst another is waiting to turn right out of the site. It is unlikely, given the scale of the development proposals which is forecast to generate a maximum of 1 arrival and 1 departure in either peak hour, that two vehicles will meet at the access on a regular basis and it is considered that the proposed arrangement is sufficient to support the development proposals.

It is proposed to maintain the 5m access width for a distance of 7m to enable a vehicle to pass a stationary vehicle on the basis of the analysis shown in Figure 3.3.

The first 6m of the access will be constructed using a bituminous finish, with the verge crossing constructed in accordance with Scottish Borders Council standard detail DC2 in line with SBC requirements.

The site layout will also ensure that parking will be provided for a minimum of two vehicles within the curtilage of the plot.

3.2.3 Servicing and Deliveries

It is expected that servicing and deliveries will be accommodated from the adjacent road network, as per the arrangement for existing properties in the vicinity of the site, with refuse bins pulled to the back of the kerb by the occupiers for collection.

4.0 Summary

Cundall has been commissioned by St Boswells LLP to provide transportation advice to support the development of two residential dwellings on land at Charlesfield, St Boswells.

This note has demonstrated that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. Nevertheless, it is proposed to provide a 5m wide access for the initial 7m to enable a vehicle to pass a stationary vehicle waiting to leave the access.

The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The first 6m of the access will be constructed using a bituminous finish, with the verge crossing constructed in accordance with Scottish Borders Council standard detail DC2 in accordance with SBC requirements.

Space will be provided within the site to accommodate two parked vehicles and enable vehicles to access and leave the site in a forward gear. The site would, however, be expected to be serviced from the external road network.

Appendix A

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED

TOTAL VEHICLESSelected regions and areas:

02	SOUTH EAST	
	KC - KENT	1 days
04	EAST ANGLIA	
	NF - NORFOLK	2 days
	SF - SUFFOLK	1 days
06	WEST MIDLANDS	
	SH - SHROPSHIRE	1 days
	WK - WARRICKSHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	SY - SOUTH YORKSHIRE	1 days
10	WALES	
	WG - WALE OF GLOUCESTER	1 days

This section displays the number of survey days per TRICS@ sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation

Parameter: No of Dwellings
 Actual Range: 8 to 19 (units :)
 Range Selected by User: 5 to 20 (units :)

Parking Spaces Range: A - Surveys Included

Parking Spaces per Dwelling Range: All Surveys Included

Bedrooms per Dwelling Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/13 to 09/09/20

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation

Selected survey days:

Monday	1 days
Wednesday	4 days
Thursday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week

Selected survey types:

Manual count	7 days
Directions: ATC Count	1 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected locations:

Edge of Town	5
Neighbourhood Centre (PPS6 Local Centre)	2

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected location Sub Categories:

Residential Zone	5
Village	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:Use Class:

03	8 days
----	--------

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000	3 days
5,001 to 10,000	1 day
10,001 to 15,000	3 days
15,001 to 20,000	1 day

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

25,001 to 50,000	2 days
50,001 to 75,000	1 day
75,001 to 100,000	1 day
125,001 to 250,000	3 days
250,001 to 500,000	1 day

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	4 days
1.1 to 1.5	3 days
1.6 to 2.0	1 day

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No	8 days
----	--------

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	8 days
-----------------	--------

This data displays the number of selected surveys with PTAL Ratings.

Covid-19 Restrictions	Yes	At least one survey within the selected data set was undertaken at a time of Covid-19 restrictions.
-----------------------	-----	---

Cundal Regent Centre Newcastle-upon-Tyne

Licence No: 833401

LIST OF SITES relevant to selection parameters

1	KC-03-A-05 ROCHESTER ROAD NEAR CHATHAM BLRHAY Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 8 Survey date: FRIDAY 22/09/17	DETACHED & SEMI-DETACHED	KENT	Survey Type: MANUAL
2	NF-03-A-03 FELING WAY THETFORD Edge of Town Residential Zone Total No of Dwellings: 10 Survey date: WEDNESDAY 16/09/15	DETACHED HOUSES	\ORFOLK	Survey Type: MANUAL
3	NF-03-A-10 HUNSTONCH ROAD HUNSTONCH Edge of Town Residential Zone Total No of Dwellings: 17 Survey date: WEDNESDAY 12/09/18	MIXED HOUSES & FLATS	\ORFOLK	Survey Type: DIRECTIONAL ATO COUNT
4	SF-03-A-05 VALE LANE BURY ST EDMUNDS Edge of Town Residential Zone Total No of Dwellings: 18 Survey date: WEDNESDAY 09/09/15	DETACHED HOUSES	SUFFOLK	Survey Type: MANUAL
5	SH-03-A-06 ELLESVERE ROAD SHREWSBURY Edge of Town Residential Zone Total No of Dwellings: 16 Survey date: THURSDAY 22/05/14	BUNGALOWS	SHROPSHIRE	Survey Type: MANUAL
6	SY-03-A-03 CHURCH LAKE NEAR BARKSLEY WORSBROUGH Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 19 Survey date: WEDNESDAY 09/09/20	BUNGALOWS & DETACHED	SOUTH YORKSHIRE	Survey Type: MANUAL
7	VG-03-A-01 ARTHUR STREET BARRY Edge of Town Residential Zone Total No of Dwellings: 12 Survey date: MONDAY 05/05/17	SEMI-DETACHED & TERRACED	VALE OF GLAMORGAN	Survey Type: MANUAL
8	WK-03-A-02 N-FREERTH WAY COVENTRY POTTERS GREEN Edge of Town Residential Zone Total No of Dwellings: 17 Survey date: THURSDAY 17/10/13	BUNGALOWS	WARWICKSHIRE	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATO count.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

TOTAL VEHICLES**Calculation factor: 1 DWELLS**

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	15	0.068	8	15	0.154	8	15	0.222
08:00 - 09:00	8	15	0.145	8	15	0.231	8	15	0.376
09:00 - 10:00	8	15	0.077	8	15	0.197	8	15	0.274
10:00 - 11:00	8	15	0.214	8	15	0.152	8	15	0.376
11:00 - 12:00	8	15	0.137	8	15	0.137	8	15	0.274
12:00 - 13:00	8	15	0.162	8	15	0.197	8	15	0.359
13:00 - 14:00	8	15	0.145	8	15	0.145	8	15	0.290
14:00 - 15:00	8	15	0.197	8	15	0.145	8	15	0.342
15:00 - 16:00	8	15	0.222	8	15	0.239	8	15	0.461
16:00 - 17:00	8	15	0.171	8	15	0.154	8	15	0.325
17:00 - 18:00	8	15	0.188	8	15	0.088	8	15	0.273
18:00 - 19:00	8	15	0.214	8	15	0.152	8	15	0.376
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			1.940			2.008			3.948

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the columns) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

The survey data, graphs and all associated supporting information, contained within the TRICS Database are published by TRICS Consortium Limited ("the Company") and the Company claims copyright and database rights in the published work. The Company authorises those who possess a current TRICS licence to access the TRICS Database and copy the data contained within the TRICS Database for the licence holders' use only. Any resulting copy must retain all copyrights and other proprietary notices, and any other material contained thereon.

The Company accepts no responsibility for loss which may arise from reliance on data contained in the TRICS Database. [No warranty of any kind, express or implied, is made as to the data contained in the TRICS Database.]

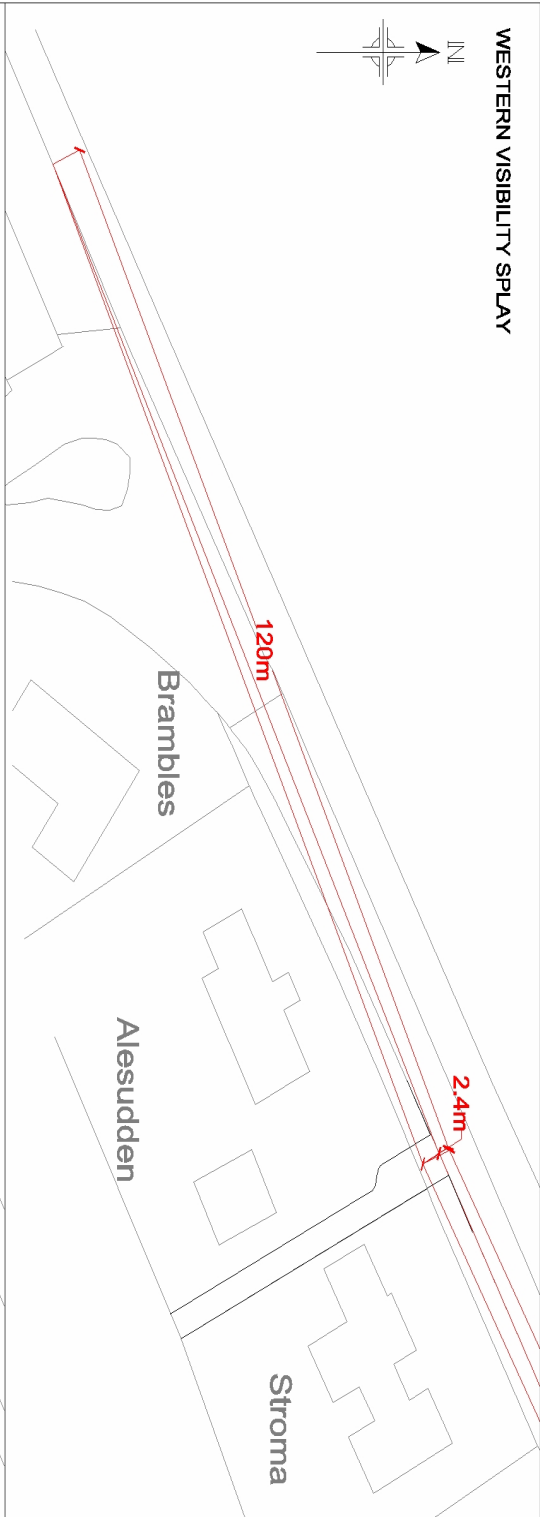
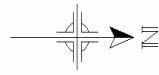
Parameter summary

Trip rate parameter range selected:	8 - 15 (units)
Survey date date range:	01/01/13 - 09/09/20
Number of weekdays (Monday-Friday):	8
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

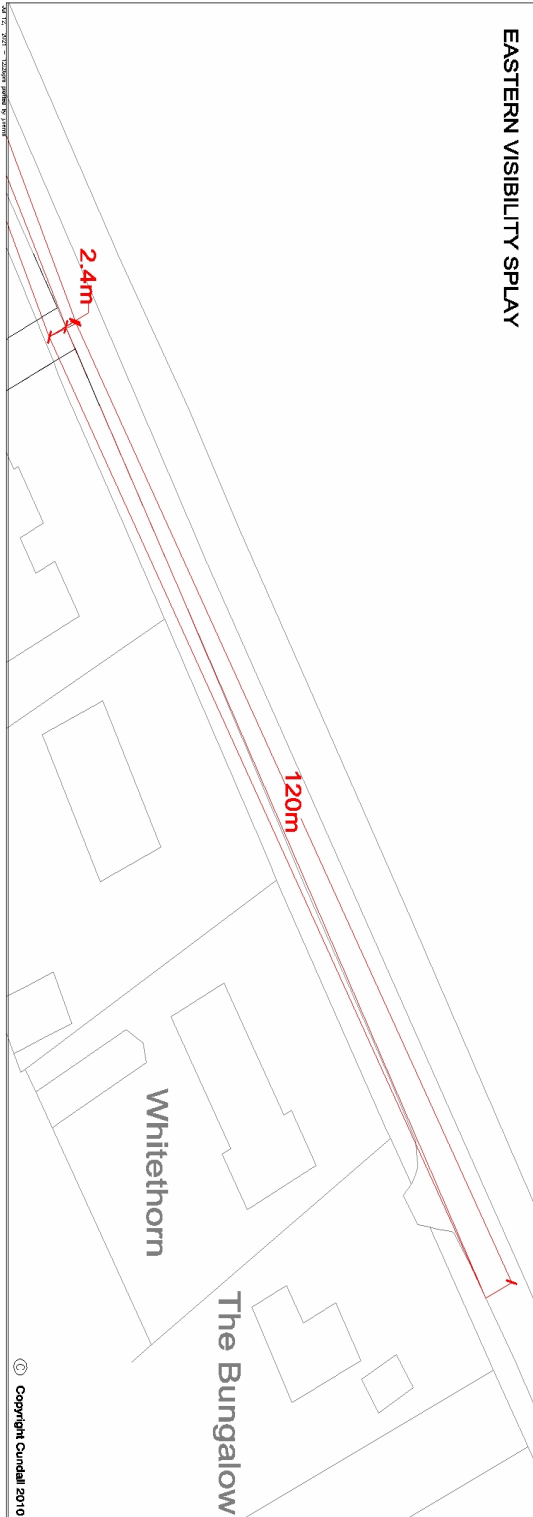
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Appendix B

WESTERN VISIBILITY SPLAY



EASTERN VISIBILITY SPLAY



DATE: 2010-07-27 TIME: 10:50:00 AM USER: J.CUNDALE

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1031906 A3

DO NOT SCALE FROM THIS DRAWING
Notes

Date	Time	Description	By	Check	Value

Project: CHARLFIELD, ST BOSWELLS

Client: ST BOSWELLS LLP

Architect: CAMERONS STRACHAN YUILL ARCHITECTS

Title: VISIBILITY SPLAY - 2.4m x 120m

Drawing No: CHL-CDL-XXX-DR-X-001
Drawing Status: INFORMATION

Job No: 1031906
Scale: 1:500

CUNDALL

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Regent Farm Road,
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Website: www.cundall.com

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www.cundall.com





Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100417213-001

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)

PLANNING APPLICATION IN PRINCIPLE FOR RESIDENTIAL DWELLING WITH ASSOCIATED AMENITY, PARKING, INFRASTRUCTURE AND ACCESS

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: *	Lucy	Building Name:	
Last Name: *	Moroney	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	Galasheils
Mobile Number:		Town/City: *	Scottish Borders
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	lucy@fergusonplanning.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *	Trevor	Building Number:	
Last Name: *	Jackson	Address 1 (Street): *	c/o Agent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	c/o Agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	lucy@fergusonplanning.com		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land at West End Charlesfield, St Boswells

Northing

629662

Easting

358309

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.31

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

field laid to grass

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

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: Lucy Moroney

On behalf of: Mr Trevor Jackson

Date: 21/05/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Planning Statement Noise Impact Assessment

Declare – For Application to Planning Authority

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

Declaration Name: Miss Lucy Moroney

Declaration Date: 21/05/2021

Payment Details

Cheque: 12345678, 12345678

Created: 21/05/2021 14:46

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Land South Of The Bungalow, Charlesfield

Technical Note

St Boswells LLP

Job No: 1031906
Doc Ref: RPT-TC-001
Revision: —
Revision Date: 14 July 2021

Project title	Land South Of The Bungalow, Charlesfield	Job Number
Report title	Technical Note	1031906

Document Revision History

Revision Ref	Issue Date	Purpose of issue / description of revision
-	12 July 2021	Draft for client comment
A	14 July 2021	Final

Document Validation (latest issue)

14/07/2021	14/07/2021	14/07/2021
Signed by: Low, Graeme	Signed by: Low, Graeme	Signed by: Low, Graeme

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1.0 Introduction

1.1 Purpose of This Report

Cundall has been commissioned by St Boswells LLP to provide transportation advice to support the development of two residential dwellings on land at Charlesfield, St Boswells. As part of the proposals, a new access is to be formed to serve the properties. This short technical note provides further information in relation to the proposals in response to comments raised by Scottish Borders Council (SBC) Roads in relation to planning application (21/000840/PPP).

1.2 Report Structure

Following this short introductory chapter, the report is set out as follows:

- Chapter 2 estimates the magnitude of trips generated by the proposed development;
- Chapter 3 reviews the proposed access arrangements in relation to transportation comments raised by SBC in relation to the proposals; and
- Chapter 4 provides a summary of the findings of the study.

2.0 Trip Generation

2.1 Introduction

The following section sets out the trip generation assumptions used to estimate the level of trips generated by the proposed residential development.

2.2 Trip Rates

TRICS v.7.8.2 has been used to establish the likely trips that could be generated by the proposed development. The following site selection criteria has been applied to select comparable sites from which to determine trip rates for the development:

- Use selection 03 – Residential, A – Houses Privately Owned;
- Sites located within Greater London and Ireland have been discounted;
- Edge of Town sites selected;
- Weekday surveys selected;
- Vehicle trip rates selected; and
- Sites within 6 - 20 units selected.

Applying the above criteria resulted in 6 comparable sites being returned and the associated TRICS outputs are provided in Appendix A. The TRICS database identifies the AM and PM peak hours to be 08:00 - 09:00 and 16:00 - 17:00 and Table 2.1 shows the vehicle trip rate and resultant peak hour trip generation for the proposed two residential dwellings which have been used to inform this technical note.

	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicle Rate (per dwelling)	0.145	0.231	0.188	0.085
Vehicle Generation (2 dwellings)	1	1	1	1

Table 2.1 Total Vehicle Trip Rates

As can be seen from the above summary, the proposed development is forecast to generate a maximum of 2 two-way vehicle movements in either the AM or PM peak hour. The development will therefore have a negligible impact both in terms of its capacity and safe operation on the operation of the adjacent road from which it is proposed to take access from.

3.0 Transportation Response

3.1 Introduction

The site is located at Charlesfield, St Boswells and is bound by existing residential properties to the north and Charlesfield Industrial Estate to the south. Proposals include the construction of two residential dwellings, with associated parking and the formation of a new access from the adopted road to the north.

This chapter provides additional transportation information to support the application in response to comments provided by SBC Roads on the initial planning application.

3.2 Proposed Vehicle Access

It is proposed to form a new access on the unclassified road located to the north of the site to serve the proposed two house residential development, with the access able to be constructed using land within the ownership of the applicant.

3.2.1 Visibility Review

SBC have identified a requirement to provide 2.4x120m visibility splays in association with the proposed access and the ability to provide this is shown in Figure 3.1 below, with the drawing included at a larger scale in Appendix B.



Figure 3.1 Junction Visibility

As can be seen from Figure 3.1, the required visibility can be achieved to the east. An existing junction is, however, located within the western visibility splay although the required visibility can be provided to traffic approaching from the

west. Whilst the junction is located approximately 70m to the west of the proposed access and therefore falls within the visibility splay, vehicles will be travelling at low speeds when accessing the unclassified road and travelling east towards the proposed access junction. It is therefore considered that the location of the nearby junction will not generate any safety issues which would have an impact on the intention to form a new access in the location being proposed, particularly with the low level of vehicle trips anticipated to be generated by the proposed development (2 two-way movements in either the AM or PM peak hours).

A review of Personal Injury Accident Data using the CrashMap database confirms that no accidents have been recorded in the vicinity of the site over the last ten years, demonstrating that the local road network currently operates in a safe manner. Figure 3.2 provides an extract from the database showing the road network located in the vicinity of the site.

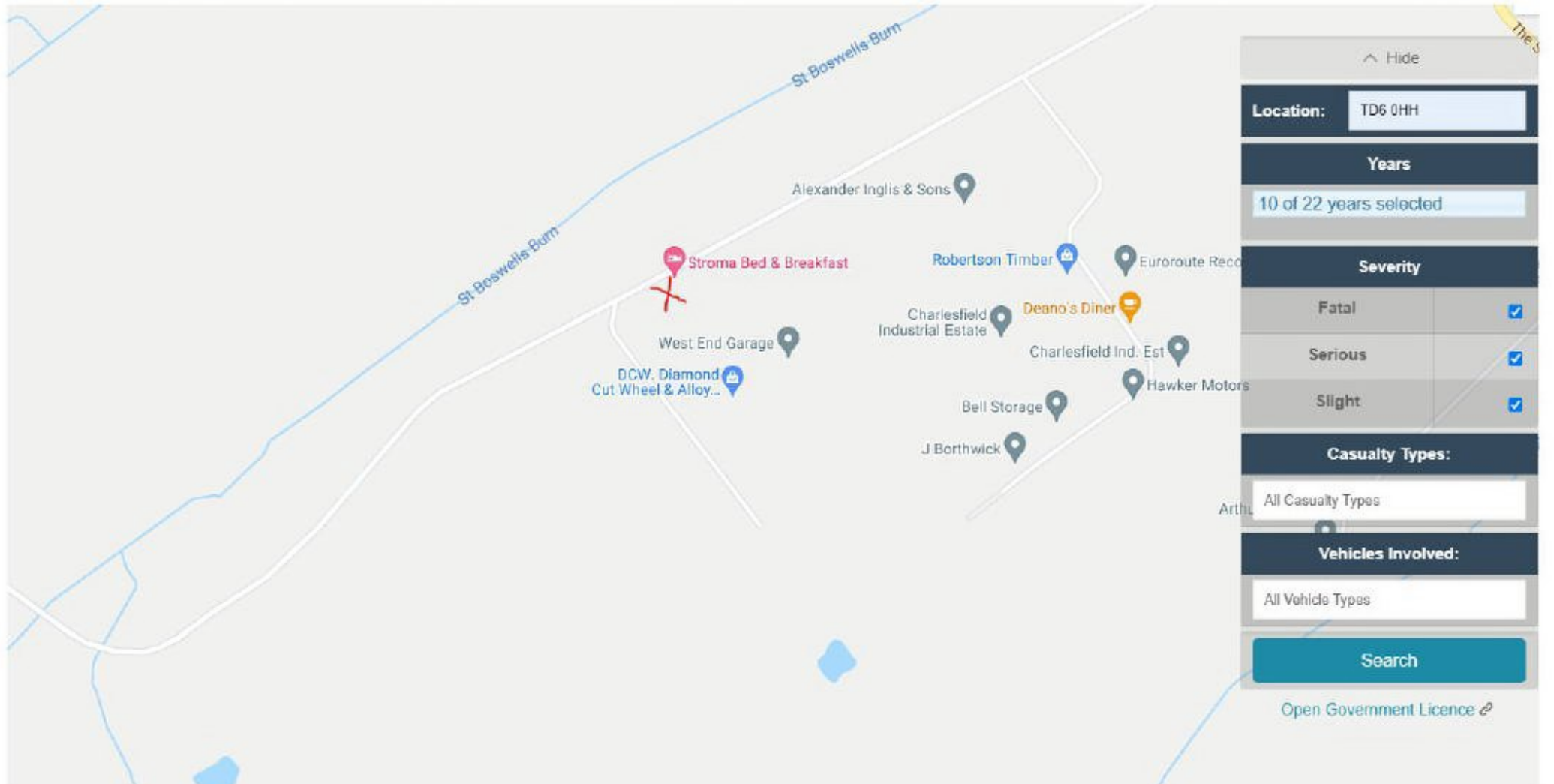


Figure 3.2 Accident History

It is considered that the formation of a new access to serve two properties will not have an impact on the road’s current operation in terms of safety, given the negligible level of trips generated by the proposed development.

3.2.2 Indicative Site Access

It is proposed to provide an access with a 5m width to enable a vehicle accessing the site to pass a vehicle waiting to leave the site. This arrangement will also enable a vehicle leaving the site to be visible to a second vehicle accessing the site and provide opportunity for this to wait prior to proceeding. The access road will be constructed on an alignment which will provide clear visibility for approximately 30m to enable the wider carriageway located at the northern end of the access, to provide an effective passing place and this arrangement is shown in Figure 3.3 and provided at a larger scale in Appendix B.

4.0 Summary

Cundall has been commissioned by St Boswells LLP to provide transportation advice to support the development of two residential dwellings on land at Charlesfield, St Boswells.

This note has demonstrated that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. Nevertheless, it is proposed to provide a 5m wide access for the initial 7m to enable a vehicle to pass a stationary vehicle waiting to leave the access.

The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The first 6m of the access will be constructed using a bituminous finish, with the verge crossing constructed in accordance with Scottish Borders Council standard detail DC2 in accordance with SBC requirements.

Space will be provided within the site to accommodate two parked vehicles and enable vehicles to access and leave the site in a forward gear. The site would, however, be expected to be serviced from the external road network.

Appendix A

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED

TOTAL VEHICLESSelected regions and areas:

02	SOUTH EAST	
	KC - KENT	1 days
04	EAST ANGLIA	
	NE - NORFOLK	2 days
	SF - SUFFOLK	1 days
06	WEST MIDLANDS	
	SH - SHROPSHIRE	1 days
	WK - WARWICKSHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	SY - SOUTH YORKSHIRE	1 days
10	WALES	
	WG - VALE OF GLAMORGAN	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation

Parameter: No of Dwellings
 Actual Range: 8 to 19 (units)
 Range Selected by User: 5 to 20 (units)

Parking Spaces Range: A - Surveys Included

Parking Spaces per Dwelling Range: All Surveys Included

Bedrooms per Dwelling Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision

Selection by: Include all surveys

Date Range: 01/01/18 to 09/09/20

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation

Selected survey days:

Monday	1 days
Wednesday	4 days
Thursday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week

Selected survey types:

Manual count	7 days
Directional ATC Count	1 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Edge of Town	6
Neighbourhood Centre (PPS6 Local Centre)	2

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub-Categories:

Residential Zone	6
Village	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub-Category.

Secondary Filtering selection:Use Class:

C3 8 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS@.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000 3 days

5,001 to 10,000 1 days

10,001 to 15,000 3 days

15,001 to 20,000 1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

25,001 to 50,000 2 days

50,001 to 75,000 1 days

75,001 to 100,000 1 days

125,001 to 250,000 3 days

250,001 to 500,000 1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0 4 days

1.1 to 1.5 3 days

1.6 to 2.0 1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No 8 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present 8 days

This data displays the number of selected surveys with PTAL Ratings.

Covid-19 Restrictions Yes At least one survey within the selected data set was undertaken at a time of Covid-19 restrictions.

LIST OF SITES relevant to selection parameters

1	KC-03-A-05	DETACHED & SEMI-DETACHED	KENT
	ROCHESTER ROAD NEAR CHATHAM BLRHAM Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 8 Survey date, FRIDAY 22/09/17 Survey Type, MANUAL		
2	NF-03-A-03	DETACHED HOUSES	NORFOLK
	HALING WAY THETFORD Edge of Town Residential Zone Total No of Dwellings: 10 Survey date, WEDNESDAY 16/09/15 Survey Type, MANUAL		
3	NF-03-A-10	MIXED HOUSES & FLATS	NORFOLK
	HUNSTANTON ROAD HUNSTANTON Edge of Town Residential Zone Total No of Dwellings: 17 Survey date, WEDNESDAY 12/09/18 Survey Type, DIRECTIONAL ATC COUNT		
4	SF-03-A-05	DETACHED HOUSES	SUFFOLK
	VALE LANE BLRY ST EDMUNDS Edge of Town Residential Zone Total No of Dwellings: 18 Survey date, WEDNESDAY 09/09/15 Survey Type, MANUAL		
5	SH-03-A-06	BUNGALOWS	SHROPSHIRE
	ELLESVERE ROAD SHREWSBURY Edge of Town Residential Zone Total No of Dwellings: 16 Survey date, THURSDAY 22/05/14 Survey Type, MANUAL		
6	SY-03-A-03	BUNGALOWS & DETACHED	SOUTH YORKSHIRE
	CHURCH LANE NEAR BARNSELEY WORSBROUGH Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 19 Survey date, WEDNESDAY 09/09/20 Survey Type, MANUAL		
7	VG-03-A-01	SEMI-DETACHED & TERRACED	VALE OF GLAMORGAN
	ARTHUR STREET BARRY Edge of Town Residential Zone Total No of Dwellings: 12 Survey date, MONDAY 05/05/17 Survey Type, MANUAL		
8	WK-03-A-02	BUNGALOWS	WARWICKSHIRE
	NARBERTH WAY COVENTRY POTTERS GREEN Edge of Town Residential Zone Total No of Dwellings: 17 Survey date, THURSDAY 17/10/13 Survey Type, MANUAL		

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

TOTAL VEHICLES**Calculation factor: 1 DWELLS****BOLD print indicates peak (busiest) period**

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	15	0.068	8	15	0.154	8	15	0.222
08:00 - 09:00	8	15	0.145	8	15	0.231	8	15	0.376
09:00 - 10:00	8	15	0.077	8	15	0.197	8	15	0.274
10:00 - 11:00	8	15	0.214	8	15	0.162	8	15	0.376
11:00 - 12:00	8	15	0.137	8	15	0.137	8	15	0.274
12:00 - 13:00	8	15	0.162	8	15	0.197	8	15	0.359
13:00 - 14:00	8	15	0.145	8	15	0.145	8	15	0.290
14:00 - 15:00	8	15	0.197	8	15	0.145	8	15	0.342
15:00 - 16:00	8	15	0.222	8	15	0.239	8	15	0.461
16:00 - 17:00	8	15	0.171	8	15	0.154	8	15	0.325
17:00 - 18:00	8	15	0.188	8	15	0.085	8	15	0.273
18:00 - 19:00	8	15	0.214	8	15	0.162	8	15	0.376
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			1.940			2.008			3.948

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP*FACT. Trip rates are then rounded to 8 decimal places.

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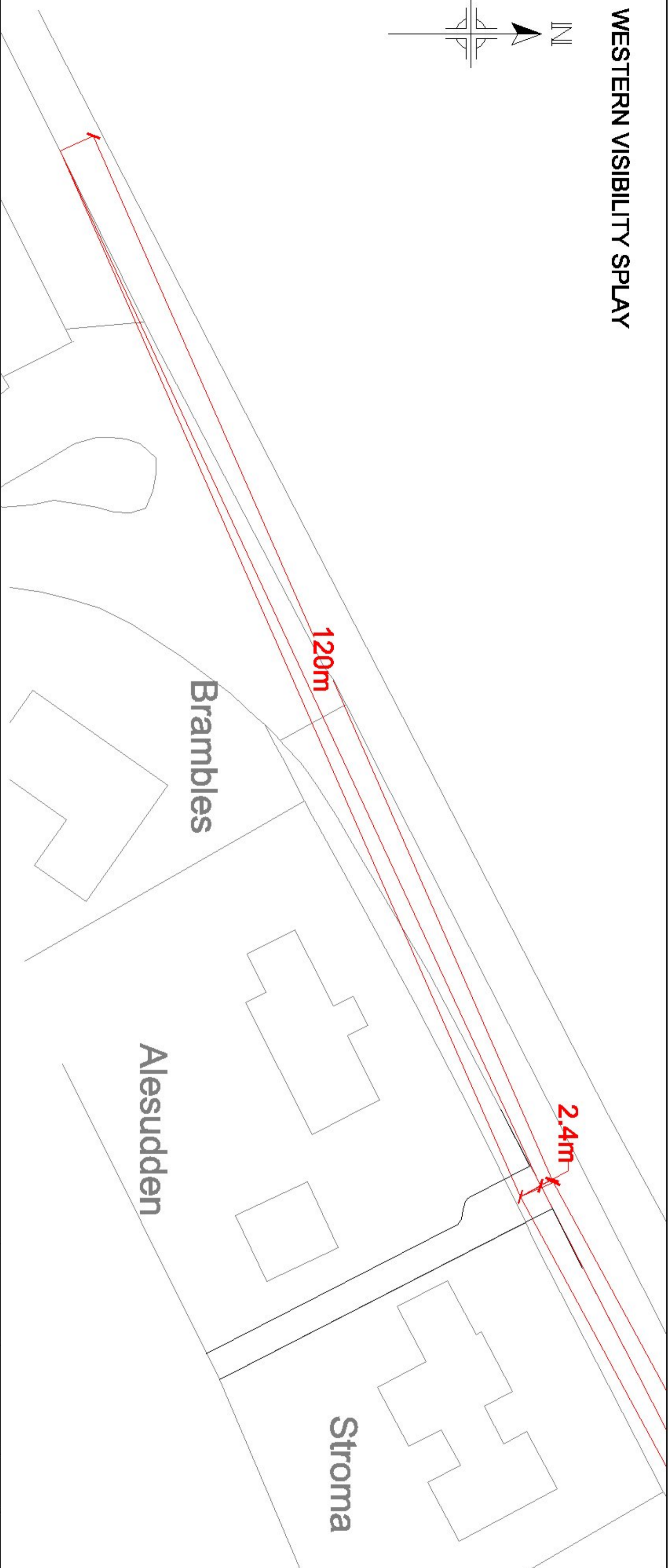
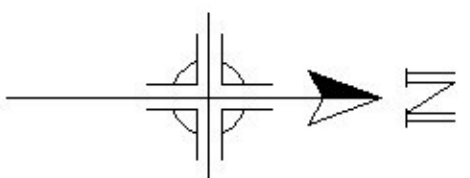
Parameter summary

Trip rate parameter range selected:	8 - 19 (units:)
Survey date date range:	01/01/23 - 09/09/20
Number of weekdays (Monday-Friday):	8
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Appendix B

WESTERN VISIBILITY SPLAY



EASTERN VISIBILITY SPLAY



1031906

A3

DO NOT SCALE FROM THIS DRAWING

Notes

Issue	Date	Description	By	Check	Valid

Project:
CHARLSFIELD, ST BOSWELLS

Client:
ST BOSWELLS LLP

Architected:
CAMERONS STRACHAN YVILL ARCHITECTS

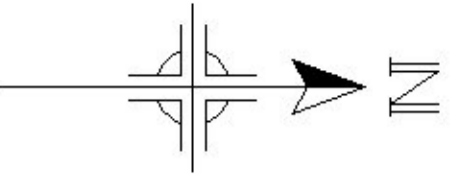
Title:
VISIBILITY SPLAY - 2.4m x 120m

Drawing No.: CHL-CDL-XX-XX-DR-Y-001
Drawing Status: INFORMATION

Job No.: 1031906
Scale: 1:500

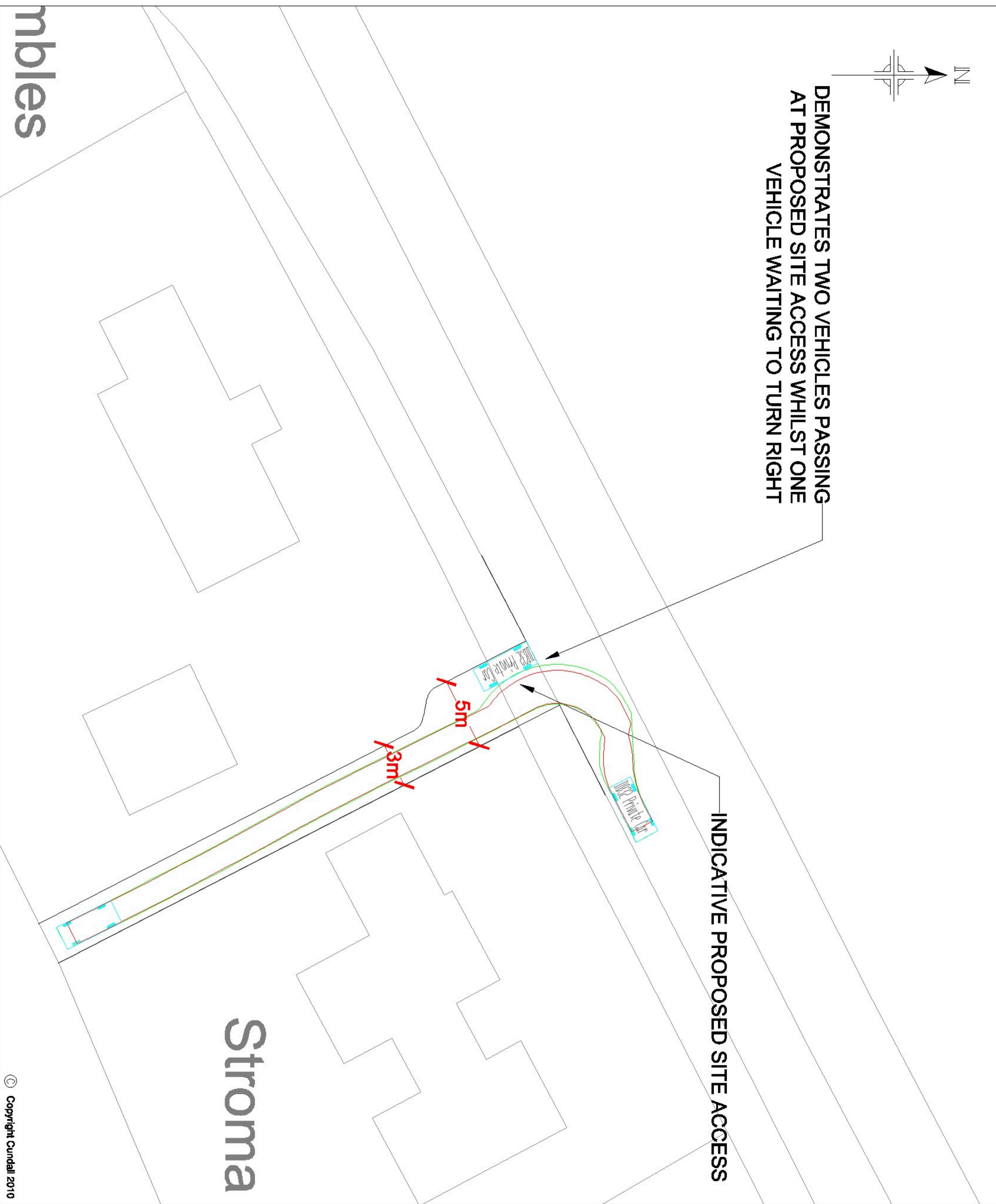
CUNDALL

4th Floor, Partnership House
Regent Farm Road,
Gosforth,
Newcastle NE3 3AF
Telephone: +44 (0)191 213 1515
Website: www.cundall.com



**DEMONSTRATES TWO VEHICLES PASSING
AT PROPOSED SITE ACCESS WHILST ONE
VEHICLE WAITING TO TURN RIGHT**

INDICATIVE PROPOSED SITE ACCESS



Stroma

mbles

1031906 **A3**

DO NOT SCALE FROM THIS DRAWING

Notes

	DPR Private Car	4.32m
Overall Length	1.715m	
Overall Width	1.332m	
Overall Body Height	1.022m	
Min Body Clearance	4.005m	
Lock to Lock time	5.780m	
Kerbo to Kerbo Turning Radius		

Issue	Date	Description	By	Card	Valid

Project:
CHARLSFIELD, ST BOSWELLS

Client:
ST BOSWELLS LLP

Architected:
CAMERONS STRACHAN YVILL ARCHITECTS

Title:
INDICATIVE PROPOSED SITE
ACCESS

Drawing No. CHL-CDL-XX-XX-DR-Y-002	Drawing Status INFORMATION
Job No. 1031906	Scale 1:250

CUNDALL

4th Floor, Partnership House
Regent Farm Road,
Gosforth,
Newcastle NE3 3AF
Telephone: +44 (0)191 213 1515
Website: www.cundall.com



Ms Julie Hayward
Scottish Borders Council
Development Management
Newtown St Boswells
Melrose
TD6 OSA

29th July 2021

Planning Applications for the erection of two dwellings, formation of new access and associated works at Land South of The Bungalow, Charlesfield, St Boswells (LPA refs: 21/00840/PPP and 21/00839/PPP)

Dear Julie,

As you are aware, Ferguson Planning Ltd is instructed to act on behalf of Trevor Jackson (the 'Applicant') and in relation to the above 'live' planning applications (LPA ref: 21/00840/PPP and 21/00839/PPP).

Following on from your email on the 21st July 2021 and our email response dated 23rd July 2021 we deem it necessary to formally write to you to respond to the concerns you have raised.

It is understood you were unable to visit the site and as requested, please find site photos within Appendix 1.

We note you consider the proposals to be contrary to Policy HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that you deem the proposed dwellings would poorly relate to the existing building group which is considered to be complete and not suitable for further housing.

Having reviewed the online planning portal, there have been no new or existing dwellings that have been consented since 2016 (within the currently Local Development Plan period), as such we consider there is scope for an additional 2 dwellings within the plan period taking the 30% ruling approach in accordance with section (A) of Policy HD2.

We also acknowledge you consider the erection of dwelling houses on this site would constitute backland development and out keeping with the linear character of the building group which is thought to have an inappropriate impact on the setting of the

group and sense of place.

Having undertaken a site visit of the building group, there is a residential property circled in figure 1 below which is considered to be a form of backland development, setting a precedent for this form of development within the area. As such, we consider the site to be a logical infill location and a sustainable form of development relating well to the existing building group which can accommodate two new dwellings in accordance with Policy HD2.

Figure 1: Residential property outlined in Red (Annotated Google Maps)



The neighboring operations have not altered since the submitted Noise Assessment prepared by KSG Acoustics was undertaken and as such we consider it to be up to date for the purpose of this planning application for residential development. The assessment concluded there are no significant noise concerns and as such noise should not be a material reason for refusal.

We would greatly appreciate, prior to determination, the opportunity to have a meeting with you to discuss the proposal.

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



If you have any queries regarding the above, please do not hesitate to contact Tim Ferguson (tim@fergusonplanning.co.uk) or Lucy Moroney (lucy@fergusonplanning.co.uk).

Yours faithfully

A handwritten signature in black ink, appearing to read "Tim Ferguson". The signature is written in a cursive style with a large initial "T" and "F".

Ferguson Planning

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Page 557



Company Registration Number: 614302 (Registered in Scotland)

Appendix 1: Site Photos

Figure 1: Location of images taken.

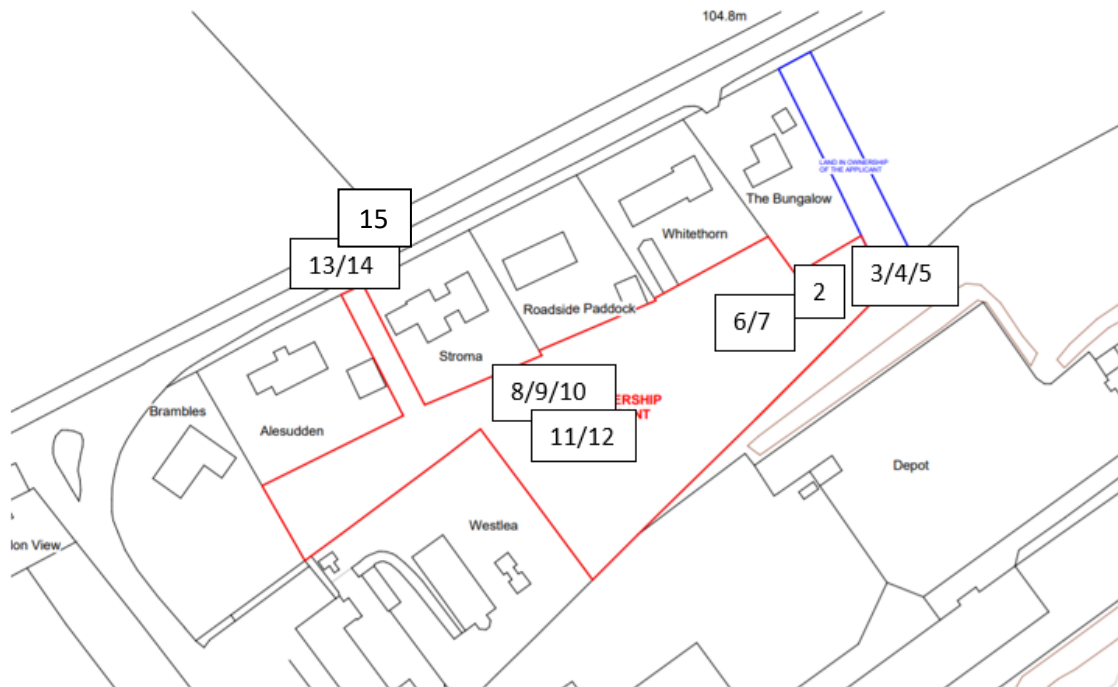


Figure 2: Photo looking east to west across the site.



Figure 3: Photo looking beyond the eastern boarder of the site towards the industrial estate.



Figure 4: Second photo looking beyond the eastern border of the site directed to the northeast.



Figure 5: Photo taken beyond the eastern boundary of the site directed towards the residential properties to the north.





Image 5: Photo taken within the centre of the site directed to the northwest.





Image 7: Photo taken in the centre of the site directed to the southwest towards the industrial site to the south.



Figure 8: Location of proposed access road within the site (photo taken directed to the west, to the north of the site)



Figure 9: Photo taken from the northwest corner of the site directed south east.



Figure 10: Photo taken from the northwest corner of the site directed towards the east.



Figure 11: Photo taken from the norther boundary of the site directed towards the industrial estate to the south.



Figure 12: Photo taken of the western border and southwestern corner of the site.



Figure 13: Location of proposed access road from existing road that services the building group to the north.



Figure 14: Image 2 of proposed access road from existing road that services the building group to the north.

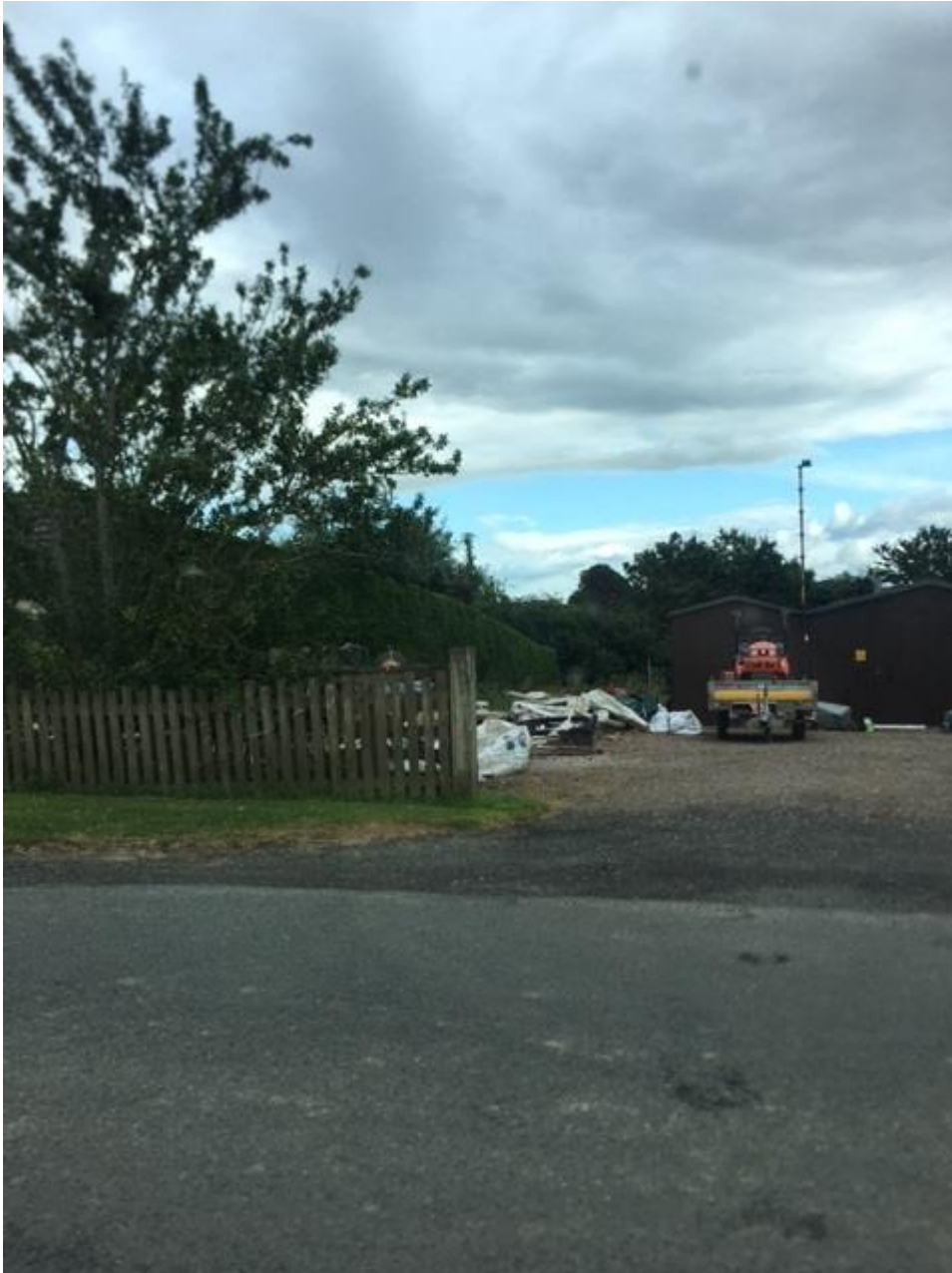


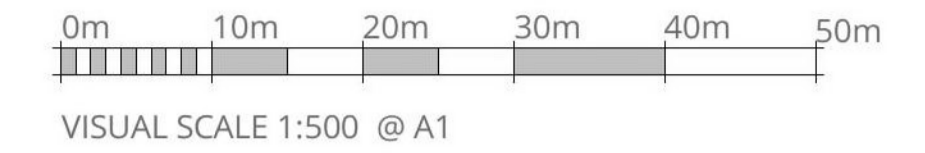
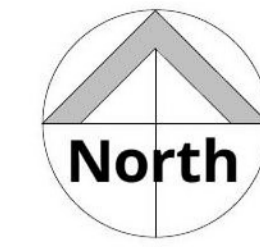
Figure 15: Residential properties adjacent to the access looking east.



21/00839/PPP

13.08.2021

Disclaimer:
This generation of drawings is for the stated purpose only and should not be used for any other purpose without the originators consent. Do not scale from this drawing.



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Local Development Plan screening as
part of extension to
Charlesfield Industrial Estate (zEL19)

+9m Separation distance between houses
and neighbouring boundaries

6m wide woodland screening

APPROX SITE AREAS

Plot 1 : 3161 m²

D	21/05/21	Updated plot boundaries	MO
C	20/05/21	Workshop building removed	MO
B	19/05/21	Boundaries adjusted, hardgrounding adjusted, porches added to houses.	MO
A	11/05/21	Updated Site Boundary & Land in Ownership	MO
Rev	Date	Description	by

CAMERONS
STRACHAN
YUILL
ARCHITECTS

client: Mr Trevor Jackson

project: Charlesfield - Plots 1 & 2

title: Indicative Site Plan Plot 1

status: Planning drawn: MO

scale: 1 : 500@A1 date: 21/05/2021

number: 10103/03 rev: D

DALKRIETH	11 South street	EH22 1AH	0131 663 9735
EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
EYEMOUTH	28 Harbour Rd	TD14 5SH	01890 750429
GLASGOW	1 Widenhaugh	TD1 1QJ	01896 753077



Indicative Site Plan Plot 1
1 : 500

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Ms Julie Hayward
Scottish Borders Council
Development Management
Newtown St Boswells
Melrose
TD6 OSA

29th July 2021

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W www.fergusonplanning.co.uk

Page 5/3



Company Registration Number: 614302 (Registered in Scotland)

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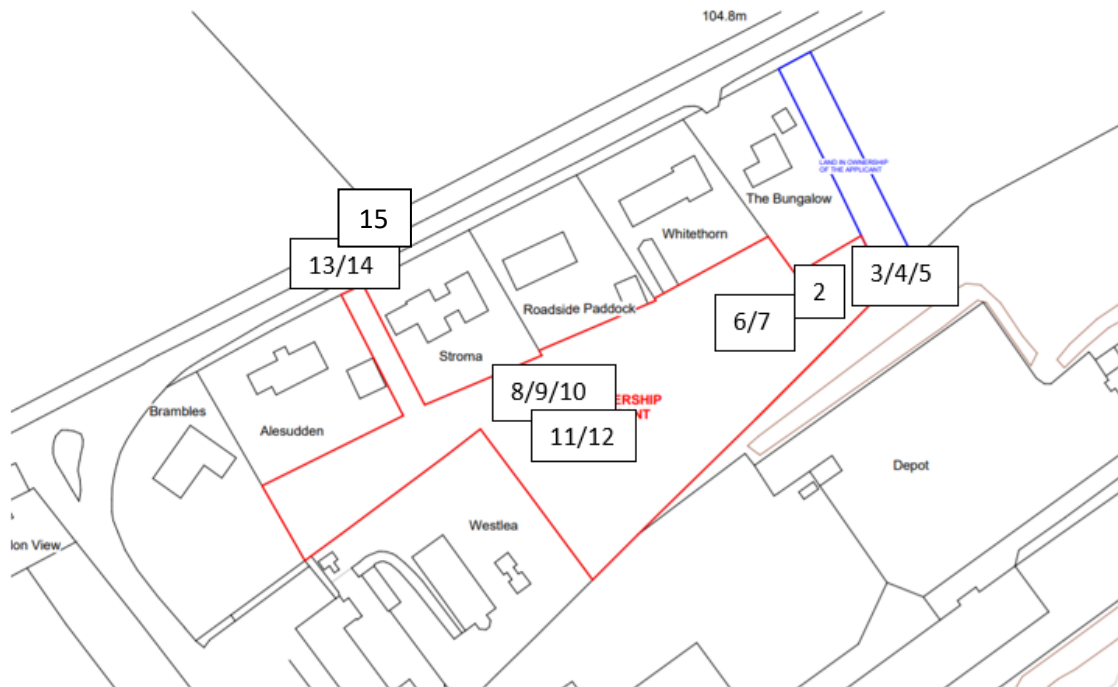


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Figure 5: Photo taken beyond the eastern boundary of the site directed towards the residential properties to the north.



Image 5: Photo taken within the centre of the site directed to the northwest.





Image 7: Photo taken in the centre of the site directed to the southwest towards the industrial site to the south.



Figure 8: Location of proposed access road within the site (photo taken directed to the west, to the north of the site)



Figure 9: Photo taken from the northwest corner of the site directed south east.



Figure 10: Photo taken from the northwest corner of the site directed towards the east.



Figure 11: Photo taken from the norther boundary of the site directed towards the industrial estate to the south.



Figure 12: Photo taken of the western border and southwestern corner of the site.



Figure 13: Location of proposed access road from existing road that services the building group to the north.



Figure 14: Image 2 of proposed access road from existing road that services the building group to the north.

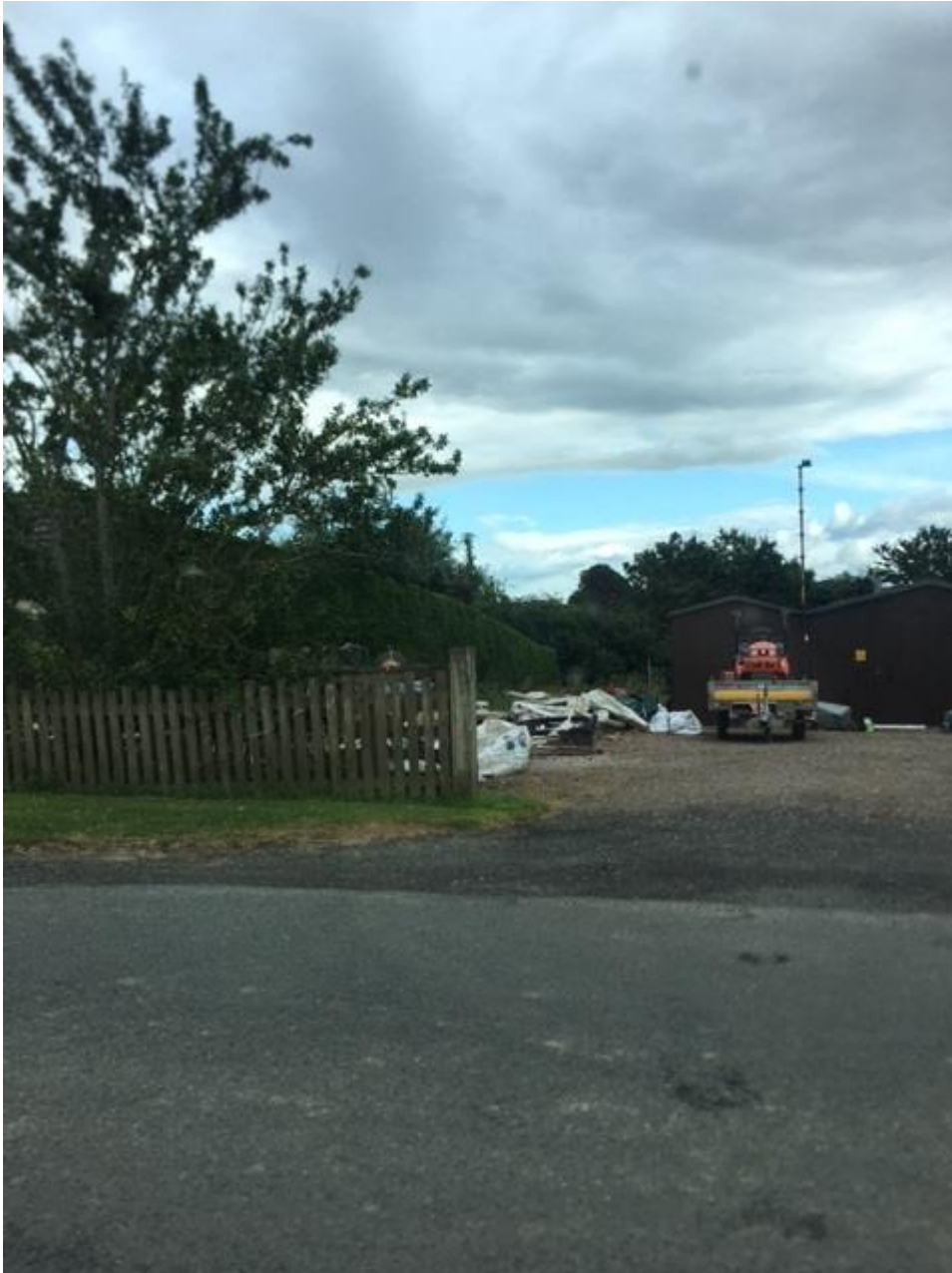


Figure 15: Residential properties adjacent to the access looking east.



From: mike chandler [REDACTED]
Sent: 15 June 2021 16:52
To: Planning & Regulatory Services
Subject: planning consultation

CAUTION: External Email

Hi Julie,

I have tried to send comments via the Public Access Portal, but it was not possible to register with a new email address, as the address I used in 2017 is no longer available. Hence I hope it is acceptable to use this route:

Application 21/00839/PPP and
Application 21/00840/PPP

In 2014 I was informed by your colleague Mr Clarke that there were no plans to develop the surrounding area "in the foreseeable future". I asked in 2017 if this policy had changed, but didn't get a definite answer. It is highly unlikely that we would have purchased this property had adjacent development been developed or planned.

I am concerned that the access road to the site would damage or destroy the adjacent boundary hedge on the southwest side of my property.

I am concerned that wildlife in my garden, and the proposed development land, will be disturbed. There is an established bat population which roost in the trees in the area, some of which may be destroyed. There are otters, badgers and other mammals and garden birds whose habitats and populations may be adversely affected.

In the current public documents for these applications, the acoustic survey of 2017 is presented. It's not clear if this is still valid, or, if a more recent acoustic survey was conducted, this was carried out during lockdown when noise levels were much lower, as the Bus Depot was much less busy.

Thank you for noting these comments. If you require me to send them in a separate file I would be happy to comply.

Best wishes,
Dr. Mike Chandler,
Stroma,
Charlesfield,
St. Boswells, TD6 0HH.

Sent from [Mail](#) for Windows 10

From: Margaret Redpath [REDACTED]
Sent: 04 June 2021 13:00
To: Planning & Regulatory Services
Subject: Planning Applications

CAUTION: External Email

Dear sir/madam

With reference to -
Planning application 21/00839/PPP - plot1 Planning application 21/00840/PPP -plot 2 At Charlesfield St
Boswells TD6 0HH

We would like to express concern regarding the proposed drainage from the two plots.
At present the main drain comes down directly behind our house at Westlea taking a sharp right turn at the end of our building.
Historically, Alesudden drainage uses that drain too. However when Whithorn, Roadside Paddock and Stroma were build their drainage was also added. Periodically this blocks and needs to be flushed out. Therefore, we would question adding a further two houses to that system. Also, is the access road and entrance suitable for two new houses.

Yours faithfully

Andrew & Margaret Redpath
Westlea
Charlesfield
St Boswells
TD6 0HH

Sent from my iPad

From: Elliott, Keith
Sent: 30 June 2021 12:31
To: Hayward, Julie
Cc: DCConsultees
Subject: Charlesfield area planning application 21/00839/PPP and 21/00840/PPP

Good Afternoon Julie,

I have read and assessed the details of the following pair of applications of your consultations;

21/00839/PPP – Plot 1 site adjacent Stroma, Charlesfield Industrial Estate, St Boswells – erection of house, landscaping and access

21/00840/PPP – Plot 2 land south of The Bungalow, Charlesfield, St Boswells – erection of dwelling house

These have been briefly examined against the Scottish Borders Historic Environment Record and further information sources held, such as old Ordnance Survey mapping, aerial photographs and so on.

However, I have few comments to make upon either application as these are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the respective sites of the two applications. The comments of my predecessor as Archaeology Officer, Dr Chris Bowles, in response to earlier application has been borne in mind in responding to this fresh pair of applications alongside one another.

Please let me know any questions and/or comments upon this email.

Thanks,

Keith

A Keith Elliott
Archaeology Officer

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

Email: Keith.Elliott@scotborders.gov.uk

Tel: 01835 824 000 ext 8886

Web: www.scotborders.gov.uk

Service e-mail: archaeology@scotborders.gov.uk

Web: <https://www.scotborders.gov.uk/info/20013/environment/603/archaeology/1>

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 28th June 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00839/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 19th July 2021, 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 19th July 2021, 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 Trevor Jackson

Agent: Ferguson Planning

Nature of Proposal: Erection of dwellinghouse, formation of new access and associated work
Site: Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells
Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	EVH - Contaminated Land Officer Gareth Stewart			
Date of reply	26 th June 2021		Consultee reference: 21/01398/PLANCO	
Planning Application Reference	21/00839/PPP		Case Officer: Julie Hayward	
Applicant	Mr Trevor Jackson			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse, formation of new access and associated work			
Site Location	Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The above application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant And Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

<p>Recommended Conditions</p>	<p>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan). d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council. e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.</p>
<p>Recommended Informatives</p>	

PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 25th May 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00839/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th June 2021, 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 15th June 2021, 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 Trevor Jackson

Agent: Ferguson Planning

Nature of Proposal: Erection of dwellinghouse, formation of new access and associated work
Site: Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells
Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Environmental Health Craig Liddle		PLACEhealth@scotborders.gov.uk	
Date of reply	14 June 2021		Consultee reference: 21/01398/PLANCO	
Planning Application Reference	21/00839/PPP		Case Officer: Julie Hayward	
Applicant	Mr Trevor Jackson			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse, formation of new access and associated work			
Site Location	Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The applicant requests permission for two residential dwellings on land immediately to the north-west of the industrial estate. The site is also located adjacent to existing residential properties. This application is for one of the two proposed dwellings.			
Key Issues (Bullet points)	<ul style="list-style-type: none"> Noise from the neighbouring industrial estate has the potential to adversely affect residential amenity 			
Assessment	<p>Environmental Health is unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.</p> <p>The application is supported by a noise impact assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.</p> <p>There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the local planning authority, which could mean a change in noise generating activities. It is also noted that the noise impact assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.</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	
Recommended Informatives	

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer	ascott@scotborders.gov.uk 01835 826640
Date of reply	15 th June 2021	Consultee reference:
Planning Application Reference	21/00839/PPP	Case Officer: Julie Hayward
Applicant	Mr. T. Jackson	
Agent	Ferguson Planning	
Proposed Development	Erection of dwelling and formation of access	
Site Location	Plot 1, Site adjacent to Stroma, Charlesfield Ind. Est., St. Boswells	
<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>To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at detailed stage.</p> <ul style="list-style-type: none"> • Visibility of 2.4 x 120m minimum in either direction at the access onto the public road. • The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision. • Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish. • The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC). • Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity. • Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road. • Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission. <p>It should be noted that due to travel restrictions in place at the time of writing due to the coronavirus, no site visit was undertaken prior to this response. The comments above are based on the information submitted and responders' knowledge.</p>	

Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended conditions	<p>Prior to the commencement of development hereby approved, details of the means of access must be submitted to, and approved by, the Council. Thereafter the approved details to be implemented prior to occupation of the dwelling. Reason: To ensure that the development hereby approved is served by an appropriate form of access.</p> <p>Parking and turning, excluding any garages, must be provide within the curtilage of the plot prior to occupation and be retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by an appropriate level of parking.</p>			
Recommended Informatives	All work within the public road and verge must be carried out by a contractor first approved by the Council.			

Signed: DJI

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LOCAL REVIEW BODY – LIST OF POLICIES

Local Review Reference: 21/00022/RREF

Planning Application Reference: 21/00839/PPP

Development Proposal: Erection of dwellinghouse, formation of new access and associated work

Location: Plot 1 Site adjacent Stroma, Charlesfield Industrial Estate, St Boswells

Applicant: Mr Trevor Jackson

Scottish Borders Local Development Plan 2016

POLICY PMD1: SUSTAINABILITY

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

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

POLICY PMD2: QUALITY STANDARDS

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

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- 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

LOCAL REVIEW BODY – LIST OF POLICIES

required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

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

Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

The Council aims to maintain a supply of business and industrial land allocations in the Scottish Borders (see Table 1). There is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land.

LOCAL REVIEW BODY – LIST OF POLICIES

1. STRATEGIC SITES

The Council rigorously protects strategic business and industrial sites for employment uses.

a) Strategic High Amenity Sites

Development on Strategic High Amenity Sites will be predominantly for Class 4 use. Other complementary commercial activity e.g. offices, call centres and high technology uses may be acceptable if it enhances the quality of the business park as an employment location.

b) Strategic Business and Industrial Sites

Development for uses other than Classes 4, 5 and 6 on strategic business and industrial sites in the locations identified in Table 1 will generally be refused. Uses other than Class 4, 5 or 6 can be considered if clearly demonstrated as contributing to the efficient functioning of the allocated site.

2. DISTRICT SITES

Although District sites do not merit the same level of stringent protection as Strategic sites there remains a preference to retain these within employment uses.

However, development other than Classes 4, 5 and 6 may be accepted on district business and industrial sites identified in Table 1 in order to, where appropriate, allow a more mixed use area.

Proposals for development outwith Class 4, 5 and 6 will be considered against the following criteria:

- a) the loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and
- b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and
- c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or
- d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

Development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites identified in Table 1. Retail may be acceptable on local sites where they are located within or adjacent to town centres.

In all business and industrial land site categories development must:

- a) respect the character and amenity of the surrounding area, and be landscaped accordingly, and
- b) be compatible with neighbouring business and industrial uses

Shops and outright retail activities will not be allowed on Strategic or District sites. The only retailing permissible on these sites will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

LOCAL REVIEW BODY – LIST OF POLICIES

POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

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

(A) BUILDING GROUPS

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

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

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

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

(B) DISPERSED BUILDINGS GROUPS

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

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

LOCAL REVIEW BODY – LIST OF POLICIES

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

(C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

(D) RESTORATION OF HOUSES

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

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

(E) REPLACEMENT DWELLINGS

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

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

(F) ECONOMIC REQUIREMENT

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it

LOCAL REVIEW BODY – LIST OF POLICIES

is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or

- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

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

POLICY HD4: MEETING THE HOUSING LAND REQUIREMENT/ FURTHER HOUSING LAND SAFEGUARDING

The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas coming forward in advance of the identification of a shortfall in the effective housing land supply will be treated as premature.

As the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period.

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

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

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

POLICY EP3: LOCAL BIODIVERSITY

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the

LOCAL REVIEW BODY – LIST OF POLICIES

public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

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

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

POLICY 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 EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and

LOCAL REVIEW BODY – LIST OF POLICIES

- 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 IS3: DEVELOPER CONTRIBUTIONS RELATED TO THE BORDERS RAILWAY

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

POLICY IS7: PARKING PROVISION AND STANDARDS

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

LOCAL REVIEW BODY – LIST OF POLICIES

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.

POLICY IS13: CONTAMINATED LAND

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and

LOCAL REVIEW BODY – LIST OF POLICIES

b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2008
- Scottish Planning Policy 2014
- SESPlan 2013



Mr Ehsan Alanizi
per Stuart Patterson Building & Timber Frame
Design
5 Burnflat Lane
Hawick
Scottish Borders
TD9 0DZ

Please ask for: Scott Shearer
☎ 01835 826732
Our Ref: 21/00074/FUL
Your Ref:
E-Mail: sshearer@scotborders.gov.uk
Date: 2nd September 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Whinfield Chesters Brae Chesters Hawick Scottish Borders
TD9 8TQ**

PROPOSED DEVELOPMENT: Alterations and extension to dwellinghouse

APPLICANT: Mr Ehsan Alanizi

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 : 21/00074/FUL

**To : Mr Ehsan Alanizi per Stuart Patterson Building & Timber Frame Design 5 Burnflat Lane
Hawick Scottish Borders TD9 0DZ**

With reference to your application validated on **19th January 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Alterations and extension to dwellinghouse

**at : Whinfield Chesters Brae Chesters Hawick Scottish Borders
TD9 8TQ**

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

**Dated 1st September 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00074/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
21-714-4002	Location Plan	Refused
21-714-1001	Existing Layout	Refused
21-714-1002	Proposed Plans	Refused
21-714-2001	Proposed Plans	Refused
21-714-2003	Proposed Elevations	Refused
21-714-4001	Proposed Site Plan	Refused
214-714-3002	Proposed Sections	Refused

REASON FOR REFUSAL

- 1 The proposal would be contrary to criteria h), i) and k) of Policy PMD2 of the Local Development Plan 2016 in that the scale, massing and height of the proposed extension is not appropriate to the existing building and does not respect its sense of place or contribution to the character and appearance of the rural area.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00074/FUL

APPLICANT : Mr Ehsan Alanizi

AGENT : Stuart Patterson Building & Timber Frame Design

DEVELOPMENT : Alterations and extension to dwellinghouse

LOCATION: Whinfield
Chesters Brae
Chesters
Hawick
Scottish Borders
TD9 8TQ

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
21-714-4002	Location Plan	Refused
21-714-1001	Existing Layout	Refused
21-714-1002	Proposed Plans	Refused
21-714-2001	Proposed Plans	Refused
21-714-2003	Proposed Elevations	Refused
21-714-4001	Proposed Site Plan	Refused
214-714-3002	Proposed Sections	Refused

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

Two comments from neighbours have been received, supporting the development on the following grounds;

- o Existing extension is out of keeping with the appearance of the house
- o Proposal is set back from the road and contained by planting behind.
- o Mixture of house designed in surrounding area
- o Development is an improvement on the existing building

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan (2016)

PMD2 - Quality standards
HD3 - Protection of residential amenity
EP5 - Special Landscape Areas

Supplementary Planning Guidance

Householder Development (incorporating Privacy and Sunlight Guide) (2006)
Local Landscape Designations (2012)
Placemaking and Design (2010)

Recommendation by - Scott Shearer (Planning Officer) on 31st August 2021

In determining the application, the following factors were considered:

Visual Impact

The existing property is a traditional single storey bungalow set under slate roof with stone clad walls. A flat roofed extension has been added to the side of the dwelling. The house is set in spacious grounds, set back from the road at Chesters Brae. Consent is sought for an upper floor extension which includes wall head dormers and a full gable extension at the side of the house (in place of the existing flat roofed extension) which includes a glazed balcony to the front.

The house is not listed and nor is it located within a conservation area. The property is one of several which overlook Chesters Brae. It is clear that there is a range of traditional and more suburban styles ranging from bungalows to larger 1 ½ to 2 storey properties.

The elevation plans include a red dashed outline of the existing building against the proposed extensions. It is clear that this development increases the height and overall scale of the accommodation at this site. The existing building appears to be one of the older buildings towards the eastern edge of Chesters. The proposal transforms the accommodation at the site from a modestly scaled dwelling with subordinate extension to a large dwelling with a heavy gable extension which includes horizontally proportioned window and door openings. The development dwarfs the scale and mass of the existing building which along with the suburban detailing of the fronting gable erodes its traditional character which contributes to the rural setting towards the eastern edge of Chesters Brae.

There is clearly scope to extend this dwellinghouse, however the size of the proposed development fails to be appropriate to the scale, mass and height of the existing building which contravenes criteria i) of Policy PMD2. The resultant increase in the scale and mass of the development at this site and in particular the bulky appearance of the gable projection and its fenestration do not respect the site's sense of place or its contribution to the rural character of the surrounding area which contravenes criteria h) and k) of Policy PMD2.

The site is located within the Teviot Valleys Special Landscape Area. Although concerns have been raised about the detrimental impact of the development on the character of the surrounding area, these concerns are conceded to be of a localised nature and do not cause any significant harm to the underlying qualities of the Teviot Valleys SLA. The proposed development does not conflict with Policy EP5 of the LDP.

Daylight, sunlight and outlook

Neighbouring properties are located either side of the site (to the east and west). The presence of boundary planting between the site and Souden View to the east and the distance of the development from Dean Cottage to the west ensures the development will not affect access to daylight or sun light.

The main outlook of properties at Chesters Brae is to the South. The proposal does not affect outward views of neighbours in this direction with the mitigating factors noted above avoiding the development to affect outlook from other directions.

Privacy

The proposal is located far enough away from Dean Cottage to avoid causing any overlooking from bedroom windows at upper floor level on the west elevation of the development. The intervening boundary planting to the east guards against any overlooking to Souden View.

REASON FOR DECISION :

The proposal would be contrary to criteria h), i) and k) of Policy PMD2 of the Local Development Plan 2016 in that the scale, massing and height of the proposed extension is not appropriate to the existing building and does not respect its sense of place or contribution to the character and appearance of the rural area.

Recommendation: Refused

- 1 The proposal would be contrary to criteria h), i) and k) of Policy PMD2 of the Local Development Plan 2016 in that the scale, massing and height of the proposed extension is not appropriate to the existing building and does not respect its sense of place or contribution to the character and appearance of the rural area.

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

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100352522-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Stuart Patterson Building & Timber Frame Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	
Last Name: *	Patterson	Building Number:	5
Telephone Number: *	01450 375772	Address 1 (Street): *	Burnflat Lane
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Hawick
Fax Number:		Country: *	Roxburghshire
		Postcode: *	TD9 0DZ
Email Address: *	stuartpattersondesign@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Whinfield Cottage"/>
First Name: *	<input type="text" value="Ehsan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Alanizi"/>	Address 1 (Street): *	<input type="text" value="Chesters Brae"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Chesters"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Hawick"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="TD9 8TQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WHINFIELD"/>
Address 2:	<input type="text" value="CHESTERS BRAE"/>
Address 3:	<input type="text" value="CHESTERS"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="HAWICK"/>
Post Code:	<input type="text" value="TD9 8TQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="610669"/>	Easting	<input type="text" value="362905"/>
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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 former extension and removal of roof over original cottage footprint to provide new larger extension and first floor accommodation.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The proposals were considered to not be in keeping with the scale, mass and height of the original property, but no consideration was taken of variation in style, scale, height and design of any adjacent properties or any other mitigating circumstances. See attached planning appeal statement for further information.

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)

Since refusal, the applicants employer is concerned that they may need to move house, outwith there current location, with the likelihood of changing job to reduce travelling a distinct possibility. A letter of support was subsequently provided for this appeal which was not raised during the planning application as the level of concern was not heightened.

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)

Existing Layouts	(21-714-1001) Location Plan	(21-714-1002) Proposed
Ground Floor Layout	(21-714-2001) Proposed First Floor Layout	(21-714-2002) Proposed
Elevations	(21-714-2003) Proposed Sections & Details	(21-714-3002) Proposed
Site Layout	(21-714-4001) Additional Photographs of Surrounding Properties	Letters of Support
Letter from Employer		

Application Details

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

21/00074/FUL

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

18/01/2021

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

01/09/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

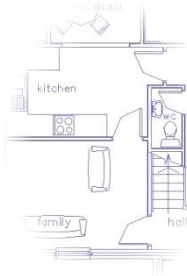
Declare – Notice of Review

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

Declaration Name: Mr Stuart Patterson

Declaration Date: 21/09/2021

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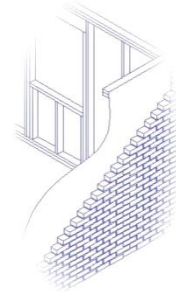
Stuart Patterson

Building & Timber Frame Design

5 Burnflat Lane, Hawick, Roxburghshire, TD9 0DZ

phone - 01450 375772

email - stuartpattersondesign@gmail.com



Appeal to Local Review Body

Mr E. Alanizi
Whinfield Cottage
Chesters
Hawick
TD9 8TQ

Grounds of Appeal – Proposed Extension & Alteration at Whinfield Cottage, Chesters, Hawick, TD9 8TQ **Planning Reference – 21/00074/FUL**

See enclosed information –

Existing Layouts	(21-714-1001)
Location Plan	(21-714-1002)
Proposed Ground Floor Layout	(21-714-2001)
Proposed First Floor Layout	(21-714-2002)
Proposed Elevations	(21-714-2003)
Proposed Sections & Details	(21-714-3002)
Proposed Site Layout	(21-714-4001)
Additional Photographs of Surrounding Properties	
Letters of Support	
Letter from Employer	

This appeal is submitted against the decision to refuse planning permission for an extension and alterations to provide additional accommodation to turn a small two bedroom house into family accommodation.

The property in the application has the age to be considered one of the original farm cottages in the Chesters Brae area of the settlement, with several newer properties lining the roadside either side of the cemetery. The original cottage itself occupies a very small footprint for what is a large plot, with extended garden grounds to the front. The property has been previously been extended to provide basic two bedroom accommodation, but the layout is very convoluted with access to a bedroom through the lounge, and access to the lounge through the kitchen providing additional fire risk in relation to escape routes. The existing extension is of a style that was likely built in the 1970's and is not aesthetically cohesive with the original stone cottage. The age of the extension also suggests it is very thermally inefficient, especially given it forms the main living area, with little or no insulation which was not a requirement at the time of construction.

The applicant now has a recent addition to their family and additional space is a priority. Chesters is the perfect base for their work/family life, with Mr Alanizi working at the local dentists in Jedburgh, but property rarely comes up for sale in the area. They love their house and extensive garden grounds so the ideal scenario is to alter and extend the house to give them a family home for life.

Mr Alanizi expressed an interest in increasing the size of the house, allowing for removal of the existing extension and developing into the roofspace over the original cottage footprint. Although it would probably be easier and more cost effective to demolish the entire property, Mr Alanizi was keen to keep the original stone part of the cottage, retaining an original feature.

Looking at some of the other houses in the near vicinity, several of them appear to be 1½ storey or larger. Our proposals allow for larger extension and a new first floor layout, but nothing of significant scale that would overpower the other properties. The proposals provide a four bedroom family sized dwelling, more in keeping with modern living. The replacement roof over the cottage is increased in height to 1½ storey with dormer windows, similar to the neighbouring properties. The extension is proposed as full two-storey, but the roof is designed to match the heights of the lower roof section, and is not fully visible as two-storey from the front.

It would be costly, and more importantly, almost impossible to try and match the stone work to the cottage so we propose a rendered finish to contrast a modern finish against the traditional construction. The majority of houses in Chesters Brae have a rendered finish, including the direct neighbours at Souden View, Riverview and October House, with 'Beechview' further to the West being the most recently constructed house built around 2007. There are no distinct or common styles to the houses in this area, so it was hoped a little bit of modernisation to this property should not cause too much consternation.

Obviously the increase in roof height is required to gain space to provide first floor accommodation, but the narrow nature of the existing building means the ridge heights are restricted. In comparison with the more recent houses next door, these proposals are unlikely to dominate the skyline in the same manner.

As previously mentioned the garden grounds are quite large, and can easily accommodate the enlarged dwelling, but we are keen to try and keep everything in the same location so there is no disruption to the mature garden grounds to the front of the property.

Within the planning officer's report, Mr Shearer suggested that the proposed development does not comply with the appropriate scale, mass and height of the existing building in relation to planning policy PMD2. We acknowledge the proposals are of greater scale than the existing house, there is no disguising that fact but this is generally what happens when a house is extended. But in comparison with the other houses in the area, it is not bigger than some of the other properties, including more recent additions to the street. Indeed, Mr Shearer acknowledges in his own report that there are a range of traditional and suburban styles in the vicinity, including bungalows, 1½ and two storey houses. The footprint of the proposal is only marginally bigger than the existing layout, entirely taken up by the replacement extension, but the expanse of garden ground suggests a larger house would not look out of place.

Mr Shearer also makes direct comment about the front gable projection, its fenestration and window designs for the extension. All of these design features are prominent in other properties along the road, in particular 'Mirador' with two prominent fully glazed gables and October House whose front gable sits elevated over the road side. Mirador in particular, built around 2006, with its non-traditional Scandinavian design, imposing gables and elevated position is far more prominent than the proposals in this application, which suggests inconsistency in the planning process, with much weight levied against the personal opinions by individual planning officers.

Reading further into the planning report, there are no other concerns in relation to the proposals, so the refusal is entirely based on the design of the property, as an oversized development when compared with the existing house.

These comments were put to us for reconsideration, with Mr Shearer suggesting a single storey extension would be more acceptable. A single storey extension would not give the applicant the accommodation he needs and desires, with a significant amount of thought put in to the submission. We suggested we would consider demolishing the entire property, removing the issue of scale comparison with the existing property if the existing property was removed entirely. The proposals would still be of similar design but Mr Shearer reiterated that the same planning policy would still be applied and his comments would still stand.

This is where frustration with various planning decisions occurs. I have a similar project in a different area of the Borders, with a different planning officer, whereby he has stated where we are knocking down an existing house he is treating it entirely as a new build. The disparity between officers is staggering. To that particular point I also pointed out another previous application (without involvement) to Mr Shearer, on the outskirts of Hawick where a house was being demolished and replaced with a house design that is neither of scale and proportion to the existing house, or anything close to a countryside design which should have been applied in that instance.

The application received no objections or notes of concern regarding the design, and subsequently two letters of support were received from the adjoining neighbours (enclosed for information) which were forwarded during the course of the application. The planning report identifies there is no loss of amenity to any of the surrounding houses or the area in general. The property location is remote, with no visibility from the main public thoroughfare in the area (A6088), and is set well back off Chesters Brae. In comparison with a lot of the other housing in the vicinity which are built at the road edge, the proposals are discrete and no more imposing.

Since the planning application was refused, the applicant's employer has also expressed concern about the prospect of losing an important employee should he and his family need to relocate to a bigger property. As previously noted, houses do not come up for sale very often in this area.

It was acknowledged by the planning officer that there are a multitude of house designs in the area, and although a rural setting, most current design principles have generally not been applied in other recent buildings. We were always of the opinion that the surrounding area goes a long way to define how a new project should be viewed,

but this principle has not been taken into account in this instance. The proposals are not doing any harm to the surrounding area, and it is hoped that this appeal may overturn the original decision to allow the formation of a family home for the applicant and his family to enjoy.

Stuart Patterson
On behalf of Mr E. Alanizi

Existing Photographs



Front/South Elevation



Front/South Elevation

(Viewed from West, with neighbouring Souden View in background)



Side/West Elevation



Rear/North Elevation (viewed from West)



Rear/North Elevation



Side/East Elevation

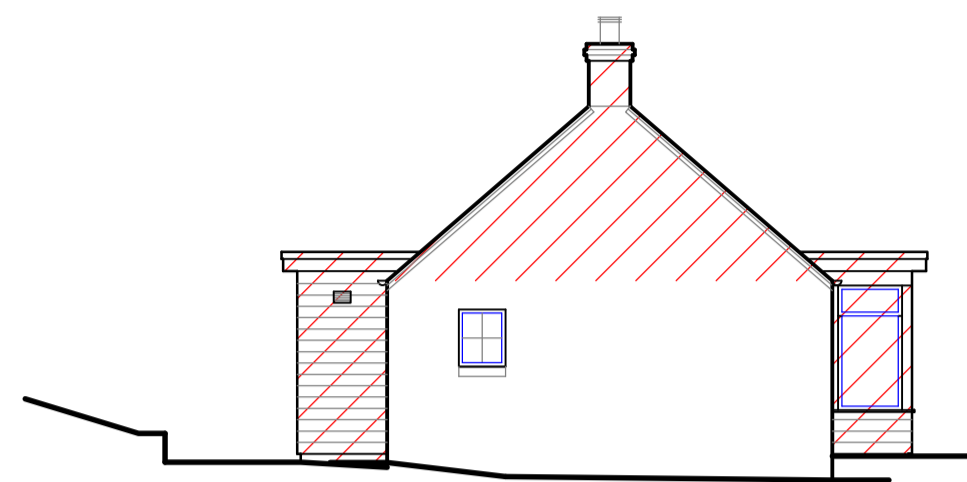


Flat Roof to Original Extension

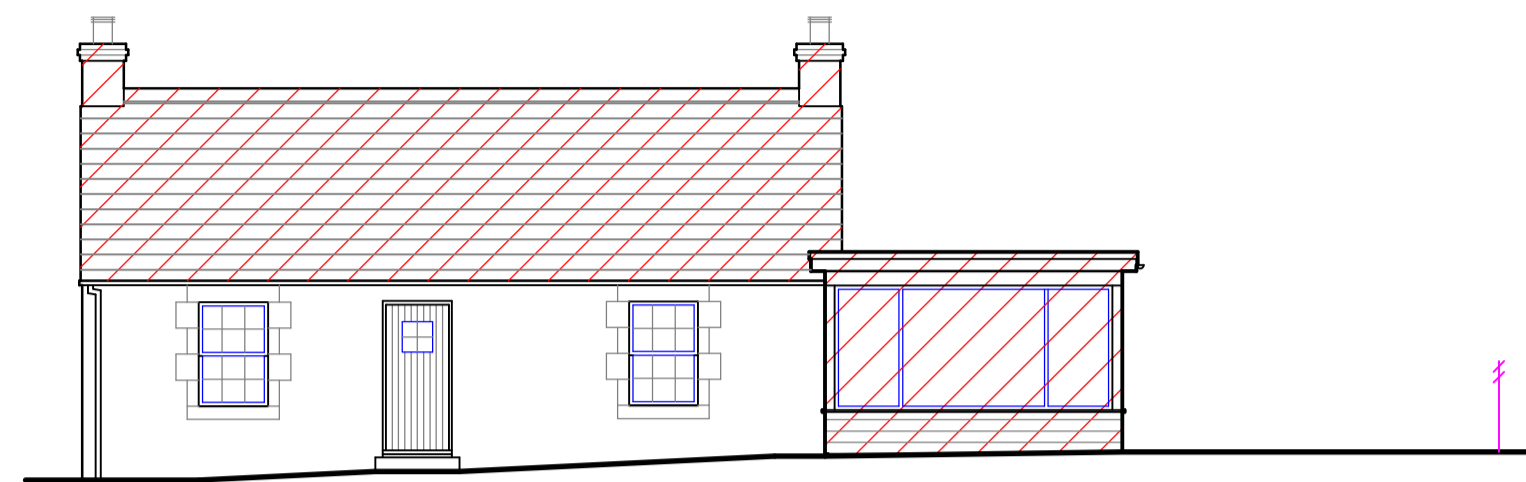


Existing Extension

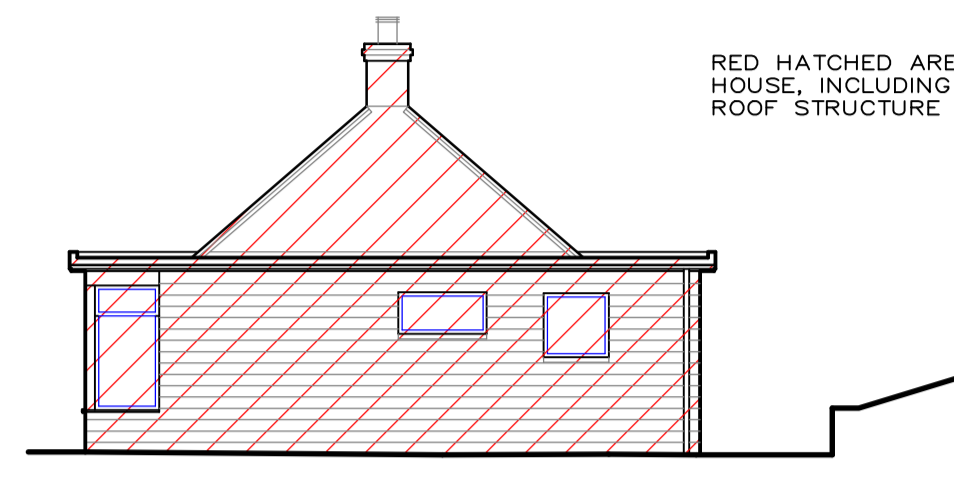
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Existing Side/West Elevation

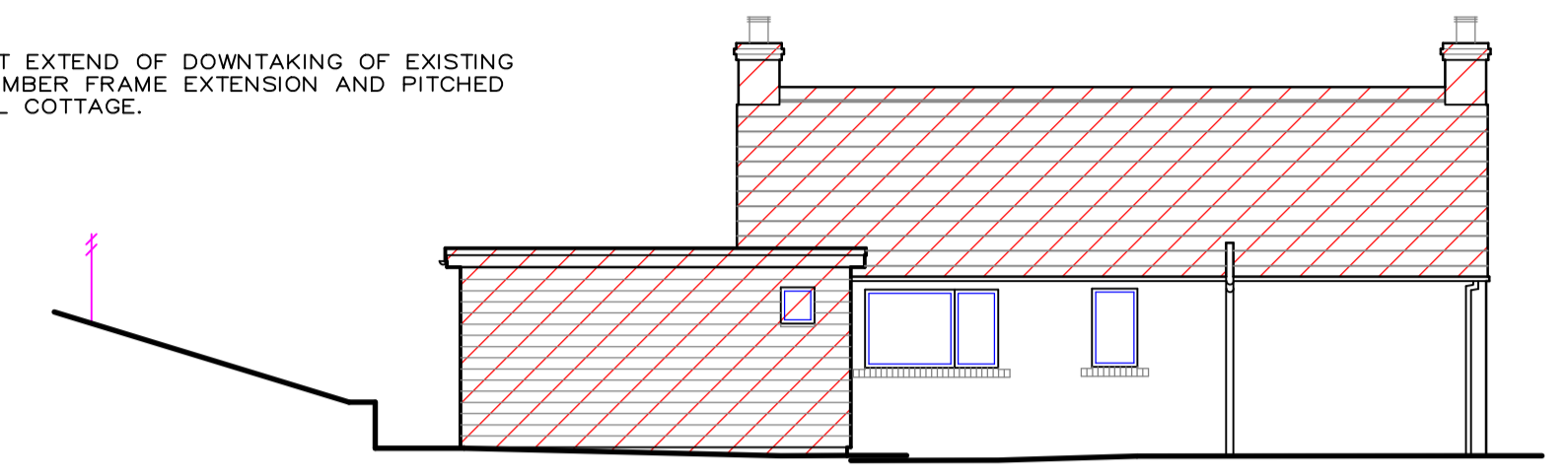


Existing Front/South Elevation



Existing Side/East Elevation

RED HATCHED AREAS REPRESENT EXTENT OF DOWNTAKING OF EXISTING HOUSE, INCLUDING FLAT ROOF TIMBER FRAME EXTENSION AND PITCHED ROOF STRUCTURE OVER ORIGINAL COTTAGE.



Existing Rear/North Elevation

EXISTING HOUSE NOTES

EXISTING PITCHED ROOF (TO ORIGINAL COTTAGE) FINISHED WITH SLATE. FLAT ROOF OVER TIMBER LINED EXTENSION FINISHED WITH MINERAL FELT.

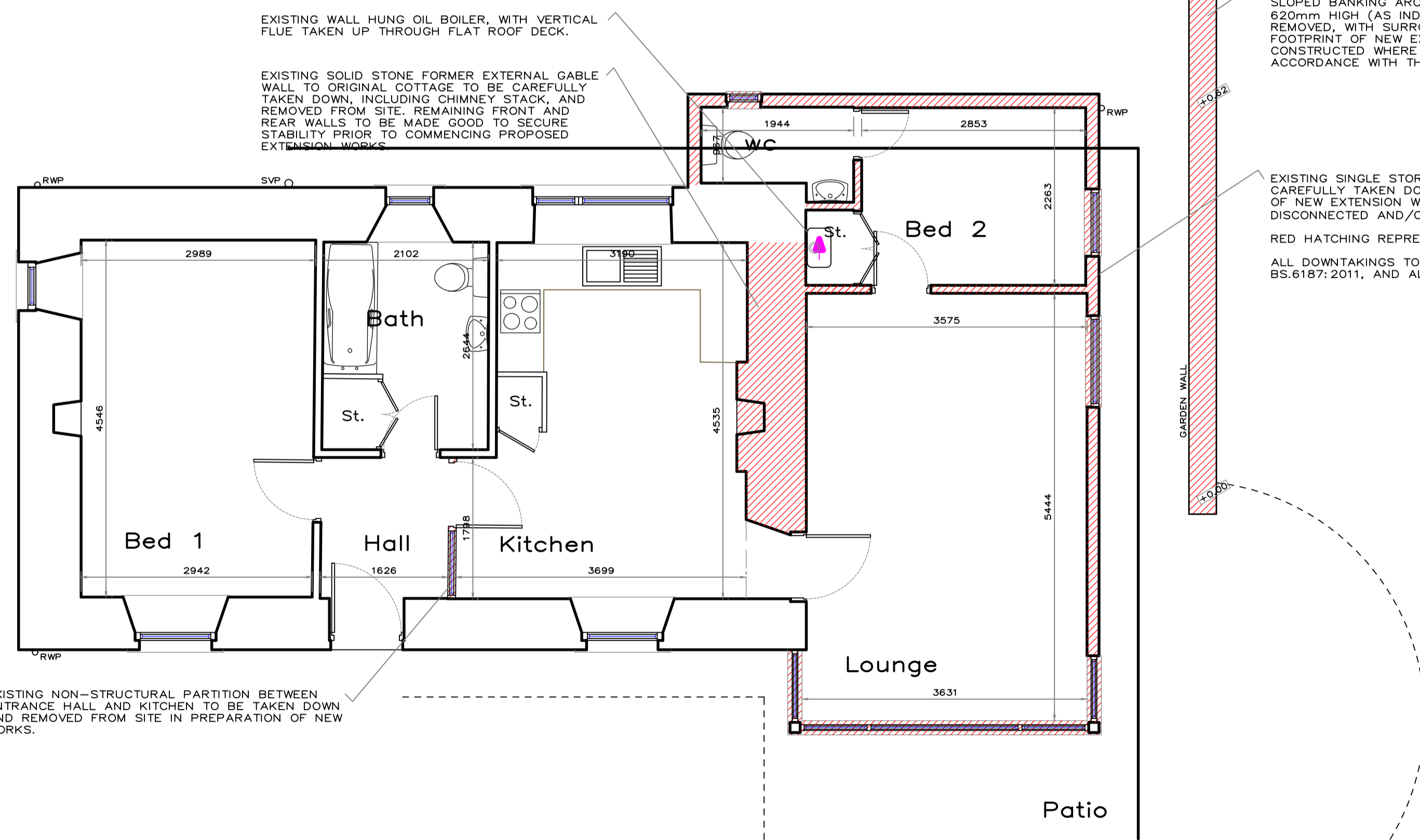
EXTERNAL WALLS TO ORIGINAL COTTAGE BUILT IN RANDOM COURSED SANDSTONE, WITH LOUNGE/BEDROOM 2 EXTENSION BUILT IN SINGLE SKIN TIMBER FRAME CONSTRUCTION WITH TIMBER SHINGLE FINISH EXTERNALLY, STAINED/PAINTED BROWN.

WHITE uPVC REPLACEMENT WINDOWS THROUGHOUT, TOP-HUNG CASEMENT OR NON-OPENING STYLE.

TIMBER FASCIA/SOFFIT BOARDS TO EXTENSION, PAINTED WHITE.

GREY uPVC GUTTERING AND DOWNPIPES.

NOTE
PITCHED ROOF OVER ORIGINAL COTTAGE, AND ALL ASSOCIATED STRUCTURE, INCLUDING CEILING JOISTS AND CEILING, TO BE CAREFULLY TAKEN DOWN AND REMOVED FROM SITE IN PREPARATION OF PROPOSED WORKS. EXISTING STONE WALLHEADS TO BE SUITABLY CLEANED AND LEVELLED READY FOR NEW UPPER FLOOR CONSTRUCTION.



Existing Ground Floor/Site Layout

DATE	REVISION	INDEX

Stuart Patterson

Building & Timber Frame Design

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Roxburghshire, TD9 0DZ

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email - stuartpattersondesign@gmail.com

CLIENT

Mr E. Alanizi

PROJECT

PROPOSED EXTENSION & ALTERATION AT WHINFIELD COTTAGE, CHESTERS, HAWICK.

DRAWING TITLE

EXISTING LAYOUTS

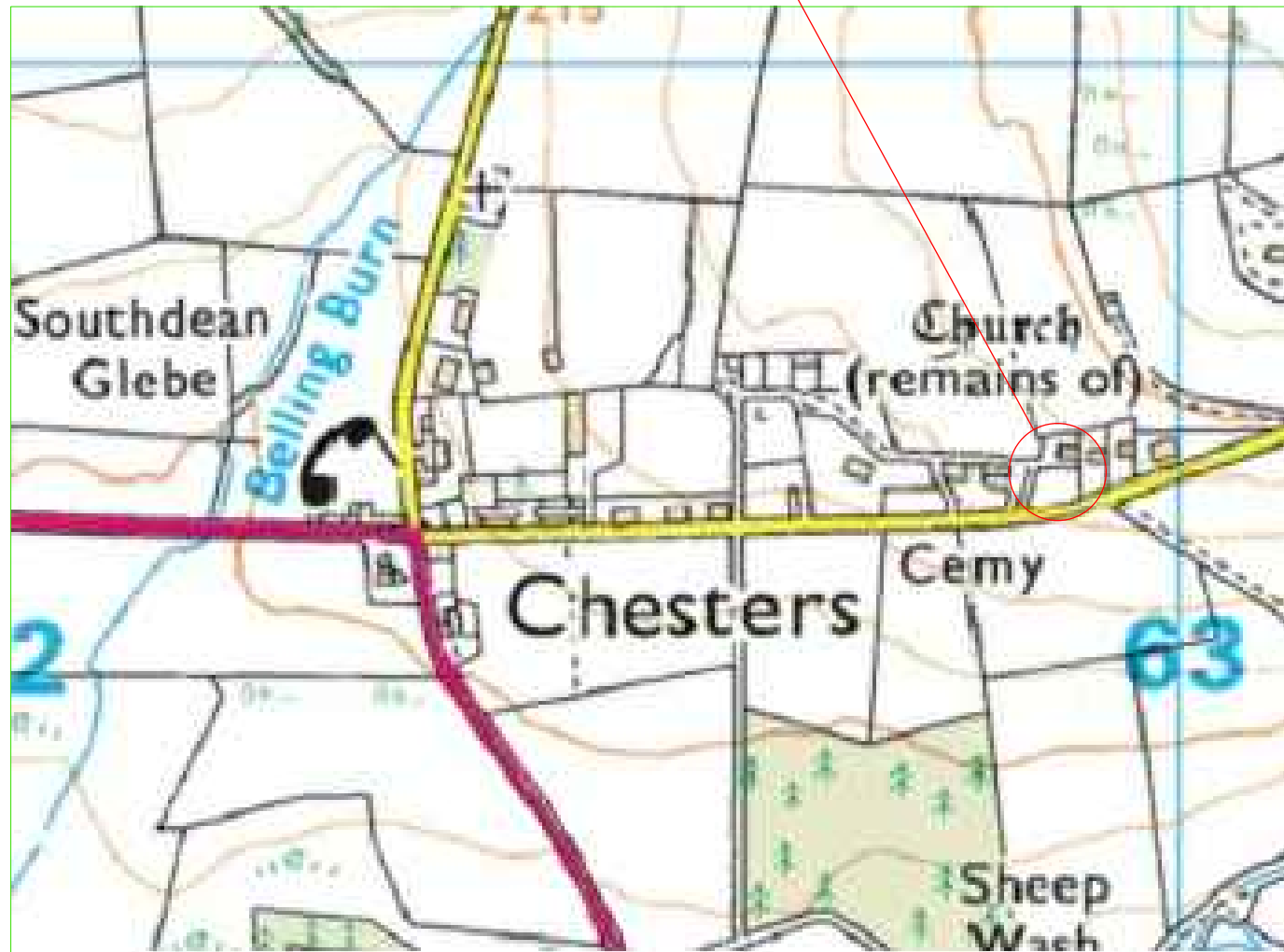
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REVISION / / / / /

DRAWING No. 21-714-1001

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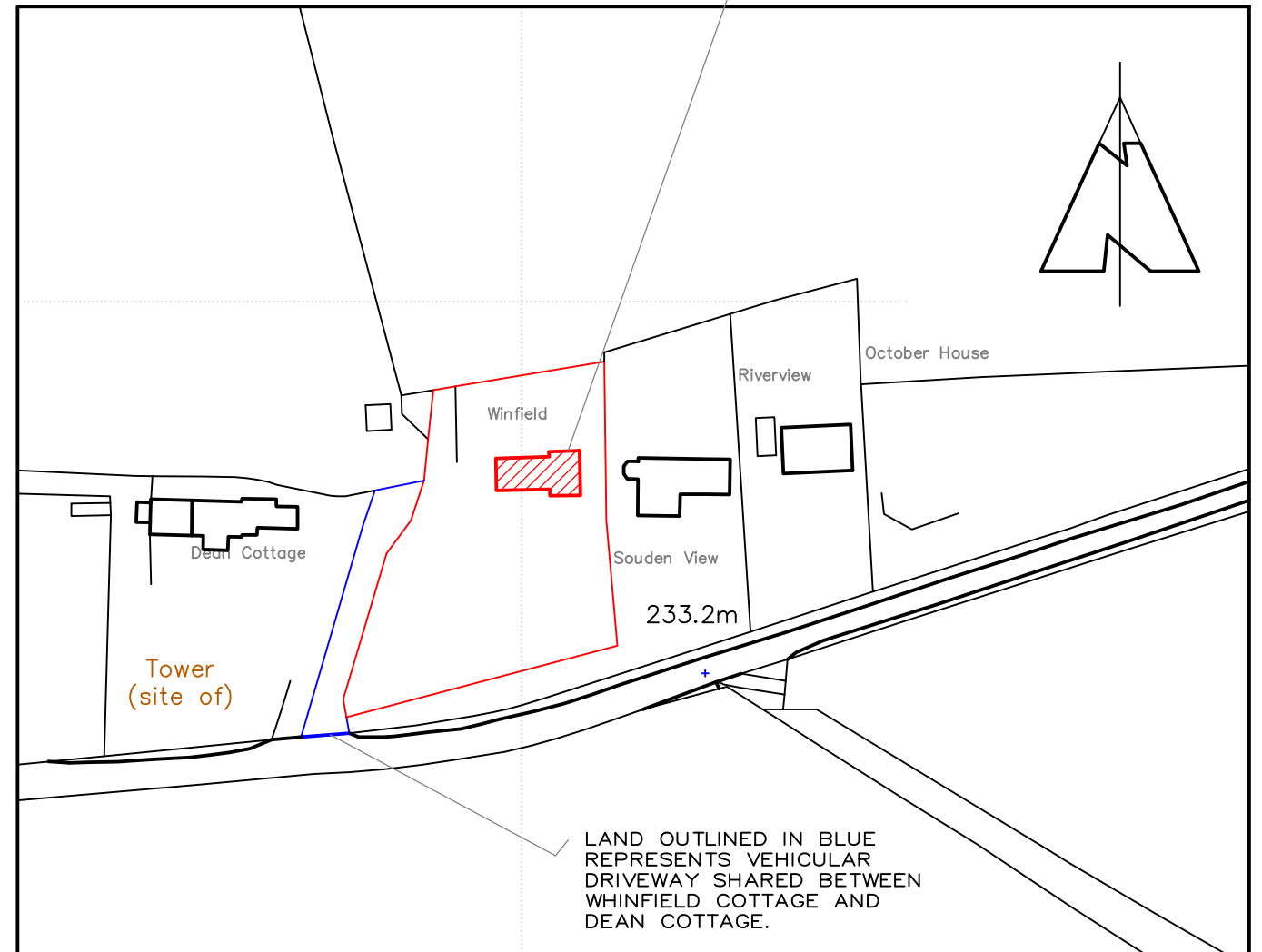
LOCATION OF WHINFIELD COTTAGE.



Block Location

NOT TO SCALE

PROPERTY REFERRED TO IN THE APPLICATION.



LAND OUTLINED IN BLUE REPRESENTS VEHICULAR DRIVEWAY SHARED BETWEEN WHINFIELD COTTAGE AND DEAN COTTAGE.

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Location Plan

SCALE 1:1250..

Stuart Patterson

Building & Timber Frame Design

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CLIENT/PROJECT

**Mr E. Alanizi
PROPOSED EXTENSION & ALTERATION AT
WHINFIELD COTTAGE,
CHESTERS, HAWICK.**

DRAWING TITLE

LOCATION PLAN

SCALE

1:1250..

DATE

14/1/21

DRAWING No.

21-714-1002

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GENERAL NOTES

EXISTING WALLS RETAINED TO COTTAGE CONSTRUCTED IN SOLID STONE AND PLASTERED INTERNALLY.

WHERE WINDOWS ARE DIRECTLY ADJACENT/COUPLED TO A DOOR OR WHERE THE CILL HEIGHT TO THE WINDOW IS LESS THAN 800mm FROM FINISHED FLOOR LEVEL, THE WINDOWS ARE TO BE GLAZED WITH TOUGHENED SAFETY GLASS.

ANY GLAZING WITHIN DOORSETS (INTERNAL OR EXTERNAL) ARE ALSO TO BE GLAZED WITH TOUGHENED SAFETY GLASS.

TOUGHENED SAFETY GLASS TO COMPLY WITH BS.6262:PART4:2005.

CONTROLS/HANDLE TO EACH WINDOW TO BE POSITIONED AT LEAST 350mm FROM ANY INTERNAL CORNER, PROJECTING WALL OR SIMILAR OBSTRUCTION AND AT A HEIGHT NO GREATER THAN 1.7m ABOVE FINISHED FLOOR LEVEL, IN COMPLIANCE WITH BUILDING STANDARD 4.8.5.

CILL HEIGHT TO NEW FIRST FLOOR BEDROOM WINDOWS TO BE BETWEEN 800 AND 1100mm FROM FINISHED FLOOR LEVEL, WITH A MINIMUM OPENING AREA OF 0.33m² NEITHER HEIGHT OR WIDTH OF OPENING TO BE LESS THAN 450mm TO ALLOW EMERGENCY ESCAPE. ALL ESCAPE WINDOWS TO COMPLY WITH BUILDING STANDARD 2.9.4.

EMERGENCY ESCAPE WINDOWS DENOTED WITH - *

TRICKLE VENTILATION PROVIDED THROUGH VENTILATED HEAD OF WINDOWS AND VELUX ROOFLIGHTS TO EACH ROOM, WHERE INDICATED. TRICKLE VENTS TO PROVIDE MINIMUM OPENING AREA OF 8,000mm² TO HABITABLE ROOMS (LOUNGE/DINING/BEDROOMS) AND 4,000mm² TO UTILITY AND SANITARY ROOMS. ALL TRICKLE VENTS TO BE FITTED AT A HEIGHT NO LESS THAN 1.75m FROM FINISHED FLOOR LEVEL.

ALL NEW WINDOWS AND EXTERNAL DOORS TO BE DOUBLE GLAZED, WITH A MAXIMUM U-VALUE OF 1.40 W/m²K OR HAVE AN 'A'-RATED ENERGY PERFORMANCE CERTIFICATE.

ALL NEW INTERNAL PASS DOORS TO HAVE MINIMUM CLEAR OPENING WIDTH OF 800mm, TO ALLOW WHEELCHAIR ACCESS THROUGHOUT THE DWELLING. CLEAR OPENING WIDTH MAY BE REDUCED TO 775mm WHERE THE DOOR IS APPROACHED HEAD-ON, PASS DOORS TO ANY ENSUITE TO HAVE MINIMUM CLEAR OPENING WIDTH OF 670mm.

ALL DOOR OPENING WIDTHS AS DESIGNATED WITHIN BUILDING STANDARD 4.2.6.

NEW RADIATORS TO BE CONNECTED TO EXISTING SYSTEM, AND FITTED WITH THERMOSTATIC CONTROL VALVES, AS REQUIRED.

CONSTRUCTION/EXPANSION JOINTS TO BE FORMED IN EXTERNAL MASONRY CLADDING AT 6m MAXIMUM CENTRES. JOINT POSITIONS INDICATED ON FLOOR LAYOUT AND ELEVATIONS BY 'CJ'.

CAVITY BARRIERS TO BE FORMED AT ALL NEW STRUCTURAL OPENINGS, INCLUDING NEW DOOR AND WINDOWS WITHIN EXTENSION. SEE PROJECT SPECIFICATION FOR FULL DETAIL OF CAVITY BARRIER INSTALLATION AT EACH LOCATION.

ALL NEW DOORS AND WINDOWS TO PROPERTY TO BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH BS.7412:2007, AND PROVIDED WITH LOCKS AND HINGES AS LAID OUT IN BUILDING STANDARD 4.13.4, AND CERTIFIED TO BS-PAS 24:2007 FOR DOORS AND BS.7950:1997 FOR WINDOWS FOR SECURITY STANDARDS. ALL DOORS AND WINDOWS TO BE SECURED WITHIN THEIR RESPECTIVE OPENINGS TO THE RECOMMENDATIONS GIVEN IN SECTION 8 OF BS.8213-4:2007, OR TO THE MANUFACTURERS WRITTEN INSTRUCTION, WHERE THESE EXCEED THE RECOMMENDATION WITHIN THE BRITISH STANDARDS.

ALL NEW EXTERNAL DOORS SHOULD MEET THE RECOMMENDATIONS FOR PHYSICAL SECURITY IN 'SECTION 2: SECURITY OF DWELLING' OF THE SECURED BY DESIGN PUBLICATION FOR 'NEW HOMES 2014' (ALL RELEVANT INFORMATION CAN BE FOUND AT WWW.SECUREDBYDESIGN.COM).

ANY NEW EXTERNAL ENTRANCE STEPS TO BE FORMED WITH PRECAST CONCRETE SLIP-STEPS OR SLABS BUILT OFF SUITABLE FOUNDATION AND MASONRY UNDERBUILDING, WITH 170mm MAXIMUM RISE AND MINIMUM 250mm GOING. OVERALL RISE OF ACCESS STEPS TO BE NO GREATER THAN 600mm, MEASURED FROM FINISHED FLOOR LEVEL TO EXTERNAL GROUND LEVEL.

SMOKE ALARMS

SMOKE DETECTION SYSTEM TO BE DESIGNED AND INSTALLED TO BS.5839:PART 6:2013.

IT IS RECOMMENDED TO FIT OPTICAL SMOKE DETECTORS IN EACH LOUNGE, AND WHERE THERE IS AN OPEN FLUED APPLIANCE, WITH IONISATION DETECTORS PROVIDED IN HALLWAYS AND BEDROOMS, WHERE INDICATED. ALL NEW SMOKE DETECTORS SHOULD CONFORM TO BS.EN.14604:2005.

NO POINT IN THE KITCHEN SHOULD BE MORE THAN 5.3m FROM THE HEAT DETECTOR, AS SHOWN, IN ACCORDANCE WITH BUILDING STANDARD 2.11.7.

NOTE
SITE TO HAVE SUITABLE PROTECTIVE SECURITY FENCING TO PROTECT THE PUBLIC FROM THE WORKS INVOLVED THROUGHOUT THE CONSTRUCTION PERIOD. ALL PROTECTIVE WORKS TO COMPLY WITH REGULATION 13 OF THE BUILDING STANDARDS.

ALL UNFINISHED OR PARTIALLY COMPLETE PARTS OF THE BUILDING TO BE KEPT SECURE DURING THE FULL PERIOD OF WORKS, TO COMPLY WITH REGULATION 15 OF THE BUILDING STANDARDS.

NOTE

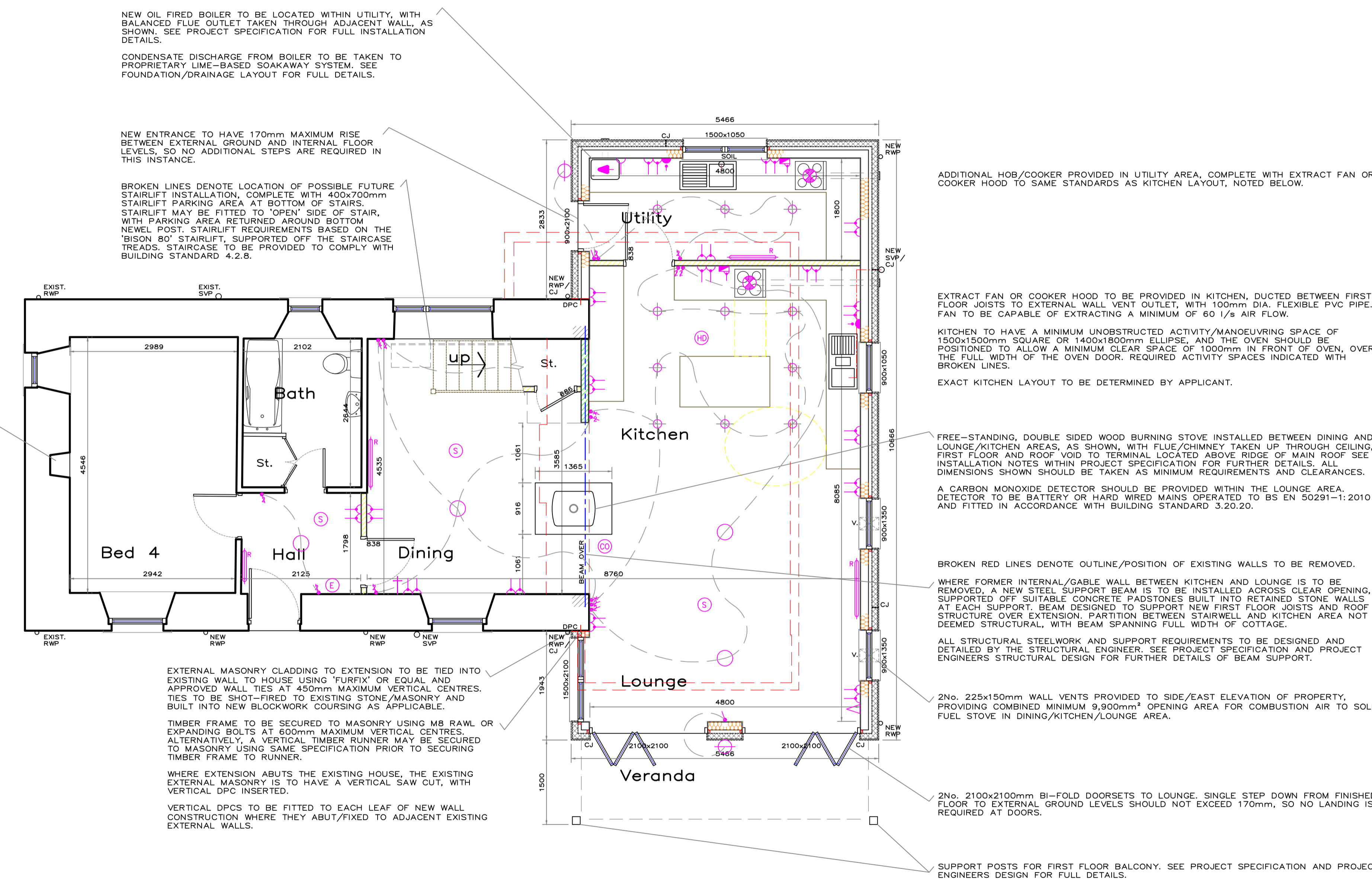
ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERS DESIGN CERTIFICATE.

HEATING LEGEND

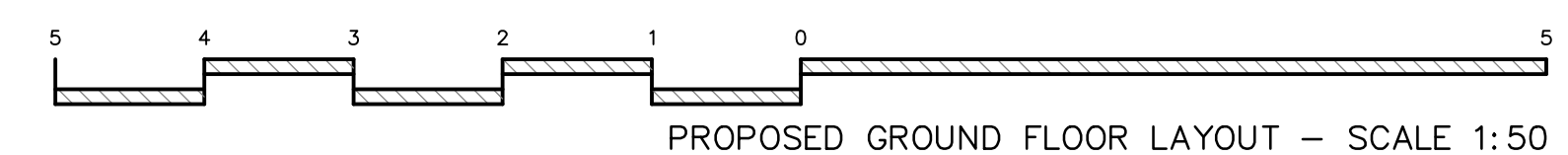
- OIL FIRED BOILER (SURFACE TEMP. N.E. 100° C).
- PROPOSED RADIATOR POSITION.
- EXACT RADIATOR POSITIONS TO BE AGREED ON SITE WITH CLIENT.
- ALL RADIATORS TO BE CONNECTED TO CENTRAL HEATING SYSTEM, AND FITTED WITH THERMOSTATIC CONTROL VALVES, AS REQUIRED. BATHROOM/ENSUITE RADIATOR MAY BE PROVIDED AS BYPASS, WHERE TRV IS NOT REQUIRED.
- BOILER/HEATING SYSTEM TO BE CAPABLE OF ACHIEVING A TEMPERATURE OF 21° IN AT LEAST ONE APARTMENT, AND 18° IN ALL OTHER AREAS (EXCLUDING STORAGE AREAS) WHEN THE OUTSIDE TEMPERATURE IS -1°, TO COMPLY WITH BUILDING REGULATION 3.13.1.
- ALL NEW HOT WATER AND CENTRAL HEATING PIPES TO BE SUITABLY INSULATED/LAGGED IN ACCORDANCE WITH BS.5442 : 2009.

ELECTRICAL LEGEND

- SINGLE 13AMP S.S. OUTLET.
- DOUBLE 13AMP S.S. OUTLET.
- EXTERNAL WEATHERPROOF 13AMP OUTLET.
- SOCKET OUTLETS TO BE LOCATED A MINIMUM OF 350mm FROM ANY INTERNAL CORNER, AND POSITIONED BETWEEN 400-1200mm ABOVE FINISHED FLOOR LEVEL. ANY SOCKETS LOCATED ABOVE AN OBSTRUCTION (KITCHEN WORKTOP) SHOULD BE LOCATED A MINIMUM OF 150mm ABOVE PROJECTING SURFACE.
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- FUSED SPUR OUTLET.
- 13AMP SUPPLY BELOW WORKTOP SWITCHED ABOVE.
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- ONE-WAY SWITCH POINT.
- TWO-WAY SWITCH POINT.
- INTERMEDIATE SWITCH POINT.
- LIGHT SWITCHES TO BE POSITIONED BETWEEN 900-1100mm ABOVE FINISHED FLOOR LEVEL.
- PULL-CORD SWITCH POINT.
- INDICATOR SWITCH POINT FOR ELECTRIC SHOWER.
- DIMMER SWITCH POINT.
- INDICATOR SWITCH FOR EXTRACT FAN.
- FLUORESCENT STRIP LIGHT.
- PENDANT LIGHT FITTING.
- INTERNAL WALL LIGHT.
- FEATURE SPOT LIGHT.
- ALL RECESSED SPOT LIGHTS/DOWNLIGHTERS TO BE FITTED WITH HALF-HOUR FIRE RESISTANT SHROUDES, AND SHOULD BE CERTIFIED COMPLIANT WITH BS EN ISO 146-3:1995 AND BS EN ISO 146-6:1998 FOR SOUND INSULATION/ACOUSTICS WITHIN SEPARATING FLOOR.
- EXTERNAL WALL LIGHT.
- ALL NEW LIGHT FITTINGS AND LAMPS INSTALLED SHOULD BE LOW ENERGY TYPE, OR FITTED WITH LOW ENERGY BULBS.
- ALL NEW EXTERNAL LIGHTING SHOULD HAVE A MAXIMUM OUTPUT OF 100 LAMP-WATTS OR AN EFFICACY OF AT LEAST 45 LUMENS PER CIRCUIT-WATT, AND SHOULD BE FITTED WITH AUTOMATIC CONTROL AND PHOTOCELL TO ENSURE OPERATION ONLY WHEN NEEDED.
- ELECTRICAL CONSUMER UNIT.
- IMMERSION HEATER.
- TELEVISION POINT.
- ELECTRIC SHOWER (TO BS 3456) WITH ANTI-SCALD VALVE. ALTERNATIVELY, THERMOSTATIC MIXER VALVE CONNECTED TO MAINS SUPPLY TO BE FITTED, COMPLETE WITH ANTI-SCALD VALVE.
- DOOR BELL.
- TELEPHONE/ELECTRONIC COMMUNICATION ACCESS POINT.
- IN-BUILDING HIGH SPEED ELECTRONIC COMMUNICATION NETWORK (FIBRE BROADBAND) PROVIDED TO PROPERTY, WITH NETWORK TERMINATION POINT LOCATED WITHIN THE HOUSE, AS SHOWN. ALL CONNECTION WORKS CARRIED OUT IN ACCORDANCE WITH BUILDING STANDARD 4.14, AND TO THE REQUIREMENTS OF THE TELECOM/MUNICATION PROVIDER.
- WALL MOUNTED EXTRACT FAN.
- CEILING MOUNTED EXTRACT FAN.
- MAINS OPERATED/CHARGED OPTICAL SMOKE ALARM (INTERLINKED) TO BS.5839:PART6:2013.
- MAINS OPERATED/CHARGED HEAT DETECTOR IN KITCHEN (INTERLINKED) TO BS.5446:PART2:2003.
- ALL SMOKE DETECTION SYSTEMS TO COMPLY WITH THE DETAILS PROVIDED WITHIN BUILDING STANDARD 2.11.
- BATTERY OPERATED OR HARD WIRED CARBON MONOXIDE DETECTOR TO BS EN 50291:PART1:2010, FITTED IN ACCORDANCE WITH BUILDING STANDARD 3.20.20.
- MAINS OPERATED CARBON DIOXIDE MONITOR TO MAIN BEDROOM, FITTED IN ACCORDANCE WITH BUILDING STANDARD 3.14.2.
- SHROUDED BATTEN HOLDER TO BE FITTED IN BATH/SHOWER/ENSUITE.
- ALL ELECTRICS TO COMPLY WITH BS. 7671:2018, AND TO BE CERTIFIED BY A SELECT REGISTERED ELECTRICIAN. CERTIFICATE OF COMPLIANCE/INSTALLATION TO BE PROVIDED TO BUILDING CONTROL PRIOR TO ISSUE OF COMPLETION CERTIFICATE FOR WORKS.
- EXACT ELECTRICAL LAYOUT TO BE AGREED ON SITE WITH CLIENT.
- INTERNAL DRAINAGE LAYOUT SHOWN THUS - - - - -



Proposed Ground Floor Layout



Stuart Patterson
Building & Timber Frame Design

3 Burnflat Lane, Hawick,
Roxburghshire, TD9 0DZ
phone - 01450 375772
email - stuartpattersondesign@gmail.com

CLIENT
Mr E. Alanizi

PROJECT
PROPOSED EXTENSION & ALTERATION AT WHINFIELD COTTAGE, CHESTERS, HAWICK.

DRAWING TITLE
PROPOSED GROUND FLOOR LAYOUT

SCALES	DATE
1:50..	14/1/21
REVISION	

DRAWING No. **21-714-2001**

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GENERAL NOTES

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NOTE

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERS DESIGN CERTIFICATE.

HEATING LEGEND

○ OIL FIRED BOILER (SURFACE TEMP. N.E. 100' C.)

— PROPOSED RADIATOR POSITION.

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ELECTRICAL LEGEND

○ SINGLE 13AMP S.S. OUTLET.

○ DOUBLE 13AMP S.S. OUTLET.

○ EXTERNAL WEATHERPROOF 13AMP OUTLET.

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○ UNSWITCHED SHAVER POINT.

○ FUSED SPUR OUTLET.

○ 13AMP SUPPLY BELOW WORKTOP SWITCHED ABOVE.

○ 15AMP SUPPLY BELOW WORKTOP SWITCHED ABOVE.

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○ ONE-WAY SWITCH POINT.

○ TWO-WAY SWITCH POINT.

○ INTERMEDIATE SWITCH POINT.

○ LIGHT SWITCHES TO BE POSITIONED BETWEEN 900-1100mm ABOVE FINISHED FLOOR LEVEL.

○ PULL-CORD SWITCH POINT.

○ INDICATOR SWITCH POINT FOR ELECTRIC SHOWER.

○ DIMMER SWITCH POINT.

○ INDICATOR SWITCH FOR EXTRACT FAN.

○ FLUORESCENT STRIP LIGHT.

○ PENDANT LIGHT FITTING.

○ INTERNAL WALL LIGHT.

○ FEATURE SPOT LIGHT.

○ ALL RECESSED SPOT LIGHTS/DOWNLIGHTERS TO BE FITTED WITH HALF-HOUR FIRE RESISTANT SHROUDS, AND SHOULD BE CERTIFIED COMPLIANT WITH BS EN ISO 140-3:1995 AND BS EN ISO 140-6:1998 FOR SOUND INSULATION/Acoustics WITHIN SEPARATING FLOOR.

○ EXTERNAL WALL LIGHT.

○ ALL NEW LIGHT FITTINGS AND LAMPS INSTALLED SHOULD BE LOW ENERGY TYPE, OR FITTED WITH LOW ENERGY BULBS.

○ ALL NEW EXTERNAL LIGHTING SHOULD HAVE A MAXIMUM OUTPUT OF 100 LAMP-WATTS OR AN EFFICACY OF AT LEAST 45 LUMENS PER CIRCUIT-WATT, AND SHOULD BE FITTED WITH AUTOMATIC CONTROL, AND PHOTOCELL TO ENSURE OPERATION ONLY WHEN NEEDED.

○ ELECTRICAL CONSUMER UNIT.

○ IMMERSION HEATER.

○ TELEVISION POINT.

○ ELECTRIC SHOWER (TO BS 3456) WITH ANTI-SCALD VALVE. ALTERNATIVELY, THERMOSTATIC MIXER VALVE CONNECTED TO MAINS SUPPLY TO BE FITTED, COMPLETE WITH ANTI-SCALD VALVE.

○ DOOR BELL.

○ TELEPHONE/ELECTRONIC COMMUNICATION ACCESS POINT.

○ IN-BUILDING HIGH SPEED ELECTRONIC COMMUNICATION NETWORK (FIBRE BROADBAND) PROVIDED TO PROPERTY, WITH NETWORK TERMINATION POINT LOCATED WITHIN THE HOUSE, AS SHOWN. ALL CONNECTION WORKS CARRIED OUT IN ACCORDANCE WITH BUILDING STANDARD 4.14, AND TO THE REQUIREMENTS OF THE TELECOM/MUNICATIONS PROVIDER.

○ WALL MOUNTED EXTRACT FAN.

○ CEILING MOUNTED EXTRACT FAN.

○ MAINS OPERATED/CHARGED OPTICAL SMOKE ALARM (INTERLINKED) TO BS.5839:PART6:2013.

○ MAINS OPERATED/CHARGED HEAT DETECTOR IN KITCHEN (INTERLINKED) TO BS.5446:PART2:2003.

○ ALL SMOKE DETECTION SYSTEMS TO COMPLY WITH THE DETAILS PROVIDED WITHIN BUILDING STANDARD 2.11.

○ BATTERY OPERATED OR HARD WIRED CARBON MONOXIDE DETECTOR TO BS.EN.50291:PART1:2010, FITTED IN ACCORDANCE WITH BUILDING STANDARD 3.20.20.

○ MAINS OPERATED CARBON DIOXIDE MONITOR TO MAIN BEDROOM, FITTED IN ACCORDANCE WITH BUILDING STANDARD 3.14.2.

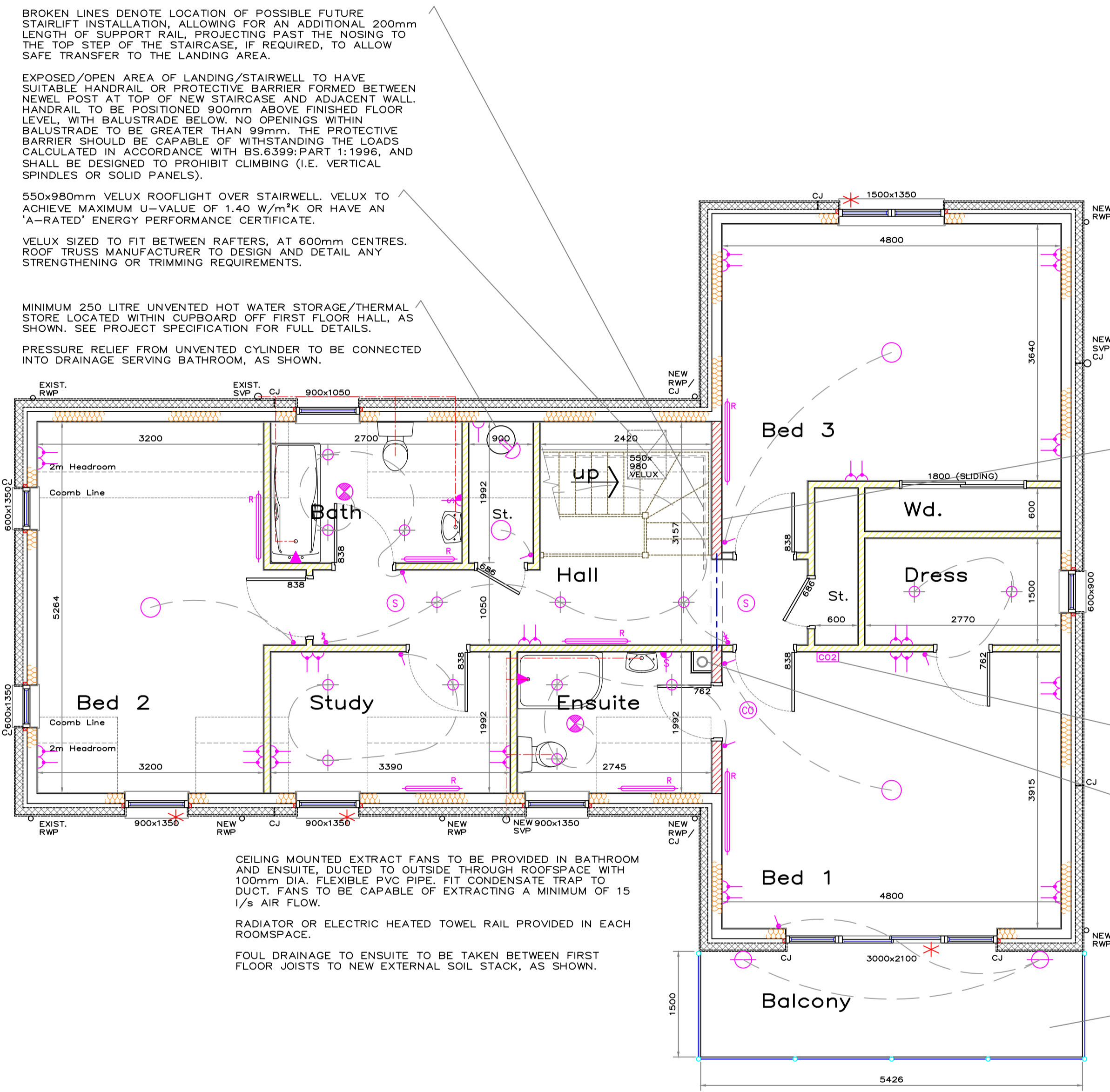
○ SHROUDED BATTEN HOLDER TO BE FITTED IN BATH/SHOWER/ENSUITE.

○ ALL ELECTRICS TO COMPLY WITH BS. 7671:2018, AND TO BE CERTIFIED BY A SELECT REGISTERED ELECTRICIAN. CERTIFICATE OF COMPLIANCE/INSTALLATION TO BE PROVIDED TO BUILDING CONTROL PRIOR TO ISSUE OF COMPLETION CERTIFICATE FOR WORKS.

○ EXACT ELECTRICAL LAYOUT TO BE AGREED ON SITE WITH CLIENT.

○ INTERNAL DRAINAGE LAYOUT SHOWN THUS - - - - -

DATE	REVISION	INDEX



BROKEN LINES DENOTE LOCATION OF POSSIBLE FUTURE STAIRLIFT INSTALLATION, ALLOWING FOR AN ADDITIONAL 200mm LENGTH OF SUPPORT RAIL, PROJECTING PAST THE NOSING TO THE TOP STEP OF THE STAIRCASE, IF REQUIRED, TO ALLOW SAFE TRANSFER TO THE LANDING AREA.

EXPOSED/OPEN AREA OF LANDING/STAIRWELL TO HAVE SUITABLE HANDRAIL OR PROTECTIVE BARRIER FORMED BETWEEN NEWEL POST AT TOP OF NEW STAIRCASE AND ADJACENT WALL. HANDRAIL TO BE POSITIONED 900mm ABOVE FINISHED FLOOR LEVEL, WITH BALUSTRADE BELOW. NO OPENINGS WITHIN BALUSTRADE TO BE GREATER THAN 99mm. THE PROTECTIVE BARRIER SHOULD BE CAPABLE OF WITHSTANDING THE LOADS CALCULATED IN ACCORDANCE WITH BS.6399:PART 1:1998, AND SHALL BE DESIGNED TO PROHIBIT CLIMBING (I.E. VERTICAL SPINDLES OR SOLID PANELS).

550x980mm VELUX ROOFLIGHT OVER STAIRWELL. VELUX TO ACHIEVE MAXIMUM U-VALUE OF 1.40 W/m²K OR HAVE AN 'A'-RATED ENERGY PERFORMANCE CERTIFICATE.

VELUX SIZED TO FIT BETWEEN RAFTERS, AT 600mm CENTRES. ROOF TRUSS MANUFACTURER TO DESIGN AND DETAIL ANY STRENGTHENING OR TRIMMING REQUIREMENTS.

MINIMUM 250 LITRE UNVENTED HOT WATER STORAGE/THERMAL STORE LOCATED WITHIN CUPBOARD OFF FIRST FLOOR HALL, AS SHOWN. SEE PROJECT SPECIFICATION FOR FULL DETAILS.

PRESSURE RELIEF FROM UNVENTED CYLINDER TO BE CONNECTED INTO DRAINAGE SERVING BATHROOM, AS SHOWN.

EXISTING STONE GABLE WALL AND CHIMNEY STACK TO BE TAKEN DOWN TO FIRST FLOOR LEVEL, WITH WALLHEAD CLEANED AND LEVELLED IN PREPARATION OF NEW CAVITY WALL GABLE BUILT OVER.

RED HATCHED WALLS REPRESENT INTERNAL LOADBEARING PARTITIONS, SUPPORTING ROOF TRUSSES TO UPPER FLOOR EXTENSION. PARTITIONS FORMED WITH 140mm WIDE TIMBERS TO SUIT TRUSS POSITIONS. CLEAR OPENING ACROSS HALLWAY TO BE SUITABLY UNFILLED TO CONTINUE STRUCTURAL SUPPORT ACROSS LENGTH OF WALL. SEE PROJECT SPECIFICATION FOR FULL DETAILS.

CARBON DIOXIDE MONITOR TO BE PROVIDED WITHIN MAIN BEDROOM, TO MONITOR AIR QUALITY, IN ACCORDANCE WITH BUILDING STANDARD 3.14. MONITOR TO BE MAINS OPERATED AND WALL MOUNTED NO NEARER THAN 150mm OF THE CEILING OR JUNCTION OF ANOTHER WALL OR IN ANY LOCATION WHERE IT CAN BE OBSTRUCTED OR NEXT TO ANY OPENING DOOR, WINDOW OR VENT. MONITOR TO BE INSTALLED IN FULL ACCORDANCE WITH THE MANUFACTURERS WRITTEN LITERATURE.

PREFABRICATED TWIN-WALLED STEEL CHIMNEY TO BE TAKEN THROUGH ENSUITE OFF BEDROOM 1 AND ATTIC VOID TO ROOF TERMINAL, AS SHOWN. SEE PROJECT SPECIFICATION FOR FULL DETAIL AND REQUIREMENTS.

WHERE CHIMNEY PASSES THROUGH ENSUITE, THE INNER FACE OF THE WALL SHOULD BE BOXED/FRAMED OUT AS REQUIRED. EXACT EXTENT/LENGTH OF FRAMING SHOULD BE DETERMINED ON SITE WITH APPLICANT, ENSURING REQUIRED CLEARANCE TO CHIMNEY FOR FRAMING.

INTERNAL FRAMING TO BE CREATED WITH SUITABLE REMOVABLE PANEL(S) TO ALLOW ACCESS AND INSPECTION OF FLUE PIPE. PANEL(S) TO ALLOW ACCESS TO FULL LENGTH OF FLUE.

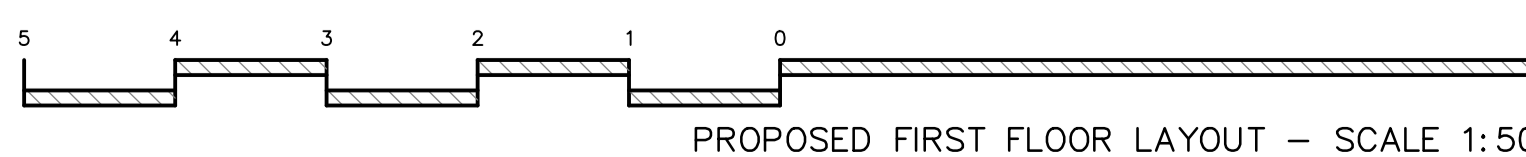
ADDITIONAL CARBON MONOXIDE DETECTOR TO BE PROVIDED WITHIN BEDROOM 1.

VERANDA/BALCONY TO BE TO FRONT OF BEDROOM 1, PROVIDED TO DIMENSIONS SHOWN. BALCONY STRUCTURE FORMED WITH EXTERNAL STEEL CORNER POSTS, WITH STEEL BEAMS RETURNED BACK, AND SECURED TO EXTERNAL MASONRY CLADDING, WITH SUITABLE JOIST INFILL. JOISTS/SUPPORT STRUCTURE TO BE POSITIONED TO PROVIDE A STEP DOWN FROM FINISHED FLOOR LEVEL (MAXIMUM STEP TO BE 150mm), TO ALLOW SUITABLE WATERPROOFING AT PATIO DOOR CILL. SEE PROJECT SPECIFICATION FOR FURTHER DETAILS. PROJECT ENGINEER TO DESIGN AND DETAIL STRUCTURE TO VERANDA/BALCONY, INCLUDING ALL FIXING AND SUPPORT INFORMATION.

PROTECTIVE BARRIER TO BE PROVIDED AROUND EXPOSED PERIMETER OF BALCONY, WITH TOP OF HANDRAIL FINISHED 1100mm ABOVE FINISHED BALCONY/DECK LEVEL. SEE SPECIFICATION FOR FURTHER DETAILS.

DAYLIGHTING/VENTILATION CALCULATIONS

ROOM	FLOOR AREA	DAYLIGHTING	NATURAL VENTILATION	TRICKLE VENTILATION	MECHANICAL VENTILATION
DINING/KITCHEN/LOUNGE	54.64m ²	8.49m ²	11.29m ²	40,000mm ²	60 l/s
UTILITY	8.64m ²	1.14m ²	1.24m ²	12,000mm ²	60 l/s
BEDROOM 1	18.79m ²	4.20m ²	4.20m ²	8,000mm ²	n/a
DRESSING	4.15m ²	0.36m ²	0.40m ²	4,000mm ²	n/a
ENSUITE	5.39m ²	0.86m ²	1.00m ²	8,000mm ²	15 l/s
BATHROOM	5.37m ²	0.71m ²	0.76m ²	8,000mm ²	15 l/s
BEDROOM 2	17.47m ²	1.90m ²	2.26m ²	16,000mm ²	n/a
BEDROOM 3	18.69m ²	1.50m ²	1.62m ²	12,000mm ²	n/a
STUDY	6.75m ²	0.86m ²	1.00m ²	8,000mm ²	n/a



PROPOSED FIRST FLOOR LAYOUT - SCALE 1:50

Proposed First Floor Layout

Stuart Patterson
Building & Timber Frame Design

3 Burnflat Lane, Hawick,
Roxburghshire, TD9 0DZ
phone - 01450 375772
email - stuartpattersondesign@gmail.com

CLIENT
Mr E. Alanizi

PROJECT
PROPOSED EXTENSION & ALTERATION AT WHINFIELD COTTAGE, CHESTERS, HAWICK.

DRAWING TITLE
PROPOSED FIRST FLOOR LAYOUT

SCALES
1:50..

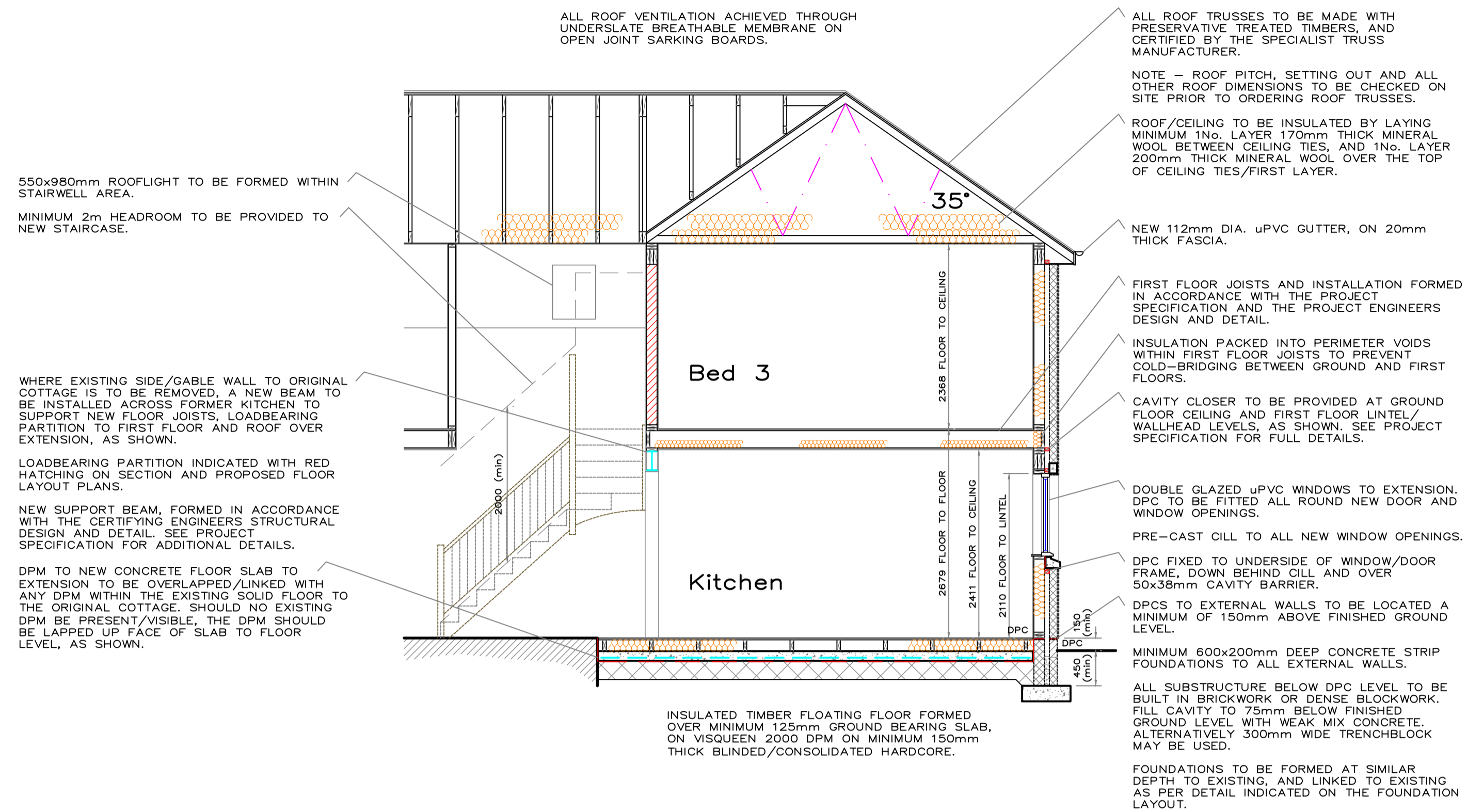
DATE
14/1/21

REVISION

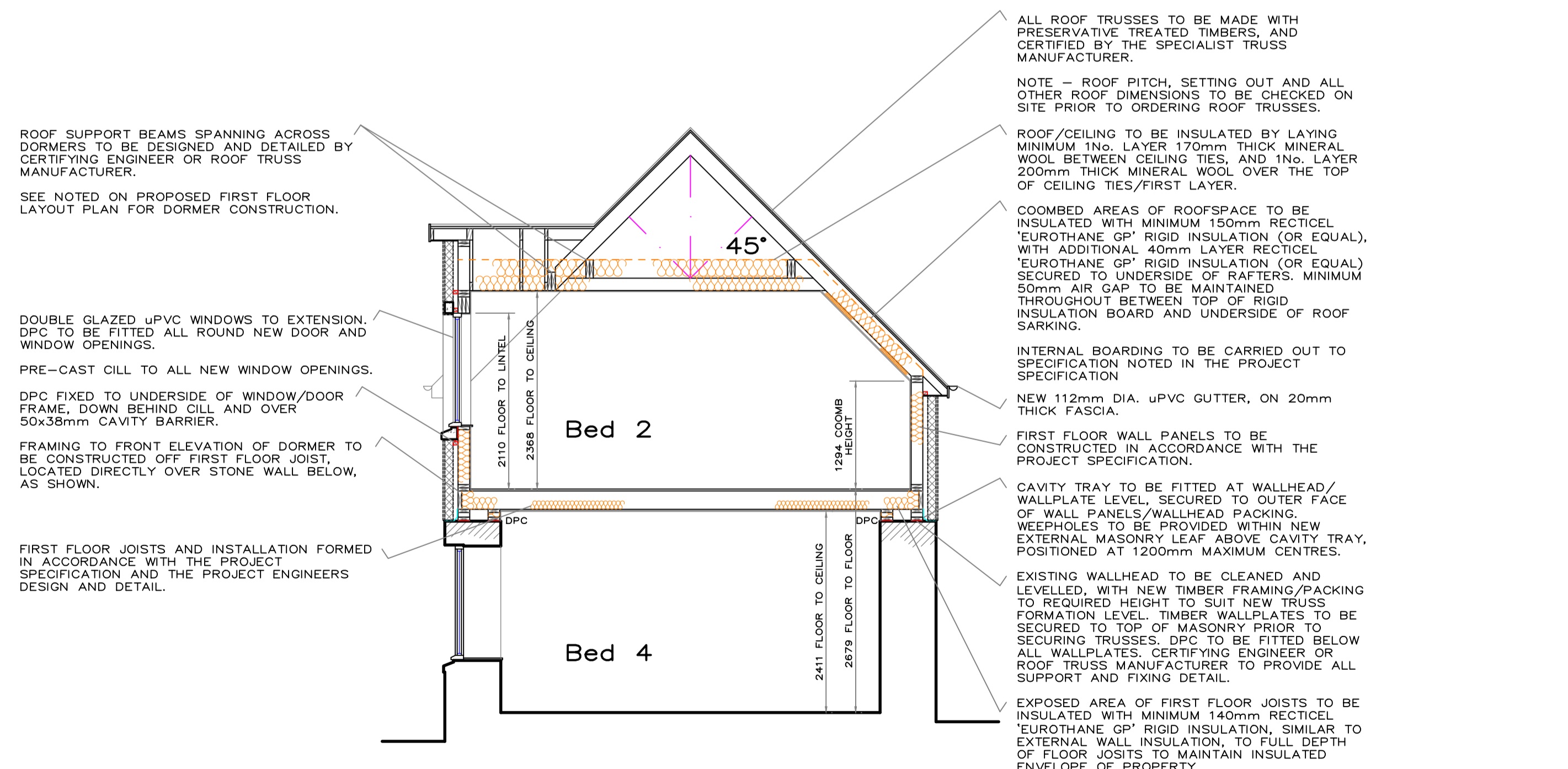
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21-714-2002

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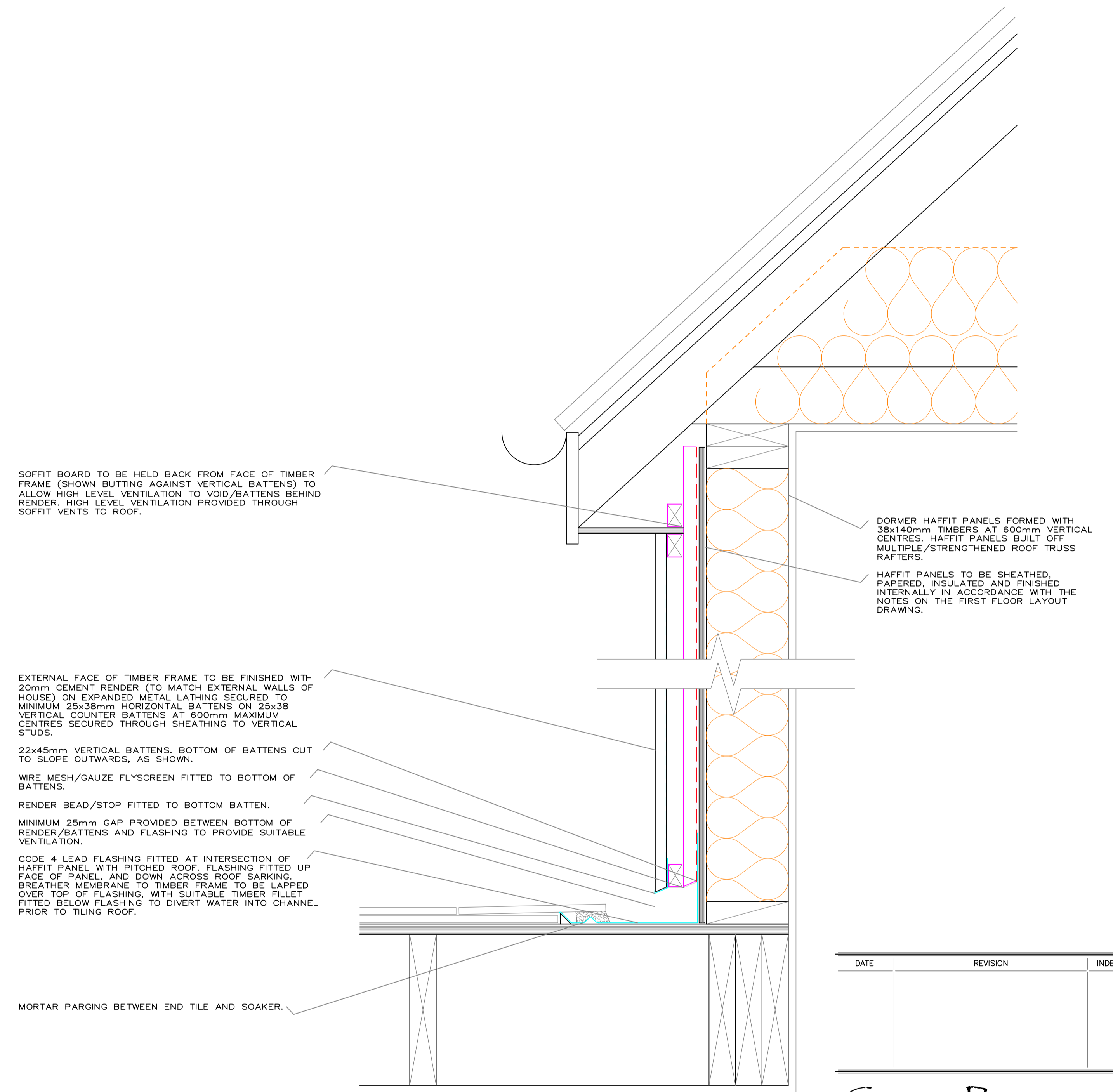
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Proposed Cross Section Thro' Extension



Proposed Cross Section Thro' Existing House



Detail Through Haffit Infill Panels
SCALE 1:5.

DATE	REVISION	INDEX

Stuart Patterson

Building & Timber Frame Design

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Roxburghshire, TD9 0DZ
phone - 01450 375772
email - stuartpattersondesign@gmail.com

CLIENT
Mr E. Alanizi

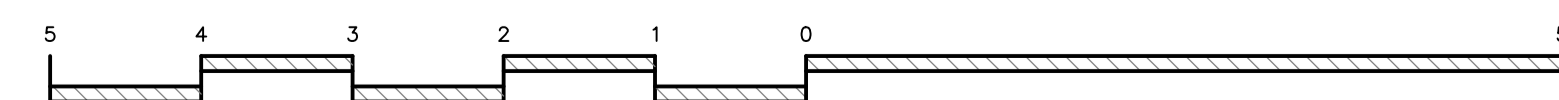
PROJECT
PROPOSED EXTENSION & ALTERATION AT
WHINFIELD COTTAGE,
CHESTERS, HAWICK.

DRAWING TITLE
PROPOSED SECTIONS & DETAIL

SCALES
1:50..

DATE
14/1/21

DRAWING No.
21-714-3002



PROPOSED SECTIONS - SCALE 1:50

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Proposal Details

Proposal Name	100352522
Proposal Description	Proposed Extension and Alteration at Whinfield
Cottage, Chesters, Hawick, TD9 8TQ	
Address	WHINFIELD, CHESTERS BRAE, CHESTERS, HAWICK, TD9 8TQ
Local Authority	Scottish Borders Council
Application Online Reference	100352522-002

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Existing Layouts	Attached	A1
Location	Attached	A3
Proposed Ground Floor Layout	Attached	A1
Proposed First Floor Layout	Attached	A1
Proposed Elevations	Attached	A1
Proposed Sections and Detail	Attached	A1
Proposed Site Layout	Attached	A1
Planning Appeal Statement and Photographs	Attached	A4
Additional Photographs of Surrounding Properties	Attached	A4
Letters of Support	Attached	A4
Letter from Employer	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

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SUITABLE MASONRY LOG STORE TO BE CONSTRUCTED TO REAR OF PROPERTY, AS SHOWN, FOR STORAGE OF CHOPPED LOGS FOR SOLID FUEL STOVE. STORE TO BE SIZED TO STORE A MINIMUM VOLUME OF 1m³ IN ACCORDANCE WITH TABLE 3.19 TO BUILDING STANDARD 3.24.4. REAR WALL FORMED WITH BLOCKWORK OUTER WALL OF DWELLING, SIDE WALLS FORMED WITH MINIMUM 100mm THICK BLOCKWORK, BUILT OFF SUITABLE 125mm THICK CONCRETE BASE. STORE TO HAVE TIMBER OR SHEET METAL ROOF OVER TO ENSURE MOISTURE CONTENT OF DELIVERED LOGS IS RETAINED. NO PART OF THE LOG STORE SHOULD BE WITHIN 1.8m OF THE EAVES OF ANY ADJACENT BUILDING. METAL SCUTTLE OR BUCKET TO BE PROVIDED WITHIN DWELLING. WOOD STORAGE TO BE IN FULL ACCORDANCE WITH BUILDING STANDARD 3.23.4.

ALL FUEL STORAGE TO BE POSITIONED A MINIMUM OF 1.8m FROM ANY OPENING WITHIN THE EXTERNAL WALL.

NOTE - LOG STORE POSITION SHOULD BE DEEMED INDICATIVE, WITH EXACT LOCATION DETERMINED ON SITE ONCE NEW GARDEN/RETAINING WALL LAYOUT HAS BEEN AGREED.

LOCATION OF EXISTING BUNDED OIL TANK SERVING PROPERTY, LOCATED AT END OF DRIVE/TURNING AREA TO WEST OF PROPERTY. REVISED OIL SUPPLY LINES TO BE INSTALLED BY A SPECIALIST INSTALLER, AND FITTED WITH A FIRE VALVE BETWEEN DWELLING AND TANK, IF NOT ALREADY PROVIDED.

EXISTING DRIVEWAY/PARKING SPACES TO SOUTH AND WEST OF PROPERTY, FINISHED WITH BLOCK PAVINGS. DRIVEWAY TO BE RETAINED, AND REPAIRED/REINSTATED ONCE WORKS HAVE BEEN COMPLETED.

PRIVATE DRIVEWAY FROM MINOR PUBLIC ROAD SHARED WITH DEAN COTTAGE TO WEST.

EXISTING BOUNDARY FENCES TO PROPERTY.

SURFACE WATER DRAINAGE TO PROPERTY DEEMED TO DISCHARGE TO GROUND SOAKAWAY IN FRONT GARDEN TO SOUTH OF PROPERTY, OR POSSIBLY CONNECTS INTO FIELD DRAINAGE ACROSS PUBLIC ROAD TO SOUTH. EXACT LOCATION OF ALL DRAINAGE TO BE ESTABLISHED ON SITE PRIOR TO COMMENCEMENT.

NOTE
SITE TO HAVE SUITABLE PROTECTIVE SECURITY FENCING TO PROTECT THE PUBLIC FROM THE WORKS INVOLVED THROUGHOUT THE CONSTRUCTION PERIOD. ALL PROTECTIVE WORKS TO COMPLY WITH REGULATION 13 OF THE BUILDING STANDARDS.

EXISTING STONE GARDEN WALLS TO NORTH/EAST OF PROPERTY TO BE REMOVED WITH GROUND LEVELLED LOCALLY TO SUIT NEW EXTENSION PROPOSALS.

NEW GARDEN RETAINING WALLS TO BE CONSTRUCTED AS REQUIRED, TO NORTH AND EAST OF PROPOSED EXTENSION, ALLOWING A MINIMUM 900mm WIDE PATH/ACCESS AROUND HOUSE. NEW WALL ESTIMATED TO BE NO GREATER THAN 1200mm AT HIGHEST POINT, WITH EXISTING GROUND LEVELS GRADED BACK AS REQUIRED. EXTENT OF RETAINING WALLS TO BE DETERMINED ON SITE WITH APPLICANT.

REAR OF WALL TO BE PAINTED WITH TWO COATS OF BITUMINOUS PAINT FOR WATERPROOFING. AREA BEHIND RETAINING WALL TO BE BACKFILLED WITH GRANULAR FILTER MATERIAL, WITH 50mm DIAMETER WEEPHOLES PROVIDED AT LOW LEVEL, AT 1.35m MAXIMUM HORIZONTAL CENTRES TO RELIEVE ANY POSSIBLE GROUNDWATER PRESSURE.

FRONT OF RETAINING WALL TO BE FINISHED WITH FACING BRICK OR RENDER TO CLIENTS CHOICE. TOP OF WALL FINISHED WITH PRECAST CONCRETE COPING, LAID WITH SLOPE TO FRONT OF WALL, COMPLETE WITH DRIP EDGE.

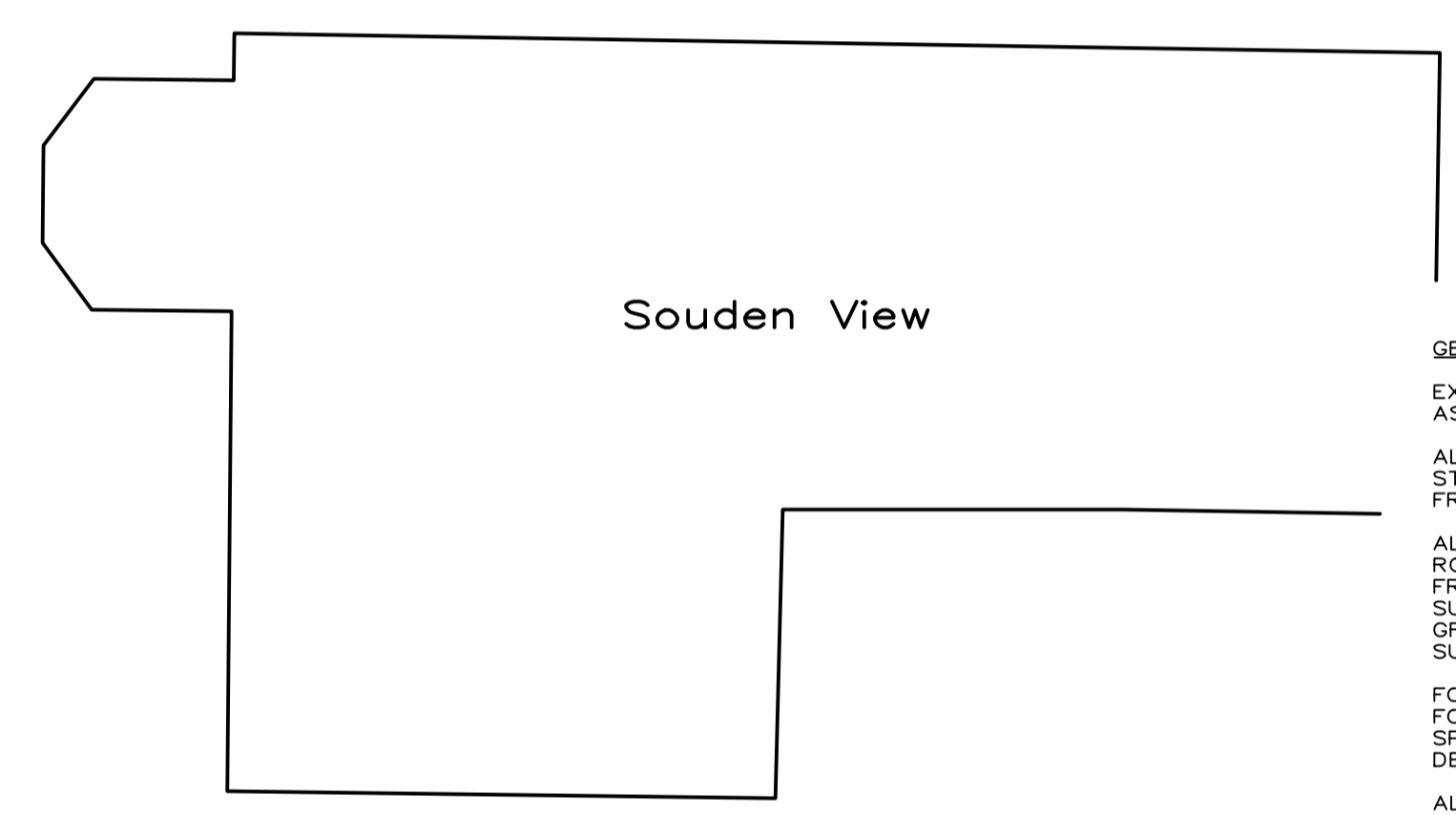
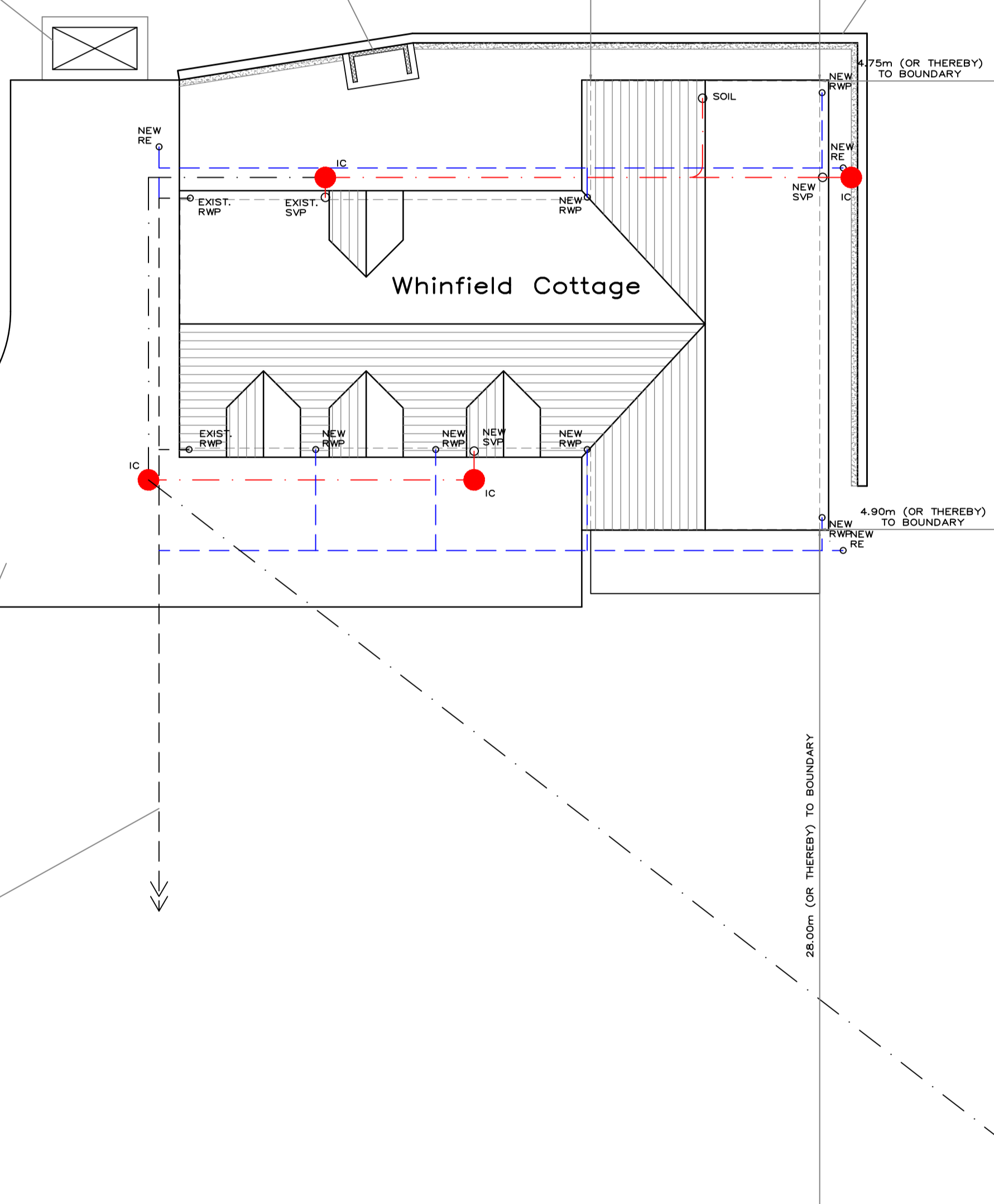
MINIMUM 150mm WIDE GRAVEL EDGE PROVIDED TO FRONT OF RETAINING WALL TO ALLOW FREE DRAINAGE OF ANY SURFACE WATER FROM WEEPHOLES. REMAINING AREA FINISHED TO CLIENTS CHOICE. ALTERNATIVELY PATH AROUND HOUSE MAY BE FINISHED WITH BROKEN STONE TO PROVIDE FREE-DRAINING SURFACE.

MAXIMUM GRADIENT OF GARDEN GROUND TO REAR OF WALL TO BE 30°.

EXISTING MATURE PLANTING, BUSHES AND TREES TO REAR OF RETAINING WALL TO BE RETAINED, PREVENTING ACCESS TO HIGHER GROUND LEVEL.

CERTIFYING STRUCTURAL ENGINEER TO PROVIDE ALL DESIGN AND DETAIL FOR PROPOSED RETAINING WALLS.

NOTE
SEE DRAWING 21-714-3001 FOR ALL DETAILS RELATING TO FOUNDATIONS, UNDERBUILDING AND DRAINAGE PROPOSALS AROUND THE HOUSE.



GENERAL

EXISTING BOUNDARY FENCES AND HEDGES TO BE RETAINED AS FAR AS REASONABLY PRACTICAL.

ALL NEW PATHS AROUND PROPERTY TO BE FORMED WITH STONE OR CONCRETE SLABS, WITH PEDESTRIAN ACCESS FROM PRIVATE DRIVEWAY, AS INDICATED.

ALL UNSUITABLE MATERIALS INCLUDING TURF, TOPSOIL, ROOTS, VEGETABLE MATTER AND WOOD WILL BE STRIPPED FROM THE AREA OF THE BUILDING, INCLUDING THE GROUND SURROUNDING THE PROPERTY, THAT WILL PREVENT FUTURE GROWTH THAT WILL EFFECT THE BUILDING OR SUBSTRUCTURE.

FOUNDATIONS TO BE FORMED IN ACCORDANCE WITH THE FOUNDATION & DRAINAGE LAYOUT DRAWING, THE PROJECT SPECIFICATION AND THE CERTIFYING ENGINEERS DESIGN AND DETAIL.

ALL MATURE LANDSCAPING TO BE RETAINED, UNLESS STATED OTHERWISE.

EXISTING SEPTIC TANK

OCCUPATION OF HOUSE INCREASED FROM TWO TO FOUR BEDROOMS. IN ACCORDANCE WITH 'BRITISH WATER CODE OF PRACTICE - FLOWS & LOADS' THE CAPACITY OF THE HOUSE IS NOW DEEMED TO HAVE AN INCREASED DESIGN CAPACITY OF 6 PEOPLE.

SEPTIC TANK REQUIREMENTS FOR 4 BED/6 PERSON HABITATION = 2900 LITRE (6x150L/1/4 = 2000L STORAGE). EXISTING SEPTIC TANK MEASURED TO AN APPROXIMATE INTERNAL SIZE (MEASURED TO INVERT OF OUTLET) OF 3240 LITRES. SO STILL CONSIDERED SUITABLE FOR INCREASED ACCOMMODATION.

DESIGN CAPACITY TAKEN FROM 'BRITISH WATER CODE OF PRACTICE - FLOWS & LOADS 4'.

DATE	REVISION	INDEX

Stuart Patterson

Building & Timber Frame Design

5 Burnflat Lane, Hawick,

Roxburghshire, TD9 0DZ

phone - 01450 375772

email - stuartpattersondesign@gmail.com

CLIENT

Mr E. Alanizi

PROJECT

PROPOSED EXTENSION & ALTERATION AT WHINFIELD COTTAGE, CHESTERS, HAWICK.

DRAWING TITLE

PROPOSED SITE LAYOUT

SCALES	DATE
1:100..	14/1/21

REVISION			

DRAWING No. 21-714-4001

SEPTIC TANK SERVING WHINFIELD COTTAGE LOCATED IN GARDEN GROUNDS TO SOUTH OF SOUDEN VIEW, AS INDICATED. SEPTIC TANK IS INDEPENDENT FROM FOUL DRAINS SERVING SOUDEN VIEW OR ANY OTHER PROPERTY IN THE SURROUNDING AREA, SERVING ONLY WHINFIELD HOUSE.

SEPTIC TANK OUTLET ASSUMED TO DISCHARGE TO FIELD DRAINAGE SYSTEM ON SOUTH SIDE OF PUBLIC ROAD.

SEE SEPTIC TANK NOTES FOR SIZING DETAILS.



PROPOSED SITE LAYOUT - SCALE 1:100

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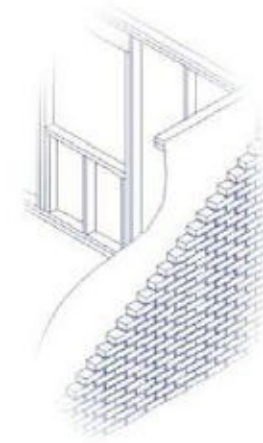
Stuart Patterson

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phone/fax - 01450 375772

email - stuartpattersondesign@gmail.com



Proposed Extension & Alteration at Whinfield Cottage, Chesters, Hawick, TD9 8TQ
For Mr E. Alanizi

Photographs of Surrounding Properties



Broomhills



Mirador



October House
(Looking West)



October House



Souden View & River View



Souden View
(Roof of Whinfield Cottage visible to left)



Whinfield Cottage & Souden View



Dean Cottage



Avenslea



Chesters Cottage



Rowanbank

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Jedburgh Family Dental Practice

Jedburgh Health Centre, Queen Street, Jedburgh, TD8 6EN

Tel: 01835 863247



JFDP

20.09.2021

Dear Sir/Madam,

I am writing in reference to the planning application for Mr Ehsan Alanizi to extend his property (2100074FUL Whinfield Cottage Chester Brae).

Mr Alanizi works at Jedburgh Family Dental Practice as a dentist providing dental care for approximately 3000 NHS patients.

Mr Alanizi was telling me about his house alteration being rejected by the planning department and now the matter is going to the local review body for appeal.

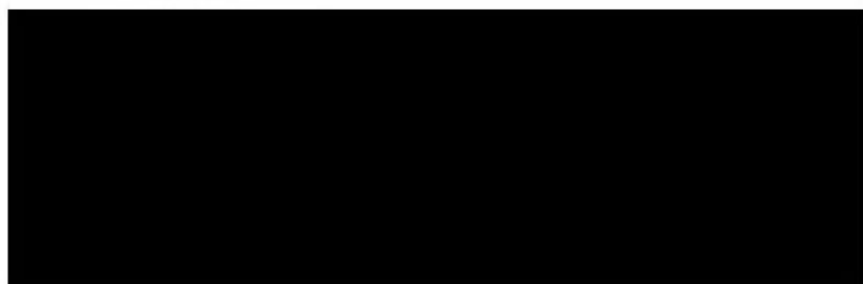
I am aware that Mr Alanizi has been working on the design for his house alterations for the last two years. Mr Alanizi and the architect had spent lengthy time to design the alteration in keeping with the surrounding properties.

It is likely that Mr Alanizi might need to consider relocating if he cannot alter his property to the size his growing family needs, which may mean staying with the practice is not practical.

After the Brexit and COVID pandemic, the country has a shortage of dentists, and we would struggle to recruit a replacement dentist to this capacity if Mr Alanizi was to relocate.

I would be delighted to hear his application will be approved so he can settle for good and enjoy working and serving the Borders community.

Kind regards,



Dr Konstantinos Maniatakos

Practice Owner

Jedburgh Family Dental Practice

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Dear Mr Shearer

21/00074/FUL Alteration and Extension to Dwellinghouse

We have looked, in detail, at the plans for the renovation and extension of Whinfield, Chesters Brae, Chesters, Hawick, TD9 8TQ.

We feel the proposed building would be attractive and enhance the housing on Chesters Brae. A site visit would show the great variety of housing styles on the Brae. Importantly, the design will be most suitable for a young couple bringing up a young family.

We feel there may be mitigating factors to the constraints laid out in the Policy PMD2: Quality Standards, Subsection (i) of the Placemaking and Design.

The development has a large lawn frontage with a backdrop of tall mature pine trees. The dwelling will sit behind the building line of a 1900s two story, brick rendered house, to the East and a 1800s one and a half story, stone and rendered cottage, to the West.

The proposed development will bring a dilapidated 1800s, 2 roomed bothy, into the 21st century.

Yours sincerely

Mary and Gordon Pugh (neighbour to the West)
Dean Cottage
Chesters Brae
Chesters
Hawick
TD9 8TQ

Souden View, Chesters Brae, Chesters TD9 8TQ



Friday 25th June 2021

Planning Application 21/00074/FUL

We have reviewed this planning application for Whinfield Cottage, which is adjacent to our own property.

Basing the conversion around the existing stone walls maintains the character of the house and replacing the extension as it currently stands will be an improvement – the existing extension is a severe distraction from the character of the house and is completely out of keeping with the tradition of the existing building.

The house is set well back from the road. The additional height will not have a significant impact on the immediate environment, and we know that when viewed from the surrounding area, the new conversion will still be hidden from view by the surrounding trees (based on a recent trip to the trig point at the top of Southdean Law which overlooks that area of Chesters)

There is no consistent style of housing of in the surrounding part of Chesters, and we do not feel that the new conversion will detract from the character of the area. We are happy with the improvement that this conversion will bring to the property, and that it will provide a home to a growing family in a rural area.

Best Regards, Craig & Pauline McAdam



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 100352522-001

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

Description of Proposal

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

Demolition of former extension and removal of roof over original cottage footprint to provide new larger extension and first floor accommodation.

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:	Stuart Patterson Building & Timber Frame Design		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	<input type="text"/>
Last Name: *	Patterson	Building Number:	5
Telephone Number: *	01450 375772	Address 1 (Street): *	Burnflat Lane
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Hawick
Fax Number:	<input type="text"/>	Country: *	Roxburghshire
		Postcode: *	TD9 0DZ
Email Address: *	stuartpattersondesign@gmail.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Whinfield Cottage
First Name: *	Ehsan	Building Number:	<input type="text"/>
Last Name: *	Alanizi	Address 1 (Street): *	Chesters Brae
Company/Organisation	<input type="text"/>	Address 2:	Chesters
Telephone Number: *	<input type="text"/>	Town/City: *	Hawick
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	TD9 8TQ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

WHINFIELD

Address 2:

CHESTERS BRAE

Address 3:

CHESTERS

Address 4:

Address 5:

Town/City/Settlement:

HAWICK

Post Code:

TD9 8TQ

Please identify/describe the location of the site or sites

Northing

610669

Easting

362905

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Stuart Patterson

On behalf of: Mr Ehsan Alanizi

Date: 18/01/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Stuart Patterson

Declaration Date: 18/01/2021

Payment Details

Online payment: XM0100004444
Payment date: 18/01/2021 16:41:00

Created: 18/01/2021 16:41

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 07/00750/REM

**To : Mr And Mrs B Melrose per MKT Design Newbiggin Cottage Oxnam Jedburgh
Scottish Borders TD8 6NA**

With reference to your application validated on **26th April 2007** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse

at : Land West Of 1 Chesters Brae Chesters Hawick Scottish Borders

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval

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

**Dated 2nd October 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 OSA**

Signed
Head of Planning & Building Standards

Application reference : 07/00750/REM

SCHEDULE OF CONDITIONS

- 1 The first 2 metres of the vehicular access to be completed to the specification of the Local Planning Authority before the dwellinghouse is occupied.
Reason: In the interests of road safety.
- 2 Before any works commence on site, the developer shall submit details and specifications of the protective measures necessary to safeguard the trees and hedgerow on the site and the existing beech tree outwith the north western boundary of the site during development operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Local Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or around the protected area, including the operation of machinery.
Reason: In order to ensure that no damage is caused to the existing trees and hedgerow during development operations.
- 3 No trees or hedging to be lopped, topped or felled without the prior approval of the Local Planning Authority.
Reason: To safeguard the visual amenity of the area.
- 4 Two parking spaces, excluding any garaging, to be provided within the site and must be retained in perpetuity.
Reason: In the interests of road safety.
- 5 Any gates erected at the access must be hung so as to open into the plot and not out over the public road.
Reason: In the interests of road safety.
- 6 The development hereby approved shall have natural slate on the roof. Any alternative roofing material shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 7 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls and windows of the proposed dwellinghouse which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

1. In respect of condition no. 1, only contractors on Scottish Borders Council's approved list (attached) may work within the road boundary only after securing a road opening permit (form attached). The first 2 metres of the access must be constructed to the following specification:

2. Crossing 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.

3. Please find attached a consultation response received from Scottish Borders Council's Contaminated Land Officer. The submission of a Contaminated Land Risk Assessment is not required in this instance. This response is attached purely for your information

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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act 1997.

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 0200570FUL

To : Mr & Mrs Bradshaw per T Fleming Homes Ltd Station Road Duns Berwickshire TD11 3HS

With reference to your application validated on **11th April 2002** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and garage

at : Plot B Chesters Brae Chesters Hawick Roxburghshire TD9 8TH

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 condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

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

Dated 19th June 2002
Economic Development and Environmental Planning
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed *Alastair L. Sommet*
Head of Development Control

Assistant

Application reference : 02/00570/FUL

SCHEDULE OF CONDITIONS

1. Details of boundary treatment to be agreed with the Planning Authority.
Reason: To preserve the amenity of adjoining property.
2. The first 6 m of the access adjoining the public road and the lay-by to be surfaced in a bituminous material.
Reason: In the interests of road safety.

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

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, Drawing Office, 10 Fishwives Causeway, Portobello, Edinburgh, EH5 1EP
East of Scotland Water (Borders Division), West Grove, Waverley Road, Melrose, TD6 9SJ
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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 2 Greenside Lane, Edinburgh, EH1 3AG.

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 V of the Town and Country Planning (Scotland) Act, 1997.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 06/01859/REM

To : Mr & Mrs R Atkinson per John R Harris & Partners Palma Place Melrose Scottish Borders TD6 9PR

With reference to your application validated on **21st September 2006** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse and detached garage

at : Site South Of Broomhills Cottage Chesters Brae Hawick Scottish Borders TD9 8TS


The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval

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

**Dated 20th December 2006
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 OSA**

Signed

Head of Planning & Building Standards

Application reference : 06/01859/REM

SCHEDULE OF CONDITIONS

- 1 Before the development commences, a detailed landscape scheme shall be submitted for the approval of the planning authority, and which specifies the location, species and numbers of all tree planting, and specifies the treatment of those parts of the site exposed by the access works. Once approved, the scheme shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter, to the satisfaction of the planning authority
Reason: To safeguard the visual amenity of the area
- 2 The roofing material for the house and garage to be natural slate
Reason: To safeguard the visual amenity of the area
- 3 A sample of the external render and of the colour of external timber features, of both the house and garage, to be submitted for the prior approval of the planning authority
Reason: To safeguard the visual amenity of the area
- 4 The road access and lay-by to be completed in accordance with the approved plans prior to occupancy of the dwellinghouse, Any hedging removed shall be reinstated behind the visibility splay, concurrently with the development or during the next planting season thereto and maintained thereafter, all to the satisfaction of the planning authority
Reason: In the interests of road safety and visual amenity
- 5 The means of water supply and surface water treatment to be agreed with the planning authority before the development commences
Reason: To ensure the site is adequately serviced
- 6 All existing trees shall be retained to the satisfaction of the planning authority
Reason: To safeguard the visual amenity of the area
- 7 Further details of all boundary fencing and retaining walls shall be submitted for the prior approval of the planning authority
Reason: To safeguard the visual amenity of the area
- 8 All windows, with the exception of the front elevation gable glazing, shall be fitted with mid-rails
Reason: To safeguard the visual amenity of the area
- 9 Timber weatherboarding on the dwellinghouse shall be limited only to the front elevation gables, as identified on the approved drawings. All other walls, including the remaining walls on the front elevation, shall be finished in a dry-dash render.
Reason: To safeguard the visual amenity of the area

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

1. The applicant is advised to contact INEOS (01324 476 296), the ethylene pipeline operator, prior to commencing work, to ensure that all relevant safety considerations are accounted for during the construction phase.

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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act 1997.

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